COLUMBIA RIVER GORGE COMMISSION
DIRECTOR'S DECISION

CASE FILE: C21-0007

PROPOSAL: The Columbia River Gorge Commission has received an application for the removal of several outbuildings and accessory structures.

APPLICANT: Friends of the Columbia Gorge Land Trust

LANDOWNER: Friends of the Columbia Gorge Land Trust

LOCATION: The subject property is 4.2 acres and is located at 486 Old Hwy 8, Lyle, in the NW ¼ of Section 36, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, Washington. Tax Lot Number 03-11-3600-0001/00.

LAND USE DESIGNATION: General Management Area (GMA) – Small-Scale Agriculture (20)

Note: According to Section 8(o) of the Scenic Area Act, the Forest Service designated the subject parcel General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to this parcel; they will be reviewed according to the applicable GMA land use and resource protection guidelines.

DECISION:
Based upon the following findings of fact, the land use application by Friends of the Columbia Gorge Land Trust, for the removal of several buildings and structures, is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-81, and is hereby **APPROVED**.

CONDITIONS OF APPROVAL:
The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-81. Compliance with them is required. **This decision must be recorded in county deeds and records to ensure notice of the conditions to all successors in interest** (Management Plan, Review Uses Guideline 1, pg. II-96).

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C20-0007, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.

3. Any new land uses or structural development such as grading not included in the approved application or site plan will require a new application and review. No grading is approved.

4. The site shall be reseeded with grasses from the *Recommend Seed Mixes for East Side Environments.* Disturbed areas shall be revegetated immediately upon completion of the project (or as soon as possible thereafter if the project is completed during the winter).

5. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

6. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

7. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a **FINAL INSPECTION** to confirm compliance with all of the conditions of approval. **Project completion means removal of the structures and rehabilitation of the land beneath the footprint.**

DATED AND SIGNED THIS 26 day of July 2021 at White Salmon, Washington.

Krystyna U. Wolniakowski

Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:
Commission Rule 350-81-044 governs the expiration of this Director's Decision.

This decision of the Executive Director becomes void on the 26 day of July 2022 unless construction has commenced in accordance with Commission Rule 350-81-044(4).

Commission Rule 350-81-044(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date that the applicant commenced construction. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-81-044. The Commission does not use different "commencement of construction" dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-81-044(6). The

applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not responsible, would prevent the applicants from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics and/or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

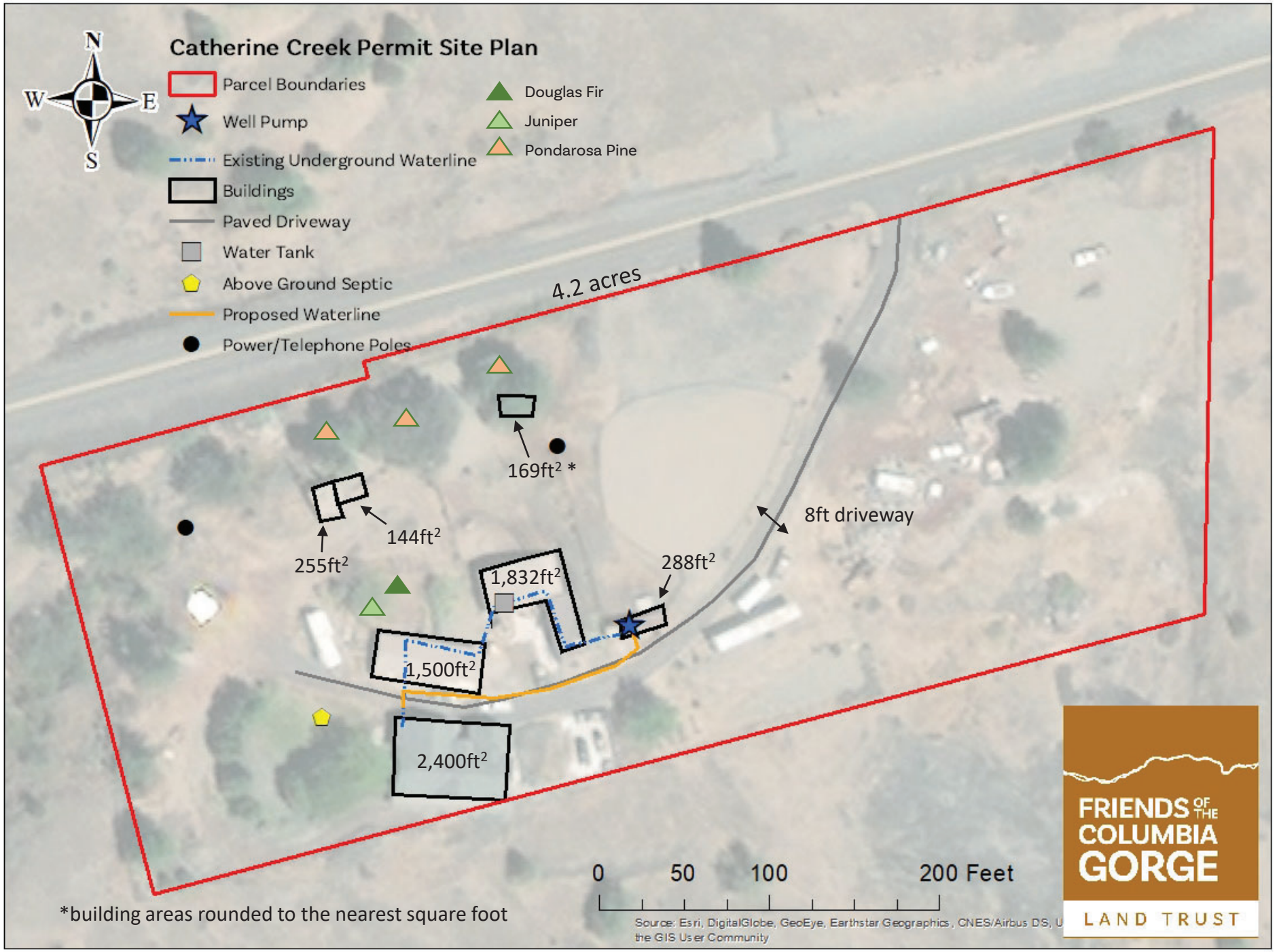
APPEAL PROCESS:
The appeal period ends on the 25 day of August 2021.
The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

NOTES:
Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.

This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

c: Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife

Attachments:
Staff Report for C21-0007
Approved site plan
Recommend Seed Mixes for East Side Environments



*building areas rounded to the nearest square foot

ATTACHMENT A: CATHERINE CREEK OUTBUILDING GUIDE

BUILDING	Estimated Year Built	Description
1. Residence	2006	Full basement with concrete slab floor, composition roofing shingles. Note included in this permit. **There is no proposed demolition work associated with the residence in this permit request.**
2. Garage	1987	Pole building, partial concrete slab-on-grade floor, partial gravel floor, partial raised wood floor with sheet vinyl floor covering, metal roof, metal and wood walls. Originally used as mobile home cover with a living room area external to the mobile home. Since 2006 used as automobile garage and storage
3. Pole Barn	1985	L-shaped pole building, concrete slab-on-grade foundation, metal roof and walls. Loft in original north arm of L. Eastern arm of L present by 2005 (tack room, equipment storage, lean-to shed with dirt floor).

4. Well House/Hay Shed 	~1984	The well house and attached hay shed. There is a large watering trough connected within the corral. Well house is not included in this permit. New plumbing system will be housed within well house after outbuilding demolition.
5. Horse Stalls/Hay Sheds 	~1984	Dirt floors, metal roofs. Used as horse stalls or hay sheds at various times. First picture includes two hay sheds built close to one another.

6. Decorative Well 	~1987	Stone and concrete decorative well. Hole below dug only slightly deeper than ground level and empty.
7. Rock Gabions 	~2006-09	Stone and wire gabions. ~50 lined by the road and dispersed throughout previous horse pasture.

Recommended Seed Mixes, Mulch, and Fertilizer for Temporary and Permanent Revegetation in East Side Environments

Based on recommendations from Andrea Ruchty, district botanist, GPNF, Mt. Adams Dist., and Robin Dobson, CRGNSA botanist

Native Seed Mixture #1: Recommendations for Composition and Application Rates		
Species	**Hand Seeding including Handheld Spreaders**	**Hydromulcher**
blue wildrye (*Elymus glaucus*)	**20 lbs/acre**	**15 lbs/acre**
California brome (*Bromus carinatus*)	**20 lbs/acre**	**15 lbs/acre**
slender hairgrass (*Deschampsia elongata*)	**10 lbs/acre**	**5 lbs/acre**
broadleaf lupine (*Lupinus latifolia*)		
Idaho fescue (*Festuca idahoensis*)		
Total	**50 lbs/acre**	**35 lbs/acre**

Native Seed Mixture #2: Recommendations for Composition	
Species	**% by wt.**
California Brome *(Bromus carinatus)*	20
Sheep fescue *(Festuca ovina)*	40
Blue wildrye *(Elymus glaucus)*	10
Canada bluegrass *(Poa compressa)*	10
Blue bunch wheatgrass *(Agropyron spicatum)*	20
Sickle-keeled lupine (*Lupinus albicaulis*)	5 oz./100# seed
America vetch *(Vicia Americana)*	5 oz./100# seed

Non-Native Seed Mixture: Recommendations for Composition and Application Rates	
Species	**Application Rate**
Annual ryegrass (*Lolium multiflorum*)	**10 lbs/acre (fine seed)**
Perennial ryegrass (*L. perenne*)	**10 lbs/acre (fine seed)**
Soft white winter wheat (*Triticum aestivum*)	**40 lbs/acre**
Sickle-keeled lupine (*Lupinus albicaulis*)	**10 lbs/acre**
TOTAL	**70 lbs/acre**

Herbaceous plants can be added after seeding:

Chrysothamnus nauseosus (rabbitbrush)	1 -2 oz./ac.
Achillea millefolium (Yarrow)	1 -2 oz./ac.
Eriogonum strictum	1 -2 oz./ac.
Lupinus bicolor or latifolius var. thompsonianus	1 -2 oz./ac.
Eriophyllum lanatum (Oregon sunshine)	1 -2 oz./ac.
Bitter brush (Purshia tridentate)	10 small plants/ac.
Arrowleaf Balsam root	

Notes:

Application Method: Hand or machine, ideally in the fall. Machines such as hydromulchers, usually have agitators which keep the seed well mixed and applied evenly. In hand-seeding operations it is more difficult to achieve an even distribution of seed. For this reason more lbs /acre have been prescribed to compensate for inadvertent patchiness. Hand seeding should utilize two passes of the area: 1 pass for small, fine seed such as slender hairgrass, and a second pass for the larger seeded species such as blue wildrye and California brome. Rice hulls may need to be added to the DEEL to get dispersion distance. Contact with the soil is very important, best results are achieved when the seed is lightly raked or pressed into the soil.

Seed Storability: Generally grass and forb species will hold reasonable germination (>80%) for 6-7 years in uncontrolled conditions. Thin-coated species such as *Bromus* will hold only 2-3 years or so.

Seed Source: Try to use appropriate local seed source for natives. Some flexibility for elevation is ok in a pinch. One native seed source is Bolson Seed Company, La Grande, OR (541)965-8285. Milestone Nursery (Lyle), Inside Passage Seed Co., Oregon Wholesale Seed Company (http://www.oregonwholesaleseed.com/), Rainier Seeds, Hughes Feed and Grain (the Dalles) and Dallesport Seed are other possible sources of seed, as well.

Fertilizer: Where there is a good "A" horizon probably don't need fertilizer. For sites with little organic matter use 200 lbs 16-20-0 /ac.

Mulch: Use certified weed free straw mulch whenever possible. Only 1-2" (2 tons/ac.) is needed and should be evenly applied. **Too deep can be more detrimental than none at all.** Ideally, it should be chopped and applied by machine. To further reduce the chance of introducing non-natives in to project areas, straw derived from native species is preferred. If not available, then straw from short-lived or non-persistent mulch sources such as annual rye or cereal grain seed production fields would be the next choice.

Using weed-free straw mulch is an important component in our strategy to control the spread of invasive species on the Forest. Weed-free straw is still a developing resource and its availability may be variable. Finding it will likely take some looking around. Oregon and Washington currently have weed-free certification programs. See the following websites for current lists of weed-free straw suppliers:

- ✓ http://www.nwcb.wa.gov/WWHAM/WWHAM_suppliers.htm
- ✓ http://oregon.gov/ODA/CID/weed_free_forage.shtml

The following are some more potential contacts for weed-free straw:

- Elwyn Crutcher, Stanwood, WA, 360-939-2334 (he will deliver for a charge, is generally sold out by spring).
- Wallowa County Hay Growers Association: http://www.certifiedwallowacountyhay.com/
- John Williams, OSU Extension in Wallowa County, 541-426-3143.
- Randy Black, Oregon Dept of Agriculture, 503-986-4620.
- Allen Schnetzky, Weed Supervisor, Wallowa County 541-426-3332.

COLUMBIA RIVER GORGE COMMISSION
STAFF REPORT

CASE FILE: C21-0007

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LAND USE DESIGNATION: General Management Area (GMA) – Small-Scale Agriculture (20)

Note: According to Section 8(o) of the Scenic Area Act, the Forest Service designated the subject parcel General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to this parcel; they will be reviewed according to the applicable GMA land use and resource protection guidelines.

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following organizations/agencies/governments:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office (USFS NSA)
Washington Department of Archaeology and Historic Preservation (DAHP)
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Skamania County
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Friends of the Columbia Gorge

Written comments were received from:

Chris Donnermeyer, Heritage Resource Program Manager, USFS NSA
Melissa Darby, Lower Columbia Research & Archaeology LLC

FINDINGS OF FACT:

A. LAND USE

1. Friends of the Columbia Gorge Land Trust is seeking approval to remove five outbuildings, a decorative well, and all (est. 50) existing rock gabions. No grading is proposed except to rehabilitate the site and allow for natural revegetation.

2. The subject parcel is four acres in size and found three miles east of White Salmon, WA on Old Highway 8, near the trailheads for the Catherine Creek Recreation Area.

3. Commission Rule 350-81-182 allows uses listed in the "Expedited Review Process" (Commission Rule 350-81-050) on lands designated Small-Scale Agriculture in the GMA. Commission Rule 350-81-050(1)(m) allows:

   Removal/demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

   Klickitat County Assessor Records indicate the buildings were built in the 1980's. The removal of the structures is allowed per Commission Rule 350-81-190(1)(x), subject to consistency with guidelines for the protection of scenic, cultural, natural, and recreation resources.

CONCLUSION:

The proposed development is an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-81-052 that protect scenic, cultural, natural and recreation resource treaty rights.

B. SCENIC RESOURCES

1. Commission Rule 350-81-052(1)(a)(B) states:

   Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

   No new structures are included in the applicant's proposal.

2. Commission Rule 350-81-052(1)(a)(C) states:

   Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents and chimneys.

   No new structures are included in the applicant's proposal.

3. Commission Rule 350-81-052(1)(a)(D) states:

   Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

   No outdoor lights are proposed as part of the application.

4. Commission Rule Commission Rule 350-81-052(1)(a)(B). states:

   Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordinance, not visually evident).

   No new structures are included in the applicant's proposal. Commission Rule 350-81-052(1)(a)(F) is not applicable.

CONCLUSION:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-052.

C. CULTURAL RESOURCES

1. Commission Rule 350-81-052(1)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. It states:

   (A) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey, pursuant to 350-81-54(1)(c)(A) or historic survey, pursuant to 350-81-540(1)(c)(B).

   (B) The GMA guidelines that protect cultural resources and human remains discovered during construction [350-81-540(6) and (7)] shall be applied as conditions of approval for all development approved under the expedited development review process.

Chris Donnermeyer, Heritage Resources Program Manage for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on June 9, 2021. Mr. Donnermeyer determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rules 350-81-540(1)(c)(B) because the proposed use would occur on a site that has been adequately surveyed in the past, does not occur within 500 feet of a known archaeological site, would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older. With conditions of approval to require the protection of cultural resources and human remains discovered during construction, the proposed development is consistent with the cultural resource protection guidelines in Commission Rule 350-81-052(1)(b).

CONCLUSION:

With conditions to protect unknown cultural resources or human remains discovered during construction, the proposed development is consistent with the cultural resource guidelines for expedited review in Commission Rule 350-81-052(1)(B).

D. NATURAL RESOURCES

1. Commission Rule 350-81-052(1)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-81-052(1)(d)(A)(i) requires new development is located outside buffer zones for wetlands, streams, rivers, ponds, and lakes, except for lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

   There are no wetlands on the site. According to the Gorge Commission's resource inventories, the closest wetlands are located over 500 feet away from the project site. Pursuant to Commission Rule 350-81-560(7)(c), wetlands have 150-foot buffers. The proposed development is located outside of the buffer zones for any wetlands.

   Catherine Creek, a perennial stream, is approximately 800 feet east of the site. Pursuant to Commission Rule 350-81-570(7), perennial streams have 100 foot buffers. The proposed development is located more than 50 feet from the ordinary high-water mark of any stream and outside of the buffer zones. The proposal would not be located within the vicinity of any wetlands, rivers, ponds, or lakes.

2. Commission Rule 350-81-052(1)(d)(B) contains expedited review guidelines to protect sensitive wildlife and sensitive plants. It requires eligible development to meet one of the following circumstances:

   (I) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

   (II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

   (III) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

   For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

   The Gorge Commission's sensitive wildlife inventory shows the development site is located within

Deer and Elk Winter Range. Commission staff notified Amber Johnson, with Washington Department of Fish and Wildlife of the proposed development and sent a copy of the site plan on June 3, 2021. The notice included a comment period of 21 days that ended on June 24, 2021. WDFW did not indicate any concerns with the proposed development.

The Gorge Commission's sensitive plant inventory identified multiple potentially sensitive plant sites within 1,000 feet of the proposed development. On June 3, 2021, staff sent the DNR Natural Heritage Program a copy of the applicant's land use application and site plan. Jasa Holt, Natural Heritage Program, had no records for rare plants, rare nonvascular species, or rare/high-quality ecological communities in the vicinity of the project, and determined no buffers were necessary, pursuant to Commission Rule 350-81-590(4)(a). The proposed addition is consistent with the natural resource protection measures in Commission Rule 350-81-052(1)(d)(B)(I) and (II).

CONCLUSION:

As proposed, the development is consistent with the natural resource protection guidelines for expedited review in Commission Rules 350-81-052(1)(d)(B)(I) and (II).

E. RECREATION RESOURCES

1. Commission Rule 350-81-052(1)(c)(A) requires new development approved under the expedited review process to not detract from the use and enjoyment of recreation sites on adjacent parcels.

   The parcel is designated Recreation Class 2 according to the Gorge Commission's Recreation Intensity Class Map. Catherine Creek Recreation Area is adjacent to the subject property. The removal of the structures will not detract from the use and enjoyment of the site. The structure removal will enhance the enjoyment of the site due to less obstructed views.

CONCLUSION:

The proposed development is consistent with the recreation resource guidelines for expedited review in Commission Rule 350-81-086.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-81-052(2) requires developments reviewed using the expedited review process to comply with the following treaty rights protection guidelines.

   (a) Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.

   (b) The expedited development review process shall cease and the proposed developments shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

   No substantive comments identifying treaty rights or concerns were received from Indian tribes during the comment period. The site is located over 600 feet north of the Columbia River and does not affect treaty fishing or fishing practices. The project also does not affect any first foods, or traditional foods, located in the vicinity. Given this information, the development does not affect or modify any treaty or other rights of any Indian tribe, and is consistent with Commission Rule 350-81-052(2).

CONCLUSION:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-81-052(2).

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