

Return Address: Lower Columbia Fish Enhancement Group
Attn: Peter Barber
12404 SE Evergreen Highway
Vancouver, WA 98683

Skamania County
Community Development Department
Building/Fire Marshal • Environmental Health • Planning
Skamania County Courthouse Annex
Post Office Box 1009
Stevenson, Washington 98648
Phone: 509-427-3900 Inspection Line: 509-427-3922

Administrative Decision

APPLICANT: Lower Columbia Fish Enhancement Group

PROPERTY OWNER: State of Oregon

FILE NO.: NSA-14-30

PROJECT: Up to eight test pits (6' x 13') will be dug for the placement of 3-5 piezometers, and six data loggers (water level and temperature monitors) will be installed on t-posts or existing vegetation. The purpose of the project is to collect surface groundwater data to evaluate habitat restoration opportunities to benefit Lower Columbia River (Cascade) Chum Salmon.

LOCATION: 28852 State Highway 14, Prindle, Section 1 of T1N, R5E, W.M. and is identified as Skamania County Tax Lot Number 01-05-01-0-0-0700-00.

LEGAL: See attached page(s) 11.

ZONING: Special Management Area - Forest.

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DECISION: Based upon the record and the Staff Report, the application by Lower Columbia Fish Enhancement Group, 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 Environmental Health Division.

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) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. Disturbed areas shall be reseeded with a mix of native vegetation. Planted vegetation shall be maintained to ensure survival.

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- 5) The visible portions of the pvc piping associated with the peizometers, the data loggers, and the t-posts shall be dark earth tone in color.
- 6) The t-post shall be removed from the site upon removal of the data loggers.
- 7) Only native plant species of the Columbia River Gorge shall be replanted within the 200 foot buffer zones of the Columbia River, on site streams, and wetlands.
- 8) The applicant shall be limited working on the digging of the test pits and peizometer installation while access routes are dry, within the work window of September – October 15th.
- 9) The work conducted shall be consistent with and the applicant shall implement the 2014 Shire Groundwater Investigation and Habitat Assessment Natural Resource Mitigation Plan dated June 30, 2015.
- 10) Within one (1) year of project completion, eighty percent (80%) of the project area with surface disturbances shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has eighty percent (80%) vegetative cover.
- 11) A final monitoring report shall be submitted to the Community Development Department and U.S.F.S., Columbia River Gorge National Scenic Area upon completion of the project and restoration of the site. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. Photo documentation of pre- and post- project shall be included.
- 12) Best Management Practices (BMPs) shall be used on site throughout the construction period.
- 13) Contractors shall do all that is reasonable and practicable to prevent impacts to the native plant community. Additionally the contractor shall, to the greatest extent possible, prevent entry of non-native plant material, including but not limited to the cleaning of equipment before it enters the construction site. Contractor shall effectively remove all debris that may contain plant material, especially any plant seed, prior to entering the site.
- 14) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, and noxious weed control. Within five years, at least seventy-five percent (75%) of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.

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- 15) Consistent with the 2014 Shire Groundwater Investigation and Habitat Assessment Natural Resource Mitigation Plan, equipment access shall not travel through wet areas where ruts could be created. The contractor shall avoid all impacts to wetlands. If an area is wet, the contractor shall use log mats to avoid creating ruts with the excavator. If a test pit location is too wet for log mats to be sufficient in protecting the wetland from disturbance, that location shall be abandoned.
- 16) An archaeological monitor shall be present during all ground disturbance associated with this project.
- 17) The Community Development Department will conduct a site visit for Final Inspection to verify that all conditions of approval have been complied with. The inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development inspection line at 509-427-3922 or by emailing permitcenter@co.skamania.wa.us.
- 18) The following procedures shall be effected when cultural resources are discovered during construction activities:
 - 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.

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- 19) 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 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 29 day of July, 2015, at Stevenson, Washington.



Nicole McDermott, Interim Planning Consultant
Planning Division

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.

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EXPIRATION

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 once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

If the development includes a **structure** the permit shall expire when construction has not commenced within two (2) years of the date the land use approval was granted; or once the structure has been started and if the structure has not been completed within two (2) years of the date of commencement of construction the permit shall expire. Completion of the structure for this purpose means the completion of the exterior surface(s) of the structure; and compliance with all conditions of approval in the land use approval, including, but not limited to, painting of the exterior of the structure.

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 1009, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$2,450.00 nonrefundable-filing fee and a Certificate of Mailing.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

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.

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A copy of the Decision was sent to the following:

Skamania County Building Division

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 (electronic)

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission (electronic)

U.S. Forest Service - NSA Office (electronic)

Board of County Commissioners (electronic)

State of Washington Department of Commerce – Paul Johnson (electronic)

Department of Fish and Wildlife (electronic)

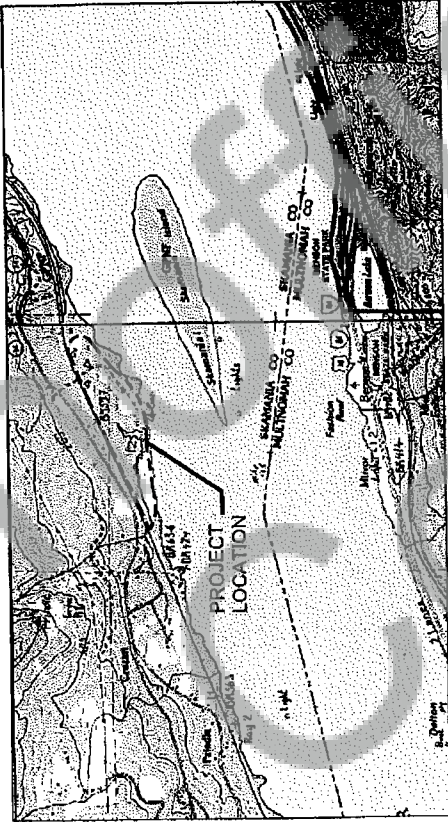
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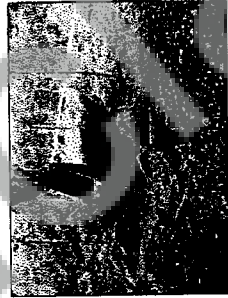
COMMUNITY DEVELOPMENT
DEPARTMENT

Odessa Mitigation Funds

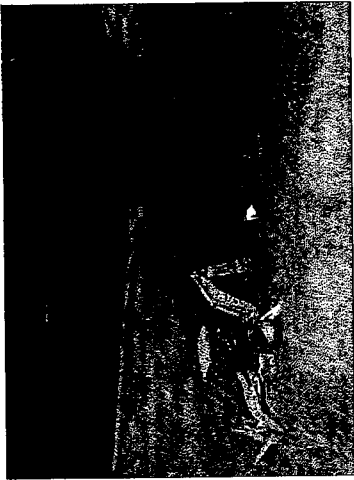
The Shire - Groundwater Investigation and Monitoring Plan



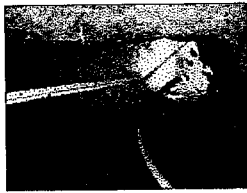
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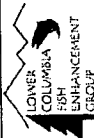
Excavation Area 6' x 6'



Typical Backhoe Staging For Test Pit Excavation

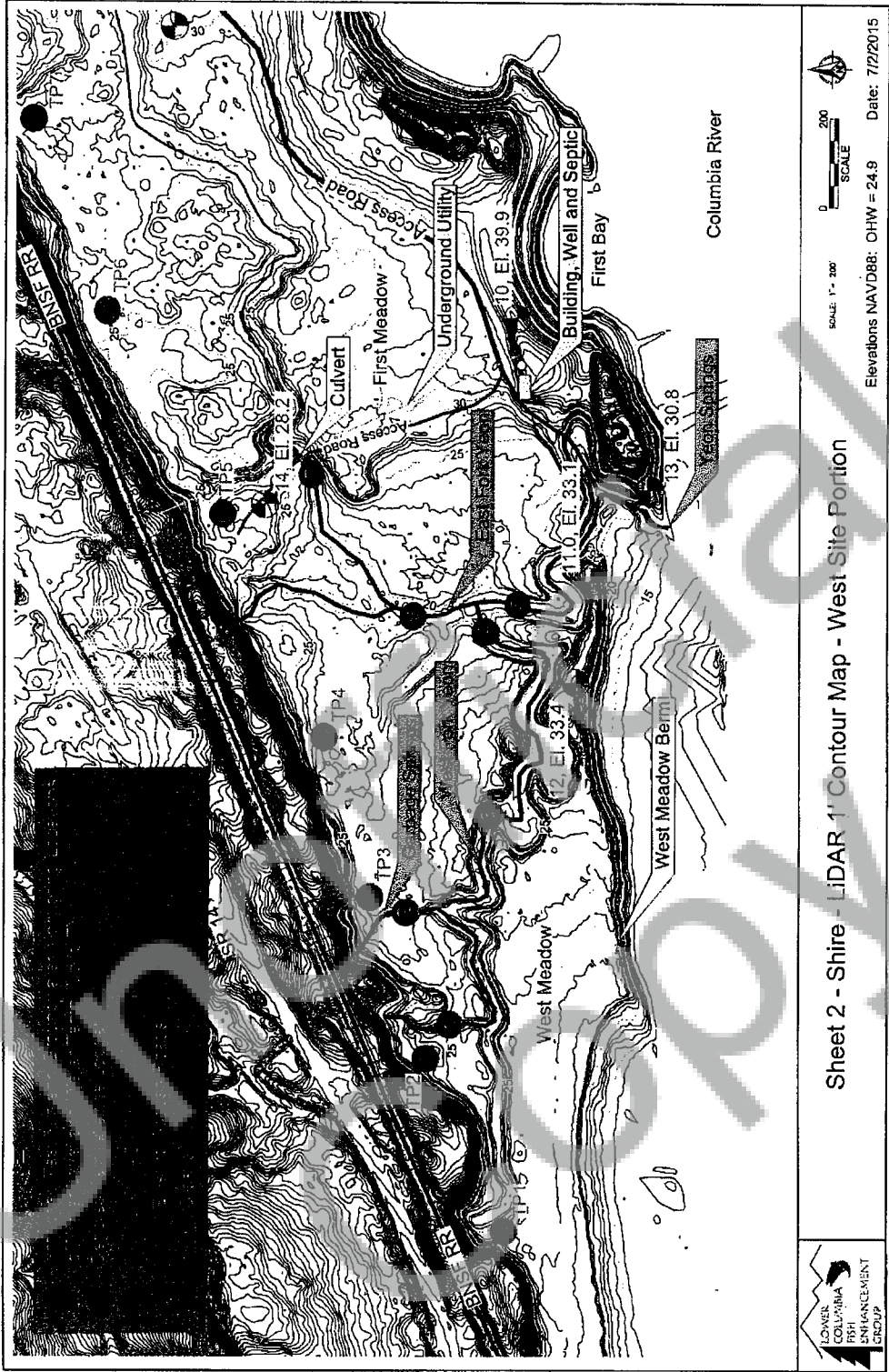


Groundwater Pump Test - Depth Varies 4' to 10'
After Testing a 4" PVC Standpipe Will be
Placed and the Hole Backfilled



Sheet 1 - Vicinity Map and Photo Examples of Ground Disturbing Activity

Date: 7/2/2015



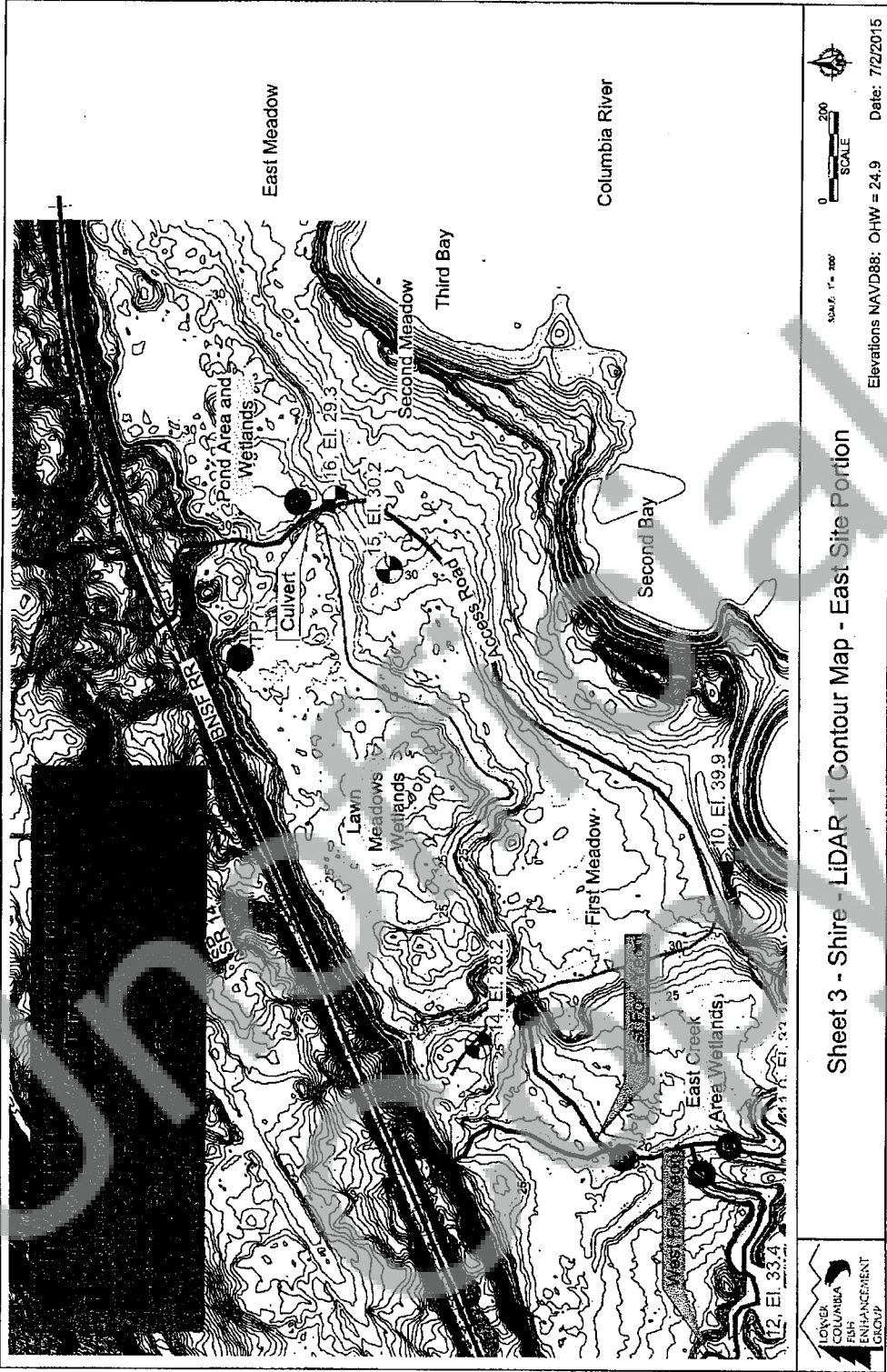


EXHIBIT A

1. Vacant land located along the south side of State Highway 14, 1 mile east of intersection with Prindle Road, Prindle, Skamania County, Washington.

Legally described as:

That portion of the Southwest quarter of the South east quarter of Section One (1), Township One (1) North, Range 5 East of the Willamette Meridian, lying Southerly of Primary State Highway No. 8 and Northerly of the Spokane, Portland & Seattle Railway Company right of way and Easterly of the tract of land conveyed to Harry L. Lively by deed dated September 2, 1930, recorded at page 560 of Book W of Deeds, records of Skamania County, Washington:

All that portion of Government Lot One (1) of Section One (1), Township One (1) North, Range 5 East of the Willamette Meridian, lying Southerly of Primary State Highway No. 8 except the following described tract:

Beginning at the Northeast corner of the said Government Lot 1; thence West 362 feet; thence South 376 feet to the Northerly right of way line of the Spokane, Portland & Seattle Railway Company; thence North 87 deg. 25 min. East following said right of way line 363 feet; thence North 349 feet to the point of beginning;

All that portion of the Southwest quarter of the Southeast quarter of Section One (1), Township One (1) North, Range 5 East of the Willamette Meridian, lying Southerly of the Spokane, Portland & Seattle Railway Company right of way;

That portion of Government Lot One (1), Section Twelve (12) Township One (1) North, Range 5 East of the Willamette Meridian, described as follows:

Beginning at the intersection of the West line of the said Section 1 with the Northerly right of way line of the Spokane, Portland & Seattle Railway Company right of way; thence North along the West line of the said Section 1 to intersection with the County Road known and designated as Railroad Avenue; thence in an Easterly direction to intersection with the Southerly right of way line of Primary State Highway No. 8; thence following the Southerly right of way line of said highway to intersection with the Northerly right of way line of said railway company; thence following said railway right of way line in a Southwesterly direction to the point of beginning;

Government Lots 1, 2, 3, and 4 of Section 12, Township 1 North, Range 5 East of the Willamette Meridian;

EXCEPT those portions thereof lying Northerly of the Southerly right of way line of the Spokane, Portland & Seattle Railway Company right of way;

TOGETHER WITH tide and shorelands of the second class conveyed by the State of Washington by deed dated September 18, 1908, and recorded at page 294 Book "L" of Deeds, records of Skamania County, Washington.

Date: 8-16-11 Page: 01050100070000

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