

Return Address: USDA Forest Service
Attn: Mark Kreiter
902 Wasco Ave., Suite 200
Hood River, OR 97031

Skamania County Department of Planning and Community Development

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX 509 427-3907

Administrative Decision

APPLICANT: USDA Forest Service, Mark Kreiter

PROPERTY OWNER: Longview Timber Corporation

FILE NO.: NSA-08-48

PROJECT: The restoration of a wetland that was filled in and a trench that was dug adjacent to a tributary of Greenleaf Creek.

This application is to remedy a violation that occurred in 2001. The United States Forest Service completed review of the portion of the project that occurs on Forest Service Land on January 2, 2008. The portion of the project on Pirfil & Elena Cam's property (tax lot #02-07-16-3-0-0200-00) is within the city limits of the City of North Bonneville; the applicant has been informed to contact the City of North Bonneville for permitting information. Our review will focus only on the portion of the project that is on Longview Timber Corp. property only (lot #201).

LOCATION: Adjacent to Bonneville Hot Springs Resort, North Bonneville; Section 16 of T2N, Range 7E, W.M. and identified as Skamania County Tax Lot #02-07-16-0-0-0201-00.

LEGAL: See attached page(s) 7.

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ZONING: General Management Area- Commercial Forest (F-1)

DECISION: Based upon the record and the Staff Report, the application by USDA Forest Service, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and **is hereby approved.**

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the jurisdiction of Skamania County's Building Division and the Skamania County Health Department.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. (See attached)
- 3) All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater. **Side yard:** 20 feet. **Rear yard:** 20 feet. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
- 4) A variance to the 100-foot buffer to Greenleaf Creek is approved in order to allow for the work of the proposed wetland restoration project to occur within the buffer.
- 5) Planted vegetation shall be maintained to ensure survival.
- 6) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.

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- 7) The applicant shall be responsible for obtaining all necessary federal and state permits associated with this project.
- 8) The wetland restoration project shall use native vegetation.
- 9) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance, as determined by the Department of Fish & Wildlife.
- 10) The applicant shall retain any natural vegetation that remains in the project site to the greatest extent practicable.
- 11) In order for the project to result in the minimum feasible impacts to water quality, natural drainage and fish and wildlife habitat nonstructural controls and natural processes shall be used to the greatest extent practicable.
- 12) Roads and water crossings shall be minimized and should serve multiple purposes.
- 13) Temporary and permanent control measure shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems and culverts.
- 14) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- 15) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata and structures, including large woody debris and boulders.
- 16) Stream channels and banks, shorelines and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- 17) Rehabilitation and enhancement efforts shall be completed no later than ninety (90) days after aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
- 18) Within three years after the project within the buffer zone of the Greenleaf Creek, at least 75% of the replacement vegetation must survive.
- 19) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Planning Department. The applicant is to coordinate all inspections with the Planning Department. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified. A site visit for Final Inspection shall be conducted. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Planning Department at 509-427-3900.
- 20) The following procedures shall be effected when cultural resources are discovered during construction activities:

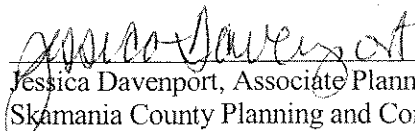
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- a) Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b) Notification. The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.
 - c) Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
 - d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 21) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
- a) Halt of Activities. All survey, excavation and construction activities shall cease.
 - b) Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
 - d) Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
 - e) Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of

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Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 3rd day of September, 2008, at Stevenson, Washington.


Jessica Davenport, Associate Planner
Skamania County Planning and Community Development.

NOTES

Any new residential development, related accessory structures such as garages or workshops, fences, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or when the development action is discontinued for any reason for one continuous year or more.

APPEALS

The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable-filing fee and a Certificate of Mailing.

WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Division
Skamania County Health Department

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A copy of this Decision, including the Staff Report, was sent to the following:

Persons submitting written comments in a timely manner
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of Washington Department of Community Trade and Economic Development – Valerie Grigg Devis
Department of Fish and Wildlife

sec. 16, SW1/4NW1/4NW1/4 and W1/2SE1/4NW1/4NW1/4, lot 9, and SW1/4NW1/4 lying west of the thread of Greenleaf Creek; (4) .40 ACRES OF GENERAL EXCHANGE ACT LAND, EXCEPTING THEREFROM, the following: A portion of lot 9 and 10 described in Book 80, Page 108, Skabania Grant, Town Records, as follows:

Beginning at a point marking the intersection between the center of Greenleaf Creek and the south line of said Government lot 9, said point being located on the north line of the B.B. Bishop Donation Land Claim; Thence, following the centerline of Greenleaf Creek in a Northeasterly direction to a point in the said Government lot 9, north 430 feet from the north line of said Bishop Donation Land Claim; Thence, westerly parallel to and 430 feet distant from the north line of the said Bishop Donation Land Claim to the centerline of the Pacific Northwest Pipeline Corporation easement for gas transmission line; Thence, southwesterly along the centerline of said easement to the north line of said Bishop Donation Land Claim; Thence, east along the north line of said Donation Land Claim to the Point of Beginning.

North Bonneville Wetland Restoration Project General Site Map

