



File Code: 2370-CD-07-11-G

Date: August 14, 2008

Michael C. Aubele
Northwest Pipeline
8907 NE, Suite 200
Battle Ground, WA 98604

Mr. Aubele:

As you know, you are required to be consistent with the purposes of the Columbia River Gorge National Scenic Area Act, as determined by the Forest Service through a review of the applicable guidelines in the CRGNSA Management Plan.

An emergency/ disaster response application was received by this office describing the following emergency actions:

After the Northwest Pipeline crossing at Woodward Creek became exposed during a heavy rain and flood event in November of 2006 emergency actions were taken in August 2007 to repair the exposed pipeline. Emergency actions included the installation of a permanent rock grade control structure along the downstream side of the exposed pipeline. Emergency maintenance and mitigation will be completed in August/ September 2008, to decrease future head cut erosion and mitigate wildlife disturbance.

I find that the emergency actions and proposed maintenance/ mitigation 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-07-11-G, and the following conditions are applied:

1. **All proposed project work shall use BMP's to prevent sedimentation and provide erosion control through the use of sediment control devices listed in the emergency/ disaster response GMA general guidelines.**
2. **All future temporary use structures shall be removed within one year of project after emergency actions.**
3. **All future excavation activities shall follow the scenic resources guidelines with the following conditions:**
 - Completion of the mitigation plan, which includes:
 - Revegetation of any disturbed areas which does not conflict with pipeline maintenance; making vegetation consistent with the surrounding landscape
 - All spoil material will be used onsite as a part of the mitigation
4. **If any historic or prehistoric cultural resources are uncovered during project activities, work shall cease and the CRGNSA archeologist shall be notified. The Forest Service shall also notify the Washington State Historic Preservation Office**



and the Indian Tribal Governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians.

5. Rehabilitation and maintenance work is a condition of this project.
6. Implementation of the Wildlife Management Plan is a condition of project completion.
7. Maintenance/ Rehabilitation Condition – see page x -

Implementation Date: This project may begin immediately as long as it complies with the conditions as described in items 1-7 above. This decision expires on August 14, 2010. If implementation has not commenced before that date, a new consistency review or extension shall be required.

Appeal 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 are addressed to: Request for Review, Regional Forester, P.O. Box 3623, Portland, OR 97208.

Contact Person: For further information, contact Diana Ross at the Columbia River Gorge National Scenic Area, 541.308.1716, e-mail: dlross@fs.fed.us.

Daniel T. Harkenrider

DANIEL T. HARKENRIDER
Area Manager

Date: August 14, 2007

cc: Peter Barber, Lower Columbia Fish Enhancement Group
Dan Guy, National Marine Fisheries Service
Tim Rymer, Washington Department of Fish and Wildlife
Olivia Romano, U.S. Army Corps of Engineers
Jill Arens, Columbia River Gorge Commission
Rick Till, Friends of the Columbia River Gorge

FINDINGS OF FACT

LANDOWNER:	USA--USDA, Forest Service
PROPOSED ACTION:	In stream exposed pipeline emergency repair
LOCATION	Skamania County, T 2N, R 6E, SECTION 26 SW Taxlot 2156 UTM: 441363 1286730 Quad 5
NATIONAL SCENIC AREA DESIGNATION:	General Management Area (GMA)
LAND USE DESIGNATION:	Commercial Forest
LANDSCAPE SETTING:	Coniferous Woodland



PROJECT DESCRIPTION:

Pipeline Exposure

In November 2006 the NWP crossing at Woodward Creek became exposed during the heavy rain and flooding. Head-cut erosion moving upstream through the creek channel resulted in a five to six foot drop in elevation over the pipeline at the stream crossing. The exposed pipeline was at risk of being damaged by large bed load cobbles and boulders moving down the stream. Due to continued head-cut erosion the pipeline was at risk of further exposure to cobbles and boulders as vertical undercutting continued. Without erosion protection more of the pipeline would become exposed, increasing the risk of damage.

Emergency Repair

In August 2007 repair of the exposed pipeline included the installation of a permanent rock grade control structure along the downstream side of the exposed pipeline. The grade-control structure extends across the width of the active channel area, and is keyed a minimum of 10-ft into the channel side banks. The grade-control structure is constructed approximately 20-feet downstream of the pipeline; staying within the NWP right-of-way (ROW) boundaries. The upstream top elevation of the structure is constructed to match the top of the pipeline. The structure transitions from the top pipe elevation down to match the existing channel bottom elevation, and is keyed into below the channel bottom to address future scour and erosion. The grade-control structure is constructed of angular rock riprap materials. Pipeline supports, abrasion protection covers, and padding protects the exposed pipeline. As recommended by the CRGNSA hydrologist all spoil material which was displaced by riprap is graded into the project area.

Mitigation

Mitigation will consist of three engineered log jam structures downstream, some bank stabilization and planting of native vegetation within the affected riparian area as recommended by US Forest Service. These mitigation measures will enhance fish habitat structure and shade within the creek. In coordination with the CRGNSA wildlife/ fish biologist Chuti Fiedler, Douglas fir trees were removed along the access road to the site to provide for heavy equipment access. These trees were removed in a manner that allow them to be used for the engineered log jams to be constructed in 2008. As part of the Wildlife Management Plan and conditions, Northwest will construct one large log jam just below the pipeline and two smaller log jams further downstream. A proposal by Northwest to utilize rock adjacent to the pipeline was considered but rejected in favor of the use of logs to better achieve the desired mitigation. Northwest will continue to coordinate with the appropriate state and federal authorities in the implementation of this project through its proposed construction in summer 2008.

Permits and authorizations received for this project from the US Corps of Engineers, US Forest Service, and Washington Department of Fish and Wildlife are attached for review. Coordination was also conducted with the SHPO and US Forest Service archaeologist (see attached consultations and report prepared by AINW). An after-the-fact Biological Assessment has been prepared and filed with the US Army Corps of Engineers and the National Marine Fisheries Service (a copy has been provided to the US Forest Service). Northwest will continue to consult with the US Forest Service (Chuti Fiedler) through project implementation.

GMA/SMA Guidelines

1. General Guidelines

A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA/SMA land use designations, subject to the notification requirements in the following section (see "Notification Requirements").

Findings: The emergency response actions taken were in response to an exposed pipeline in stream. The response actions were ground disturbing and therefore require review for compliance with emergency response guidelines.

B. Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

Findings: Filter fabric was used as a sediment control device during the emergency/disaster response actions. A condition should be placed that all proposed project work shall use BMP's to prevent sedimentation and provide erosion control through the use of sediment control devices listed above.

C. Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life property, public services or the environment, an extension of no more than two years may be granted by the agency administering the Scenic Area ordinance or the Forest Service for federal agency actions.

Findings: The rock grade control structure is a permanent structure to protect the pipeline. All temporary structures such as sediment control devices, dams and flume have been removed. A condition should be placed that all future temporary use structures will follow the above guideline.

D. n/a

E. No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake or riparian area within the National Scenic Area (NSA) as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determine to not be possible without further jeopardizing life or property.

Findings: Spoil material from excavation was regraded into the project site as per recommendation by the CRGNSA hydrologist. A condition should be placed that future excavation activities will follow the above guideline.

2. Notification Requirements

A. Actions taken in response to an emergency/disaster event, as defined in the Glossary, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

Findings: Notification was made to the US Forest Service by Northwest Pipeline prior to the emergency actions via email and first-class mail including all required project information.

B. Upon notification of an emergency/disaster response action, the Gorge Commission, applicable planning department, or Forest Service shall, as soon as possible:

- (1) Review its natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;
- (2) Notify the Oregon or Washington Department of Fish and Wildlife of all noticed emergency/disaster response actions, to provide that agency an opportunity to consult with responding agencies during the event, and;
- (3) Notify the Forest Service, the Oregon Historic Preservation Office or the Office of Washington Office of Archeology and Historic Preservation, and the tribal governments of all emergency/disaster response activities. The Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

Findings: Washington Department of Fish and Wildlife and Washington Office of Archeology and Historic Preservation were notified by Northwest Pipeline prior to the Forest Service being notified. Northwest Pipeline was aware of the sensitive species prior to notifying the Forest Service. Northwest Pipeline worked in collaboration with the Forest Service, Washington Department of Fish and Wildlife and Washington Office of Archeology and Historic Preservation to develop the emergency/ disaster response plan.

C. Upon notification of a response action, the Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

Findings: Multiple CRGNSA resource advisors, including the fish/ wildlife biologist, hydrologist and ecologist/ botanist, provided on-site advice to Northwest Pipeline in order to minimize impacts to resources and have worked with Northwest pipeline throughout project development.

3. Post-Emergency/Disaster Response Development Review Application Requirements
 - A. Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Gorge Commission, applicable planning department, or Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and not more than two (2) extensions shall be granted.

Findings: The application was submitted on December 18, 2007. The Post-Emergency Action was received in August of 2007.

B. Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any spoil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

Findings: This application addresses activities which occurred during the emergency/ disaster response in January of 2007 and emergency action completion including mitigation.

C. n/a; the actions did involve ground disturbance and structure creation

D. Applications shall include the following information:

- (1) Applicants name and address.
- (2) Location of emergency/disaster response.
- (3) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
- (4) A map of the project area drawn to scale, at a scale of 1 inch = 200 feet or a scale providing greater detail. The map shall include:
 - (a) North arrow and scale.
 - (b) Boundaries, dimensions and size of subject parcel(s).
 - (c) Bodies of water, watercourses, and significant landforms.
 - (d) Existing roads and structures.
 - (e) New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

Findings: An adequate plan was provided.

(5) n/a

E. Emergency/disaster response review uses may be allowed pursuant to a process that provides at minimum the following:

- (1) Notice of the application to landowners within 200 feet of the perimeter of the subject parcel, the Forest Service, Gorge Commission, four tribal governments and interested parties.
- (2) A written decision with findings of fact and conclusions of law.
- (3) An opportunity to request a hearing.

Findings: The above process has been followed.

4. Post-Emergency/Disaster Response Development Review

Actions taken in all land use designations within the GMA/SMA that are in response to an emergency/disaster event, as defined in the Glossary, shall be reviewed for compliance with the following guidelines.

A. Public Comment

One public comment letter was received from Friends of the Columbia Gorge. Friends of the Columbia Gorge is concerned that the project follows applicable guidelines for the emergency actions and the site plan requirements are met. An adequate site plan was submitted by the applicant. Applicable guideline concerns are addressed in pages 8-18 of the Findings of Fact.

B. Scenic Resources

(1) Impacts of emergency/disaster response actions shall be evaluated to ensure that scenic resources are not adversely affected. In the GMA, such actions shall be rendered visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable, except for actions located in areas exempted from visual sub ordinance requirements in "Developed Settings and Visual Subordinance Policies" (Part I, Chapter 1: Scenic Resources). In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

(2) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(3) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species, or species commonly found within the applicable landscape setting, to restore the affected areas to its pre-response condition to the greatest extent practicable. Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension up to one year.

(4) n/a

(5) n/a

(6) In the General Management Area, spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

(a) The spoil materials shall either be:

(i) Removed from the NSA,

(ii) Deposited at a site within the NSA permitted by the agency administering a Scenic Area land use ordinance, or

(iii) (Re)contoured, to the greatest extent practicable, to retain the natural topography, or topography which emulates that of the surrounding landscape.

(b) The agency administering a Scenic Area ordinance shall decide whether an applicant removes the spoil materials [4.A(6)(a)(i)], deposits the spoil materials [4.A(6)(a)(ii)], or (re)contours the spoils materials [4.A(6)(a)(iii)]. The applicant does not make this decision.

(c) The agency administering an ordinance shall select the action in Guideline 4.A(6)(a) that, to the greatest extent practicable, best complies with the policies and guidelines in the Management Plan that protect scenic, cultural, recreation, and natural resources.

(d) Disposal sites created according to 4.A(6)(a)(ii) shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(7) n/a; The actions were taken on GMA land.

Findings:

The pipeline emergency actions are topographically visible from the following key viewing areas:

Columbia River

HCRH

I-84

Larch Mountain/ Sherrard Point

SR 14

Beacon Rock

However, after on site inspection on August 8, 2008 by CRGNSA landscape architect trainee Christine Plourde it is found that the work area is screened from the key viewing areas by vegetation and work will not be visible from the KVAs. Thick vegetation screens the project area from view.

The emergency response actions shall meet the following conditions in order to be found consistent with the Emergency/ Disaster Response Actions guidelines for scenic resources:

-Completion of the wildlife management plan and maintenance/ mitigation plan which includes:

-Revegetation of any disturbed areas which does not conflict with pipeline maintenance; making vegetation consistent with the surrounding landscape

-All spoil material will be used onsite as a part of the mitigation

This work is necessary to protect scenic resources because the project would be topographically visible if not for the existing thick vegetation.

C. Cultural Resources and Treaty Rights

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect tribal treaty rights.

(2) The USDA Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the agency administering the Scenic Area ordinance.

(a) Reconnaissance surveys shall be conducted by the USDA Forest Service and comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Small-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports). Reconnaissance survey reports shall comply with the standards in GMA Guideline 1, Reconnaissance Surveys—Large-Scale Uses (Part I, Chapter 2: Cultural Resources, Surveys and Survey Reports).

(b) Historic surveys shall be conducted by the USDA Forest Service and shall describe any adverse effects to historic resources resulting from an emergency/disaster response action. Historic surveys shall document the location, form, style, integrity, and physical condition of historic buildings and structures. Such surveys shall also include original photographs, if available, and PART II-Land Use Designations II-7-34 maps, and should use archival research, blueprints, and drawings as necessary.

Findings: A reconnaissance survey was completed by Archaeological Investigations Northwest, Inc. through Northwest Pipeline prior to application submittal.

(3) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the tribal governments shall be notified by the development review offer when (1) a reconnaissance survey is required or (2) cultural resources exist in the project area. Notices shall include a site plan. Tribal governments shall have 15 calendar days from the date a notice is sent to submit written comments. Written comments should describe the nature and extent of any cultural resources that exist in the project area or treaty rights that exist in the project area and how they have been affected, and identify individuals with specific knowledge about them. The agency administering the Scenic Area ordinance shall send a copy of all comments to the Gorge Commission.

Findings: Tribal governments were consulted August 14, 2007.

(4) When written comments are submitted in compliance with Guideline 4.B(3) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the agency administering the Scenic Area ordinance following the consultation meeting. Consultation meetings and reports shall comply with the standards in GMA Guideline 1, Consultation and Ethnographic Research (Part I, Chapter 2: Cultural Resources, Cultural Resource Reconnaissance and Historic Surveys) and Guidelines 1 and 2, Tribal Government Consultation (Part IV, Chapter 3: Indian Tribal Treaty Rights and Consultation).

Findings: No comments were submitted by tribal governments. DAHP responded that no historic properties were affected on August 14, 2007.

(5) n/a; No cultural resources were discovered during the emergency actions.

(6) n/a; No cultural resources were discovered during the emergency actions.

(7) The agency conducting the post-emergency development review shall submit a copy of all reconnaissance and historic survey reports and treaty rights protection plans to the SHPO and the tribal governments. Survey reports shall include measures to mitigate adverse effects to cultural resources resulting from emergency/disaster response actions. The SHPO and tribal governments shall have 15 calendar days from the date a survey report is mailed to submit written comments to the agency conducting the post-emergency development review. The agency shall record and address all written comments in the development review order.

Findings: The finding of ‘No Historic Properties’ was sent to tribal governments on August 14, 2007.

(8) The agency conducting the post-emergency development review shall make a final decision on whether the emergency/disaster response actions are consistent with the applicable cultural resource goals, policies, and guidelines. If the final decision contradicts the comments submitted by the SHPO, or those submitted by a tribal government regarding treaty rights, the agency shall justify how it reached an opposing conclusion.

Findings: The Forest Service found the emergency/ disaster response actions are consistent with cultural resource goals, policies and guidelines and consistent with SHPO (DAHP) findings.

(9) The cultural resource protection process may conclude when it has been determined that tribal treaty rights have not been not affected and one of the following conditions exists:

(a) The emergency/disaster response action does not require a reconnaissance or historic survey, or a reconnaissance survey demonstrates that no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 15 calendar days of the date that a notice was mailed.

(b) The emergency/disaster response action avoided cultural resources that exist in the project area.

(c) Adequate mitigation measures to affected cultural resources have been developed and will be implemented.

(d) A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:

(i) The SHPO concluded that the historic buildings or structures are clearly not eligible, as determined by using the criteria in the “National Register Criteria for Evaluation” (36 CFR 60.4), or PART II-Land Use Designations II-7-36

(ii) The emergency/disaster response actions did not compromise the historic or architectural character of the affected buildings or structures, or compromise features of the site that are important in defining the overall historic character of the affected buildings or structures, as determined by the guidelines and standards in The Secretary of the Interior’s Standards for Rehabilitation [U.S. Department of the Interior 1990] and The Secretary of the Interior’s Standards for Historic Preservation Projects [U.S. Department of the Interior 1983].

Findings: It is found that emergency/ disaster response cultural resource protection process may conclude because the reconnaissance survey demonstrated that no cultural resources are known to exist in the project area.

A condition should be placed stating that 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 Department of Archaeology & Historic Preservation Office. The applicant should also notify the Indian Tribal governments within 24 hours if the resources are prehistoric or otherwise associated with Native American Indians

D. Natural Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(2) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in the Natural Resources Chapter (Part I, Chapter 4).

Findings: The emergency actions occurred within the 100 foot buffer for GMA streams used by anadromous fish and the 300' buffer established by the Northwest Forest Plan.

(3) Wetlands, Streams, Ponds, Lakes, Riparian Areas

(a) Emergency/disaster response actions occurring within a buffer zone of wetlands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. These areas are also referred to in this section as aquatic areas. State biologists will help determine if emergency/disaster response actions have affected or have a potential to affect these aquatic areas or their bigger zones. State biologists shall respond within 15 days of the date the application is mailed.

(b) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:

(i) All reasonable measures have been applied to ensure that the response actions have resulted in the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes or riparian areas.

(ii) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable. CHAPTER 7-General Policies and Guidelines II-7-37

(c) Impacts to wetlands, streams, ponds, lakes and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state biologist, or a Forest Service natural resource advisor (as available) in consultation with the state biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the aquatic area protection process may conclude.

(e) Unless addressed through Guideline 4.C(3)(d) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards in GMA Guidelines 1.A through 1.B, Rehabilitation and Enhancement Plans

(Part I, Chapter 3: Natural Resources). Rehabilitation plans shall also satisfy the following:

- (i) Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.
- (ii) Planting plans shall be included that specify native plant species to be used, specimen quantities and plant locations.
- (iii) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

Findings: Washington Department of Fish and Wildlife developed the emergency/disaster response actions in collaboration with Northwest Pipeline and the Forest Service. It is found that the emergency actions have impacted the Woodward Creek 300' stream buffer established by the Northwest Forest Plan. Rehabilitation and maintenance work should be a condition of this project.

(4) Wildlife Habitat

- (a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive wildlife area or site, shall be reviewed by the Oregon or Washington Department of Fish and Wildlife. State wildlife biologists will help determine if emergency/disaster response actions have affected or have a potential to affect a sensitive wildlife area or site.

Findings: The Forest Service determined that the primary sensitive species affected by the emergency action were: Coho Salmon, and Steelhead Trout. The Washington Department of Fish and Wildlife completed a Hydraulic Project Approval for the project which established the in-stream work window, bypass, pipeline protection, mitigation, water quality, equipment and revegetation provisions. The in-stream work window is July 1, 2008 through September 30, 2008

- (b) Site plans for emergency/disaster response sites shall be submitted by the agency conducting the post-emergency development review to the Oregon or Washington Department of Fish and Wildlife for review as prescribed in GMA Guidelines 2 and 3, Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites (Part I, Chapter 3: Natural Resources). The wildlife agency shall respond within 15 days of the date the application is mailed.

Findings: The WDFW has received emergency/disaster response plans.

- (c) The wildlife protection process may terminate if the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines (1) the sensitive wildlife area or site was not active, or (2) the emergency/disaster response did not compromise the integrity of the wildlife area or site or occurred at a time when wildlife species are not sensitive to disturbance.

Findings: The integrity of the wildlife area for the previously mentioned fish species is determined to be somewhat compromised by emergency actions taken. While best management practices were used, some sediment was disturbed during the emergency response and a small number of fish were affected while creating the

temporary flume. The work was done within the in-stream work window; however, the resulting work has not fully mitigated for in stream work, further mitigation will be done.

(d) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the wildlife protection process may conclude.

(e) If the agency conducting the post-emergency development review, in consultation with the state wildlife agency, determines that the emergency/disaster response activities had adverse effect on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall comply with standards in GMA Guideline 2, Wildlife Management Plans (Part I, Chapter 3: Natural Resources). Upon completion of the Wildlife Management Plan, the agency shall:

- (i) Submit a copy of the Wildlife Management Plan to the state wildlife agency for review. The state wildlife agency will have 15 days from the date that a plan is mailed to submit written comments to the agency conducting the post-emergency development review;
- (ii) Record any written comments submitted by the state wildlife agency in its development review order. Based on these comments, the agency conducting the post-emergency development review shall make a final decision on whether the proposed use would be consistent with the wildlife policies and guidelines. If the final decision contradicts the comments submitted by the state wildlife agency, the agency shall justify how it reached an opposing conclusion.
- (iii) Require the project applicant to revise the Wildlife Management Plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife area or site.

Findings: Some limited adverse impacts did occur to sensitive wildlife species as a result of the emergency actions. Northwest Pipeline provided a sufficient Wildlife Management Plan based on the Biological Assessment which has been submitted to Washington Department of Fish & Wildlife. Consistency with the Wildlife Management Plan should be a condition of project completion. Mitigation and maintenance conditions will rehabilitate sensitive wildlife habitat.

Maintenance/ Rehabilitation Condition

A condition should be placed that stream rehabilitation be completed as part of emergency/ disaster response pipeline maintenance action which will be completed in collaboration with the Forest Service, Washington Department of Fish and Wildlife, Lower Columbia Fish Enhancement Group and the Army Corps of Engineers. Further pipeline stabilization maintenance is required to reduce the possibility of future in stream maintenance work due to erosion; causing further

stream disturbance. Pipeline maintenance and stream rehabilitation will include stream habitat enhancement through shade and stream structure. This will be accomplished through the following:

The creation of three log jams down stream of the pipeline. Trees will be placed in the stream as large woody debris (LWD). LWD will provide diverse habitat for salmon and other species. LWD creates complex and diverse water velocities and therefore complex and diverse habitat for salmon of all stages. Diverse water velocities sorts gravel for spawning adults and provides shelter for juvenile salmon. The in stream LWD will become a substrate for macro invertebrates- a food source for fry.

A large log jam will be created immediately downstream of the pipeline using less than 15 trees from the Northwest pipeline easement area. The easement area is 75' wide; 55' north and 20' south of the pipeline. The area from which the trees will be pulled is a second growth Douglas fir forest and entirely within Northwest pipeline's easement. A surveyor must mark the easement prior to tree selection. All trees to be put into Woodward Creek will be marked by CRGNSA natural resource specialists prior to maintenance actions. The trees will be pulled down with the root system intact, as much as possible, to anchor the trees in the creek and provide more diverse stream structure. Trees will be selected based on ability to perform sediment stabilization maintenance needs and ability to provide stream structure and habitat. Tree removal will be outside of the 300' stream buffer zone. Trees will be selected throughout the designated area, resulting in dispersed tree removal (see appendix A). Consideration was given to bringing in trees from outside the immediate area, but the access road would not accommodate this action without significant expansion of the road width, including additional tree falling. It was considered less of an environmental impact to remove trees from within the easement adjacent to the mitigation site.

Two smaller log jams will be created downstream of the pipeline as habitat mitigation and rehabilitation, approximately 435' and 715' downstream of the pipeline. Trees which were pulled down during the initial emergency response action for stream access, which have been stockpiled on site, will be used. There are approximately 15 to 20 Douglas fir trees stockpiled for this purpose. The Forest Service will provide an additional 13 trees from the 2006 Beacon Rock road constructions project stockpile. Lower Columbia Fish Enhancement Group will provide 6 more trees as well.

All work is to be completed in collaboration with the Forest Service and done within the in water work window as determined by Washington Department of Fish and Wildlife Hydraulic Project Approval (between July 1, 2008 and September 30, 2008). All work will be consistent with the Wildlife Management Plan submitted by Northwest Pipeline. All conditions stated in this document and management plan guidelines will apply to these mitigation and maintenance completion actions.

(5) Deer and Elk Winter Range n/a; No new fencing shall be permanently erected.

(6) Rare Plants

(a) Emergency/disaster response actions occurring within 1,000 feet of a sensitive plant, shall be reviewed by the Oregon or Washington Natural Heritage Program. State heritage staff will help determine if emergency/disaster response actions have occurred within the buffer zone of a rare plant.

(b) Site plans for emergency/disaster response sites shall be submitted to the Oregon or Washington Natural Heritage Program by the agency conducting the post-emergency development review. State natural heritage staff will, within 15 days from the date the application is mailed, identify the location of the affected plants and delineate a 200 foot buffer zone on the applicant's site plan.

(c) The rare plant protection process may conclude if the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that emergency/disaster response activities occurred outside of a rare plant buffer zone.

(d) If the agency conducting the post-emergency development review, in consultation with the state natural heritage program, determines that the emergency/disaster response activities had minor effects on rare plants or the rare plant buffer zone, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state natural heritage staff, or a CRGNSA natural resources advisor (as available) in consultation with the state natural heritage staff, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the agency administering the Scenic Area ordinance shall incorporate them into its development review order and the rare plant protection process may conclude.

(e) If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse affects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan, that meets the standards in GMA Guidelines 1 and 2, Protection and Rehabilitation Plans (Part I, Chapter 3: Natural Resources, Rare Plants).

(f) The agency conducting the post-emergency development review shall submit a copy of all protection and rehabilitation plans to the state heritage program for review. The state natural heritage program will have 15 days from the date the protection and rehabilitation plan is mailed to submit written comments to the agency conducting the post-emergency development review. The agency conducting the post-emergency development review shall record any written comments submitted by the state natural heritage program in its development review order. Based on these comments, the agency shall make a final decision on whether the proposed use would be consistent with the rare plant policies and guidelines. If the final decision contradicts the comments submitted by the state natural heritage program, the agency conducting the post-emergency development review shall justify how it reached an opposing conclusion.

(g) The agency conducting the post-emergency development review shall require the project applicant to revise the protection and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

Findings: Though there are sensitive plant buffers within 1,000 feet of the project site according to geospatial data, there are no sensitive species within the immediate project area and the project is determined to not impact those species, according to CRGNSA Botanist Robin Dobson.

E. Recreational Resources

(1) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources. CHAPTER 7-General Policies and Guidelines II-7-41

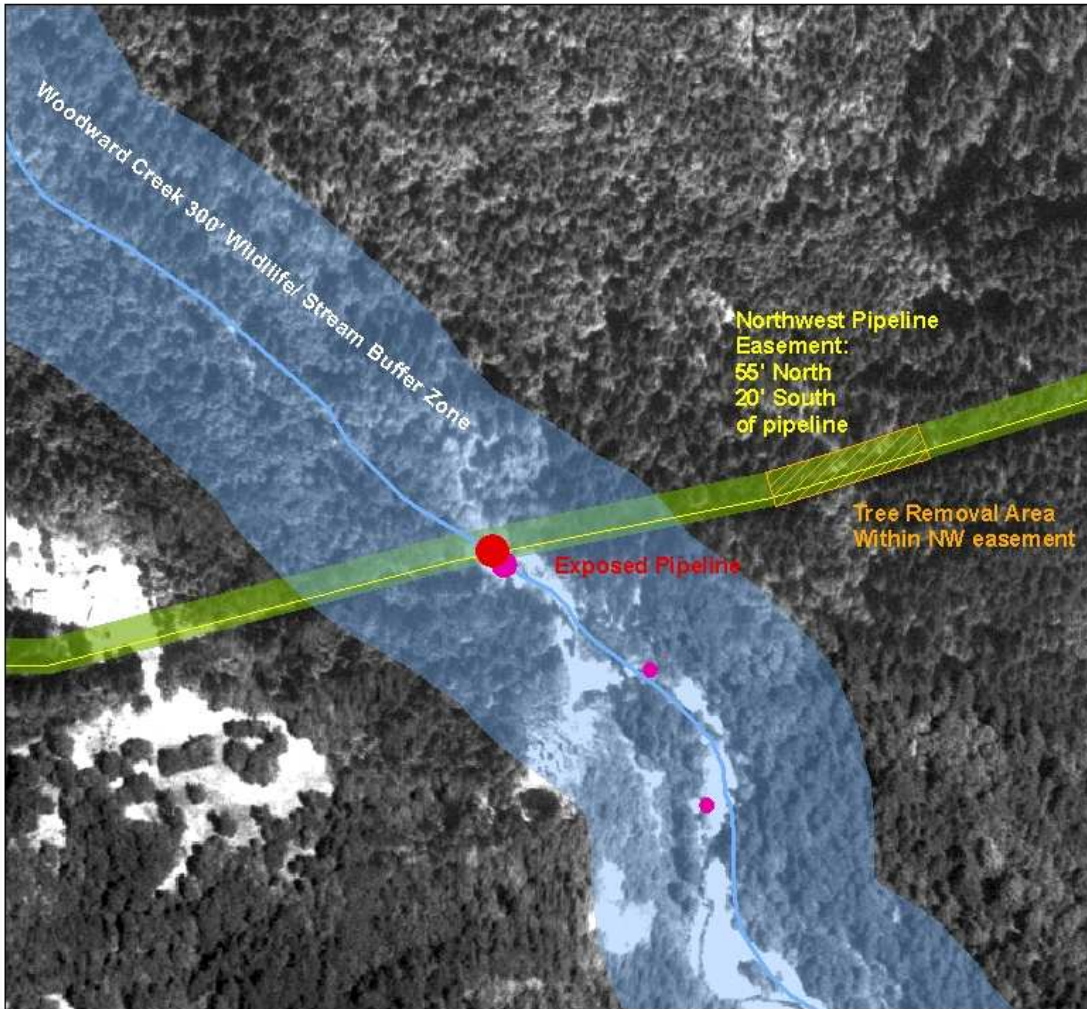
(2) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

Findings: No recreational resources have been or will be adversely affected by the emergency actions during either phase.

G. Conclusion

The emergency/ disaster response actions taken in August of 2007 by Northwest Pipeline at the Woodward Stream crossing 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.

Appendix A



Northwest Pipeline Exposure at Woodward Creek

Maintenance/ Rehabilitation Requirements Plan

Legend

- woodward_lglogjam
- woodward_logjams
- woodward_pipeline
- Streams_Named
- woodward_Trees
- streams_named_nwfp_300ftbuffer
- woodward_pipeline_Buffer20S
- woodward_pipeline_Buffer55N

T2N R6E S26 SW Taxlot 2156
August 4, 2008

