

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

Project Name: Buck Prairie Vault Toilet Replacement (DOI-BLM-OR-M060-2010-0017-CX)

BLM Office: Ashland R.A., Medford District. **Contact:** Nicholas Schade (541) 618-2281

DESCRIPTION & LOCATION OF THE PROPOSED ACTION

The proposed action involves the replacement of the vault toilet facility in the Buck Prairie recreation area. The base of the current vault toilet has been undermined, the siding and roof are aging and have several leaks. The vent stack has been vandalized and no longer is effective in reducing odor. With increased use at Buck Prairie, there is a need for adequate toilet facilities.

The current vault toilet sits on a poured concrete pad surrounded by a chip sealed parking area. Replacement of the vault toilet would include removal of the existing facility, removal of the existing chip sealed parking area, removal of the concrete pad, excavation of the ground below the existing toilet, and installation of a new vault toilet. After removal of the existing vault toilet, further excavation will be required to clean any infill created during removal and to enlarge the hole left by removal of the existing vault toilet. This will be done to accommodate the larger replacement vault toilet. When installing the vault, an area slightly larger than the vault has to be excavated. The vault is then placed and the remaining space is backfilled. The existing toilet facility is approximately 5' deep, 6' wide and 10' long. In total an area 5' deep, 8'5 wide and 17' long needs to be excavated to accommodate the installation of the new toilet facility. A new concrete pad would be poured and the area surrounding the pad and toilet would be chip sealed in the same fashion as it previously existed. All construction activities will occur on previously disturbed areas.

The design and earth tone color would be similar to other BLM vault toilets in the area. The design will be vandal resistant and meet current ADA accessibility standards and guidelines. The concrete vault walls, lined with plastic, will act to separate sewage effluent from soil and ground water. The vault toilet will be engineered and designed for long-life in extreme conditions. The building meets or exceeds the effects of a seismic design category E earthquake, a 150-mph wind load and a 350-pound per square foot snow load.

The project is located in Section 29 of Township 38 South, Range 3East, Willamette Meridian, Jackson County, Oregon. The project will take place in the same location as the existing vault toilet which is adjacent to road 38-3E-19.

PLAN CONFORMANCE

The proposed action is in compliance with the 1995 Medford District Record of Decision and Resource Management Plan (RMP). The 1995 Medford District Resource Management Plan incorporated the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and the Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan) (USDA and USDI 1994).

The 1995 Medford District Resource Management Plan was later amended by the 2001 *Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines*. On July 25, 2007, the *Record of Decision To Remove the Survey and Manage Mitigation Measure Standards and Guidelines from Bureau of Land Management Resource Management Plans Within the Range of the Northern Spotted Owl* amended the 1995 Medford District Resource Management Plan by removing the Survey and Manage Mitigation Measure Standards and Guidelines.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) (Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007

Record of Decision eliminating the Survey and Manage mitigation measure. Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects (including timber sales).

This project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). This project is not a habitat disturbing activity, as defined in page 22 of the Standards and Guidelines of the 2001 Record of Decision and Standards and Guidelines, for any Survey and Manage species. Because the project is not habitat disturbing, the Survey and Manage provisions, including pre-disturbance surveys, are not required under the 2001 Record of Decision and Standards and Guidelines, (Standards and Guidelines, p. 7, 21-22).

The proposed action is also in conformance with the direction given for the management of public lands in the Medford District by the Oregon and California Lands Act of 1937 (O&C Act), Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act (ESA) of 1973, the Clean Water Act of 1987, Safe Drinking Water Act of 1974 (as amended 1986 and 1996), Clean Air Act, and the Archaeological Resources Protection Act of 1979.

CATEGORICAL EXCLUSION REVIEW

Department of the Interior Regulations (43 CFR § 46.205(c)) require that any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances listed in 43 CFR § 46.215. An action would meet one of the extraordinary circumstances if the action may:

Yes	No	Categorical Exclusion Exception
<input type="checkbox"/>	<input checked="" type="checkbox"/>	1. Have significant adverse effects on public health or safety.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resource; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)] not already decided in an approved land use plan.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4. Have highly uncertain and potentially significant environmental effects or unique or unknown environmental risks.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	6. Have a direct relationship to other actions with individually insignificant, but significant cumulative environmental effects. (40 CFR 1508.7 and 1508.25(a)).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	10. Have disproportionate significant adverse impacts on low income or minority populations (Executive Order 12898).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

- () (X) 12. Contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

COMPLIANCE WITH NEPA

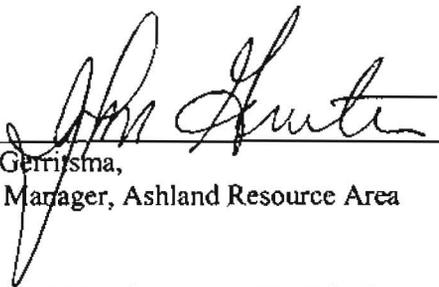
In accordance with 43 CFR §§ 46.205(c) and 46.215, the proposed action has been reviewed against the twelve criteria above and I have determined that none of the extraordinary circumstances described in 43 CFR § 46.205(c) apply to this project. The project qualifies as a categorical exclusion under 43 CFR § 46.210(f) which allows for *“routine and continuing government business, including such things as supervision, administration, operations, maintenance, renovations, and replacement activities having limited context and intensity (e.g., limited size and magnitude or short-term effects).”*

DOCUMENT PREPARATION AND REVIEW

Nicholas Schade	Park Ranger	1-20-2010
Prepared by	Title	Date
Stephanie Larson	Assistant Environmental Coordinator	2-12-2010
Reviewed & Edited by	Title	Date

DECISION

I have determined that the proposed action qualifying as a categorical exclusion under 43 CFR § 46.210(f) involves no significant impact to the human environment and that no further environmental analysis is required. It is my decision to authorize the Buck Prairie Vault Toilet Replacement.



John Gerritsma,
Field Manager, Ashland Resource Area

2-12-10
Date

ADMINISTRATIVE REMEDIES

Notice of this decision will be posted on the District internet website. The action is subject to protest under 43 CFR 4.450-2. A decision in response to a protest is subject to appeal to the Interior Board of Land Appeals under 43 CFR part 4.