



DECISION MEMO  
Special Use Permit - Rowena Dell Waterline  
Columbia River Gorge National Scenic Area  
USDA Forest Service  
Wasco County, Oregon  
T.2N., R.12E., Section 3

**Proposed Action:** The Forest Service proposed to issue a 30-year special use permit to the Rowena Dell Water Association for the existing 1¼-inch waterline that crosses National Forest lands in the Rowena Dell area. The proposed permit would cover the existing waterline, believed to have been installed around 1980, and allow for necessary repairs and maintenance to the line for the duration of the permit.

**Background:** The existing line is a 1¼-inch PVC pipe, buried from 12 to 24 inches deep, and runs along the gravel road servicing 1127 Canyon Way. There was no easement needed for the waterline when it was installed because it occupied and served the same ownership. A portion of the property where the waterline is located was acquired by the Forest Service through a purchase in 1993. The waterline was overlooked in the acquisition of the property.

**Location:** The waterline is in Section 3 of Township 2 North, Range 12 East of the Willamette Meridian. This area is located in Wasco County, and is commonly referred to as Rowena Dell.

**Purpose:** Issuing a special use permit to the Rowena Dell Water Association (RDWA) would document occupancy of National Forest System land.

**Need:** Use or occupancy of National Forest lands must be authorized by a permit or easement. When the Forest Service purchased the property, the waterline was overlooked, and no easement or permit was issued at that time.

**Scoping and Public Involvement:** A scoping letter describing the project was sent to a mailing list of known interested parties July 11, 2007 and posted on the planning website for the Scenic Area. One comment was received; the comment was related to the issue of legally existing use, compliance with applicable laws and the discontinuance of use for more than one year. This question was researched, and it was determined the use was legally existing prior to the Scenic Area Act. A 1975 plat identifies the waterline water source and the subdivision the line serves. At that time, the land was under one ownership, therefore an easement or permit was not needed for the line. Research was done with the Wasco county planning office and the assessor's office. Their records indicate that the structures and waterline do not have any noncompliance issues and appear to meet all applicable land use regulations. The current owner of 1127 Canyon Way confirmed the use has been continual since it was installed, and the structure it serves has been in place since 1981.

**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. The proposed action fits under Category 3, Section 31.2 Forest Service Handbook 1909.30 (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 have found the proposal does not involve extraordinary circumstances:
  - a. The biological evaluation concluded that there would be no effects to any threatened, endangered or sensitive species of plant or animal.
  - b. Forest Service reviewers did not identify any adverse effects to cultural resources, steep slopes, erosive soils, floodplains, wetlands, or other special areas or resources.
  - c. The project is not located within or adjacent to any inventoried roadless areas, Research Natural Areas or Washington State Natural Area Preserves.
  - d. The project does not affect any reserved treaty rights of Native Americans.
  - e. There are no unusual effects to minority or low-income populations by the proposed action.
3. I have determined that the proposed action is consistent with the Land and Resource Management Plan for the Mt. Hood National Forest as amended by the Northwest Forest Plan. Implementation of this project is consistent with the Forest wide Standards and Guidelines and the Scenic Area (EA1) direction which allows Special Use Permits. This legally existing use is consistent under the Columbia River Gorge National Scenic Area Management Plan.
4. The permitted use would not be in a wetland or in an area meeting the definition of a riparian reserve.

**Decision:** It is my decision to issue a Special Use Permit for the existing waterline, including the necessary ability to maintain the line to keep it operational.

Implementation of the project meets the stated purpose and need and can be accomplished with minimal environmental impacts. Operating conditions will be included in the permit for protection of resources. Conditions will included guidelines for any cultural resource discoveries, limits to ground disturbing maintenance to a five-foot strip on either side of the waterline, and mitigations for anything that cause erosion or resource damage related to the waterline.

**Implementation Date:** This project may begin immediately. This decision is not subject to appeal pursuant to Forest Service regulations at 36 CFR 215.12(f) and can be implemented upon signature of this Decision Memo.

**Contact Person:** The Columbia River Gorge National Scenic Area staff prepared an analysis file in conjunction with this project. For further information, contact Jennifer Wade at the Columbia River Gorge National Scenic Area, 541-308-1705.



DANIEL T. HARKENRIDER  
Area Manager

1/31/2008