

Director's Decision

Summary of Application

FILE NUMBER:	C24-0002
PROPOSAL:	The Columbia River Gorge Commission has received an application for the removal of a single-family residence, driveway, and septic tank.
APPLICANTS:	Friends of the Columbia Gorge Land Trust
LANDOWNERS:	Friends of the Columbia Gorge Land Trust
SIZE and LOCATION:	The subject parcel is approximately 4 acres in size and located adjacent to Old Highway 8 and is described as Tax Lot Number 03-11-3600-0001/00 in the Northeast corner of Section 36, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (80)

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

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 Friends of the Columbia Gorge Land Trust, for the removal of a structure, driveway, and septic tank, 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 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. A post-completion inspection is required. Please contact the Gorge Commission office when all construction is complete to schedule this inspection. The applicant may request interim inspections and 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. Areas that are disturbed in the process removing the structure, driveway, and septic tank will require reseeding and revegetation within one year of completion of construction. A recommended seed mix handout is included with this Decision.
6. To ensure adequate protection and survivability of sensitive plants, the applicant shall use physical barriers to protect rare plants located within 200 ft of the project site.
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 14 day of May 2024 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 14 day of May 2026 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.

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 those 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 13 day of June 2024.

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:

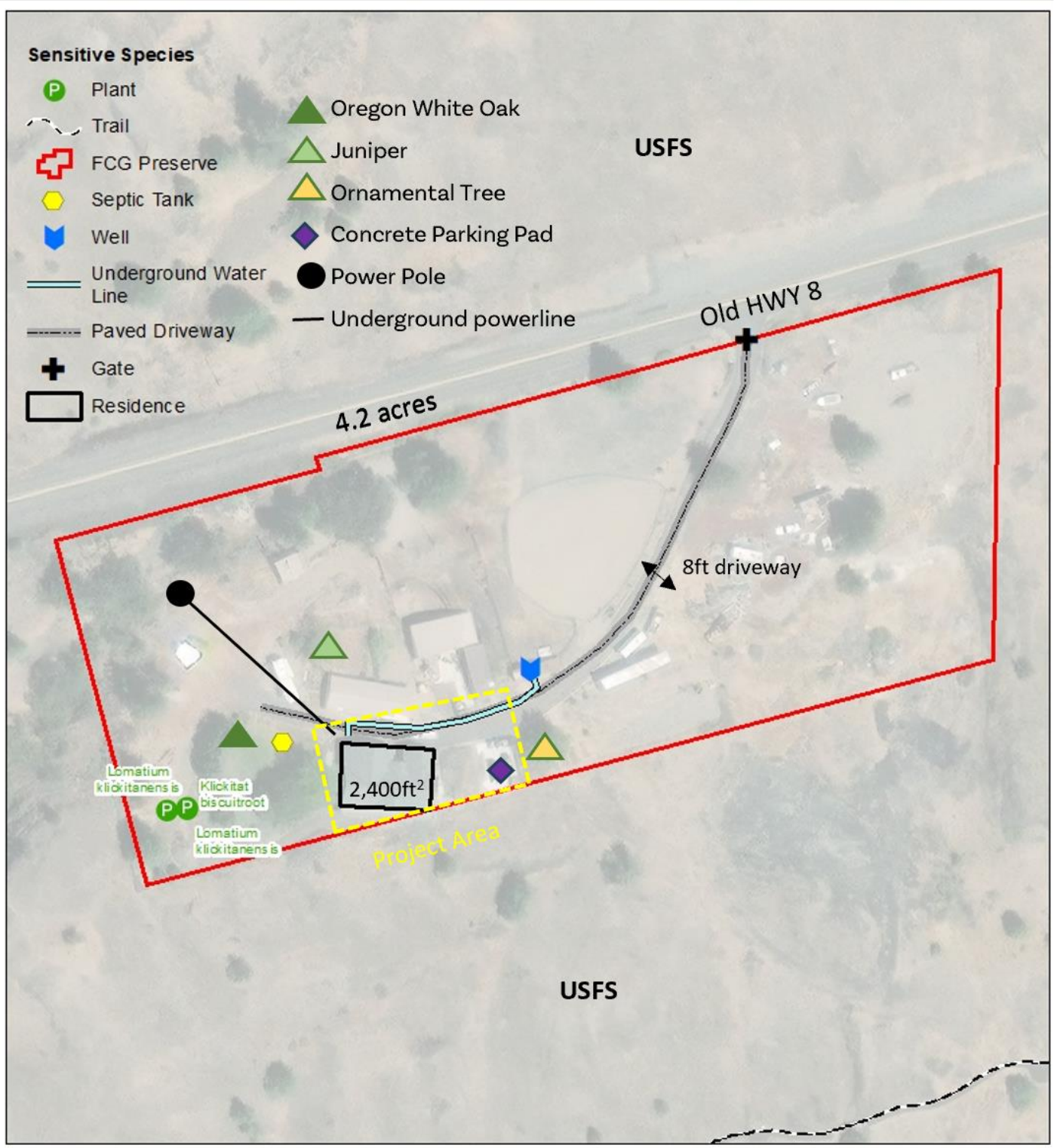
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat 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 C24-0002
Approved site plans
Eastern Gorge Recommended Seed Mix

Sensitive Species

- P Plant
- Trail
- FCG Preserve
- Septic Tank
- Well
- Underground Water Line
- Paved Driveway
- Gate
- Residence
- Oregon White Oak
- Juniper
- Ornamental Tree
- Concrete Parking Pad
- Power Pole
- Underground powerline



Catherine Creek House Removal
Friends of the Columbia Gorge

0 0.015 0.03 Miles

0 100 200 Feet

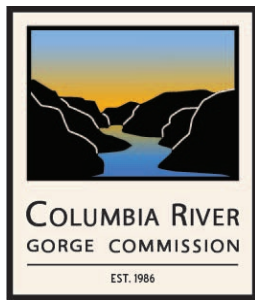


*Black dot indicates enlarged area above



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Export Date: 11/6/2023



Development Review Staff Report

Summary of Application

FILE NUMBER:	C24-0002
PROPOSAL:	The Columbia River Gorge Commission has received an application for the removal of a single-family dwelling, driveway, and septic tank.
APPLICANTS:	Friends of the Columbia Gorge Land Trust
LANDOWNERS:	Friends of the Columbia Gorge Land Trust
SIZE and LOCATION:	The subject parcel is approximately 4 acres in size and located adjacent to Old Highway 8 and is described as Tax Lot Number 03-11-3600-0001/00 in the Northeast corner of Section 36, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Small-Scale Agriculture (80) Note: According to Section 8(o) of the National Scenic Area Act, the Forest Service designated both subject parcels General Management Area (GMA) Small-Scale Agriculture. For the purposes of this development review, the Special Management Area (SMA) guidelines no longer apply to these parcels; they will be reviewed according to the applicable GMA land use and resource protection guidelines.

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
Washington Department of Fish and Wildlife (WDFW)
Friends of the Columbia Gorge

Written Comments Received From:

Klickitat County Public Health (David Kavanagh)
USFS CRGNSA (Chris Donnermeyer, Heritage Resource Program manager)

Findings of Fact

A. Land Use

1. The Friends of the Columbia Gorge Land Trust plan to remove the existing single-family dwelling, driveway, and septic tank for the purpose of natural resource enhancement and recreation facilities.
2. The subject parcel is in the General Management Area (GMA) Section 8(o) and is designated Small-Scale Agriculture with an 80-acre minimum parcel size. The parcel is 4 acres in size and is located on Old Highway 8 adjacent to Catherine Creek Trailhead.
3. Existing development on the property includes a 2,400 square foot single-family residence, a paved driveway, a septic tank, and well.
4. Commission Rule 350-082-0220(m) allows as an expedited review use,

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

Klickitat County Assessor Records indicate the single-family dwelling, driveway, and septic tank were built in 2006. The removal of the single-family dwelling, driveway, and septic tank is allowed per Commission Rule 350-082-220(1)(m), subject to consistency with guidelines for the protection of scenic, cultural, natural, and recreation resources.

Land Use Conclusion:

The proposal is an allowed review use, subject to Commission Rules 350-082-520 through 350-082-620 that protect scenic, cultural, natural, and recreation resources.

B. SCENIC RESOURCES

1. 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 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 350-082-0220(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 350-082-0220(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 350-082-0220(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/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

No new structures are included in the applicant's proposal. Commission Rule 350-082-0220(2)(a)(F) is not applicable.

Scenic Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-0220 that protects scenic resources in the National Scenic Area.

C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-082-540(1)(c)(A)(iii), new development in the NSA requires a reconnaissance survey. Commission Rule 350-082-220(2)(b)(A) states that 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)(C) and 350-082-0620(2)(a)(D).
2. Chris Donnermeyer, Heritage Resource Program Manager, U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination letter, dated April 1, 2024, that pursuant to Commission Rule 350-082-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would occur on a site that has been determined to be located within a low probability zone, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site.

3. Commission Rule 350-082-0620(2)(a)(A)(B) describes when a historic survey is required. In his April 1, 2024, Cultural Resources Survey Determination letter, Mr. Donnermeyer determined that a historical survey is not required because the proposed use 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.
4. The proposed use did not require a reconnaissance or historic survey and no comments were received regarding cultural resource concerns. Pursuant to 350-082-220(2)(b)(A) the proposal is eligible for the expedited review process.
5. Commission Rule 350-082-220(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, and Commission Rule 350-082-0620(7) contains provisions addressing discovery of human remains during construction. Conditions of approval are included in the director's decision consistent with these rules.

Cultural Resources Conclusion

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposal is consistent with the guidelines in Commission Rule 350-082-0620 that protects cultural resources in the National Scenic Area.

D. RECREATION RESOURCES

1. Commission Rule 350-082-0220(2)(c) states:

Recreation. The development shall not detract from the use and enjoyment of established 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.

Recreation Resources Conclusion:

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

E. NATURAL RESOURCES

1. Commission Rule 350-082-0220(2)(d) lists natural resource protection guidelines for expedited review uses. To qualify for the expedited review process, Commission Rule 350-082-0220(2)(d)(A) requires that a 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 350-082-0640(6)(d)(B), the largest buffer for any wetland community is 150-feet. The proposed development is located outside of the buffer zones for any wetlands.

Catherine Creek, a perennial stream, is approximately 1,500 feet east of the site. Pursuant to Commission Rule 350-082-0640(6)(f), 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 is not located within the vicinity of any wetlands, rivers, ponds, or lakes.

2. Commission Rule 350-082-0220(2)(d)(B) contains expedited review guidelines to protect sensitive wildlife and rare plants. It requires eligible development to meet one of the following circumstances:

(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.

(ii) 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 rare plant inventory indicates the presence of rare plants located on the project site. In 2021 Friends of the Columbia Gorge Land Trust hired Krista Thie, a professional botanist, who completed an inventory of rare plants on the site and found rare plants within a 200-ft buffer of the structure to be removed. The applicant stated their intention to install physical barriers to protect rare plants located within 200-ft of the project site, and staff are requiring physical barriers as a condition of approval.

Natural Resources Conclusion:

With the condition of approval that the applicant use temporary physical barriers to ensure rare plant protection within the 200-ft buffer of the project site, the proposed development is consistent with Commission Rule 350-082-0220(2)(d) that protects natural resources in the National Scenic Area.

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-082-0220(2)(e) provides protection of tribal treaty rights from new development in the National Scenic Area. It states:

(A) Proposed development 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 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.

(C) Except as provided in subsection (B) above, 350-082-0130 shall not apply to proposed development reviewed under the expedited review process.

Notice of the proposed development was sent to the four Treaty Tribe governments on March 21, 2024. Pursuant to Commission Rule 350-082-0220(2)(e)(C), the 30-day notice period for tribal treaty rights and consultation does not apply. No comments were received from any tribal government during the comment period for expedited review uses. Staff concludes that the proposed development does not affect or modify any known treaty or other rights of any Indian tribe.

Treaty Rights Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-082-084, which provides protection for treaty rights and any other rights of any Indian tribe.

MA
FIND0002.24

**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

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

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

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