

NOTICE OF NSA DECISION

Case File: T2-2021-14923 **Permit:** Post Emergency/Disaster Response Site Review

Applicant: Terra Lingley, Oregon Department of Transportation (ODOT)

Owner: **Property #1:** Oregon Department of Transportation (ODOT)
Property #2: U.S. Forest Service

Location: Right-of-way within E. Historic Columbia River Highway and on the following properties:

Property #1 Address: No Situs Address **Map, Tax lot:** 1N6E02 -00100

Tax Account #: R946020010 **Property ID #:** R323208

- and -

Property #2 Address: No Situs Address **Map, Tax lot:** 2N6E35D -00200

Tax Account #: R956350090 **Property ID #:** R323560

Zoning: Gorge General Forest (GGF-80), Gorge Special Open Space (GSO), Gorge General Residential (GGR-2)

Overlays: Geologic Hazards

Key Viewing Areas: Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway, Highway I-84 and rest stops, Pacific Crest Trail, Washington State Route 14

Landscape Setting: Coniferous Woodlands and Rural Residential

Recreation Intensity: Recreation Class 2 and Recreation Class 3

Proposal Summary: Applicant requests a Post-Emergency/Disaster Response Site Review for activities related to landslides that occurred on January 2021. The landslides and debris flow relocated Tumalt Creek and filled a drainage ditch within the right-of-way of NE Frontage Road. The response excavated the ditch, returned the creek to its original channel, and an overflow diversion channel and berm was constructed.

Decision: **Approved**

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Tuesday, February 8, 2022, at 4:00 pm.**

Issued By:

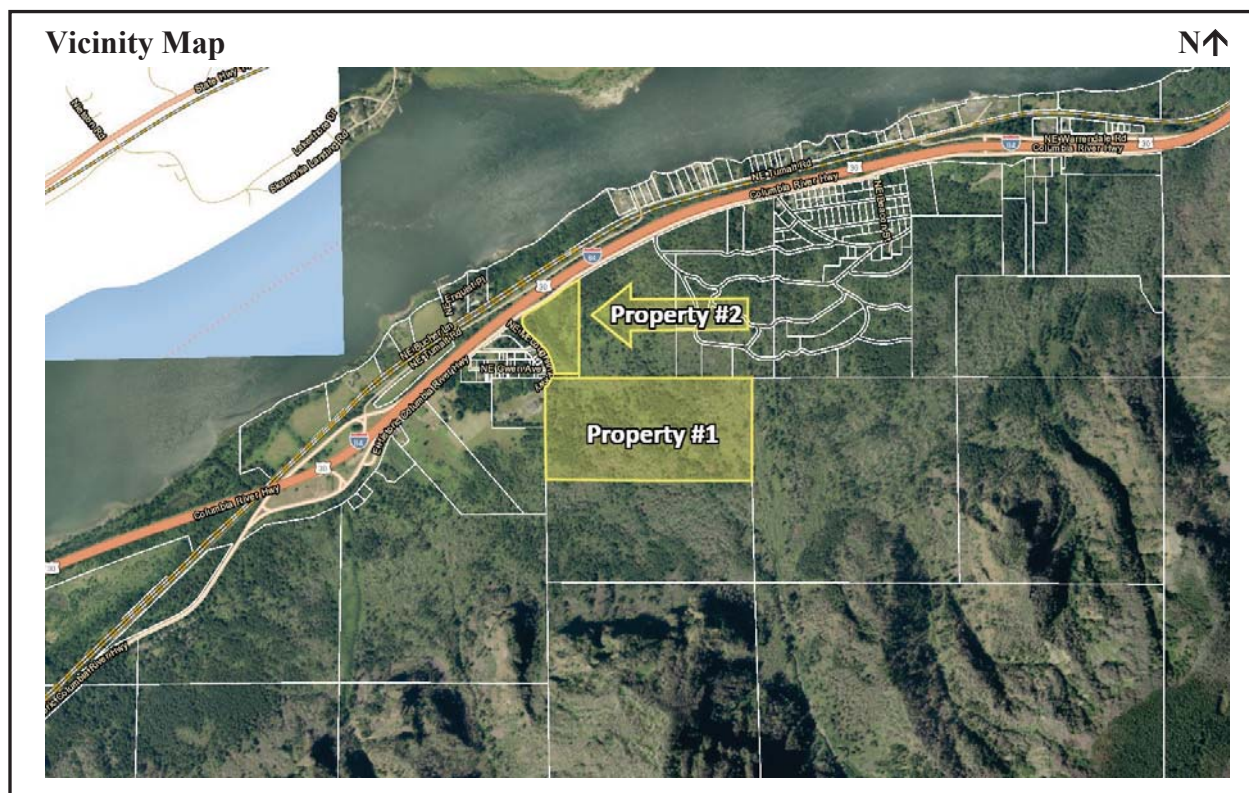
Rithy Khut, Planner

For: Carol Johnson, AICP
Planning Director

Date: Tuesday, January 25, 2022

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application are available for review by contacting Rithy Khut, Staff Planner at 503-988-0176 or rithy.khut@multco.us. Copies of all documents are available at the rate of \$0.40/per page.

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions, MCC 38.0560 Code Compliance and Applications

Post-Emergency/Disaster Response Site Review: MCC 38.7090 Responses to an Emergency/Disaster Event

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link

Chapter 38: Columbia River Gorge National Scenic Area

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code (MCC) criteria and Comprehensive Plan Policies are in **bold** font. Staff analysis and comments are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

1.0 Project Description:

Staff: Applicant requests a Post-Emergency/Disaster Response Site Review for activities related to landslides that occurred on January 2021. The landslides relocated Tumalt Creek and the response will return the creek to its original channel. The applicant completed the removal of debris from the road shortly after the earth movement event, which was considered as repair and maintenance of the right of way. The Post-Emergency/Disaster Response actions reviewed as part of this application include ground disturbing activities that excavation and filling of the roadside ditch within the right of way of Frontage Road, the construction of a temporary access road and channel realignment/widening of Tumalt Creek with an overflow diversion channel and berm in the summer of 2021. At the conclusion of the actions, the applicant reseeded the project. All actions are complete and no additional response activities are proposed.

2.0 Property Description & History:

Staff: The subject application is located within the right-of-way of East Historic Columbia River Highway and two adjacent properties. The two adjacent properties are known as 1N6E02-00100 (“tax lot 100”) and 2N6E35D-00200 (“tax lot 200”). Tax lot 100 is owned by the State of Oregon Highway Commission (now known as the Oregon Department of Transportation or ODOT) and tax lot 200 is owned by the United States Forest Service (USFS). The project areas are located within the Gorge General Forest (GGF-80), Gorge Special Open Space (GSO), and Gorge General Residential (GGR-2) zoning districts in the Columbia River Gorge National Scenic Area (CRGNSA).

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 38.0530 as exhibited in Exhibit C.8. Staff did receive any public comments during the 14-day comment period.

3.1 Chris Donnermeyer, Heritage Resources Program Manager for the USDA Forest Service Columbia River Gorge National Scenic Area provided a Cultural Resource Survey Determination digitally by e-mail on September 2, 2021 (Exhibit D.1)

Staff: A Cultural Resource Survey Determination written by Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service (“USFS”) stated that, “A Cultural Resource Survey is: Required – Conducted by ODOT” and “A Historic Survey is: Not Required”.

As the comment stated that a Cultural Resource Survey was required, additional procedural requirements were required to be met. Those procedural requirements included additional notice and review for Agency Partners and Tribal Governments (Exhibit C.7).

3.2 Chris Donnermeyer, Heritage Resources Program Manager for the USDA Forest Service Columbia River Gorge National Scenic Area provided a NSA Heritage Review Letter digitally by e-mail on October 6, 2021 (Exhibit D.2)

Staff: A NSA Heritage Review Letter written by Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service (“USFS”). The letter provided a review of the cultural resource survey memo entitled “Section 106 Programmatic Agreement Memo 4C Finding of No Historic Properties Affected Tumult Creek Debris Flow Project.” The review provided concurrence that:

“The area is considered low probability for archaeological resources, primarily due to the unstable and dynamic nature of the entire area, with multiple debris flows occurring in recent times ... [and] that the project would have no or minimal potential for cause effects to historic properties.” (Exhibit D.2)

The letter concluded the Cultural Resource Survey requirements as discussed in Section 3.1.

3.2 Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge provided a letter digitally by e-mail (Exhibit D.4)

Staff: Steven D. McCoy submitted an e-mail and letter on December 7, 2021 on behalf of the Friends of the Columbia Gorge which contained comments intended to identify application requirements, procedural requirements, resource protection standards, and provide recommendations to the County and the public regarding legal requirements.

4.0 Administrative Procedures Criteria:

4.1 § 38.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the administration and procedures part of the Columbia River Gorge National Scenic Area Code this standard is remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 38.0560.

For purposes of the current application, staff is not aware of any open compliance cases on the subject properties. Further, there is no evidence in the record of any specific instances of noncompliance on the subject properties. The current application is necessary to protect public safety as the applicant; the Oregon Department of Transportation (ODOT) repaired and maintained utility infrastructure (road) and abated conditions found to exist on the properties that endanger the life, health, and safety of the residents or public. The actions are also necessary to stop earth slope failures located in the project area. *This criterion is met.*

5.0 Post-Emergency/Disaster Response Site Review Criteria:

5.1 § 38.7090 RESPONSES TO AN EMERGENCY/DISASTER EVENT

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

5.1.1 (A) General standards for all response activities.

(1) 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.

Staff: After the initial response activities were conducted to remove debris flows, the applicant utilized Best Management Practices (BMPs) for the actions taken in response to this application. To ensure that erosion and sediment were controlled, the applicant conducted the response actions in the summer dry season (Exhibit A.2, A.3, and A.6). Additionally, as the applicant is ODOT, the work followed the Oregon Department of Transportation Erosion Control Manual standards to ensure that BMPs employed were designed and in place to protect

the exposed soils along the ditch adjacent to the Historic Columbia River Highway and Tumult Creek channels. *This criterion is met.*

(2) 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 Planning Director, or the U.S. Forest Service for federal agency actions.

Staff: The applicant is not proposing any structures or development that will be for a temporary use; therefore, this criterion is not applicable. *This criterion is not applicable.*

(3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

Staff: The project is a response to an emergency/disaster event and does not contain any new exploration, development (extraction or excavation), and production of mineral resources. This project is for the construction of a temporary access road and channel realignment/widening of Tumalt Creek with an overflow diversion channel. *This criterion is met.*

(4) 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 determined to not be possible without further jeopardizing life or property.

Staff: The applicant indicated in their narrative that no spoils were deliberately deposited into the creek (Exhibit A.2). The ground disturbance within the stream and riparian area resulted in the construction of a temporary access road and channel realignment/widening of Tumalt Creek with an overflow diversion channel and berm. After finishing the excavation of soil, the remaining spoils were taken to the ODOT's permanent disposal site near I-84 Exit 28 at Coopey Quarry, which is permitted for use by ODOT as a permanent debris storage site. *This criterion is met.*

5.1.2 (B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions.

(d) At a minimum, the following information shall be required at the time of notification:

1. Nature of emergency/disaster event.

2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).

3. Location of emergency/disaster response activities.

4. Estimated start and duration of emergency/disaster response activities.

5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(e) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

Staff: On August 11, 2021, the applicant notified the Land Use Planning Division by e-mail that an emergency/disaster response activity was to commence (Exhibit C.3). The emergency/disaster response included information about the nature of the emergency/disaster event, description of emergency/disaster response activities and response action to be taken, location, and estimated timeline. *These criteria are met.*

(2) Upon notification of an emergency/disaster response action, the Planning Director or the Forest Service shall, as soon as possible:

(a) Review their 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;

(b) Notify the Oregon 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;

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. 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.

Staff: At receipt of the notification, Planning Staff reviewed the natural resource inventory and provided notice to notified Oregon Department of Fish and Wildlife, U.S. Forest Service, State Historic Preservation Office (SHPO), and the Tribal governments (Exhibit C.4). The Gorge Commission, Oregon Department of Transportation, and the Portland State University Institute of Natural Resources were also notified. *These criteria are met.*

(3) Upon notification of a response action, the U.S. 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.

Staff: Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service (“USFS”) offered their services as a resource advisor and provided a concurrence that:

“The area is considered low probability for archaeological resources, primarily due to the unstable and dynamic nature of the entire area, with multiple debris flows occurring in recent times ... [and] that the project would have no or minimal potential for cause effects to historic properties.” (Exhibit D.2)

This criterion is met.

5.1.3 (C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. 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 no more than two (2) extensions shall be granted.

Staff: On August 11, 2021, the applicant notified the Land Use Planning Division by e-mail that an emergency/disaster response activity was to commence (Exhibit C.3). The application was submitted on July 27, 2021. As the application was submitted prior to the notification, it was within the 30 days following notification. *This criterion is met.*

(2) 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 soil 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.

Staff: The applicant has submitted a narrative and plans detailing the development activities conducted during the emergency/disaster response (Exhibit A.2, A.3, and A.6). The development activities that were completed included:

1. Excavating existing alluvial material along the south side of the I-84 Frontage Road, updating the ditch cross-section and profile to incorporate a flat bottom ditch for 300 feet east of the existing 6-foot x 6-foot reinforced concrete box culvert.
2. Excavating deposited alluvial material upstream of the 84-inch-diameter corrugated metal pipe under Frontage Road, I-84, NE Tumalt Road, and the railroad in order to re-establish the 1996 channel profile and grade.
3. Establishing an access route approximately 1,300 feet long and 10 feet wide, extending off NE Mcloughlin Parkway and following the original 1996 repair access route.

4. Excavating alluvial material adjacent to the upper cut banks/levees and within the 1996 channel in order to re-establish flow path.
5. Excavating alluvial material adjacent to the upper cut banks of the 1996 channel creating secondary diversion or relief channel that directs future flows and debris into the desired flow path.

This criterion is met.

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500 feet of a known cultural resource (as determined in the notification process).

Staff: The emergency/disaster response actions required ground disturbance with mechanized equipment. Therefore, the response is not exempt from the requirements of MCC 38.7090.

(4) Applications shall include the following information:

- (a) Applicant's name and address.
- (b) Location of emergency/disaster response.
- (c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.
- (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:
 1. North arrow and scale.
 2. Boundaries, dimensions and size of subject parcel(s).
 3. Topography at a contour interval sufficient to describe the terrain of the project site.
 4. Bodies of water, watercourses, and significant landforms.
 5. Existing roads and structures.
 6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.
- (e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

Staff: The applicant has submitted a narrative and plans detailing the development activities conducted during the emergency/disaster response as required above (Exhibit A.2, A.3, and A.6). *This criterion is met.*

5.1.4 (D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

Staff: The application for post-emergency/disaster response Site Review is being processed as a Type II decision and being evaluated for compliance with the standards of MCC 38.7090(E) below. *This criterion is met.*

5.1.5 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

(a) 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 the Corbett Rural Center zoning district. In the SMA, such actions shall meet the scenic standard to the greatest extent practicable.

Staff: The emergency/disaster response actions are located in both the GMA and SMA. For the actions within the GMA, those actions can be seen from Beacon Rock, Cape Horn, Columbia River, Historic Columbia River Highway, Highway I-84 and rest stops, Pacific Crest Trail, and Washington State Route 14 KVAs. As the actions are visible from multiple KVAs the actions are required to be visually subordinate¹ to the greatest extent practicable.

As described in the applicant's narrative, the actions related to primarily ground disturbing activities. The ground disturbing activities include the excavation and removal of debris flow deposits within a drainage ditch adjacent to NE Frontage Road. The colors of the soil and vegetation removed in the process of excavating are consistent with the existing landscape as part of the debris flow (Exhibit A.2). Subsequently, the areas within the debris flow path were re-seeded with hydroseed comprised of a Gorge-approved seed mix.

For the actions within the SMA, those actions can also be seen from multiple KVAs. The actions were conducted in the Coniferous Woodlands landscape setting. That landscape setting has a scenic standard within the Gorge Special Open Space zoning designation requiring that development be not visually evident².

The actions in this area were also primarily ground disturbing activities. The ground disturbing activities include excavation and filling of earth material to restore the creek to the original stream channel and the excavation of an overflow diversion channel, and the moving of earth material to create a berm. The applicant also created a private driveway to provide access to the project area. The creation of the private driveway removed vegetation along an approximately 1,300-foot long and 10-foot wide corridor. The driveway is screened from key viewing areas by surrounding vegetation and the hilly nature of the topography (Exhibit A.2). At the conclusion of the actions, the ground disturbance was re-seeded with hydroseed comprised of a Gorge-approved seed mix to ensure that the actions would be not visually evident. *This criterion is met.*

¹ Visually subordinate: The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

² Not visually evident (Special Management Area): A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

(b) 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.

Staff: At the conclusion of the ground disturbance activities related to the emergency/disaster response actions, the areas structural development, landform alteration, and areas denuded of vegetation were screened or covered. The road cut for the driveway to access the upper portions of Tumalt Creek was blocked using trees and other vegetation. The landform alteration along Frontage Road was re-seeded with hydroseed and allowed to return to a more natural state of vegetation (Exhibit B.5). The bottom of the waterway channels were left denuded of vegetation as they are located within the right of way and must be kept clear to allow water to travel through (Exhibit B.6 and B.7). *This criterion is met.*

(c) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species 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 of up to one year.

Staff: As discussed in the previous criterion, areas denuded of vegetation were revegetated. However, the project area could not be restored to the pre-response condition as the area was subject to a large debris flow. To return the area of its pre-responses condition to the greatest extent practicable the area was re-seeded with hydroseed and allowed to return to a more natural state of vegetation naturally over time (Exhibit B.5, B.6, and B.7). *This criterion is met.*

(d) The painting, staining or use of other materials on new structural development shall be used to ensure that the structures are non-reflective, or of low reflectivity, and visually subordinate in their landscape setting as seen from key viewing areas, unless the structure is fully screened from key viewing areas by existing topographic features.

Staff: The applicant did not propose structural development that required painting or staining. The structural development that occurred was related to ground disturbing activities including the creation of a diversion berm. The diversion berm is composed of earth materials and is visually subordinate through screening and topographic features (Exhibit B.8). *This criterion is met.*

(e) Additions to existing structures, resulting from a emergency/disaster response action, which are smaller in total height, bulk or area than the existing structures may be the same color as the existing development. Additions larger than the existing development shall be visually subordinate in their landscape setting as seen from key viewing areas to the greatest extent practicable.

Staff: The applicant did not propose additions to existing structures; therefore, this criterion is not applicable. *This criterion is not applicable.*

(f) 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:

1. The spoil materials shall either be:

- a. Removed from the NSA or
 - b. Deposited at a site within the NSA where such deposition is, or can be, allowed, or
 - c. Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.
2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f)1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f)1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f)1.c.) The applicant does not make this decision.
3. The County shall select the action in MCC 38.7090(E)(1)(f)1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.
4. Disposal sites created according to MCC 38.7090(E)(1)(f)1.b. 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.

Staff: As described in the applicant's narrative all spoil materials were transported to Coopey Quarry. The quarry site was approved as a site within the NSA where such deposition is, or can be, allowed on March 07, 2019 under land use case #T3-2017-9784. In total, approximately 2,625 cubic yards of spoil materials were removed and disposed at Coopey Quarry (Exhibit A.2). The remaining spoil materials were reworked and contoured to retain the natural topography outside of areas needed to ensure channel stability.

The use of an approved disposal site within the Columbia River Gorge National Scenic Area and recontouring within the project area is the most practicable result that best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources. As an alternative, the applicant would have needed to remove all of the spoil materials, which would have resulted in bringing large quantities of fill to the site. *These criteria are met.*

(g) In the Special 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:

1. The spoil materials shall either be:
 - a. Removed from the NSA, or
 - b. Deposited at a site within the NSA where such deposition is, or can be, allowed within two years of the emergency.

Staff: As described in the previous criteria above, all spoil materials were transported to Coopey Quarry. The quarry site was approved as a site within the NSA where such deposition is, or can be, allowed on March 07, 2019 under land use case #T3-2017-9784. In total approximately 2,625 cubic yards of spoil materials was removed disposed at Coopey Quarry (Exhibit A.2). A majority of the spoil materials were located in the General Management Area. In the areas within the Special Management Area, 850 cubic yards of fill was brought to the project area to create the diversion berms. *These criteria are met.*

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

Staff: The applicant removed the spoil materials to a permanent disposal site located at Coopey Quarry. The quarry site was approved as a site within the NSA where such deposition is, or can be, allowed on March 07, 2019 under land use case #T3-2017-9784. Under that land use case, it was found to meet the scenic standard as a disposal site. *This criterion is met.*

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

Staff: As discussed in the applicant's narrative, all grading has been completed. *This criterion is met.*

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

Staff: As discussed in the previous criterion, MCC 38.7090(E)(1)(c), areas denuded of vegetation were revegetated using a Gorge approved hydroseed mixture and allowed to return to a more natural state of vegetation naturally over time (Exhibit B.5, B.6, and B.7). *This criterion is met.*

5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

Staff: As discussed in the applicant's narrative, all revegetation has been completed. *This criterion is met.*

6. MCC 38.7090(E)(1)(g) shall take effect on August 3, 2006, or approval of a disposal site, whichever comes first.

Staff: As discussed above, the applicant has met the requirements of MCC 38.7090(E)(1)(g) as discussed above. *This criterion is met.*

(2) Cultural Resources and Treaty Rights

(a) 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.

Staff: A majority of the emergency/disaster response actions were located in areas not expected to adversely affect cultural resources. The project area near Frontage Road, which is a part of the Historic Columbia River Highway, is in an area that was previously disturbed by the creation of the road. The ditch was constructed as a part of the construction of the Historic Columbia River Highway. The actions in the upper sections were reviewed by Dustin Kennedy, ODOT Archaeologist (Exhibit A.2 and A.4). The subject properties encompass 13 acres, which are an Area of Potential Effect (APE). The review by Dustin Kennedy included an analysis of the Archaeological Records Remote Access (OARRA) files and other historic documents and databases, which revealed that no archaeological sites are recorded within the APE. Lastly, Mr. Kennedy visited the project APE on May 4, 2021 and May 12, 2021 to ensure that no additional cultural or archaeological resource were within the APE. Mr. Kennedy final recommended was:

“No additional archaeological work was needed for this project based on its scope, results of background research (OARRA, historic documents, etc.), pedestrian survey,

and the high degree of disturbance within the APE due to the instability of the landform.”

This criterion is met.

(b) The U.S. 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 Planning Director.

1. Reconnaissance surveys shall be conducted by the U.S. Forest Service and comply with the standards of MCC 38.7045 (D)(1) and (D)(2)(c).

2. 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 maps, and should use archival research, blueprints, and drawings as necessary.

Staff: As discussed in Section 3.1, Chris Donnermeyer, Heritage Resources Program Manager for the USDA Forest Service Columbia River Gorge National Scenic Area provided a Cultural Resource Survey Determination digitally by e-mail on September 2, 2021 (Exhibit D.1). The Cultural Resource Survey Determination written by Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service (“USFS”) stated that, “A Cultural Resource Survey is: Required – Conducted by ODOT” and “A Historic Survey is: Not Required”.

The Reconnaissance Survey was completed after a NSA Heritage Review Letter written by Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service (“USFS”). The letter provided a review of the cultural resource survey memo entitled “Section 106 Programmatic Agreement Memo 4C Finding of No Historic Properties Affected Tumult Creek Debris Flow Project.” The review provided concurrence that:

“The area is considered low probability for archaeological resources, primarily due to the unstable and dynamic nature of the entire area, with multiple debris flows occurring in recent times ... [and] that the project would have no or minimal potential for cause effects to historic properties.” (Exhibit D.2)

This criterion is met.

(c) Following the submittal of a post-emergency land use application, in addition to other public notice requirements that may exist, the Planning Director shall notify the Tribal governments when:

1. A reconnaissance survey is required, or

2. Cultural resources exist in the project area.

All such notices shall include a copy of the site plan required by MCC 38.7090 (C) (4) (d).

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 Planning Director shall send a copy of all comments to the Gorge Commission.

Staff: Following the submittal of a post-emergency land use application additional public notice was completed to notify the Tribal governments when a reconnaissance survey is required or cultural resources exist in the project area. The additional notice was sent as exhibited in Exhibit C.7. *These criteria are met.*

(d) When written comments are submitted in compliance with (C)(2) 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 Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045(C)(1) and (2) and 38.0110(A)(1) and (2).

Staff: No written comments were submitted during this additional notice period. *These criteria are met.*

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045(D)(2)(c) and (F).

Staff: No cultural resources were discovered within the area disturbed by emergency response actions; therefore, this criterion is not applicable. *These criteria are met.*

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J).

(g) The Planning Director 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 Planning Director. The Director shall record and address all written comments in the Site Review decision.

(h) The Planning Director 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 Director shall justify how an opposing conclusion was reached.

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

- 1. The emergency/disaster response 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.**

- 2. The emergency/disaster response action avoided cultural resources that exist in the project area.**
- 3. Adequate mitigation measures to affected cultural resources have been developed and will be implemented.**
- 4. A historic survey demonstrates that emergency/disaster response actions, and associated development, had no effect on historic buildings or structures because:**
 - a. 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**
 - b. 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].**

Staff: As discussed in above in MCC 38.78.7090(E)(2)(a) and (b), no Tribal treaty rights were affected and the emergency/disaster response action avoided cultural resources that exist in the project area. Additional notice was provided to the Tribal Governments as discussed in MCC 38.7090(E)(2)(c) and additional review and concurrence was provided by Chris Donnermeyer on behalf of the United States Department of Agriculture: Forest Service ("USFS") to the Cultural Resource Survey provided by Dustin Kennedy, ODOT Archaeologist. *These criteria are met.*

(3) Natural Resources

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

Staff: As required, to the greatest extent practicable, the response actions shall not adversely affect natural resources. As discussed previously, the applicant responded to the emergency/disaster by conducting ground-disturbing activities including the excavation and removal of debris flow deposits within a creek and roadside ditch, excavation and filling of earth material to restore the original stream channel of Tumalt Creek and construction of a diversion berm. The applicant also created a private driveway to provide access to the project area. At the conclusion of the actions, the ground disturbance was re-seeded with hydroseed comprised of a Gorge-approved seed mix. Based on these actions, the natural resources of the site, which include the creek, the riparian area surrounding the creek, the drainage ditches, and the forested areas were returned to their pre-existing state prior to the emergency. As such, the actions did not adversely affect the natural resources. *This criterion is met.*

- (b) 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 MCC .7060(F).**

1. 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 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 buffer zones. State biologists shall respond within 15 days of the date the application is mailed.

Staff: At the time that the application was submitted, an Agency Review request was sent to the Oregon Department of Fish and Wildlife (Exhibit C.2). No comments were provided. Subsequently, an Opportunity to Comment was also sent on October 7, 2021, which also saw no comment from Oregon Department of Fish and Wildlife (Exhibit C.8). *This criterion is met.*

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:

1) 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.

2) Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

Staff: The emergency/disaster response occurred within a stream (Tumalt Creek), adjacent riparian areas and within the buffer zones of those areas as the applicant was removing debris flow deposits within roadside ditch, restoring the original stream channel of Tumalt Creek, and constructing a diversion berm. As described in the applicant's narrative, the applicant utilized Best Management Practices (BMPs) for the response actions. To ensure that erosion and sediment was controlled, the applicant conducted the response actions in the summer dry season (Exhibit A.2, A.3, and A.6). Additionally as the applicant is ODOT, the work followed the Oregon Department of Transportation Erosion Control Manual standards to ensure that BMPs employed were designed and in place to protect the exposed soils along the ditch adjacent to the Historic Columbia River Highway and Tumult Creek.

Lastly, as was previously discussed, the applicant rehabilitated the disturbed areas by re-seeded those areas with hydroseed comprised of a Gorge-approved seed mix. As this area is prone to earth movement and a portion of the ground disturbance is located within a stream channel, these actions are the maximum extent practicable to rehabilitate the area. *These criteria are met.*

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.

Staff: The applicant has offset the impacts through mitigation and restoration of the impacted area. The ground disturbance restored the roadside ditch along Frontage Road and returned Tumalt Creek to its original stream channel. The area was recontoured to its original state prior to the emergency/disaster event. Then applicant rehabilitated the disturbed areas by re-seeding

those areas with hydroseed comprised of a Gorge-approved seed mix (Exhibit A.2). As this area is prone to earth movement and a portion of the ground disturbance is located within a stream channel, these mitigation and restoration actions ensure that the impacts are offset to the greatest extent practicable. *This criterion is met.*

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, 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 Planning Director shall incorporate them into the Site Review decision and the aquatic area protection process may conclude.

Staff: No comments were provided by Oregon Department of Fish and Wildlife; therefore, no modifications will be required. *This criterion is met.*

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards of MCC .7060(F)(1) and (2).

Rehabilitation Plans shall also satisfy the following:

- 1) 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.**
- 2) Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.**
- 3) The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.**

Staff: As part of the narrative, the applicant included a Rehabilitation Plan that included a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts (Exhibit A.2). The plan also includes a planting plan specifying the native plant species used. The rehabilitation of the area is complete as the applicant rehabilitated the disturbed areas by re-seeding those areas with hydroseed comprised of a Gorge-approved seed mix. *These criteria are met.*

2. 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 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.

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (C) (1) and (2). The

department shall respond within 15 days of the date the application is mailed.

Staff: At the time that the application was submitted, an Agency Review request was sent to the Oregon Department of Fish and Wildlife (Exhibit C.2). No comments were provided. Subsequently, an Opportunity to Comment was also sent on October 7, 2021, which also saw no comment from Oregon Department of Fish and Wildlife (Exhibit C.8). *This criterion is met.*

c. The wildlife protection process may terminate if the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, 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.**

Staff: As the emergency/disaster response is complete, the wildlife protection process has been terminated, as it did not compromise the integrity of the wildlife area as it occurred at a time when wildlife species are not sensitive to disturbance. *This criterion is met.*

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, 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 U.S. 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 Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

Staff: As no comments were provided by Oregon Department of Fish and Wildlife, therefore no modifications will be required. *This criterion is met.*

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall satisfy the standards of MCC 38.7065(D). Upon completion of the Wildlife Management Plan, the Planning Director shall:

- 1) Submit a copy of the Wildlife Management Plan to the Oregon Department of Fish and Wildlife for review. The department will have 15 days from the date that a management plan is mailed to submit written comments to the Planning Director;**
- 2) Record any written comments submitted by the Oregon Department of Fish and Wildlife in the Site Review decision. Based on these comments, the Planning Director 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 Oregon Department of Fish and Wildlife, the Director shall justify how an opposing conclusion was reached.

3) 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.

Staff: As no comments were provided by Oregon Department of Fish and Wildlife and the emergency/disaster response actions have been completed, a Wildlife Management Plan will not be required. *These criteria are not applicable.*

3. Deer and Elk Winter Range

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065(E).

Staff: No fencing is proposed as part of this application, therefore this criterion is not applicable. *This criterion is not applicable.*

4. Rare Plants

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

Staff: At the time that the application was submitted, an Agency Review request was sent to the Oregon Natural Heritage Program (Exhibit C.2). No comments were provided. Subsequently, an Opportunity to Comment was also sent on October 7, 2021, which also saw no comment from Oregon Natural Heritage Program (Exhibit C.8). It does not appear that the emergency/disaster response actions occurred within 1,000 feet of a sensitive plant; therefore, the criteria of MCC 38.7090(E)(3)(b)4. are not applicable. *This criterion is met.*

* * *

(4) Recreational Resources

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

(b) 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.

Staff: There are no recreational resources within the project area, therefore these criteria not applicable. *This criterion is not applicable.*

6.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Post Emergency/Disaster Response Site Review in the Gorge General Forest (GGF-

80), Gorge Special Open Space (GSO), and Gorge General Residential (GGR-2) zone. This approval is subject to the conditions of approval established in this report.

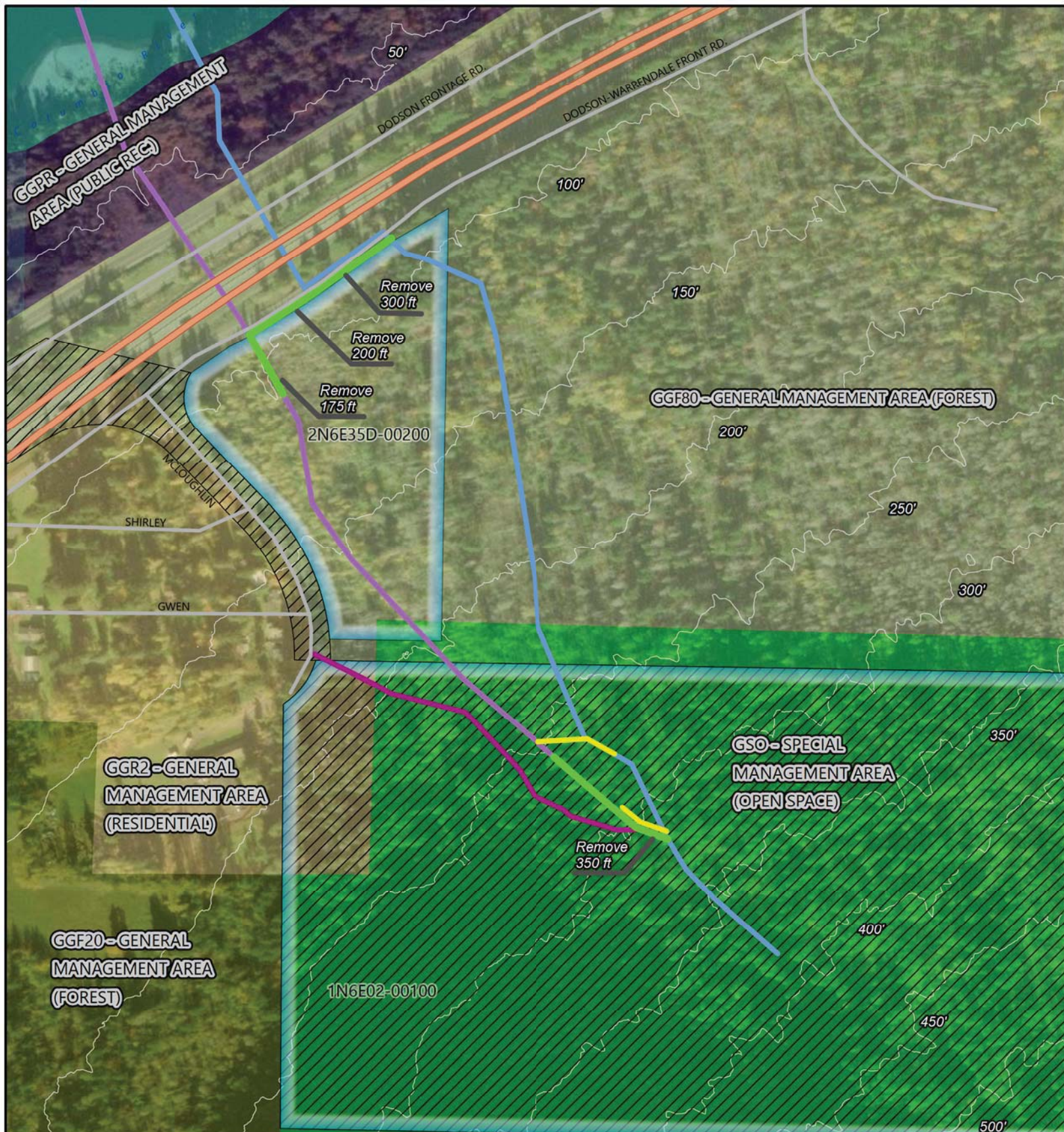
7.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2021-14923 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Application Form	07/27/2021
A.2*	23	Narrative <ul style="list-style-type: none"> - Figure 1. Emergency Response Area Project Site Map and Zoning - *Figure 2. Drainage Features and Emergency Response Action - Figure 3. Permanent Spoils Disposition Location 	07/27/2021
A.3	12	Oregon Department of Transportation (ODOT) and Oregon Parks and Recreation Department (OPRD) Joint Permit Application (US Army Corps of Engineers/Oregon Department of State Lands/Oregon Department of Environmental Quality)	07/27/2021
A.4	9	Section 106 Programmatic Agreement Memo 4C Finding of No Historic Properties Affected Tumult Creek Debris Flow Project	07/27/2021
A.5	8	Archaeological Inadvertent Discovery Plan	07/27/2021
A.6	51	Oregon Department of Transportation (ODOT) and United State Forest Service (USFS) Joint Permit Application (US Army Corps of Engineers/Oregon Department of State Lands/Oregon Department of Environmental Quality)	07/27/2021
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1N6E02 -00100 (Alt Acct #: R946020010)	07/27/2021
B.2	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 2N6E35D -00200 (Alt Acct #: R956350090)	07/27/2021
B.3	1	Division of Assessment, Recording, and Taxation (DART): Map with 1N6E02 -00100 (Alt Acct #: R946020010) highlighted	07/27/2021
B.4	1	Division of Assessment, Recording, and Taxation (DART): Map with 2N6E35D -00200 (Alt Acct #: R956350090) highlighted	07/27/2021

‘C’	#	Administration & Procedures	Date
C.1	4	Pre-File Meeting Waiver	07/27/2021
C.2	112	Agency Review	08/06/2021
C.3	5	Emergency Notification from Oregon Department of Transportation (ODOT)	08/11/2021
C.4	6	Emergency Notification from Multnomah County Land Use Planning Division	08/16/2021
C.5	2	Letter of Authorization from United States Forest Service (“USFS”)	08/24/2021
C.6	1	Complete Letter (Day 1)	08/25/2021
C.7	12	Cultural Resource Survey Report Notification	10/07/2021
C.8	10	Opportunity to Comment and mailing list	11/23/2021
C.9	27	Administrative Decision and mailing list	01/25/2022
‘D’	#	Comments Received	Date
D.1	11	Email and Cultural Resources Survey Determination from Christopher Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area	09/02/2021
D.2	13	Email and NSA Review Letter concerning Cultural Resource Survey Memorandum from Christopher Donnermeyer, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area	10/06/2021
D.3	3	Email and Letter from Steven D. McCoy, Staff Attorney, Friends of the Columbia Gorge	12/07/2021



EMERGENCY RESPONSE AREA AND ZONING

THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT BE SUITABLE FOR LEGAL, ENGINEERING, OR SURVEYING PURPOSES. USERS OF THIS PRODUCT SHOULD REVIEW AND CONSULT THE PRIMARY DATA SOURCES TO DETERMINE THE USABILITY OF THE INFORMATION. CONCLUSIONS DRAWN FROM THIS INFORMATION ARE THE RESPONSIBILITY OF THE USER.



Property ID	Area (acres)
2N6E35D-00200	12.5
1N6E02-00100	81.1

- INTERSTATE
- ROADS
- FILL
- REMOVAL
- ACCESS ROUTE



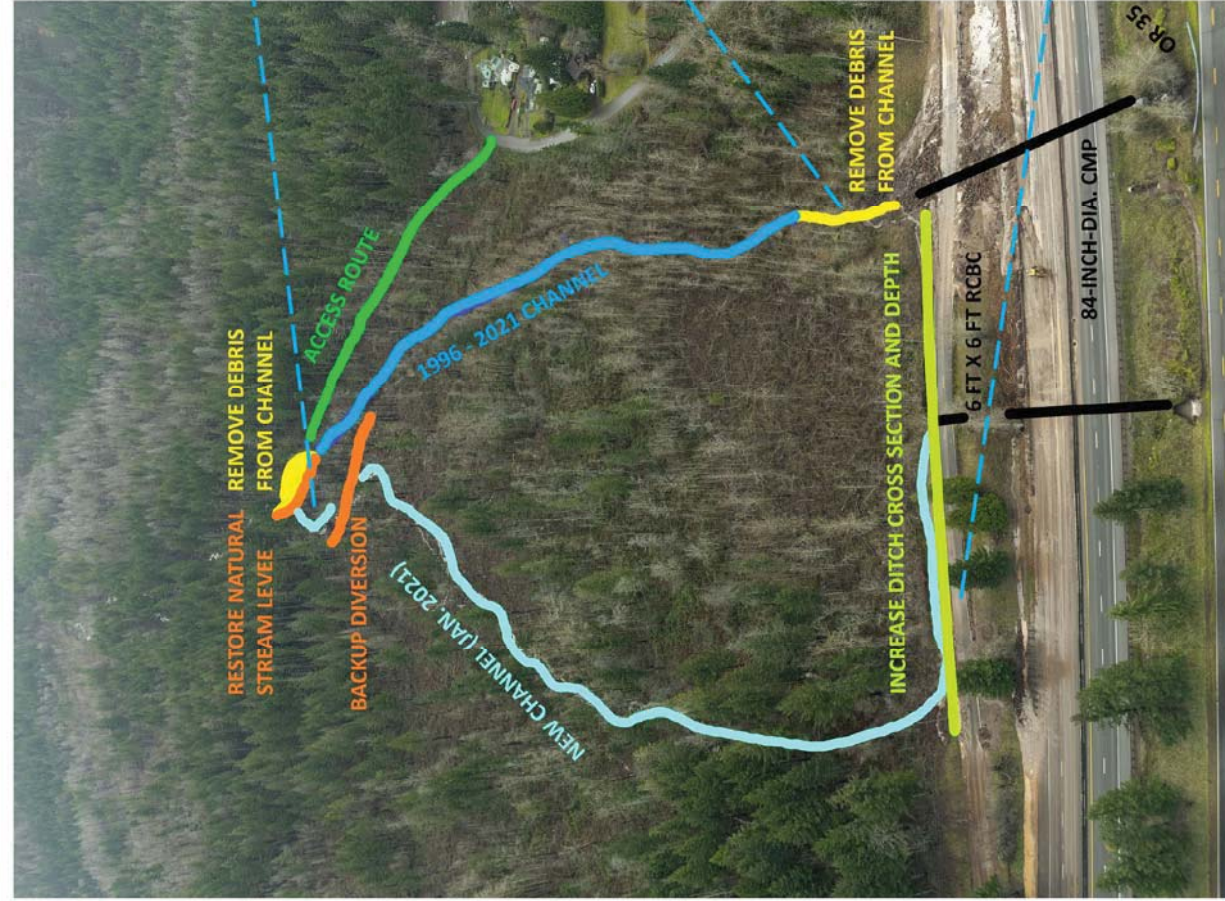
0 425 850 Feet

LEGEND

- STREAM 2021
- STREAM 1996-2020
- OPRD (STATE PARKS)
- TAXLOTS
- 50' CONTOURS

COL. RIVER GORGE NATL. SCENIC AREA ZONING

- GGPR
- GSO
- GGF20
- GGF80
- GGR2



1. Upper Channel Re-establishment
Issue: Stream jumps out of 1996 channel and has created a debris field and filled section of preexisting channel. Upstream from this location channel is incised with levees, stream velocity, and older growth timber maintaining channel alignment.

Recommendation: Excavate deposited alluvial material adjacent to the upper cut banks/levees and within the 1996 channel in order to re-establish flow path. Excavate deposited alluvial creating secondary diversion or relief channel directing flows and debris back into desired flow path. Estimated quantity of excavated material to be reworked 1000 cubic yards.



2. Lower Channel Re-establishment
Issue: Alluvial debris has filled the 1996 channel creating a higher likelihood for debris to force channel shift away from culvert and across frontage road or I-84.

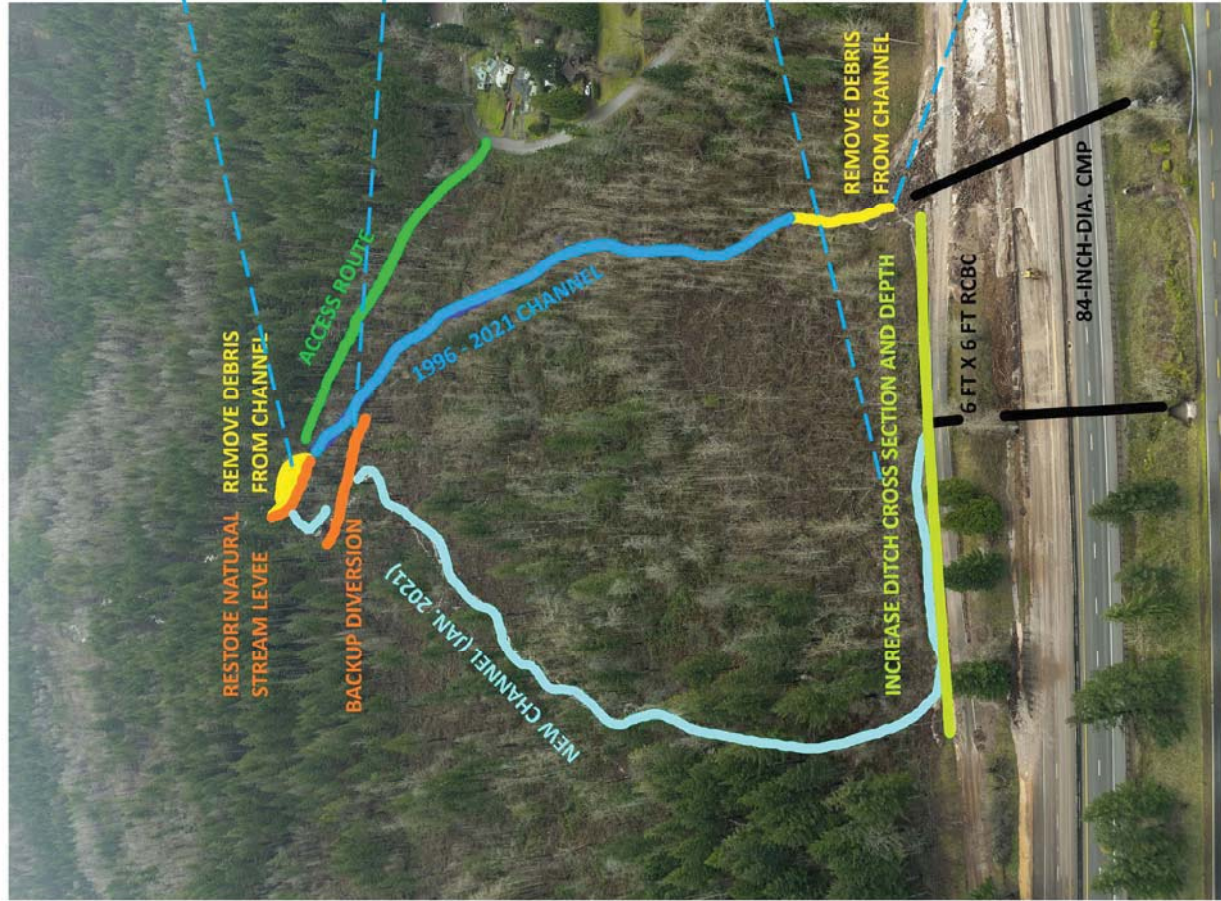
Recommendation: Excavate deposited alluvial material upstream from the 84 inch diameter Corrugated Metal Pipe (CMP) in order to re-establish the 1996 channel profile and grade. Estimated quantity of excavated material and removed 300 cubic yards.



3. Frontage Road Ditch Section
Issue: January 2021 event has created higher flow and debris load east of the 6ftx6ft Reinforced Concrete Box Culvert (RCBC). This roadside ditch was not design to handle stream and debris flows and needs to be widened.

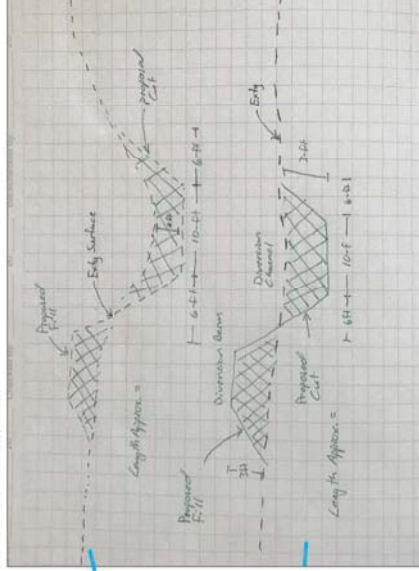
Recommendation: Excavate existing alluvial material along the south side of the I-84 frontage road updating the ditch cross-section and profile to incorporate a flat bottom ditch for 300-ft east and 200-ft west of the existing 6ftx6ft RCBC. Estimated quantity of excavated material and removed 300 cubic yards.

I-84 M.P. 35.8 to 36.1
TUMALT CREEK DEBRIS FLOW REPAIR
CONCEPT PLAN
 May 3, 2021



1. Upper Channel Re-establishment

Issue: Stream jumps out of 1996 channel and has created a debris field and filled section of

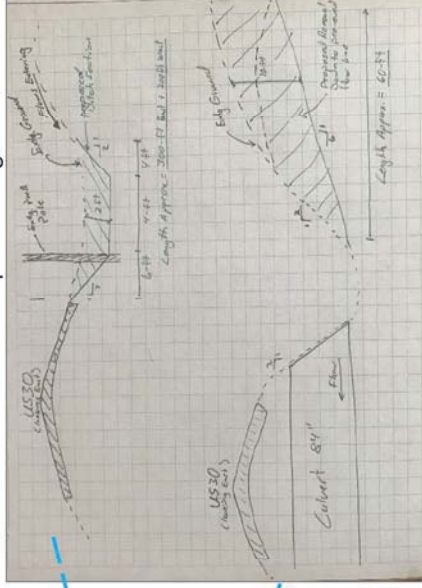


4. General Notes

- 4a. Embankment shall be constructed by track walking in 9 inch high lifts.
- 4b. Embankment shall be constructed of onsite excavated alluvial material free of debris and boulders greater than 8" diam.
- 4c. All work shall be performed outside the actively flowing channel. If work within water is necessary, first contact Owner's Environmental Representative.
- 4d. No work within 200 ft. of bridge.
- 4e. Anticipated construction access path.
- 4f. Concept plan only. This concept is intended to be a temporary improvement against a small storm to accompany appropriate emergency response planning and monitoring. This plan is not intended to be a long term solution.

2&3. Frontage Road And Channel Improvements

Excavate existing alluvial material along the south side of the I-84 frontage road updating the ditch cross-section and profile. Excavate deposited alluvial material upstream from the 84 inch diameter Corrugated Metal Pipe (CMP) in order to re-establish the 1996 channel profile and grade.



- 1a. Raise embankment by up to 4 ft. high for 50 ft. wide to create level longitudinal slope along levee top (± 3600 cu.yd.). See Notes 4a through 4d.
- 1b. Excavate east slope out of recent alluvial deposits as directed by Engineer (± 5600 cu.yd.). Do not excavate existing levee.
- 1c. Place reclaimed native boulders greater than 8 in. diam. along toe of excavated slope (see Note 4b).
- 1d. Excavate 50' wide return channel as directed by Engineer. Field fit flow line from levee excavation to river channel.

I-84 M.P. 35.8 to 36.1

TUMALT CREEK DEBRIS FLOW REPAIR

CONCEPT PLAN

May 3, 2021



Oregon
Department
of Transportation