

**DECISION MEMO & CONSISTENCY DETERMINATION**  
**OREGON VIEW DRIVE UTILITY MODIFICATION & FRONTIER**  
**COMMUNICATION TELEPHONE LINE PERMIT, CD-14-06-S**  
**SKAMANIA COUNTY PUD #1, FRONTIER COMMUNICATION**  
**OREGON VIEW DRIVE**  
**COLUMBIA RIVER GORGE NATIONAL SCENIC AREA**  
**SKAMANIA COUNTY, WA**

### **BACKGROUND**

Skamania Public Utility District (PUD) has applied for a special use permit (SUP) to replace and authorize an existing underground power line on National Forest System (NFS) land. The purpose of the project is to provide reliable electric service to properties along Oregon View Lane, near Washougal, WA. The Forest Service proposes issuance of a 30-year special use permit to Skamania PUD to authorize the replacement, operation and maintenance of 4,578 feet of existing underground power line. The Forest Service also proposes to issue a 30-year special use permit to Frontier Communication to authorize the continued operation and maintenance of existing co-located underground telephone lines. The project area is in T01N R05E Section 16 and T01N R05E Section 17 in Skamania County.

### **DECISION**

I have decided to approve the issuance of special use permits to Skamania PUD for replacement of an existing 12.47 kV underground power line and associated transformers and junction boxes, as shown in the attached map, and to Frontier Communication to authorize the continued co-location of telephone lines.

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA). The applicable category of actions is identified in agency procedures as 36 CFR 220.6(e)(2) *Additional construction or reconstruction of existing telephone or utility lines in a designated corridor* and 36 CFR 220.6(e)(3) *Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land*. This category of action(s) is applicable because the proposed action is less than five acres of land for the issuance of a special use permit and involves additional construction for the realignment of the existing utility line.

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- **Federally listed threatened or endangered species or designated critical habitat,**

**species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species** – As part of the analysis completed for this project, possible effects on species listed or proposed for listing under the ESA were examined in a Biological Evaluation. The likelihood of adverse effects to listed species from the proposed activity was found to be low, as the power line replacement is in previously disturbed area predominantly in or adjacent to an existing road bed. The project would have little impact to botanical and ecological functions.

The western edge of the project area includes approximately 790 feet of existing power line that run through a red alder grove directly adjacent to pasture and paralleling a driveway. On this parcel, replacing the new power line along the existing alignment would require the removal of a number of alders established since the initial installation over 40 years ago. To avoid impact to these trees (12 – 36" dbh), the alignment would be shifted 10 feet north, to the edge of the pasture, and the old line will be abandoned in place. An alternative alignment along the existing dirt road to the south was considered but rejected because of its higher potential for erosion.

The project area is within 1,000 feet of the Cape Horn cliffs, which are used by the peregrine falcon; however, the project is located on the plateau away from the cliffs, beyond Highway 14, and is sufficiently removed from the cliffs so as to prevent disturbance.

- **Flood plains, wetlands, or municipal watersheds** – None are present.
- **Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas** – The project is located within the Columbia River Gorge National Scenic Area (CRGNSA). The project was reviewed and found to be consistent with the Scenic Area Act and the CRGNSA Management Plan.
- **Inventoried roadless areas or potential wilderness areas** – None are present.
- **Research natural areas** – None are present.
- **American Indians and Alaska Native religious or cultural sites** – Cultural resource surveys have been completed and the resulting report has been reviewed by the Washington Department of Archaeology and Historic Preservation (DAHP, tribal representatives, and the CRGNSA Archeologist. DAHP has concurred that the proposed project will have no adverse effect on National Register-eligible or listed historic and cultural resources. Pursuant to the programmatic agreement between the USFS and the Washington State Historic Preservation Office, this project's actions are not likely to cause effects to any cultural or archeological resources.
- **Archaeological sites, or historic properties or areas** – Cultural resource surveys have been completed and the resulting report has been reviewed by the Washington Department of Archaeology and Historic Preservation (DAHP, tribal representatives, and the CRGNSA Archeologist. DAHP has concurred that the proposed project will have no adverse effect on National Register-eligible or listed historic and cultural resources. Pursuant to the programmatic agreement between the USFS and the Washington State Historic Preservation Office, this project's actions are not likely to cause effects to any cultural or archeological resources.

## PUBLIC INVOLVEMENT

A notice describing the project was sent to a mailing list of known interested parties and adjacent landowners on June 27, 2014. A period of 30 days was allowed for public comment. Project information was posted on the CRGNSA projects website. The following comments were received:

Gifford Pinchot Accountability Group felt the project should move ahead quickly with minimal environmental review.

*The Forest Service has completed the appropriate level of environmental review for the proposed action based on law, policy and regulations.*

The Friends of the Columbia Gorge submitted comments after close of the comment period. Comments generally stated that appropriate standards and guidelines should be met for consistency with the CRGNSA Management Plan and the National Environmental Policy Act (NEPA). Their comments also identified several missing elements in the site plan submitted for the project including vegetation, water bodies and grading information.

*The applicant provided additional information which was adequate detail for the review of the proposal for consistency with the CRGNSA Management Plan and NEPA.*

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

### CRGNSA Consistency

I find that the above proposal is consistent with the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan provided that it is implemented as described in the application materials, the CRGNSA Consistency Determination Findings of Fact, referenced as CD-14-06-S, and provided the following conditions are applied:

1. All planting/ seeding will be with plant species native to the area.
2. The proposed junction box should be painted a dark earth tone color, such as a dark brown.
3. Should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the CRGNSA office and the Washington Office of Archeology and Historical Preservation. The applicant will also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.
4. Within 1 year of project completion 80 percent of the surface disturbance area shall have established native ground cover species.

The following design criteria are required for consistency with other laws, regulations and policies which must be addressed for activities on National forest System Land:

1. Follow the most conservative applicable Industrial Fire Precaution Level (IFPL) guidelines, as well as any guidelines from State entities and the Forest Service.
2. Begin work on the western end of the project area moving eastward so as to reduce the possibility of any machinery noise disturbance to migratory nesting birds.
3. Permit holder will follow applicable operating conditions provided by the Forest Service for traffic control, backfilling the trench, replacing crushed aggregate, and maintaining road drainage and the road surface for residential and public use.

This decision is consistent with the Gifford Pinchot National Forest Land Management Plan and the Columbia River Gorge National Scenic Area Management Plan. See the attached Findings of Fact for consistency with CRGNSA guidelines.

### ADMINISTRATIVE REVIEW OPPORTUNITIES

A written request for review of the Consistency Determination, with reasons to support the request, must be received within 20 days of the date shown with the Area Manager signature below. This review process is specific to findings associated with the CRGNSA Management Plan. Requests for review should be addressed to: Request for CRGNSA Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.

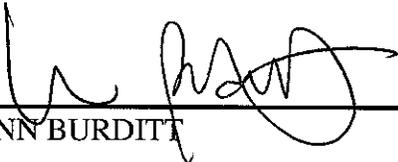
### IMPLEMENTATION DATE

The line replacement activities are expected to occur in September and October, 2014.

This project may begin immediately as long as it complies with the conditions as described in items above. This decision expires two years after the date on this determination. If implementation has not commenced before that date, a new consistency review or extension shall be required.

### CONTACT

The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Christine Plourde at the Columbia River Gorge National Scenic Area, phone: (541) 308-1713, e-mail: [cplourde@fs.fed.us](mailto:cplourde@fs.fed.us).

  
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 LYNN BURDITT

Scenic Area Manager

SEPTEMBER 4, 2014  
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 Date

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## FINDINGS OF FACT

<b>LANDOWNER:</b>	USDA Forest Service
<b>PROPOSED ACTION:</b>	Replace an existing underground power line along Oregon View Lane
<b>LOCATION:</b>	Township 1N Range 5E Section 17 Tax lot ID: 01051700110000
<b>NATIONAL SCENIC AREA DESIGNATION:</b>	Special Management Area
<b>LAND USE DESIGNATION:</b>	Agriculture
<b>LANDSCAPE SETTING</b>	Pastoral

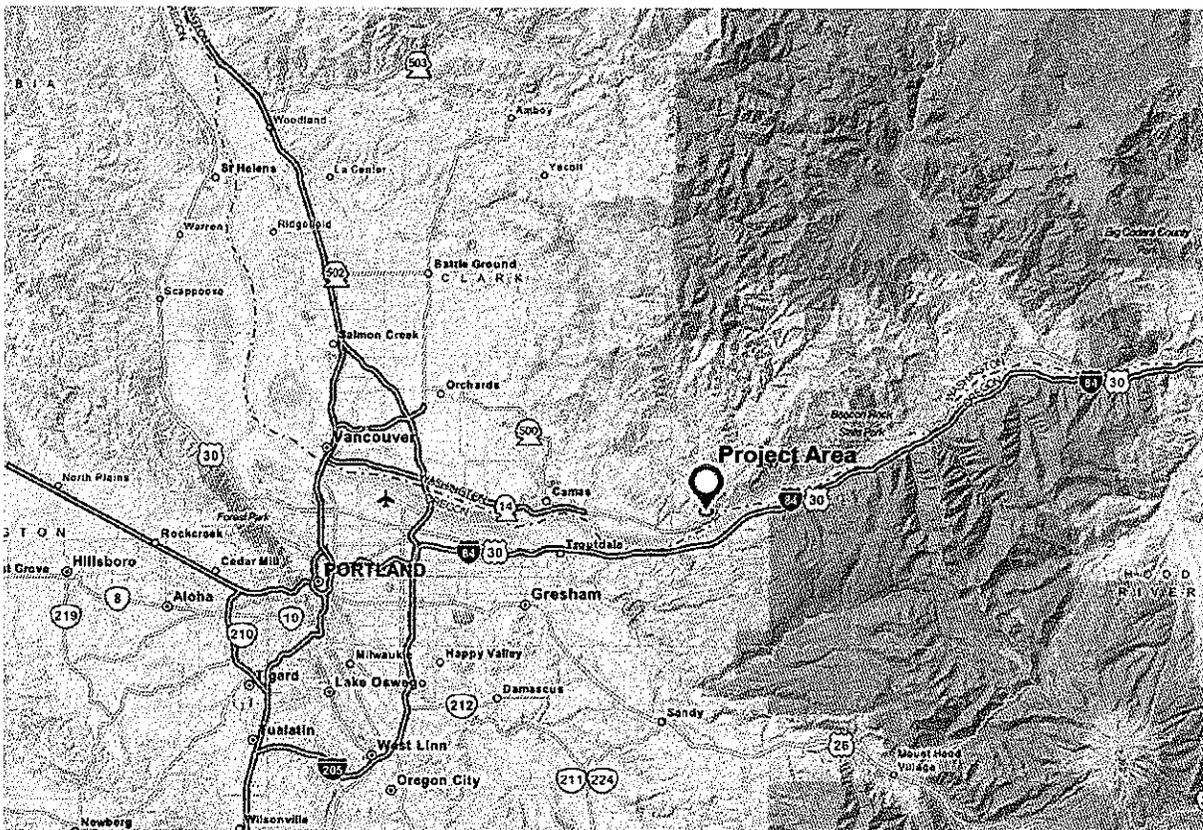


Figure 1. Oregon View Lane Vicinity Map

## FINDINGS OF FACT:

The following findings of fact contain the applicable standards and guidelines from the CRGNSA Management Plan. The Management Plan, as adopted in 2004 and updated in 2011, is in effect. The CRGNSA Management Plan standards and guidelines are displayed in regular type. The findings are displayed in **bold type**.

### A. PUBLIC COMMENT

A notice describing the project was sent to a mailing list of known interested parties and adjacent landowners on June 27, 2014. A period of 30 days was allowed for public comment. The following comments were received:

Gifford Pinchot Accountability Group felt the project should move ahead quickly with minimal environmental review.

The Friends of the Columbia Gorge submitted comments after close of the comment period. Comments generally stated that appropriate standard and guidelines should be met for consistency with the CRGNSA Management Plan and the National Environmental Policy Act.

### B. PROJECT PROPOSAL

Skamania PUD plans to replace 790 ft of existing URD power line along Oregon View Lane that has exceeded its design life and is deteriorating. Replacing the power line would increase system reliability. The project area has been previously disturbed and includes underground power lines, phone lines, and roadways. Approximately 176 cubic yards of material would be temporarily excavated for installation of the power line along the edge of a pasture. The trench would have a typical depth of 36" (48" max.) and width of 24" (36" max.). The new wire would be placed within a 2 1/2" conduit for added protection. After power line installation, the excavation would be backfilled to match the existing ground elevation and reseeded. The only aboveground structure associated with this project is one existing junction box (2' x 3') on the east end of the project area; no new above-ground structures would be added. The project is scheduled for construction in the summer or fall of 2014 and is expected to take approximately one to two weeks to complete.

The 0.2 acre project area is located within the National Scenic Area (NSA) Special Management Area (SMA) and is zoned as Agriculture (AG). Adjacent properties include Agriculture (SMA) (AG), Large-Scale Agriculture (GMA) A-1(80) and Small Woodland (GMA) F-3(20) zoning. The topography of the project area is generally flat. The nearest waterbody is over 650 feet west of the project area.

Within the project area approximately 790 feet of existing power line runs through the middle of a red alder grove (typically 12 – 36" dbh) that is directly adjacent to pasture. The alder became

established since the line was first installed over 40 years ago. Instead of placing the new power line along the existing alignment, which would require the removal of many of these trees, it is proposed that the alignment be shifted 10 feet to the north to the edge of pasture where there would be no permanent vegetation or access impacts. An alternative alignment just south of the grove along an existing dirt road was also considered. However, because the dirt road is heavily used to move cattle and equipment that alignment has a much higher potential for erosion and could cause a decrease in roadway stability.

Temporary vegetation impacts will be limited to 2,370 square feet along the edge of pasture. All areas of temporary disturbance would be reseeded upon project completion. Staging areas will also be located along the roadway and in the pasture.

### C. LAND USE DESIGNATIONS

*The Management Plan, Part II, Chapter 1 (Agriculture), SMA guidelines, states:*

O. Utility facilities necessary for public service, upon showing that:

- (1) There is no alternative location with less adverse effect on agriculture lands.
- (2) The size is the minimum necessary to provide service.

**Findings:** the proposed underground utility line is a replacement for an old line. The proposed alignment is designed to minimize impacts to the agriculture land by avoiding a row of trees and staying along the edge of a pasture. The size is the minimum necessary to complete the work. As described in the application it would be 24-26" wide. The proposed activity is consistent with SMA Agriculture review uses.

### D. SCENIC RESOURCES

*The Management Plan, Part I, Chapter 1 (Scenic Resources), SMA guidelines, states:*

#### SMA Design Guidelines Based on Landscape Settings

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):
  - A. Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.
    - (1) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows, as commonly found in the landscape setting, is encouraged.

**Findings:** as designed the project will retain an existing row of red alder trees along a pasture, preserving the pastoral character. It should be made a condition of approval that all planting/ seeding be with plant species native to the area.

1. The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas.

2. New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas.
3. The required SMA scenic standards for all development and uses are summarized in the following table:

<b>Required SMA Scenic Standards</b>		
LANDSCAPE SETTING	LAND USE DESIGNATION	SCENIC STANDARD
Coniferous Woodland, Oak-Pine Woodland	Forest (National Forest Lands), Open Space	Not Visually Evident
River Bottomlands	Open Space	Not Visually Evident
Gorge Walls, Canyonlands, Wildlands	Forest, Agriculture, Public Recreation, Open Space	Not Visually Evident
Coniferous Woodland, Oak-Pine Woodland	Forest, Agriculture, Residential, Public Recreation	Visually Subordinate
Residential	Residential	Visually Subordinate
<b>Pastoral</b>	<b>Forest, Agriculture, Public Recreation, Open Space</b>	<b>Visually Subordinate</b>
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

**Findings:** The proposed project is required to meet Visually Subordinate as it is within the Pastoral landscape setting. The project will meet Visual Subordinance as proposed, due to the minimum structural development and site disturbance. The scale of the proposal and distance from the Key Viewing Areas results in the project exceeding the scenic standard and meeting the more restrictive standard of Not Visually Evident.

4. In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

**Findings:** The project meets Visual Subordinance as proposed.

5. Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

**Findings:** The project meets Visual Subordinance as proposed.

9. Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure.

**Findings:** the only proposed structure is a junction box and will not exceed natural canopy height.

### **SMA Guidelines for KVA Foregrounds and Scenic Routes**

1. All new developments and land uses immediately adjacent to scenic routes shall be in conformance with state or county scenic route guidelines.

**Findings:** The proposed is not immediately adjacent to a scenic route. These guidelines do not apply.

### **SMA Guidelines for Areas Not Seen from KVAs**

1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

**Findings:** The proposed junction box should be painted a dark earth tone color, such as a dark brown.

**Cumulative Effects:** The proposed underground utility modification would have no effect to scenic resources; as such it would not contribute to cumulatively adverse effects.

## **E. CULTURAL RESOURCES**

*The Management Plan, Part I, Chapter 2 (Cultural Resources), SMA Policies states:*

1. New developments or land uses shall not adversely affect significant cultural resources.
2. Federal agencies shall follow steps 1 through 5 under Guideline 4 below, for new developments or land uses on all federal lands, federally assisted projects, and forest practices.
7. The Forest Service shall be responsible for performing steps 1 through 5 under guideline 4 for forest practices and National Forest system lands.
8. The Forest Service shall consult with the Indian tribal governments and other consulting parties in performing steps 1 through 5 under guideline 4.

*The Management Plan, Part I, Chapter 2 (Cultural Resources), SMA Guidelines states:*

5. Determination of potential effects to significant cultural resources shall include consideration of cumulative effects of proposed developments that are subject to any of the following: 1) a reconnaissance or historic survey; 2) a determination of significance; 3) an assessment of effect; or 4) a mitigation plan. (Added: U.S. Sec. Ag. concurrence 7/1/11)

**Findings:** The project was reviewed by Forest Service archaeologist Marge Dryden. No cultural survey was required.

A condition should be placed stating that should any historic or prehistoric cultural resources be uncovered during project activities, the applicant shall cease work and immediately notify the CRGNSA office and the Washington Office of Archeology and Historical Preservation. The applicant should also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.

**Cumulative Effects:** There would be no adverse effect to cultural resources and as such there would be no cumulatively adverse effects to cultural resources by the proposed project.

## F. NATURAL RESOURCES

*The Management Plan, Part II, Chapter 3 (Natural Resources), SMA guidelines, states:*

### WATER RESOURCES (WETLANDS, STREAMS, PONDS, LAKES, AND RIPARIAN AREAS)

**Findings:** The proposed project is not within the buffer of water resources. These guidelines are not applicable.

## WILDLIFE AND PLANTS

A. Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 ft of a sensitive wildlife/plant site and/or area.

Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 2, including all Priority Habitats listed in this Chapter. The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the Forest Service and the appropriate state agencies (Oregon Department of Fish and Wildlife or the Washington Department of Wildlife for wildlife issues and by the Oregon or Washington Natural Heritage Program for plant issues).

C. The Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall: (1-4)

D. The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site: (1-8)

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed on the following Priority Habitats Table. This includes maintaining structural, species, and age diversity,

maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

<b>Priority Habitats Table</b>	
Priority Habitats	Criteria
Aspen stands	High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.
Caves	Significant wildlife breeding habitat, limited availability, dependent species.
Old-growth forest	High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.
Oregon white oak woodlands	Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.
Prairies and steppe	Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.
Riparian	High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.
Wetlands	High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.
Snags and logs	High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.
Talus	Limited availability, unique and dependent species, high vulnerability.
Cliffs	Significant breeding habitat, limited availability, dependent species.
Dunes	Unique species habitat, limited availability, high vulnerability, dependent species.

E. The wildlife/plant protection process may terminate if the local government, in consultation with the Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant

accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

**Findings:** The proposed project was reviewed by Forest Service biologist Brett Carre. Notice of the project was provided to Washington Department of Fish & Wildlife. Project has no adverse effects to federally listed species or Forest Sensitive species or WA state listed or sensitive species. The project is within the vicinity of general peregrine falcon use on the cliffs of Cape Horn, but the project is sufficiently away to not cause any disturbance (since it is up on the plateau away from the cliffs, and there is road noise already occurring on State Rd. 14. Possibility of machinery noise disturbance to ground nesting birds would be reduced if the project started on the west end of Oregon View Road and then go to the east (forested area).

**It should be recommended that the project work start at the west end and continue east.**

I. Determination of potential natural resources effects shall include consideration of cumulative effects of proposed developments within the following areas: 1) sites within 1,000 feet of sensitive wildlife areas and sites; and 2) sites within 1,000 feet of rare plants. (Added: U.S. Sec. Ag. concurrence 7/1/11)

**Cumulative Effects:** The proposed project would not result in adverse effects to sensitive wildlife or rare plants; as such it would not contribute to a cumulatively adverse effect.

#### 4. Soil Productivity

A. Soil productivity shall be protected using the following guidelines:

- (1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.
- (2) New developments and land uses shall control all soil movement within the area shown on the site plan.
- (3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.
- (4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

**Findings:** The proposal includes temporary exaction of approximately 176 cubic yards of soil. The soil would be backfilled to match the existing ground level and reseeded. The project area addresses utility needs for multiple parcels of land beyond the direct project impacts and as such would not exceed 15 percent of that area. The soil movement is not within the vicinity of a stream.

**It should be made a condition of approval that within 1 year of project completion 80 percent of the surface disturbance area have established native ground cover species.**

## G. RECREATION RESOURCES

*The Management Plan, Part II, Chapter 4 (Recreation Resources), SMA guidelines, state:*

1. New developments and land uses shall not displace existing recreational use.
2. Recreation resources shall be protected from adverse effects by evaluating new developments and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.
4. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

**Findings:** The proposed development would not displace existing recreation use. There would be no adverse effect to recreation and no mitigation required.

**Cumulative Effects:** The proposal would have no adverse effect to recreation resources. These activities would not contribute to adverse cumulative effects.

## H. CONCLUSION

The proposed modification of underground utilities along Oregon View Drive on National Forest System land is consistent with the National Scenic Area Management Plan Policy and Guidelines provided they meet the criteria and conditions listed in the Findings of Fact and Consistency Determination.