



EXPEDITED CONSISTENCY DETERMINATION
PAVING EXISTING RAILROAD FOR PEDESTRIAN USE, CD-11-06-G
U.S. ARMY CORPS OF ENGINEERS
THE DALLES DAM VISITOR CENTER
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA
WASCO COUNTY, OREGON

BACKGROUND

The proposed paving of an existing railroad bed by the U.S. Army Corps of Engineers at The Dalles Dam is required to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act as determined by the Forest Service pursuant to Section 14(d) of the Columbia River Gorge National Scenic Area Act. A complete consistency review application was received my office in October 2011.

DECISION

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-11-06-G, and provided the following conditions are applied:

1. 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.
2. The barriers used to control vehicle and pedestrian flow should be painted Sherwin Williams color 6097 (brown) or another color approved by the Forest Service to meet visually subordinate scenic standards.

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. Requests for review should be addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.



IMPLEMENTATION DATE

This project may begin immediately as long as it complies with the conditions as described in items (1-2) above. This decision expires two years after the date shown with the Area Manager signature below. 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.

DAINA L. BAMBE

Area Manager

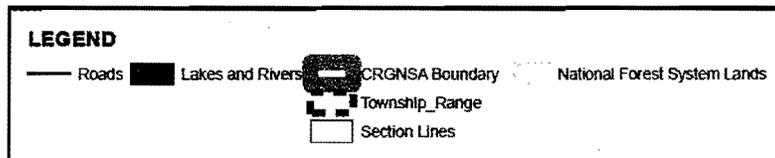
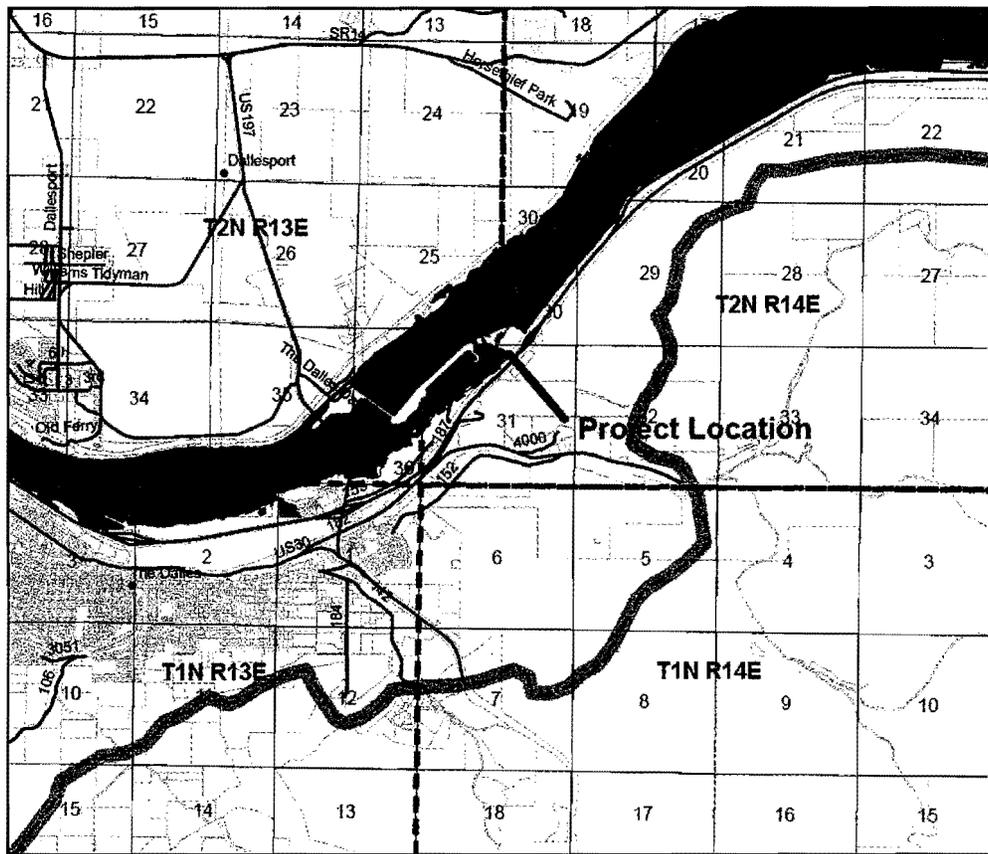
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Date

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FINDINGS OF FACT

LANDOWNER:	U.S. Army Corps of Engineers
PROPOSED ACTION:	Pave an existing railroad grade for pedestrian use
LOCATION:	Township 2N, Range 14E, Section 31 Tax lot: 200 UTM: 513107, 1284227
NATIONAL SCENIC AREA DESIGNATION:	General Management Area
LAND USE DESIGNATION:	Public Recreation
LANDSCAPE SETTING	River Bottomlands



This map was produced by the Columbia River Gorge National Scenic Area (CRGNSA). It is compiled from many different data sources. The CRGNSA is not responsible for the use or misuse of any information represented here. For additional information contact the Columbia River Gorge National Scenic Area office at: (541) 308-1700.

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 October 31, 2011. A period of 10 days was allowed for public comment. The following comments were received:

The Friends of the Columbia Gorge submitted comments stating they were overall supportive of the proposal however the project should meet the appropriate resource guidelines. The Friends of the Columbia Gorge emphasized the requirement to address cumulative effects for Natural and Cultural resources.

This project is only required to meet the expedited review guidelines which are addressed in the following findings of fact.

B. PROJECT PROPOSAL

Proposal – The proposed project is to remove portions of the railroad tracks from The Dalles Dam Visitor Center east towards Patterson Park located within the security fencing of The Dalles Dam. A section of railroad tracks were removed from behind The Dalles Dam Visitor Center and will be replaced with a ADA/ABA sidewalk that will allow for access from the Visitor Center to the current The Dalles Riverfront Trail. Another section of tracks will be removed from the east and west sides of the 15 Mile Creek Bridge to allow for the placement of vehicle barriers. The largest portion of railroad tracks removed was from Patterson Park west towards The Dalles Riverfront Trail (approximately ¼ mile west in distance). This portion of track removal made way for the construction of an additional length for The Dalles Riverfront Trail to access Patterson Park, which is adjacent to the dam. The new portion of the trail would be new asphalt over the train track rock bed and adjacent to an existing paved access road. The trail will not only provide public access to public lands at Patterson Park but also provides access to tribal fishing platforms on the east side of 15 Mile Creek, a mandatory Corps requirement. Access for tribal members is a reserved right of the treaties of 1855 between the Columbia River Tribes and the US Government. The treaties were upheld in Supreme Court cases U.S. vs Winans.

History and Current Use of the Trail and Railroad Tracks – Constructed in 1907, the railroad tracks was originally owned by the railroad and used until The Dalles Dam was completed in 1957. During construction of the dam the railroad line was redirected south to its current location making the bridge for freight movement unnecessary. The U.S. Army Corps of Engineers took control of the tracks after the rail line was redirected in 1956 and it continues to be a Corps asset. The Corps managed a tour train from 1973 to 2001 that started at The Dalles

Dam Visitor Center, crossed the 15-Mile Creek Bridge then traveled to The Dalles Dam carrying visitors to tour the dam and picnic at Patterson Park, which is adjacent to the Dam. In 2004 the train ceased operation due to maintenance concerns (safety), long-term operational issues, and cost. Through a Memorandum of Agreement with the Oregon State Historic Preservation Office (SHPO) via mitigation measures preserving the history of train use at the site, train tracks that the tour train used were partially removed to make room for a rails-to-trails route that will also include use by a type of electric shuttle (battery operated mini bus or passenger cart) to once again carry passengers to tour the dam and picnic at Patterson park. The electric shuttle and rails-to-trails project is a joint effort between the city of The Dalles and the Corps with the Federal Transportation Administration providing a transit in parks grant to the city. Other partners include Mid-Columbia Economic Development District, Northern Wasco County Park & Recreation District, and The Dalles Chamber of Commerce.

The rails-to-trails path is part of a larger concept that created an 10-mile riverfront trail between the Dam on the east side of the city and The Columbia River Gorge Discovery Center & Wasco County Historical Museum on the outskirts of the west side of the city.

The Concept – When the railroad tracks are removed, construction of the new portion of The Dalles Riverfront Trail will begin. Along with the construction of the trail, vehicle barriers will be placed for safety and sidewalk access to the trail will be constructed. It will also allow electric tram shuttle access from The Corps of Engineers Dalles Visitor Center to Corps Dam and Patterson Park. The public will be able to access the trail for recreation activities including walking, running or biking. Tribal fishermen will use the trail to access their fishing platforms located along the trail on the east side of 15 Mile Creek.

Railroad Track/Trail Details:

- Tracks built in 1907
- Ownership of tracks changed from railroad to Corps of Engineers in 1956
- Tour train deemed unsafe in 2004
- Original The Dalles Riverfront Trail built 1990s
- Approximately 3065 ft of rail and 1000 ties removed

Current Condition of Trail and Railroad Tracks: The portions of tracks behind the The Dalles Dam Visitor Center and near Patterson Park were removed by the Corps of Engineers during the winter of 2010/2011. The remainder of the tracks continue in their original location with the exception of approximately 75 feet of tracks on both the east and west side of 15 Mile Creek Bridge. Those tracks will be replaced by vehicle barriers. The Dalles Riverfront Trail from 15 Mile Creek Bridge east toward The Dalles Dam is currently closed until safety improvements can be made to the bridge to allow for pedestrian access. Those improvements are scheduled to be completed by December of 2011 and access will be opened for public and tribal access.

C. EXPEDITED DEVELOPMENT REVIEW

The Management Plan, Part II, Chapter 7 (General Policies and Guidelines), Expedited Development Review Process, states:

1. The following developments may be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines listed below.
 - P. The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):
 - (3) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

Findings: The proposal falls under the paving of existing dirt and gravel roads. The project is consistent with uses allowed for expedited review.

D. RESOURCE AND TREATY RIGHTS PROTECTION GUIDELINES

1. Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:
 - A. Scenic
 - (1) In the General Management Area, the scenic resource protection guidelines shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.
 - (2) 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.
 - (3) Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.
 - (4) 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.
 - (5) Signs shall comply with the applicable sign guidelines in the Management Plan (Part I, Chapter 1: Scenic Resources GMA Sign guidelines and Part II Chapter 7, SMA Sign guidelines).
 - (6) Structures within ½-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).
3. **Findings:** The proposal is within the foreground of I-84 and the Columbia River. The scenic standard is Visually Subordinate. The proposed paving material is asphalt, which is consistent with dark earthtone colors. The barriers used to control vehicle and pedestrian flow should be painted Sherwin Williams color 6097 (brown) or another color approved by the Forest Service to meet visually subordinate scenic

standards as a condition of approval. The proposal will meet expedited scenic resource guidelines as mitigated.

B. Cultural

- (1) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The GMA Cultural Resources Policies 6 and 7 (Part I, Chapter 2) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.
- (2) The GMA "Cultural Resources Discovered After Construction Begins" Guideline 1 and "Discovery of Human Remains" Guideline 1 (Part I, Chapter 2) shall be applied as conditions of approval for all development approved under the expedited development review process.

Findings: A reconnaissance or historic survey was not required for this proposal.

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.

C. Recreation

- (1) The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

Findings: The proposal will not detract from the enjoyment of established recreation sites; it will enhance public access to Patterson Park recreation.

D. Natural

- (1) Wetlands, Streams, Rivers, Ponds, and Lakes
 - (a) 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.
- (2) Sensitive Wildlife and Sensitive Plants
 - (a) The development meets one of the following:
 - (i) The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or
 - (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; or
 - (iii) For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey

habitat), but an appropriate federal or state wildlife agency determines (1) the sensitive wildlife area or site is not active or (2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon 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 sensitive plants.

(b) Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife or sensitive plants [see GMA "Site Plans and Field Surveys for Review Uses Near Sensitive Wildlife Areas and Sites" Guidelines 1 and 2, and "Site Plans and Field Surveys for Review Uses Near Sensitive Plants" Guidelines 1 and 2 (Part I, Chapter 3)].

Findings: The proposed development is inside a previously disturbed area which has been regularly maintained.

2. Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

A. Proposed developments 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 an Indian tribe 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 2.B above, the GMA and SMA treaty rights and consultation goals, policies and guidelines in Chapter 3, Section IV of the Management Plan shall not apply to proposed developments reviewed under the expedited review process.

Findings: The proposed development has been reviewed by Archaeologist/ Heritage Resource specialist Marge Dryden. The proposed development is consistent with the above guidelines.

E. CONCLUSION

The proposed paving project 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.