



EXPEDITED CONSISTENCY DETERMINATION
TEMPORARY FISH MONITORING EQUIPMENT, CD-12-01-S
LOWER COLUMBIA RIVER ESTUARY PARTNERSHIP
HORSETAIL CREEK
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA
MULTNOMAH COUNTY, OREGON

BACKGROUND

The proposed temporary installation of fish monitoring equipment 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 December 2011. This consistency determination does not negate requirements by the applicant to acquire other appropriate permits such as from Oregon Department of Transportation.

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-12-01-S, and provided the following conditions are applied:

1. The frames and backs of the solar panels and associated structures shall be painted a dark earth tone color, as approved by the Forest Service, with a matte finish.
2. Solar panels shall be separated into smaller panels; angles of panels should be approved by the Forest Service.
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.

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 (1-3) 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.

LYNN BURDITT

Area Manager

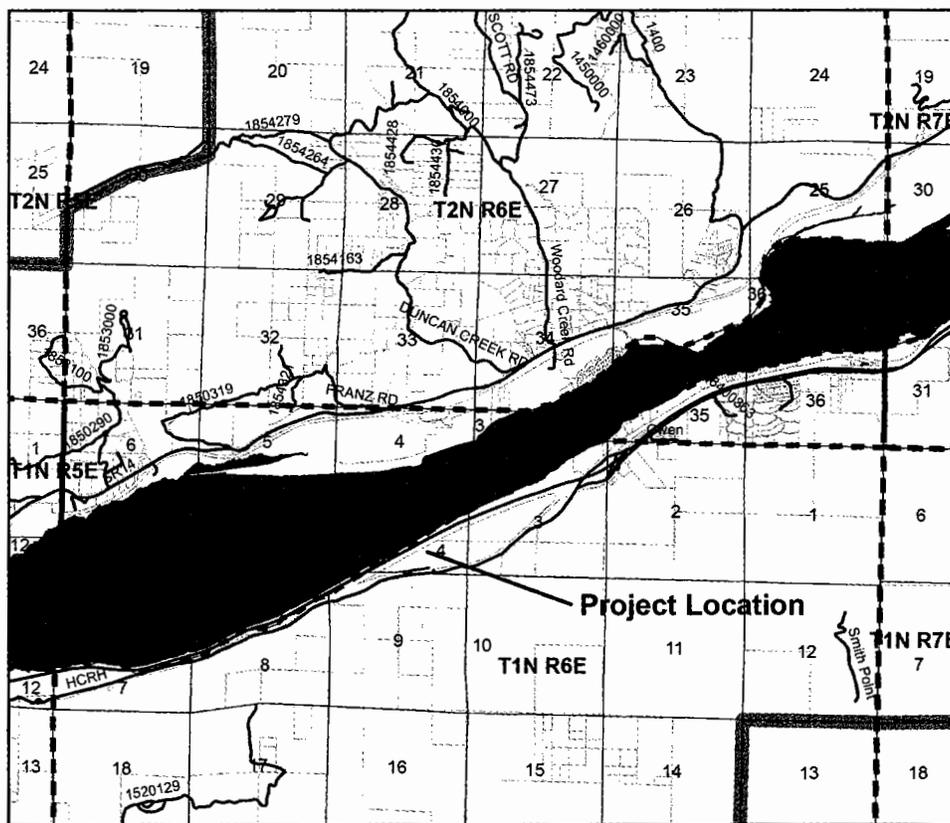
Date

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FINDINGS OF FACT

LANDOWNER:	U.S. Forest Service
PROPOSED ACTION:	Install a temporary fish monitoring device at Horsetail Creek
LOCATION:	Township 1N, Range 6E, Section 4 Tax lot: 1N6E04-00100 UTM: 438190, 1282759
NATIONAL SCENIC AREA DESIGNATION:	Special Management Area
LAND USE DESIGNATION:	Open Space
LANDSCAPE SETTING	River Bottomlands

Temporary Fish Pit Tag Reading Monitor, CD-12-01-S



LEGEND

- Roads
- Lakes and Rivers
- CRGNSA Boundary
- Township_Range
- Section Lines

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 December 28, 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, including sensitive species and meet NEPA requirements.

This project is only required to meet the expedited review guidelines which are addressed in the following findings of fact. The proposal does not require documentation for NEPA.

B. PROJECT PROPOSAL

This PIT tag reader and solar panel will be installed temporarily to collect data on listed fish species using the Horsetail wetlands. LCREP will be installing this in collaboration with NOAA. The unit will be installed by hand this winter (2011-2012) to begin collecting data before the high flows on the Columbia River in June and before the restoration work begins in Aug. 2010. The location of the solar panels is within the buffer zones of the wetland and is in an area being evaluated for earth work as a result of the planned restoration. The soil disturbance associated with this pit tag reader is located in an area that has been surveyed for resource concerns as a result of the NEPA being completed for the restoration project (to be reviewed in Jan-Feb 2012).

Description of Pit Tag Array Design:

The Lower Columbia River Estuary Partnership (Estuary Partnership) has funding through the Bonneville Power Administration to install a Passive Induced Transponder (PIT) tag array at Horsetail Creek in the Columbia River Gorge. The PIT tag array will be installed on either end of the culvert to record fish going into and out of the I-84 culvert. The purpose of the PIT tag array is to assess fish passage through the culvert, residence times in Horsetail creek and gauge effects of the potential restoration work upstream and in the culvert. The first year of data from the PIT tag array will provide pre-construction, baseline data at the culvert in order to assess the effectiveness of the restoration effort. NOAA NMFS (NOAA) will be conducting the PIT tag array installation, maintenance and data collection.

NOAA will be using the IS1001-MTS PIT tag array system at Horsetail Creek. The power requirements for the FS1001-MTS Master Controller unit and 10 antenna control nodes (ACNs);

5 on each end of the culvert) is 50 watts per hour. NOAA will need to install a solar array at the site capable of producing about 1.2 kilowatts of power. The proposed solar array will require about 81 square feet of solar panels (approximately 8 feet by 10 feet) and will consist of either four 280 watt panels or six 190 watt panels. The panels will be mounted atop a 4 or 6 inch pole and sit approximately 10-12 feet above ground level. Such a height is necessary due to the extremely high water levels observed in late June early July. Placement of the solar array will be along the North bank of Horsetail Creek (Lat/Long is 45.591301°/-122.075767°) as high up the bank and near the tree line as possible, without compromising (shading) the panels. The solar panels will be obscured by leaf cover in the spring/summer but may be slightly more visible in the fall/winter when deciduous trees have shed their leaves.

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.
 - J. Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

Findings: The monitoring equipment is less than 120 square feet and less than 12 feet in height. The proposal is a type of development which is eligible 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
 - (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.
 - (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).

Findings: The proposal would be topographically visible from the following Key Viewing Areas:

**Historic Columbia River Highway (Foreground and Middle ground)
Interstate 84 (Foreground and Middle ground)
Pacific Crest National Scenic Trail (Background)**

The scenic standard for SMA Open Space is Not Visually Evident.

Not Visually Evident (SMA): A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

(Management Plan)

The solar panels would be in the foreground of I-84 and the HCRH and angled to the South.

HCRH & PCNST

The solar panels as seen from the HCRH and PCNST would be heavily screened by existing mature deciduous vegetation in the summer months. During the winter months, during leaf off, the solar panel would receive less direct sunlight, as the sun would be at a lower angle and the gorge walls would shadow it part of the day. The reflective surfaces of the panels would be partially visible as seen from the HCRH during winter months. A casual observer from the HCRH or PCNST would not likely spend time staring in the direction of the PIT tag reader. Primary views are to the waterfalls to the South or expansive views of the gorge. The casual observer may notice it as a passenger in a vehicle for a few seconds when the sun is reflecting off of it but it would be broken up by vegetation. In order to reduce the total area of visible reflected light at one time the panels should be separated into smaller panels as a condition of approval, angles of panels should be approved by the Forest Service.

The solar panels would be angled to the South so the reflective surface would not be visible from I-84. The frames and backs of the solar panels and associated structures will be in the foreground of I-84 and they should be painted a dark earth tone color, as approved by the Forest Service, with a matte finish to meet this guideline. With the required painting, a casual observer may get a partial glimpse of the back of the solar panels as driving on I-84 East bound but would not likely be noticeable due to the color and speed of travel.

Considering the existing screening, the casual observers perspective and mitigation measures the proposal would meet Not Visually Evident.

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 if 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: The proposal was reviewed by Forest Service Archaeologist Marge Dryden who determined the proposal that a reconnaissance or historic survey was not required.

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 would not detract from existing adjacent recreation use. The closest recreation site is along the Historic Columbia River Highway. Incidental dispersed recreation may occur in this area however this proposal would not affect that opportunity or experience.

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:

(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

Findings: The proposed development is inside the interstate right-of-way which has been previously disturbed.

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 temporary monitoring equipment would be 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.