

Director's Decision

Summary of Application

FILE NUMBER:	C22-0013
PROPOSAL:	The Columbia River Gorge Commission has received an application for eleven new trail signs along the Cherry Orchard Trail.
APPLICANTS:	Renee Tkach c/o Friends of the Columbia River Gorge
LANDOWNERS:	Friends of the Columbia River Gorge
SIZE and LOCATION:	The subject parcels are located adjacent to Highway 141, and are described as Tax Lot Numbers 02-12-0200-0004/00 (158.91 acres), 02-12-0200-0010/00 (34.29 acres), 02-12-0200-0003/00 (10 acres), 02-12-0200-0002/00 (15 acres), 02-12-0100-0003/00 (110.69 acres) in Sections 1 & 2, Township 2 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Large-Scale Agriculture (160), Small-Scale Agriculture (160) and Small Woodland (80)

Decision

Based upon the findings of fact and conclusions of law in the staff report accompanying this decision and the conditions of approval in this decision document, the land use application by Renee Tkach, for new trail signs is consistent with Commission Rules chapter 350, division 082, and thus consistent with the *Management Plan for the Columbia River Gorge National Scenic Area* and the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, 100 Stat. 4274 (1986), and is hereby **APPROVED**.

Conditions of Approval

The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with these conditions of approval.

1. In accordance with Commission Rule 350-082-0150(3), the applicant shall record the Executive Director's decision and conditions of approval and approved site plan and

elevation drawings in county deeds and records (at the Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The record shall be associated with all tax lots and parcels that constitute the subject property. The applicant need not record the separate staff report document containing the relevant findings and conclusions. 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-National 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. Inspections Required, contact the Gorge Commission office to schedule:
 - A. Post-completion inspection required.
 - B. Applicants may request interim inspections, and the Gorge Commission staff may, at its discretion, conduct interim inspections.
4. Any new land uses or structural development, alterations, or grading not included in the approved application or site plan will require a new application and review.
5. Only approved dark earth-tone colors for signs shall be used. The following color submitted by the applicants for the signs is consistent with this condition and is hereby approved:

Sign Base: Pantone 418C

Any proposed changes shall be submitted to the Gorge Commission for consistency review with this condition of approval. The color of the development shall be maintained by painting and staining as necessary to maintain the approved color.

6. There are some signage locations that fall within 500 feet of known archaeological sites. Archaeological monitoring is recommended for these locations. An excavation permit from DAHP will be required for the proposed work.
7. If cultural resources are discovered, 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.
8. If human remains are discovered, 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.

DATED THIS 16 day of February 2023 at White Salmon, Washington.

Krystyna U. Wolniakowski

Krystyna U. Wolniakowski
Executive Director

Expiration of Approval

Commission Rule 350-082-0160 governs the expiration of this Director's Decision.

Expiration of this Director's Decision is automatic. The Executive Director does not notify applicants or landowners of decisions that are expired or may be close to expiring.

This decision of the Executive Director becomes void on the 16 day of February 2025 unless construction has commenced in accordance with Commission Rule 350-082-0160(4).

Commission Rule 350-082-0160(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 the applicant commenced construction. Commission Rule 350-082-0160(5) specifies that completion of the structure means completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the National Scenic Area approval. 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 Gorge Commission or applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant must complete all elements in this decision in accordance with Commission Rule 350-082-0160. The Gorge 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 350-082-0160(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 applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics 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 18 of March 2025.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Appeal with the Commission within thirty (30) days of the date of this decision. Commission Rule chapter 350, division 70 governs appeal of this decision. This rule is available on the Gorge Commission's website and at the Gorge Commission office. You may contact the Gorge Commission office if you have questions about appealing this decision.

Notes

1. 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.
2. 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.

In accordance with Commission Rule 350-082-0150(6), the Gorge Commission staff mailed notice of this decision to the following governments, agencies, and organizations and persons who provided comment on the application:

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
Steve McCoy, Friends of the Columbia Gorge

Attachments:

Staff Report for C22-0013
Approved site plans and elevation drawings

friends of the columbia river gorge

lyle cherry orchard

conceptual design
draft 2

S E A R E A C H L T D .

146 ne yamhill street telephone 503.843.2005
sheridan facsimile 503.843.2744
oregon 97378 email info@seareach.com

client friends of the columbia gorge land trust

1887 main street, suite 202

washougal, washington 98671

contact sara wood

title stewardship manager

email sara@gorgefriends.org

phone 541.705.5474

drawing symbols

scale nts

code FCG-001

project lyle cherry orchard

approval no changes, approved for fabrication make changes, show new proof

signature/date

After your signed approval, we will begin production. Any changes requested after this point will incur additional cost.

by lwr, sj **proofed** pr

date 2022.05.26 **version** 3

pages 11

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kw



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drawing symbols
scale nts
code FCG-001
project trail map data

notes

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0.1

Basic Sans

Judson Bold

Judson Italic

Basic Sans

Body text. Judson Bold. Lorem ipsum venis saeprepedit ma cus autem. Judson Regular. Ri bero di incitem is ut is ducidem aditi qui unt et estiore nobit aut et eum ernatius alit landantio officipam.



black 95
CMYK: 0, 0, 0, 91
RGB: 40, 40, 41
HEX: 282829



field green
Pantone 363C
CMYK: 64, 0, 100, 24
RGB: 76, 141, 46
HEX: 4C8D2E



earth brown
Pantone 418C
CMYK: 59, 48, 58, 44
RGB: 80, 83, 76
HEX: 50534C
ColorWorks (paint): SY3880



foliage green
Pantone 357C
CMYK: 80, 9, 88, 60
RGB: 33, 88, 52
HEX: 215834

1 type

2 logo

3 color

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drawing symbols

scale nts

code FCG-001

project type & color palette

notes

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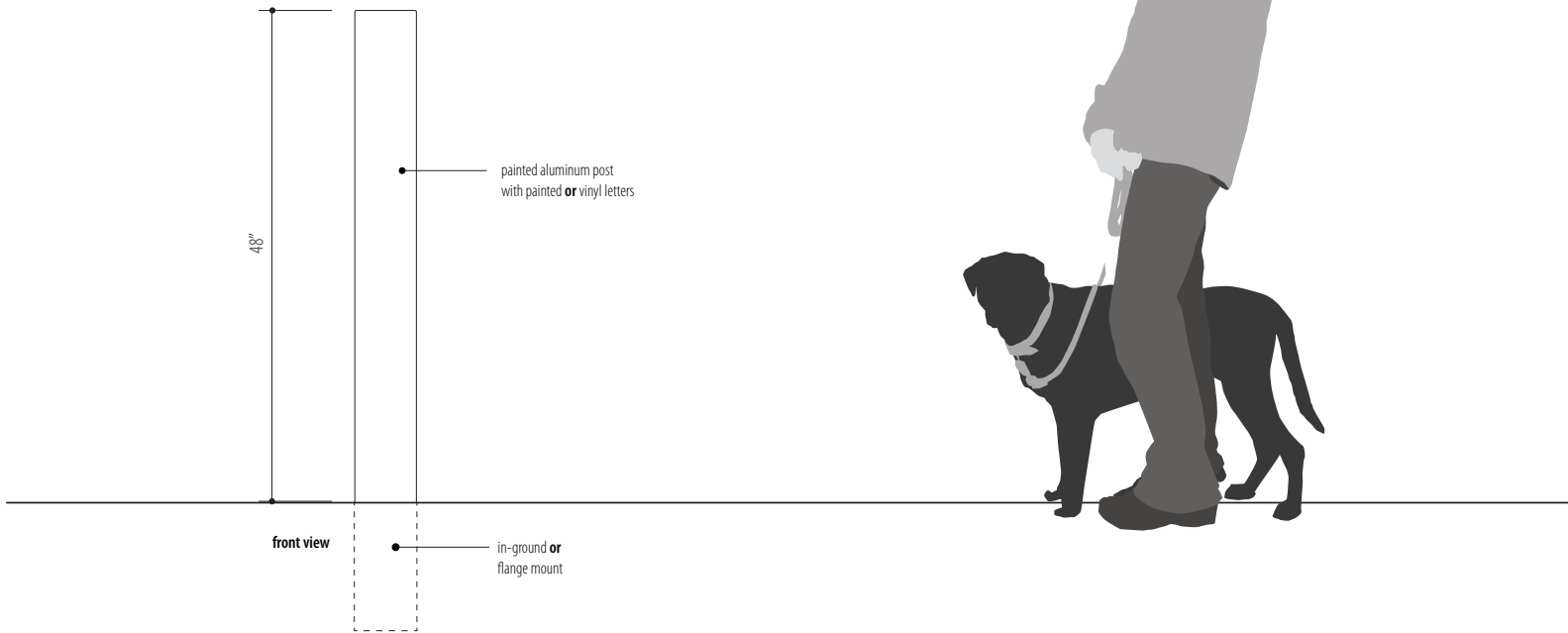
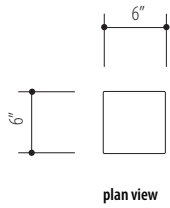
carsonite
etiquette post

trailhead kiosk

directional sign

interpretive sign

SEAREACH LTD. 146 ne yamhill street telephone 503.843.2005 sheridan facsimile 503.843.2744 oregon 97378 email info@seareach.com		client friends of the columbia gorge land trust 1887 main street, suite 202 washougal, washington 98671	contact sara wood title stewardship manager email sara@gorgefriends.org phone 541.705.5474	drawing symbols scale 1" = 1' 0" code FCG-001 project sign family	notes 	by lwr, sj proofed pr date 2022.05.26 version 3 page 0.3
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1 low-profile interpretive structure
1" = 1'

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drawing symbols
scale 1" = 1' 0"
code FCG-001
project low profile interpretive structures

notes

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page

1.0



1 front view



2 side view



trail

post is oriented with one corner towards the trail so that english and spanish can be seen side-by-side, rather than stacking one above the other.

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drawing symbols
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project low profile interpretive structures

notes

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1.1



The Gorge is a natural wind tunnel created by the difference in air pressure between the Willamette Valley's cooler, misty air and the hot, dry air over the desert to the east of the Cascade mountains. Forged by the ice-age floods, the majestic basalt cliff edges seen here provide crucial nesting habitat for several raptor species, including the peregrine falcon.



Scan the QR Code for more.

1 trail sign concept



The Gorge is a natural wind tunnel created by the difference in air pressure between the Willamette Valley's cooler, misty air and the hot, dry air over the desert to the east of the Cascade mountains. Forged by the ice-age floods, the majestic basalt cliff edges seen here provide crucial nesting habitat for several raptor species, including the peregrine falcon.



Scan the QR Code for more.

1 trail sign concept



La Garganta es un viento natural túnel creado por la diferencia en la presión del aire entre el aire más frío y brumoso del valle de Willamette y el aire caliente y seco sobre el desierto al este de las montañas Cascade. Forjados por las inundaciones de la edad de hielo, los majestuosos bordes de los acantilados de basalto que se ven aquí proporcionan un hábitat de anidación crucial para varias especies de aves rapaces, incluido el halcón peregrino.



Escanea el código QR para más.

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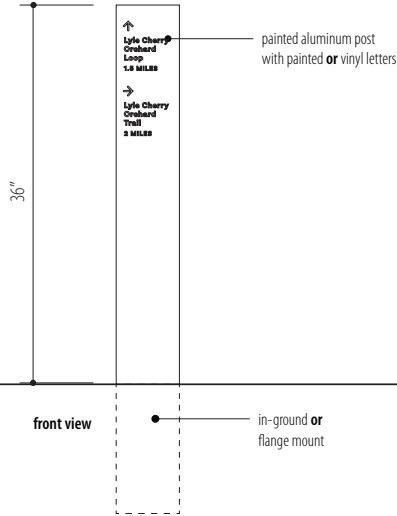
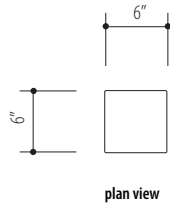
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drawing symbols
scale not to scale
code FCG-001
project low profile interpretive structures

notes

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1 low-profile interpretive structure
1" = 1'

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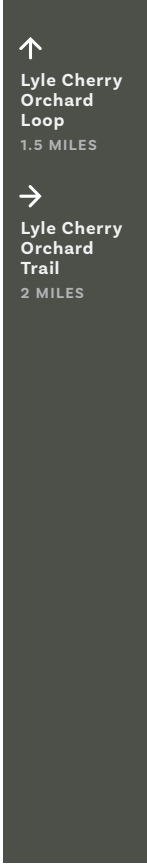
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drawing symbols
scale 1" = 1'-0"
code FCG-001
project directional

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2.0



1

directional sign concept

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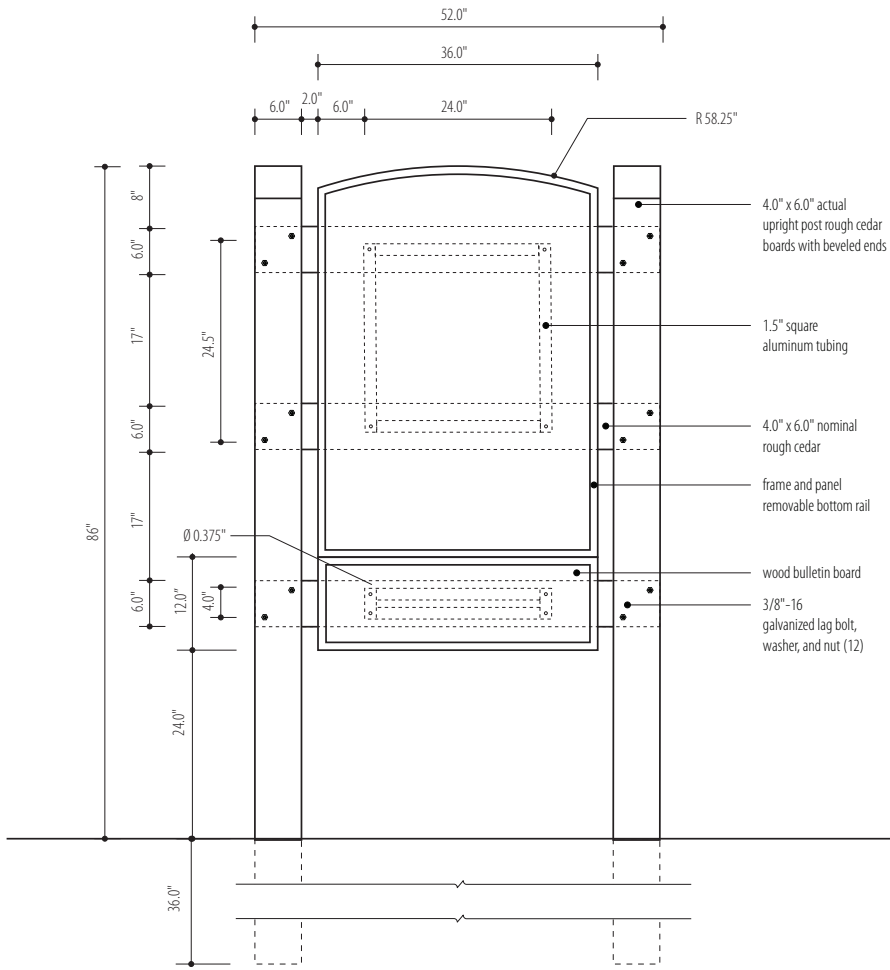
contact sara wood
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drawing symbols
scale not to scale
code FCG-001
project directional

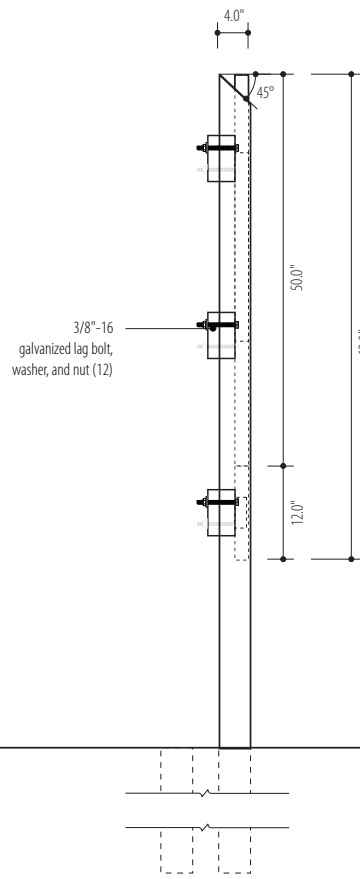
notes

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page

2.1



1 custom wood kiosk - front view
scale: 0.75" = 1' - 0"



2 custom wood kiosk - side view
scale: 0.75" = 1' - 0"

item	qty	color	name/code/finish
36" x 50" x 0.125" high-pressure laminate panel	1		n/a
52" x 93" kiosk structure, cedar	1		outdoor defense oil
36" x 50" aluminum frame, painted	1		earth brown SY3880
36" x 12" aluminum frame, painted	1		earth brown SY3880



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drawing symbols
scale 0.75" = 1' - 0"
code FCG-001
project trailhead kiosk

notes

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date 2022.05.26 **version** 3
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3.0



LYLE CHERRY ORCHARD

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ENJOY THE TRAIL

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Friends is the only conservation group entirely dedicated to protecting, preserving, and stewarding the Gorge.



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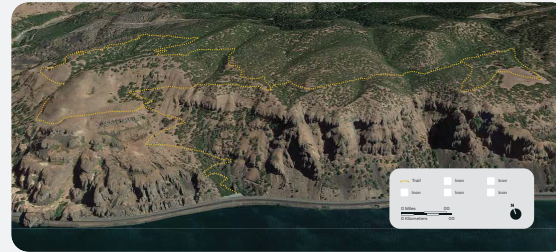
orientation panel concept



LYLE CHERRY ORCHARD

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orientation panel concept

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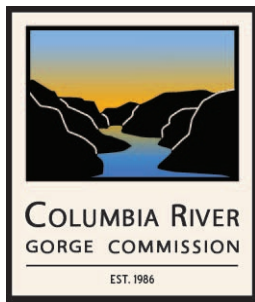
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drawing symbols
scale not to scale
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project trailhead kiosk

notes

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date 2022.05.26 version 3
page 3.1



Development Review Staff Report

Summary of Application

FILE NUMBER:	C22-0013
PROPOSAL:	The Columbia River Gorge Commission has received an application for eleven new trail signs along the Cherry Orchard Trail.
APPLICANTS:	Renee Tkach c/o Friends of the Columbia River Gorge
LANDOWNERS:	Friends of the Columbia River Gorge
SIZE and LOCATION:	The subject parcels are located adjacent to Highway 141, and are described as Tax Lot Numbers 02-12-0200-0004/00 (158.91 acres), 02-12-0200-0010/00 (34.29 acres), 02-12-0200-0003/00 (10 acres), 02-12-0200-0002/00 (15 acres), 02-12-0100-0003/00 (110.69 acres) in Sections 1 & 2, Township 2 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Large-Scale Agriculture (160), Small-Scale Agriculture (160) and Small Woodland (80)

Notice of Application Mailed to:

In accordance with Commission Rule 350-082-0110, the Gorge Commission staff mailed notice of this application to property owners within 200 feet of the subject parcel and sent email notice of this application to the following governments, agencies, and organizations:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office (USFS CRGNSA)
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

Written Comments Received From:

Friends of the Columbia Gorge (Steve McCoy, Staff Attorney)
USFS CRGNSA (Chris Donnermeyer, Heritage Resource Program manager)

Findings of Fact

A. Land Use

1. Friends of the Columbia Gorge is seeking approval for eleven new signs along the Cherry Orchard Trail. Eight signs will be interpretive posts, two signs will be directional posts, one sign will be a trail head map, and one other sign will be a regulatory sign. No grading is proposed.
2. The property is designated GMA Large-Scale Agriculture, Small-Scale Agriculture, and Small Woodland.
3. Existing development include Cherry Orchard Trail, informally constructed in 1992 and legalized in Director's Decision C95-0044. That 1995 review approved reconstruction of segments of the informal trail, and the placement of a fence. Director's Decision C98-0002 approved additional improvements including the installation of signs, reconstruction of a fence stile, timber and rock structures to stabilize the trail, drainage features, and rerouting and grading of several sections of the trail to prevent erosion. Director's Decision C07-0008 approved a reroute to segments of the first .85 miles of trail, including the trailhead, to reduce overall grade and prevent future erosion problems. Director's Decision C17-0016 added a 2 mile loop extension and 1 mile of reroutes.
4. Commission Rule 350-082-0220(1)(h) allows signs, other than those allowed outright, provided they comply with the resource protection guidelines for the expedited review process.

Land Use Conclusion:

The proposed development is an allowed expedited review use, subject to compliance with the guidelines in Commission Rule 350-082-0220 that protect scenic, cultural, natural and recreation resource treaty rights.

B. SCENIC RESOURCES

1. Commission Rule 350-082-0220(2)(a) includes scenic resource protection guidelines for uses eligible for the expedited review process. Commission Rule 350-082-0220(2)(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 approved by the reviewing agency shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total area in square feet than the existing building, which may be the same color as the existing building.

The proposal is for signs, this rule does not apply.

2. Commission Rule 350-082-0220(2)(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.

The proposal is for signs, this rule does not apply.

3. Commission Rule 350-082-0220(2)(a)(D) states:

Any exterior lighting shall be sited, limited in intensity, hooded, and shielded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. Shielding and hooding materials shall be composed of non-reflective, opaque materials..

No exterior lighting is proposed.

4. Commission Rule 350-082-0220(2)(a)(E) states signs shall comply with 350-082-0520. Commission Rule 350-082-0520(2)(a) applies to all new signs in the GMA. Commission Rule 350-082-0520(2)(a)(A) states:

The support structure shall be unobtrusive and have low visual impact.

The signs will be aluminum painted a dark earth tone color, earth brown (Pantone 418C). This color is unobtrusive and has low visual impact. One sign, the trailhead kiosk has wooden support structures. The wood has natural finish that is earth tone with low visual impact.

5. Commission Rule 350-082-0520(2)(a)(B) states:

Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable.

The signs are primarily dark earth tone colors with matte white lettering. The signs blend with the setting because they are primarily dark earth tone in color.

6. Commission Rule 350-082-0520(2)(a)(C) states:

Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting..

A condition of approval is included reminding that applicant that all aspects of the signs, including the backs, to be a dark earth tone color.

7. Commission Rule 350-082-0520(2)(a)(D) states:

Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

No lights or illumination for the signs is proposed.

8. Commission Rule 350-082-0520(2)(a)(E) states:

Except for signs along public highways necessary for public safety, traffic control, or road construction and consistent with the Manual on Uniform Traffic Control Devices (2012, or most recent version), the following signs are prohibited:

(i) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays, and other signs that are internally illuminated, exclusive of seasonal holiday light displays.

(ii) New billboards.

(iii) Signs with moving elements.

(iv) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

No luminous signs, billboards, signs with moving elements, or portable or wheeled signs are proposed.

9. Commission Rule 350-082-0520(2)(a)(F) states:

In addition to subsections (A) through (E) above, signs shall meet the below guidelines according to Recreation Intensity Class (and subject to compliance with 350-082-0700(5) and 350-082-0720):

(i) Recreation Intensity Class 1 (Very Low Intensity) - Simple interpretive signs or displays, not to exceed a total of 50 square feet. Entry name signs, not to exceed ten square feet per sign.

(ii) Recreation Intensity Class 2 (Low Intensity) - Simple interpretive signs and displays, not to exceed a total of 100 square feet. Entry name signs, not to exceed 20 square feet per sign.

(iii) Recreation Intensity Class 3 (Moderate Intensity) - Interpretive signs, displays or facilities. Visitor information and environmental education signs, displays, or facilities. Entry name signs, not to exceed 32 square feet per sign.

(iv) Recreation Intensity Class 4 (High Intensity) - Entry name signs, not to exceed 40 square feet per sign.

The project site is designated Recreation Intensity Class I and II. None of interpretive signs exceeded a total of 100 sq ft. The largest interpretive sign, the trailhead kiosk, is 30 sq ft in size, and located in Recreation Intensity Class I. The sign is smaller than the required size limits for either Recreation Class I or II. The other signs, the directional signs, interpretive signs, and etiquette sign are 6 in x 6 in posts and are under the required size limits for either Recreation Class I or II. The signs are compatible with this rule.

10. Commission Rule 350-082-0520(2)(a)(G) states:

For recreation facility design projects, signs shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction, and for safety purposes.

The proposal is not for a recreation facility design project. This rule does not apply.

11. Commission Rule 350-082-0220(2)(a)(F) states:

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

All of the signs are within one-half mile of SR-14 and the Columbia River, two KVAs, and are visible from other KVAs. The Director's Decision contains requirements and conditions of approval to ensure the development is *visually subordinate*. Factors contributing to the visibility of the development include shape, design and dark earth tone colors.

Scenic Resources Conclusion:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-81-0220.

C. CULTURAL RESOURCES

1. Commission Rule 350-082-0220(2)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. Commission Rule 350-082-0220(2)(b)(A) states:

The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey as determined by 350-082-0620(2)(a)(A).

Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on July 13, 2022. 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)(A) and (B) because would occur on a site that has been adequately surveyed in the past, 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. Mr. Donnermeyer noted that earlier surveys of the trail and surrounding area are adequate and there will be no further need for any new reconnaissance for this project. There are some signage locations that fall within 500 feet of known archaeological sites and archaeological monitoring is recommended for these locations. An excavation permit from DAHP will be required for the proposed work. A condition of approval is included to make that applicant's aware of the this requirement.

2. Commission Rule 350-082-0220(2)(b)(B) states:

The GMA guidelines that protect cultural resources and human remains discovered during construction (350-082-0620(6) and (7)) shall be applied as conditions of approval for all development approved under the expedited development review process, including development in the SMAs.

Commission Rule 350-082-0620(6) protects cultural resources discovered during construction. A condition of approval is included in the director's decision consistent with this rule. Commission Rule 350-082-0620(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

Cultural Resources Conclusion

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the expedited review guidelines for cultural resources in Commission Rule 350-82-0220.

D. NATURAL RESOURCES

1. Commission Rule 350-082-0220(2)(d) includes natural resource protection provisions for uses eligible for the expedited review process. Proposed developments reviewed using the expedited review process must follow the resource protection guidelines to be eligible for expedited review.
2. Commission Rule 350-082-0220(2)(d)(A) contains guidelines for the protection of water resources. It says:

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to 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, streams, rivers, ponds, and lakes on the site or in the project vicinity. In Commission inventories, there are mapped intermittent streams, but they considered dry, and do not require a stream buffer or associated mitigation.

3. Commission Rule 350-082-0220(2)(d)(B) contains guidelines for consistency with the expedited review process for the protection of sensitive wildlife and sensitive plants. It says:

Sensitive Wildlife and Rare Plants

The development meets one of the following:

(I) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range) and known rare plants.

(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.

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

(IV) For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center 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 rare plants.

Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or rare plants in 350-082-0650(1)(d) and (2) and 350-082-0660(1)(d) and (2).

The Gorge Commission's sensitive wildlife inventory shows the development site is located within deer and elk winter range and peregrine falcon nesting sites.

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 July 11, 2022. The notice included a comment period of 21 days that ended on August 1, 2022. WDFW did not indicate any concerns with the proposed development, and staff believes the proposed development would not compromise the integrity of any priority habitat for wildlife areas.

In July 2013, Krista Thie, a botanist hired by Friends of the Columbia Gorge, completed a rare plant survey for the Cherry Orchard property and provided it to the Gorge Commission for review. Staff reviewed the proposed development against the rare plant survey. In the original proposal, one of the interpretive signs was located within the buffer for a rare plant, *Meconella oregana*. After discussions with the applicants the sign was removed from the proposal. As currently, designed, each sign will be at least 200 feet from the rare plants.

Natural Resources Conclusion:

The proposed development is consistent with the expedited review use guidelines in Commission Rule 350-082-0220(1)(d) that protects natural resources in the National Scenic Area.

E. RECREATION RESOURCES

1. Commission Rule 350-082-0220(2)(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 signs are intended to aid hikers at Chery Orchard Trail. The purpose of the signs is to enhance the recreational experience.

Recreation Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0220(1)(c)(A) that protects recreation resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-082-0220(2)(e) describes the treaty rights protection guidelines for expedited review uses.
2. Commission Rule 350-082-0220(2)(e)(A) states:

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

The proposed signs will not affect or modify treaty or other rights of any Indian tribe, consistent with this rule.

3. Commission Rule 350-082-0220 (2)(e)(B) states:

The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if a tribal government 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 were received.

Treaty Rights Conclusion:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-082-0220(2)(e).

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