



Date: March 24, 2008

CD-08-01-G- Rockwell Residential Access Road

**DECISION MEMO and CONSISTENCY DETERMINATION
USDA, Forest Service, Columbia River Gorge National Scenic Area**

Jennifer Wade, Project Manager

Proposed Action: This proposal involves authorization of a small portion of road between 2 parcels that currently goes through a corner of Forest Service land that measures approx. 42' x 42' x 60'. The road itself is approx. 15' wide and is approximately 30' long through this portion. Access would be for year round residential use in perpetuity.

Location: Township 2, Range: 14, Section: 18, Tax Lot: 0004, off the Dalles Mt. Road in Klickitat County, Washington.

Purpose: The purpose of this project is to authorize an existing residential access road.

Need: The road is the sole access to the property.

Scoping and Public Involvement: A scoping letter describing the project was sent to a mailing list of known interested parties and adjacent landowners on February 6, 2008. Comment was received on March 6, 2008 from Friends of the Columbia Gorge. Friends is concerned that the project meet the standards and guidelines of the Management Plan and NEPA regulations. The enclosed Findings of Fact review the project under Management Plan guidelines.

Reason For Categorically Excluding the Proposed Action: I have determined that the proposed action is categorically excluded. Therefore, neither an environmental impact statement nor environmental assessment will be prepared. I make this determination based on the following findings:

1. I find the proposed action fits under Category 3, Section 31.2 Forest Service Handbook 1909.15-92.1, February 15, 2007: "Approval, modification, or continuation of minor special uses of National Forest System lands that require less than five contiguous acres of land."
2. I also find the proposal does not involve extraordinary circumstances:
 - a. Biological evaluation concluded that there would be no effects to any threatened, endangered or sensitive species of plant or animal. The project is in compliance with the Migratory Bird Treaty Act.
 - b. The Forest Service specialists did not identify any adverse effects of the proposal to cultural resources, steep slopes, erosive soils, floodplains, wetlands, or other special areas or resources. The project is not located within or adjacent to any inventoried roadless areas or Natural Areas.
 - c. The project does not affect any reserved treaty rights of Native Americans.
 - d. There are no unusual effects to minority or low-income populations by the proposed action.
3. I have also determined that the proposed action is consistent with the Land and Resource Management Plan for the Gifford Pinchot National Forest as amended by the Northwest Forest Plan.

4. I find that this project is consistent with the Columbia River Gorge National Scenic Area (CRGNSA) Management Plan provided that it is implemented as described in the CRGNSA Consistency Determination Findings of Fact, referenced as CD-08-01-G.

Decision: I have decided to authorize the access road as described above because implementation of the project meets the stated purpose and need and can be accomplished with minimal environmental impacts.

Implementation Date: This authorization shall begin when the permit is signed.

Appeal Opportunities: The NEPA portion of this decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.8 (a)(4). 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 are addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.

Contact Person: The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Diana Ross at the Columbia River Gorge National Scenic Area, 541.308.1716, e-mail: dlross@fs.fed.us.

/s/ Daniel J. Harkenrider

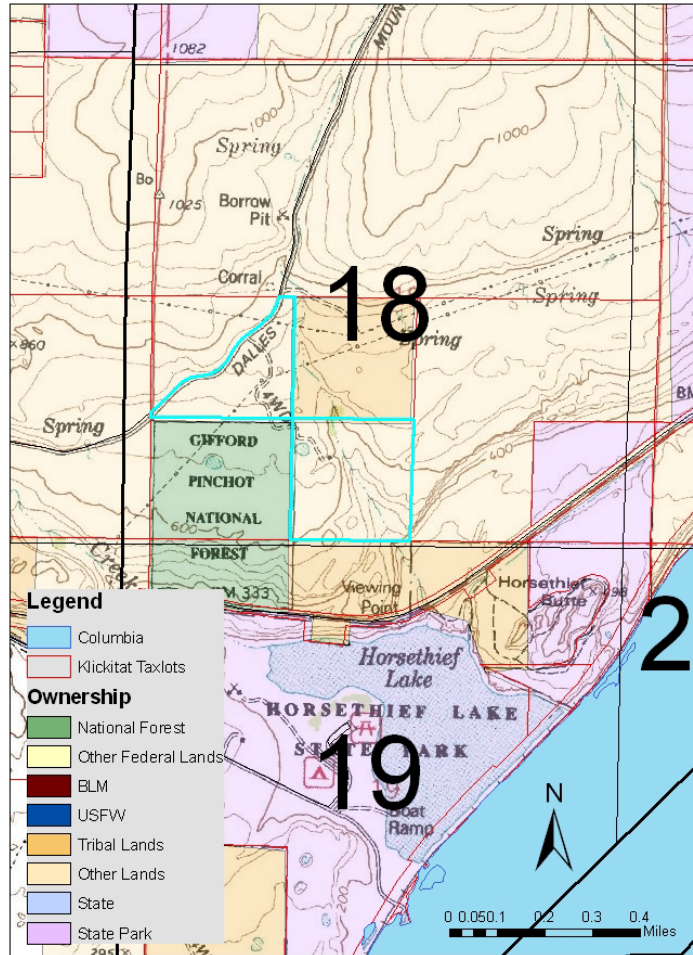
DANIEL T. HARKENRIDER
Area Manager

Date: March 24, 2008

cc: Jill Arens, Executive Director, Columbia River Gorge Commission
Rick Till, Friends of the Columbia River Gorge

FINDINGS OF FACT

LANDOWNER:	USA--USDA, Forest Service
PROPOSED ACTION:	Access Road Authorization .
LOCATION	Klickitat, Township 2N Range 14E, Section 18 UTM: 647420 5057185 QUAD: 23
NATIONAL SCENIC AREA DESIGNATION:	General Management Area (GMA)
LAND USE DESIGNATION:	Open Space
LANDSCAPE SETTING:	Grasslands



FINDINGS OF FACT:

The following findings of fact contain the applicable standards and guidelines from the CRGNSA Management Plan, as revised and adopted in 2004. Some guidelines are indicated as not applicable with the abbreviation N/A. These are not applicable due to type of project and/or location. The CRGNSA Management Plan standards and guidelines are displayed in **bold type**. The findings are displayed in regular type.

A. Project Proposal

This proposal involves authorization of a small portion of road between 2 parcels that currently goes through a corner of Forest Service land that measures approx. 42' x 42' x 60'. The road itself is approx. 15' wide and is approximately 30' long through this portion. Access would be for year round residential use in perpetuity.

B. Public Comment

A scoping letter describing the project was sent to a mailing list of known interested parties and adjacent landowners on February 6, 2008. Comment was received on March 6, 2008 from Friends of the Columbia Gorge. Friends is concerned that the project meet the standards and guidelines of the Management Plan and NEPA regulations. The enclosed Findings of Fact review the project under Management Plan guidelines.

C. Land Use Designations

1. The Management Plan, Part II, Chapter 7 (Uses Allowed Outright) GMA Guidelines, states:

1. **The following uses may be allowed without review in GMA and SMA Open Space:**
 - A. **Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.**

Findings: *Existing use or structure: Any use or structure that was legally established. "Legally established" means: (1) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure; (2) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and (3) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.*

Three Gorge Commission decisions have been issued for a house on the Rockwell property and each of those decisions referenced the existing road:

C97-0014-K-G-11 for Reilly, referenced an "existing dirt access road" and approved graveling over the road;

C03-0022-K-G-11 for Rockwell referenced an "existing gravel road";

C07-0025-K-G-11 for Rockwell referenced an "existing gravel road".

In addition, the access road appears in early (1987 & 88) aerial photos which indicate it likely existed before passage of the Scenic Area Act. According to the Gorge Commission staff, there is no reason to believe that the road is not a legally established use.

2. The Management Plan, Part II, Chapter 7 (Existing and Discontinued Uses) GMA Guidelines, states:

1. **Right to Continue Existing Uses and Structures: Except as otherwise provided, any existing use or structure may continue as long as it is used in the same manner and for the same purpose.**

Findings: The road was and is currently being used for access to private property. The subject parcel was transferred to the Forest Service from the Bureau of Land Management with passage of the Scenic Area Act.

H. Conclusion

The operation and maintenance of the subject access road is an existing use that shall be allowed outright to continue and does not require a review under the Scenic, Cultural, Natural, and Recreation guidelines.