



Jordan Road to Sandy River Delta Multi-Use Path

Multnomah County, Oregon

Consistency Determination (CD-25-02-S)

Background

The Oregon Department of Transportation (ODOT) is proposing to design and construct an approximately 1150 ft, 8 ft wide paved, multi-use path (MUP) with 2 ft gravel shy/shoulders parallel to Jordan Rd between the I-84 pedestrian tunnel (mile point 17.81) and the Sandy River Delta in Multnomah County, Oregon. The MUP will be constructed using a two retaining wall system cutting and filling into Jordan Rd's northern side slope.

Decision

I find that the above proposal is consistent with the Management Plan for the Columbia River Gorge National Scenic Area (CRGNSA) if it is implemented as described in the application materials, the CRGNSA Consistency Determination and Findings of Fact referenced as CD-25-02-S, and provided the following conditions are applied:

1. All metal elements shall be powder coated black.
2. The inadvertent discovery procedure described in the Cultural Resources section of the Consistency Determination shall be followed in the event that cultural resources are discovered during construction.
3. Disturbed areas within the wetland buffer disturbed by trail construction shall be reseeded or replanted with native plant species.
4. 80 percent of the project area with surface disturbance shall be established with effective native ground cover species within one year of project completion.
5. ODOT shall submit a final monitoring report within 3 years of this Decision documenting the growth of native plant species in the disturbed areas. If the plantings and seedlings have not been successful, the monitoring process shall be extended until ODOT satisfies the requirement to replant with native species.
6. The trail shall not have motorized uses, except for emergency services.

Administrative Review (Appeal) Opportunities

A written request for review of the National Scenic Area Consistency Determination, with reasons to support the request, must be received within 20 days of the date shown with the Forest Supervisor signature below. Requests for review should be addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208. An electronic copy of the request should be provided to the USFS-



Forest Service
U.S. DEPARTMENT OF AGRICULTURE

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CRGNSA Office at 902 Wasco Street, Suite 200, Hood River, Oregon 97031, ATTN Appeals, and/or emailed to appeals-pacificnorthwest-columbia-river-gorge-nsa@usda.gov.

Implementation Date

This project may begin immediately after the date on this decision. Project implementation must comply with the conditions of approval described above. The Consistency Determination expires two years after the date on this determination. If implementation has not commenced before that date, a new consistency review or request for extension shall be required.

5-30-2025

DONNA MICKLEY

Forest Supervisor

Columbia River Gorge National Scenic Area

Date



CRGNSA Consistency Determination

Jordan Road to Sandy River Delta Multi-Use Path, CD-25-02-S

ODOT ROW and Tax Lot #1N3E25-00100, Multnomah County, Oregon

FINDINGS OF FACT

LANDOWNER:	Oregon Department of Transportation, USDA Forest Service
APPLICANT:	Oregon Department of Transportation
PROPOSED ACTION:	Construct a multi-use path connecting an existing path to the Sandy River Delta trailhead
LOCATION:	T01N R03E, NW1/4 Sec 25, W.M.
NATIONAL SCENIC AREA DESIGNATION:	Special Management Area
LAND USE DESIGNATION:	Public Recreation
LANDSCAPE SETTING:	River Bottomlands

The following findings of fact contain the applicable standards and guidelines from the CRGNSA Management Plan. The Management Plan, as adopted in 2020, is in effect. The CRGNSA Management Plan standards and guidelines are displayed in regular type. The findings are displayed in **bold type**.

Project Site Plan



Public Comment

A notice describing the project was sent to a mailing list of known interested parties and adjacent landowners on February 26, 2025. A period of 30 days was allowed for public comment. The following comments were received:

Comment: Steve McCoy, Staff Attorney for Friends of the Columbia River Gorge, stated that the site plan did not adequately show existing development, and that the trail must be sited in a location that achieves the scenic standards. Additionally, the comment generally stated that the project must meet Management Plan guidelines to protect scenic, cultural, natural, and recreation resources.

Response: CRGNSA staff reviewed the site plan for consistency with Management Plan requirements. The only existing development within the project area is Jordan Road south of the project area, the pedestrian tunnel under Interstate 84 at the west end of the trail, and Thousand Acres Road at the east end of the trail. The application materials note that an "unimproved gravel pedestrian trail" exists adjacent to Jordan Road, but it is an unofficial user trail and was not constructed as a trail. Consistency with the siting requirements in the Scenic Resources chapter of the Management Plan are discussed below, as are the other resource protection guidelines.

Comment: David Witt, representing the Confederated Tribes of the Warm Springs Reservation Oregon, stated that he had reviewed the application as well as past survey materials, and that CTWSRO had no concerns regarding the project.

Response: CRGNSA staff thank David and CTWSRO for their review.



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Comment: Lauri Brewster, Regional Habitat Biologist with the Oregon Department of Fish and Wildlife, raised concerns about potential impacts to the wetlands from trail runoff and from removal of vegetation within the trail development area.

Response: CRGNSA staff discussed the project with ODFW staff on March 14, 2025. Following that conversation, ODFW concluded that the project would not have significant impacts to the wetlands.

Project Proposal

The Oregon Department of Transportation (ODOT), in partnership with the Federal Highway Administration (FHWA), is proposing to design and construct an approximately 1150 ft, 8 ft wide paved, multi-use path (MUP) with 2 foot wide gravel shy/shoulders parallel to Jordan Road between the I-84 pedestrian tunnel (mile point 17.81) and the Sandy River Delta in Multnomah County, Oregon. The MUP will be located on the northern road fill embankment of Jordan Road. The MUP will be constructed using a two retaining wall system cutting and filling into Jordan Road's northern side slope. This construction will increase safety by moving pedestrian and bike traffic off the current unofficial and unimproved gravel user trail located directly adjacent to the Jordan Road guardrail and slightly downslope onto the proposed paved MUP. Construction impacts will be less than 1 acre, but ODOT expanded the study area to include all potential construction staging and laydown areas nearby. ODOT proposes staging at areas within and adjacent to the on and off ramps of I-84 and Jordan Road and at a gravel pullout located at the intersection of NE Marine Dr and NW Frontage Rd outside of the National Scenic Area. The total API and APE is approximately 9 acres.

Land Use Designation

The following is an allowable review use on lands designated SMA Public Recreation subject to review for compliance with scenic, cultural, natural, and recreational resources guidelines:

Public trails, consistent with the provisions in Part I, Chapter 4: Recreation Resources.

Finding: The proposed use is a public trail, and is allowable subject to review and consistent with the provisions in Part I, Chapter 4: Recreation Resources. The Recreation Resources chapter includes SMA Guidelines for the protection of recreation resources, as well as the Recreation Intensity Classes which determine what recreation uses are permissible within a given designated area. The proposed use occurs in an area designated Recreation Intensity Class 4, High Intensity Recreation, and a public trail is an allowable recreation use in the designation. Further review of these guidelines occurs in the Recreation section of this Consistency Determination.



Scenery

SMA Design Guidelines Based on Landscape Settings

Finding: The site is within the River Bottomlands Landscape Setting.

1. The following guidelines apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas visible from KVAs as well as areas not visible from KVAs):

D. River Bottomlands: River Bottomlands shall retain the overall visual character of a floodplain and associated islands.

(1) Buildings shall have an overall horizontal appearance in areas with little tree cover.

(2) Use of plant species native to the landscape setting. Examples of native species are identified in the Scenic Implementation Handbook as appropriate to the area shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.

Finding: No new buildings are proposed. Areas disturbed by trail development will be reseeded with native forbs and grasses. Use of native plant species is required under Natural Resource protection guidelines. This guideline is met.

SMA Guidelines for Development and Uses Visible from KVAs

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

Finding: The proposed development is topographically visible from the following Key Viewing Areas:

KVA	FOREGROUND	MIDDLEGROUND	BACKGROUND
Interstate 84	Yes (.05 miles)	Yes, irregularly	
Sandy River	Yes (.15 miles)		
SR 14			Yes (4.5 miles)
Women's Forum			Yes (5.7 miles)
HRCH			Yes (6.5 miles)
Crown Point			Yes (6.5 miles)
Larch Mountain Rd			Yes (7 miles)

2. New development 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.

Finding: Consistency with the guidelines of this chapter of the Management Plan ensure that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas. Visibility of the proposed use is greatly reduced due to the trail's location downslope of Jordan Road, as seen from Interstate 84 and the



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Sandy River. The scale of the proposed use limits its visibility in the Background from SR 14, Portland Women's Forum, the Historic Columbia River Highway, Crown Point, and Larch Mountain Road.

3. The required SMA scenic standards for all development and uses are summarized in the following table:

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
Pastoral	Forest, Agriculture, Public Recreation, Open Space	Visually Subordinate
River Bottomlands	Forest, Agriculture, Public Recreation	Visually Subordinate

Finding: The required SMA scenic standard for the proposed use is *visually subordinate*.

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.

Finding: The River Bottomlands landscape setting is defined by flat or gently sloping lands with minimal topographic complexity, dominated by stands of deciduous trees and riparian vegetation. The project area is a typical example of the landscape setting. These natural landscape elements create a horizontal form that is replicated by the trail and associated development, including railings. The horizontal form of the trail will not noticeably contrast with the horizontal form of the landscape, meeting the scenic standard of visually subordinate. This guideline is met.

5. Proposed development 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.

Finding: The proposed trail is sited north of and adjacent to Jordan Road. This location was chosen to balance between protection of water resources downslope, and to create physical separation from Jordan Road to increase safety for trail users. The proposed trail uses the existing topography to achieve the scenic standard of visual subordinance as seen from Interstate 84 and the portions of the Sandy River south of the trail. For the portions



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of the trail visible in the Background from SR 14, Portland Women's Forum, the Historic Columbia River Highway, Crown Point, and Larch Mountain Road, the proposed trail will not be distinguishable from Jordan Road. Further, intervening vegetation adjacent to the north of the proposed trail, and intervening vegetation between KVAs and the trail, ensure that the trail is obscured from public view and achieves the scenic standard of visual subordinance. This guideline is met.

6. The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

A. Decisions shall include written findings addressing the factors influencing the degree of visibility, including but not limited to:

- (1) The amount of area of the building site exposed to key viewing areas,
- (2) The degree of existing vegetation providing screening,
- (3) The distance from the building site to the key viewing areas from which it is visible,
- (4) The number of key viewing areas from which it is visible, and
- (5) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

B. Conditions may be applied to various elements of proposed developments to ensure they meet the scenic standard for their setting as visible from key viewing areas, including but not limited to:

- (1) Siting (location of development on the subject property, building orientation, and other elements),
- (2) Retention of existing vegetation,
- (3) Design (form, line, color, texture, reflectivity, size, shape, height, architectural and design details and other elements), and
- (4) New landscaping.

Finding: The proposed trail is sited north of and adjacent to Jordan Road, significantly limiting its visibility from the I-84 and Sandy River Key Viewing Areas. The western and eastern extents of the trail are at road level and more visible from these KVAs, but these sections of the trail are not as developed and, therefore, are not visually obtrusive in conjunction with Jordan Road and other adjacent development. The adjacent areas west, north, and east of the trail are heavily vegetated, screening the proposed trail from the SR 14, Portland Women's Forum, the Historic Columbia River Highway, Crown Point, and Larch Mountain Road KVAs. Further, at distances greater than 4.5 miles, all intervening vegetation provides screening of the proposed trail from these KVAs. Conditions regarding design have been applied through consideration of color and reflectivity guidelines below.



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No other conditions are necessary to ensure the proposed trail meets the scenic standard of visually subordinate. This guideline is met.

7. Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

Finding: Findings showing consistency with these guidelines are below. This guidelines is met.

8. Proposed development shall not protrude above the line of a bluff, cliff, or skyline as visible from key viewing areas.

Finding: The proposed trail does not protrude above the line of a bluff, cliff, or skyline as visible from Interstate 84. This guideline is met.

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.

Finding: The tallest structural component of the trail is the railing north of the trail, at a height of approximately four feet. Average tree height canopy in the area exceeds 50 feet. This guideline is met.

10. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

A. New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

B. If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

C. Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

D. The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

Finding: No new landscaping is proposed to screen development from KVAs. This guideline does not apply.



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11. Unless expressly exempted by other provisions in this chapter, colors of structures on sites 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. The Scenic Resources Implementation Handbook shall include a recommended palette of colors as dark, or darker than the colors in the shadows of the natural features surrounding each landscape setting.

Finding: The application material specify that the structures associated with the trail will be dark earth tone colors, but do not specify a material or method for ensuring consistency with this guideline. CRGNSA staff contacted ODOT staff, who stated that the railing will be metal and will be powder coated black. A condition of approval shall require the railing to be black.

12. The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure meeting the scenic standard. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.

Finding: The application materials specify that that the structures associated with the trail will be non-reflective, but do not specify a material or method for ensuring consistency with this guideline. CRGNSA staff contacted ODOT staff, who stated that reflective elements will be powder coated black. A condition of approval shall require that the railing to be powder coated black to remove potential reflectivity.

13. Any exterior lighting shall be sited, limited in intensity, and shielded or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.

Finding: No lighting is proposed. This guideline does not apply.

14. Seasonal lighting displays may be permitted on a temporary basis, not to exceed 3 months.

Finding: No seasonal lighting displays are proposed. This guidelines does not apply.

15. New buildings shall be compatible with the general scale of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include but are not limited to:

- A. Application of the landscape setting design guidelines, if applicable.
- B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.
- C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
 - (1) All finished above ground square footage;
 - (2) Total area of covered decks and porches;



- (3) Attached garages
- (4) Daylight basements
- (5) Breezeways, if the breezeway shares a wall with an adjacent building
- (6) Dimensions, based on information from the application or on Assessor's records D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

Finding: No new buildings are proposed. This guidelines does not apply.

SMA Guidelines for KVA Foregrounds and Scenic Routes

Finding: The proposed trail is within the foreground of the Interstate 84 KVA, which is also a designated Scenic Route in the Management Plan.

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

Finding: The proposed trail is not immediately adjacent to Interstate 84. This guideline does not apply.

2. Scenic highway corridor strategies shall be implemented for Interstate 84 (I84), Washington State Route 14 (SR 14) and the Historic Columbia River Highway (HCRH). For I-84, SR 14 and the HCRH, this involves ongoing implementation (and possible updating) of the associated existing documents.

3. The goals of scenic corridor strategies shall include:

- 1) providing a framework for future highway improvements and management that meet Management Plan scenic guidelines and public transportation needs; and
- 2) creating design continuity for the highway corridor within the National Scenic Area. Corridor strategies shall, at minimum, include design guidelines (e.g. materials, conceptual designs, etc.) for typical projects that are consistent with Management Plan scenic resources provisions and an interdisciplinary, interagency project planning and development process.

Finding: A scenic highway corridor strategy for Interstate 84 was published in 2005. It includes the two goals listed above. The Interstate 84 Corridor Strategy is focused on development of the highway itself, and does not specify standards for trails visible from the highway. This guideline does not apply to this project.

4. The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to applicable guidelines in the previous section (SMA Guidelines for Development Visible from KVAs).



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A. The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements in the previous section and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

B. Findings must evaluate the following:

- (1) The limiting factors to meeting the required scenic standard and applicable guidelines from the previous section;
- (2) Reduction in project size;
- (3) Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
- (4) Options for design changes including changing the design, shape, configuration, color, height, or texture in order to meet the scenic standard.

C. Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as visible from the foreground of key viewing areas:

- (1) Form and Line - Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
- (2) Color - Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
- (3) Texture - Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
- (4) Design - Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

Finding: The proposed trail is outside of the developed prism of Interstate 84. This guideline does not apply.

5. Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as visible from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.

Finding: No right of way vegetation management along Interstate 84 is proposed. Trees to be removed for construction of the trail are part of a larger stand of trees, including black cottonwood, red alder, Oregon ash, and big leaf maple. As visible from Interstate 84, the



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removal of trees for construction of the trail will result in other trees being visible, causing no visual impact. This guideline is met.

6. Screening from key viewing areas shall be encouraged for existing and required for new road maintenance, warehouse, and stockpile areas.

Finding: This proposal is for a new trail. This guideline does not apply.

SMA Guidelines for Areas Not Visible 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 dark 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.

Finding: The proposed trail is visible from the Interstate 84 KVA. The guidelines in this section do not apply.



Cultural

SMA Guidelines

1. All cultural resource surveys, evaluations, assessments, and mitigation plans shall be performed by professionals whose expertise reflects the type of cultural resources that are involved. Principal investigators shall meet the professional standards published in 36 CFR 61.
2. For federal or federally assisted undertakings, the reviewing agency shall complete its consultation responsibilities under Section 106 of the Historic Preservation Act of 1966 [36 CFR 800.2].
3. Discovery during construction: All authorizations for new developments or land uses shall require the immediate notification of the reviewing agency if cultural resources are discovered during construction or development. If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and if possible recover the resource. If the discovered material is suspected to be human bone or a burial, the following procedures shall be used:
 - A. The applicant shall stop all work in the vicinity of the discovery.
 - B. The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the county coroner, and appropriate law enforcement agencies.
 - C. The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.
4. Reviewing agencies shall use the [...] steps under 36 CFR 800.4 for assessing potential effects to cultural resources and 36 CFR 800.5 for assessing adverse effects to cultural resources. [The Management Plan includes descriptions of these steps. The descriptions have been removed from this document.]
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.

Finding: On June 14, 2024, Oregon SHPO concluded that this project did not require formal consultation between ODOT and SHPO because it is covered by a Programmatic Agreement. On September 18, 2024, CRGNNA Heritage Resource staff determined that no surveys were required for the proposed trail. No comments were received from SHPO or tribal governments. The cultural resource review process may conclude. A condition of approval shall incorporate the procedures for discovery of cultural resources during construction.



Natural Resources

SMA Guidelines: Water Resources / Wildlife and Plants

1. All new development and uses, as described in a site plan prepared by the applicant, shall be evaluated using the following guidelines to ensure that natural resources are protected from adverse effects. Cumulative effects analysis is not required for expedited review uses or development. Comments from state and federal agencies shall be carefully considered. (Site plans are described under "Review Uses" in Part II, Chapter 7: General Policies and Guidelines.)

2. Water Resources (Wetlands, Streams, Ponds, Lakes, and Riparian Areas)

A. All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in 2.A.(2)(a) and 2(b) below. These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined below.

(1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(a) A minimum 200-foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

(i) The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

(ii) The wetland is not critical habitat.

(iii) Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.



(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

(c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.

(4) Buffer zones can be reconfigured if a project applicant demonstrates all the following: (1) the integrity and function of the buffer zone is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man-made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist) hired by the project applicant (1) identifies the precise location of the rare wildlife/plant or water resource, (2) describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long-term function.

(6) The local government shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

Finding: The application materials identify the area immediately north of the project area as a wetland. A 200 foot buffer applies. The proposed trail is almost completely within the 200 foot buffer, except for the western and eastern extents of the trail.

B. When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.

Finding: A condition of approval shall require that disturbed areas within the wetland buffer disturbed by trail construction are reseeded or replanted with native plant species.

C. The applicant shall be responsible for identifying all water resources and their appropriate buffers (see above).

Finding: ODOT identified the wetland in its application materials. This guideline is met.



D. Wetlands Boundaries shall be delineated using the following:

- (1) The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.
- (2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.
- (3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the 'Corps of Engineers Wetland Delineation Manual (on-line edition)' and applicable Regional Supplements.
- (4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures.

Finding: The National Wetlands Inventory shows the wetland area north of the project area, consistent with the application materials. CRGNSA staff reviewed ODOT's wetland delineation report, and determined that the wetland boundaries were delineated according to the standards above. This guideline is met.

E. Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

Finding: There are no identified streams, ponds, or lakes within 200 feet of the proposed trail, meaning no buffers from those resources are necessary. This guideline does not apply.

F. The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the local government will ask for technical assistance from the Forest Service to render a final delineation.

Finding: No adjustments have been made to the wetland delineation boundary. This guideline is met.

G. Buffer zones shall be undisturbed unless the following criteria have been satisfied.

H. The proposed use must have no practicable alternative as determined by the practicable alternative test.

- (1) Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas or their buffer zone.



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(2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

- (a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question, and
- (b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project, and
- (c) The proposed project minimizes the impacts to the wetland.

(3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a SMA mitigation plan.

Finding: The portions of the proposed trail within the wetland buffer do not have a practicable alternative and must be located within the buffer. No wetland filling or draining is proposed. Because the proposed trail is outside of the wetland, and is entirely located within the northern fill embankment of Jordan Road, there will be no impacts to the wetland buffer. This guideline is met.

I. Proposed uses and development within wetlands, streams, ponds, lakes, riparian areas and their buffer zones shall be evaluated for cumulative effects to natural resources and cumulative effects that are adverse shall be prohibited.

Finding: There are no other reasonably foreseeable actions occurring at the Sandy River Delta or along Jordan Road that could lead to cumulative effects when combined with the effects of the proposed trail. There are no actions being taken concurrently with the proposed trail, and no other trails are being constructed in the vicinity. The construction of the proposed trail will not lead to cumulative effects. This guideline is met.

3. Wildlife and Plants

A. Protection of wildlife/plant areas and sites shall begin when proposed new development or uses are within 1000 feet of a rare wildlife or rare plant area or site. Rare wildlife areas are those areas depicted in wildlife data, including all sensitive wildlife sites and Priority Habitats listed in this Chapter. The approximate locations of rare wildlife and rare plant areas and sites are shown in wildlife and rare plant data.

Finding: ODOT identified one occurrence of woolgrass (*Scirpus cypernus*) in the rare plant data, and identified the project area as potential habitat for the federally listed yellow-billed cuckoo (*Coccyzus americanus*) and potential habitat for the western pond turtle (*Actinemys marmorata*), which is proposed for listing at the time



of this finding. ODOT also identified Oregon white oak, snags and logs and wetlands as Priority Habitats in the vicinity of the proposed trail.

B. The local government shall submit site plans (of uses that are proposed within 1,000 feet of a rare wildlife or rare 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 Biodiversity Information Center or Washington Natural Heritage Program for plant issues).

Finding: ODOT consulted with CRGNSA staff and provided adequate site plans. This guideline is met.

C. The Forest Service wildlife biologists and botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

- (1) Identify/verify the precise location of the wildlife or plant area or site,
- (2) Determine if a field survey will be required,
- (3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse effects (including cumulative effects) to the wildlife and plant area or site. This would include considering the time of year when wildlife and plant species are sensitive to disturbance, such as nesting and rearing seasons, or flowering season, and,
- (4) Delineate the undisturbed 200-ft buffer on the site plan for rare plants or the appropriate buffer for rare wildlife areas or sites, including nesting, roosting, and perching sites.
 - (a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
 - (b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the rare wildlife/plant or water resource, describes the biology of the rare wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or to the water resource and its long-term function.
 - (c) The local government shall submit all requests to re-configure rare wildlife/plant or water resource buffers to the Forest Service and the appropriate



state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zone is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

Finding: ODOT and CRGNSA biologists conducted surveys of the site in 2023 and 2024, out to the maximum 200-foot buffer for identified rare plants or wildlife areas or sites. No rare plants were identified within the survey area, including woolgrass. Suitable habitat for yellow-billed cuckoo and western pond turtle was identified in the immediate project area. Snags, a Priority Habitat, are within the immediate project area.

No yellow-billed cuckoos have been seen in the project vicinity for more than a decade, and Sandy River Delta is at the northern extent of the potential habitat available for the species. There is no designated critical habitat for yellow-billed cuckoo in Oregon. As proposed, the project will be conducted outside of active nesting periods, and ODOT biologists will be on site to ensure that no individuals are present prior to tree removal. Therefore, the proposed trail will not compromise the integrity and function of, or result in adverse effects (including cumulative effects) to the potential habitat of the yellow-billed cuckoo.

No western pond turtle have been found in the project area. The proposed trail will be upland of identified wetland habitat in a fill embankment of Jordan Road. Because the area has been previously disturbed, the proposed trail will not compromise the integrity and function of, or result in adverse effects (including cumulative effects) to the potential habitat of the western pond turtle.

Snags were identified within the alignment of the proposed trail to be removed as part of construction. The application materials state that the snags to be removed have less habitat value than larger snags located farther north, away from the existing road prism and farther away from the noise of Interstate 84. Because higher quality and less disrupted habitat exists in close proximity, the removal of snags for the development of the proposed trail will not compromise the integrity and function of, or result in adverse effects (including cumulative effects) to snag habitat.

The project proposes to remove six Oregon white oak trees within the staging area to the west of the trail. ODOT has proposed to replace these oaks in kind. The staging area is a leveled and graveled area that appears to have been previously disturbed by other construction activities in the past. CRGNSA staff do not consider the area to be “Oregon white oak woodlands” based on the surrounding vegetation and the amount of prior disturbance.



Impacts to wetlands are considered in Natural Resources Guideline 2 as well as the Practicable Alternative and Mitigation Plan guidelines of this section.

D. The local government, in consultation with the state and federal wildlife biologists and botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed development or uses do not compromise the integrity and function of or result in adverse effects to the wildlife and plant area or site:

- (1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry management guidelines for osprey and great blue heron; Washington Department of Wildlife guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander.
- (2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.
- (3) Historic, current, and proposed uses in the vicinity of the rare wildlife/plant area or site.
- (4) Existing condition of the wildlife/plant area or site and the surrounding habitat of the area or site.
- (5) In areas of winter range, habitat components, such as forage and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.
- (6) The site plan is consistent with published guidance documents such as "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2008 or most recent version) and Washington's Aquatic Habitat Guidelines (2002 or most recent version).
- (7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.
- (8) The site plan illustrates that new development and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.
- (9) Maintain, protect, and enhance the integrity and function of Priority Habitats as listed on the following Priority Habitats Table 1. 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.

Finding: The proposed trail was reviewed by ODFW and CRGNSA biologists to determine potential effects to species and habitat, using the above criteria. This guideline is met.



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 rare 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, or (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.

Finding: The proposed use is within a wetland buffer and cannot be easily moved through modification of the project proposal. This guideline does not apply.

F. If the above measures fail to eliminate the adverse effects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

Finding: The proposed trail may have effects, but will not have adverse effects to yellow-billed cuckoo, western pond turtle, snag habitat, or wetlands. The practicable alternative test applies for project activities in wetland buffers, and mitigation measures have been applied. The project is not prohibited.

G. The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the Forest Service and appropriate state agencies. The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order.

Finding: ODOT provided survey records in its application materials. One comment was received from the Oregon Department of Fish and Wildlife (ODFW) regarding potential wetland impacts. CRGNSA staff discussed the project with ODFW staff, and ODFW staff concluded following the conversation that the project would not have significant effects to the wetland. This guideline is met.

H. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

Finding: Because the proposed trail will not have adverse effects to wildlife habitat or rare plants, it is consistent with the wildlife/plant policies and guidelines.

I. The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a rare wildlife/plant area or site.

Finding: This guideline does not apply.

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.

Finding: ODOT described mitigation measures to control soil erosion as part of their application, consistent with Oregon DEQ and ODOT requirements. ODOT will control all soil movement within the area shown on the site plan. The project's area of potential effects is approximately 9 acres, and the total area of disturbance for the proposed trail is approximately 4500 square feet; as such, only 1% of the project area will be disturbed by the proposed trail. A condition of approval shall require that 80% of the disturbed area shall be established with native ground cover species; ODOT has proposed the installation of a compost mulch layer embedded with native seed to meet this requirement.

Practicable Alternative Test

1. An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes.

Finding: The proposed alignment of the trail takes the greatest advantage of existing infrastructure, including the infrastructure of Jordan Road and the trail tunnel under Interstate 84 at the western end of the proposed trail. Any other alignment would require new road crossings near the off ramp for Interstate 84 creating significant safety concerns. The proposed alignment does not have a practicable alternative under this guideline.

2. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

- A. The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, or wildlife or plant areas or sites.
- B. The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, or wildlife or plant areas or sites.



C. Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or Recreation Intensity Class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

Finding: The alignment of the proposed trail cannot be reasonably accomplished on other sites in the vicinity because of existing infrastructure in the area, including Interstate 84, Jordan Road, and the location of the tunnel at the west end of the trail alignment. The trail design is the minimum necessary to provide adequate clearance for cyclists and pedestrians using the trail, while ensuring visitor safety from vehicles on Jordan Road above and ensuring that off-trail access into Sandy River Delta is limited. Alternatives would require realignment of roads or highways, which is not reasonable compared to the limited effects to wetland buffer habitat from the project itself. A practicable alternative does not exist for the proposed trail.

Mitigation Plan

1. Mitigation Plans shall be prepared when:

- A. The proposed development or use is within a buffer zone (wetlands, ponds, lakes, riparian areas, or wildlife or plant areas or sites).
- B. There is no practicable alternative (see the “practicable alternative” test).

Finding: The proposed use is within a wetland buffer zone, and has no practicable alternative. A mitigation plan shall be prepared.

2. In all cases, mitigation plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

Finding: ODOT is responsible for the preparation of the mitigation plan. However, because the project is wholly within a previously disturbed area, there are no impacts to the wetland buffer that must be offset with a mitigation plan. CRGNSA staff determined that the requirement to reseed and replant disturbed areas with native plants will satisfy the requirement to prepare a mitigation plan. This guideline is met.

3. The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects the identified water resources and rare wildlife/plant areas and sites, that maximizes their development options, and that mitigates, through restoration, enhancement, creation and replacement measures, impacts to the water resources and wildlife and plant area or site and buffer zones.

Finding: The purpose of the mitigation plan for the proposed trail is to offset effects within the wetland buffer. This guideline is met.

4. The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the Forest Service, and appropriate state agencies. If the final



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decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

Finding: The final decision does not contradict comments received regarding impacts to wetlands. This guideline is met.

5. A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

Finding: No wetland creation is proposed. This guideline does not apply.

6. Mitigation plans shall include maps, photographs, and text. The text shall:

A. Describe the biology and function of the protected resources (e.g. wildlife/plant species or wetland) that will be affected by a proposed use. An ecological assessment of the protected resource and the condition of the resource that will result after restoration shall be required. Reference published protection and management guidelines.

B. Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the protected resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

C. Explain the techniques that will be used to protect the protected resources and their surrounding habitat that will not be altered (for example, delineation of core habitat of the rare wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

D. Show how restoration, enhancement, and creation measures will be applied to ensure that the proposed use results in minimum feasible impacts to protected resources, their buffer zones, and associated habitats.

E. Show how the proposed restoration, enhancement, or creation mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a protected resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

Finding: The application materials adequately describe the affected resource and uses in the vicinity. Because there are no new, specific mitigation measures, this Consistency Determination describes consistency with guidelines 6(C) through 6(E). This guideline is met.

7. At a minimum, a project applicant shall provide to the local government a progress report every 3 years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

Finding: The proposed trail project, including implementation of mitigation measures, will be completed within three years. A condition of approval shall require the submittal of a



final monitoring report within 3 years of this Decision documenting the growth of native plant species in the disturbed areas, which shall include photographs showing progress.

8. A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, created or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any rare wildlife/plant species and shall demonstrate the success of restoration or enhancement actions. The local government shall submit copies of the monitoring report to the Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

Finding: A condition of approval shall require the submittal of a final monitoring report within 3 years of this Decision documenting the growth of native plant species in the disturbed areas. If the plantings and seedings have not been successful, a condition of approval shall require that the monitoring process shall be extended until ODOT satisfies the requirement to replant with native species.

9. Mitigation measures to offset impacts to resources and buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

- A. Restoration and enhancement efforts shall be completed no later than one year after the protected resource or buffer zone has been altered, or as soon thereafter as is practicable.
- B. 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, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation shall survive. All plantings shall be with native plant species that replicate the original vegetation community.
- C. Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.
- F. Nonstructural controls and natural processes shall be used to the greatest extent practicable.
 - (5) Show location and nature of temporary and permanent control measures that 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.
 - (6) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.



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(7) Those portions of a proposed use that are not water-dependent or that have a practicable alternative shall be located outside of stream, pond, and lake buffer zones.

Finding: Guidelines that are not applicable to this project have been removed. These guidelines are focused on mitigation for project activities within a wetland buffer. A condition of approval shall require ODOT replant and reseed within one year of project completion. ODOT stated that the proposed trail alignment may remove up to 100 trees, primarily black cottonwoods, ranging in size from 8 to 32 inches in diameter. These trees are within the proposed alignment of the trail and their removal is a necessity for the project to move forward. ODOT is proposing to use a compost mulch with native seed mix embedded into the mulch to restore the landscape following construction. ODOT will apply best management practices to limit erosion through application of a Sediment and Erosion Control Plan, following Oregon DEQ and ODOT standards. A condition of approval requires documentation of planting survival within three years. Because the proposed trail is located within a fill embankment, construction within the embankment will maintain the current hydrologic conditions and will not affect the natural hydrologic conditions occurring in the project area. The trail has no practicable alternative location and must be sited in the proposed alignment. The proposed mitigation meets the guidelines above.



Recreation

SMA Guidelines

1. New development and land uses shall not displace existing recreational use.

Finding: There are no developed recreational uses in the project area. The proposed trail will provide protected access to a developed recreation use. This guideline is met.

2. Recreation resources shall be protected from adverse effects by evaluating new development and land uses as proposed in the site plan. An analysis of both onsite and offsite cumulative effects shall be required.

Finding: The proposed trail is located in an area with no developed recreation uses. There are no adverse effects on site, and therefore there are no cumulative effects on site. The proposed trail connects an existing trail to the Sandy River Delta trailhead, allowing additional pedestrian and bicycle access to the recreation resources. The proposed trail will provide protected access to the Sandy River Delta trailhead from an existing trail system, enhancing the recreation resource. The area where the proposed trail will be constructed is already an informal trail used by pedestrians; constructing this trail provides more safety for trail users, and allows for increased non-motorized access to a typically congested parking lot. There are no offsite adverse effects from the proposed trail, and therefore there are no offsite cumulative effects from the proposed trail.

3. New pedestrian or equestrian trails shall not have motorized uses, except for emergency services.

Finding: The proposed trail is being developed for pedestrian use only. No motorized uses are proposed. This guideline is met. A condition of approval shall require that the trail shall not have motorized uses, except for emergency services.

4. Mitigation measures shall be provided to preclude adverse effects on the recreation resource.

Finding: There are no adverse effects on the recreation resource within or adjacent to the project area. This guideline is met.

5. The Facility Design Guidelines are intended to apply to individual recreation facilities. Development or improvements within the same Recreation Intensity Class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land (excluding trails, pathways, or access roads).

Finding: Trails are excluded from consideration as part of recreation facilities. Therefore, the proposed trail is not a recreation facility. This guideline does not apply.

6. New development and reconstruction of scenic routes shall include provisions for bicycle lanes.

Finding: The proposed trail is not a scenic route. This guideline does not apply.

7. A local government may grant a variance of up to 10 percent to the guidelines of Recreation Intensity Class 4 for parking and campground units upon demonstration that all of the following conditions exist:



- A. Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from the National Visitor Use Monitoring Program shall be relied upon to meet the criterion in the absence of current applicable studies.
- B. The proposed use is dependent on resources present at the site.
- C. Reasonable alternative sites offering similar opportunities, including those in urban areas, have been evaluated, and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.
- D. The proposed use is consistent with the goals, objectives, and policies in this chapter.
- E. Through site design and mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural, or cultural resources and adjacent land uses.
- F. Through site design and mitigation measures, the proposed use can be implemented without affecting or modifying treaty rights.

Finding: No variance for parking or campground uses has been requested. This guideline does not apply.

8. Proposals to change the Recreation Intensity Class of an area shall require a Management Plan amendment pursuant to policies 1 through 4 in "Amendment of the Management Plan" (Part IV, Chapter 1: Gorge Commission Role).

Finding: There is no proposal to change the Recreation Intensity Class. This guideline does not apply.

9. The Recreation Intensity Classes are designed to protect recreation resources by limiting land development and land uses.

Finding: The proposed trail is located within an area designated RIC 4, High Intensity. Review of the applicable Management Plan guidelines are below.

Recreation Intensity Classes SMA Guidelines

4. Recreation Intensity Class 4 (High Intensity)

Social Setting: This designation is characterized by highly developed facilities where there is little challenge or risk associated with being in the outdoors. There is a high degree of interaction with other visitors. Encounters are high in recreation sites, on roads and trails within in this designation.

Physical and Managerial Setting: Landscapes with natural appearing backdrop are characterized by this designation. Highly developed recreation facilities and trails are constructed for visitor convenience and ease of movement. On-site regulation and controls are noticeable but harmonize with the natural characteristics of the landscape setting. Trails are highly developed (gravel or paved surfaces, trail facilities such as bridges are provided for convenience) and accommodate heavy to intensive use. Users are typically inexperienced with little or no orienteering skills. Trails are easily traveled by a wide range of users.



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A. Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures for scenic, cultural, or natural resources are approved for at least 20 percent of the site.

B. Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new Recreation Intensity Class 4 day-use recreation sites and improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.

C. All uses permitted in Recreation Intensity Classes 1, 2, and 3 are permitted in Recreation Intensity Class 4. The following uses may also be permitted:

Campgrounds with improvements that may include vehicle access, water, power, sewer, and sewage dump stations. Campgrounds shall not exceed a combination of 100 single or group campsites (tent or recreational vehicle) and a total design capacity of 500 people at one time.

Finding: The proposed trail is consistent with the social setting of this Recreation Intensity Class. The paved trail, adjacent to a road, will provide a low risk recreation opportunity and connection to a popular trailhead. The trail itself will be highly developed to ensure its suitability for anticipated heavy use by a variety of users. Trail features, though noticeable, are open to allow visitors to appreciate the natural features of the site.

The proposed trail does not consider new parking. While the proposed trail will provide access to the Sandy River Delta trailhead, the trail is not an “improvement” to the recreation site in and of itself. Therefore, it is not necessary to consider facilities for mass transportation as a part of this review. Recreation Intensity Class 1 allows trails and trailheads, which complies with the requirement to provide “socialization, cultural and natural history appreciation, and physical activity.” The proposed trail is consistent with the guidelines for recreation development in Recreation Intensity Class 4.

Conclusion

The proposed trail 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.



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