

DECISION RECORD & CATEGORICAL EXCLUSION REVIEW

(DOI-BLM-OR-M060-2010-0018-CX)

Project Name: Kenney Meadows Recreation Site Maintenance Project

BLM Office: Ashland Resource Area, Medford District.

Contact: Nicholas Schade at (541) 618-2281

DESCRIPTION & LOCATION OF THE PROPOSED ACTION:

The proposed action involves the replacement of the vault toilet facility, the decommissioning of a water cistern, and fence maintenance at the Kenney Meadows recreation site (Map 1). The current vault toilet has been closed since 2008 because of a crack in the vault. The exterior siding and roof are aging, have several leaks, and has seen much vandalism. The vent stack has been vandalized and is no longer effective in reducing odor. This project would also include the decommissioning of a water cistern that is no longer in use and repair of the fences surrounding the replica cabin and meadow. Implementation of this project will occur during the summer of 2011.

This project is located on Yale Creek Road at the Kenney Meadows Recreation site in the NW ¼ of Section 10 in Township 40 South, Range 2 West, Willamette Meridian, Jackson County, Oregon (Map 2).

The current vault toilet sits approximately 45 feet off of a paved road and will require equipment to travel off pavement to remove and replace the existing toilet. All off-pavement travel will be limited to the existing path created from previous access to the area (Map 1). 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. Any soil removed during excavation will be used to backfill around the new vault toilet.

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.

Decommissioning of the water cistern will require excavation 3' to 4' deep in approximately a 3' radius around the cistern. The top 3' to 4' portion of the cistern will be removed and the remaining portion of the cistern will be filled with rock and gravel. Additional rock and gravel will be utilized to bring the fill level in the remaining hole up to an appropriate level at which time the previously excavated soil will be used to fill any remaining space in the hole.

Any disturbance created from off road travel to and from the vault toilet or created while decommissioning the water cistern will be rehabilitated to mimic the appearance and functionality of the surrounding natural landscape. Bollards or barrier posts that have to be temporarily removed to allow equipment to reach the project site will be replaced.

A combination of wire fence and rustic split rail fence surrounds the replica cabin and meadow. This fence is in need of repair due to age, fallen vegetation and growth of vegetation on and near the fence. The fence will be repaired and any fallen vegetation or vegetation growing on or within 2ft. of the fence will be removed. Removal of any trees greater than 8in. in diameter will not occur.

The following project design features (PDFs) are required conditions for this project:

- All coarse downed woody debris (logs, larger limbs) shall be maintained on site unless it represents an operational hazard. Any downed woody debris that is removed shall be replaced near its original position after the proposed action is completed.

For the Protection of Cultural Resources:

- If during project implementation the contractor encounters or becomes aware of any objects or sites of cultural value on federal lands, such as historical or pre-historical ruins, graves, grave markers, or artifacts, the contractor shall immediately suspend all operations in the vicinity of the cultural value and notify the Contract Officer Representative (COR) so the site can be evaluated by a BLM archaeologist.

For Watershed Protection (Soils, Water Quality, Hydrological Functions Riparian Reserves):

- Restrict construction activities to dry periods. Typically June – September. Suspend activities during precipitation events or when precipitation is imminent. Construction activities would not occur for at least 48 hours after rainfall has stopped and on approval by the Contract Administrator.
- Minimize all ground disturbances and confine it to the existing vault and path prism to the extent practical.
- Excavated fill not incorporated into the design of the tank burial must be placed in a stable location outside the Riparian Reserve and shall have perimeter control such as straw wattles or silt fence around the down slope perimeter when precipitation is occurring or is imminent.
- All disturbed surfaces of loose fill shall be seeded with an approved seed mix and mulched with weed free materials as work progresses. Consider using native mulch such as pine needles.
- Restore all road drainage features or install additional drainage that minimizes the concentration of water. Where the opportunity exists, ensure that road drainage is dispersed in such a manner that it does not directly enter adjacent or nearby drainages.
- Heavy equipment used to perform excavation and construction work shall be fueled outside of riparian reserves.

To minimize the spread of noxious weeds:

- All equipment shall be washed prior to entering the project area at a site where any mud or debris from the equipment will not contribute to the spread of noxious weeds.

PLAN CONFORMANCE

The proposed action is in compliance with the *1995 Medford District Record of Decision and Resource Management Plan (RMP)* which states to “*continue to manage and maintain existing recreation sites*” (USDI: 66).. 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.

The proposed action is consistent with court orders relating to the Survey and Manage mitigation measure of the Northwest Forest Plan, as incorporated in the 1995 Medford District RMP.

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:

<u>Yes</u>	<u>No</u>	<u>Categorical Exclusion Exception</u>
<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. (<i>40 CFR 1508.7 and 1508.25(a)</i>).
<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).
<input type="checkbox"/>	<input checked="" type="checkbox"/>	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 the *"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)."*

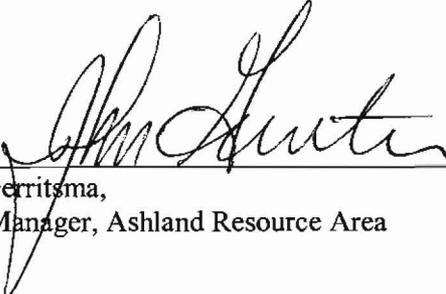
DOCUMENT PREPARATION AND REVIEW

Nicholas Schade	Park Ranger	1-25-2010
Prepared by	Title	Date

Stephanie Larson	Assistant Environmental Coordinator	3-11-2010
Reviewed & Edited by	Title	Date

DECISION

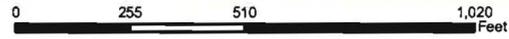
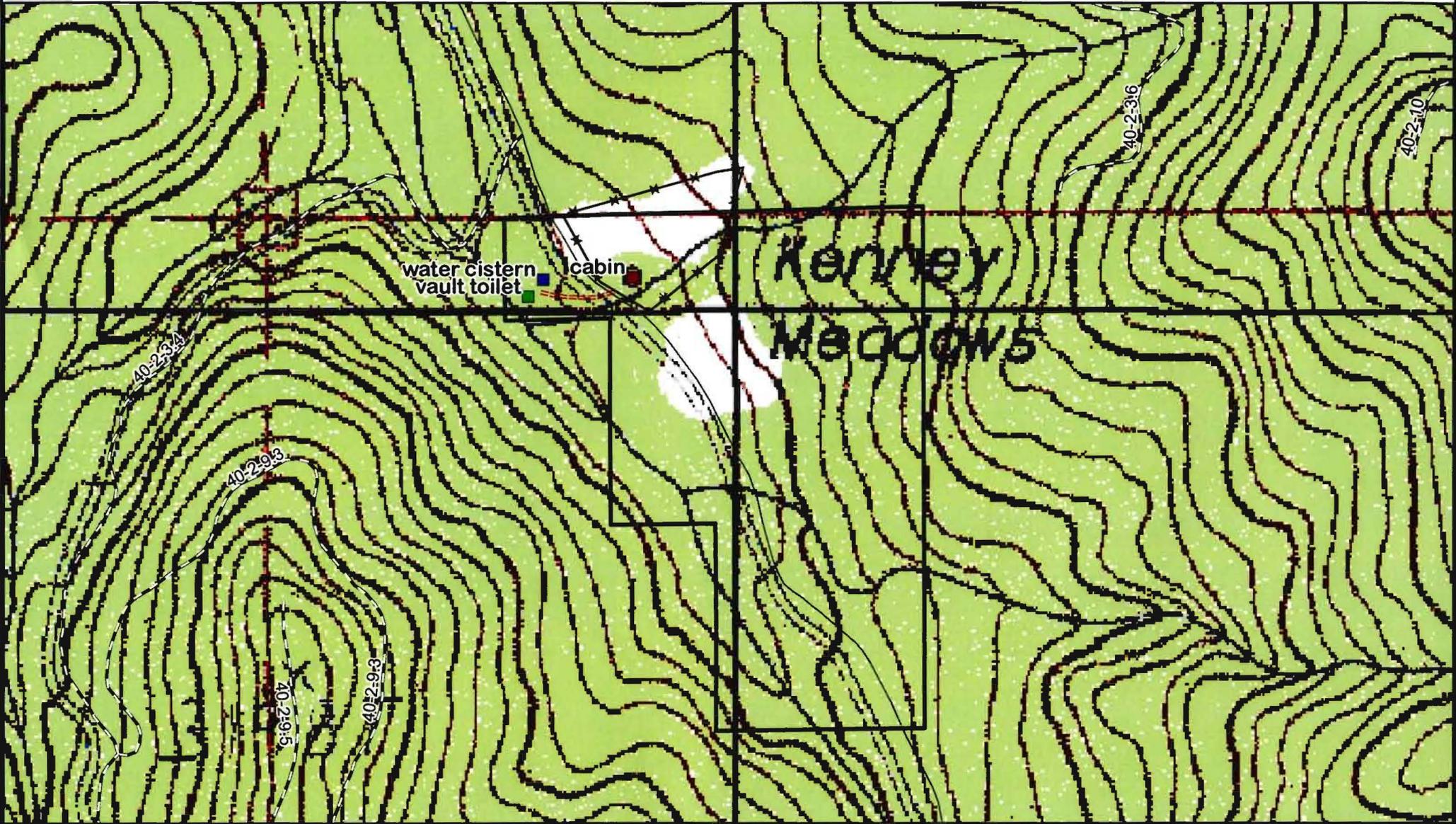
I have determined that the proposed action qualifies as a categorical exclusion under 43 CFR § 46.210(f), involves no significant impact to the human environment, and no further environmental analysis is required. It is my decision to authorize the Kenney Meadows vault toilet replacement, removal of existing water cistern and fence repair.

	3-11-10
John Gerritsma, Field Manager, Ashland Resource Area	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.

Kenny Meadows Recreation Site Maintenance Project



Road	Kenny Meadows Recreation Site
BLM	cabin
County	vault toilet
Other	water cistern
Access Route	Stream
Kenny_Meadow_Fence	Seasonal
	Perennial

MAP 1.

U.S. DEPARTMENT OF THE INTERIOR
 Bureau of Land Management
 Medford District
 January 2010



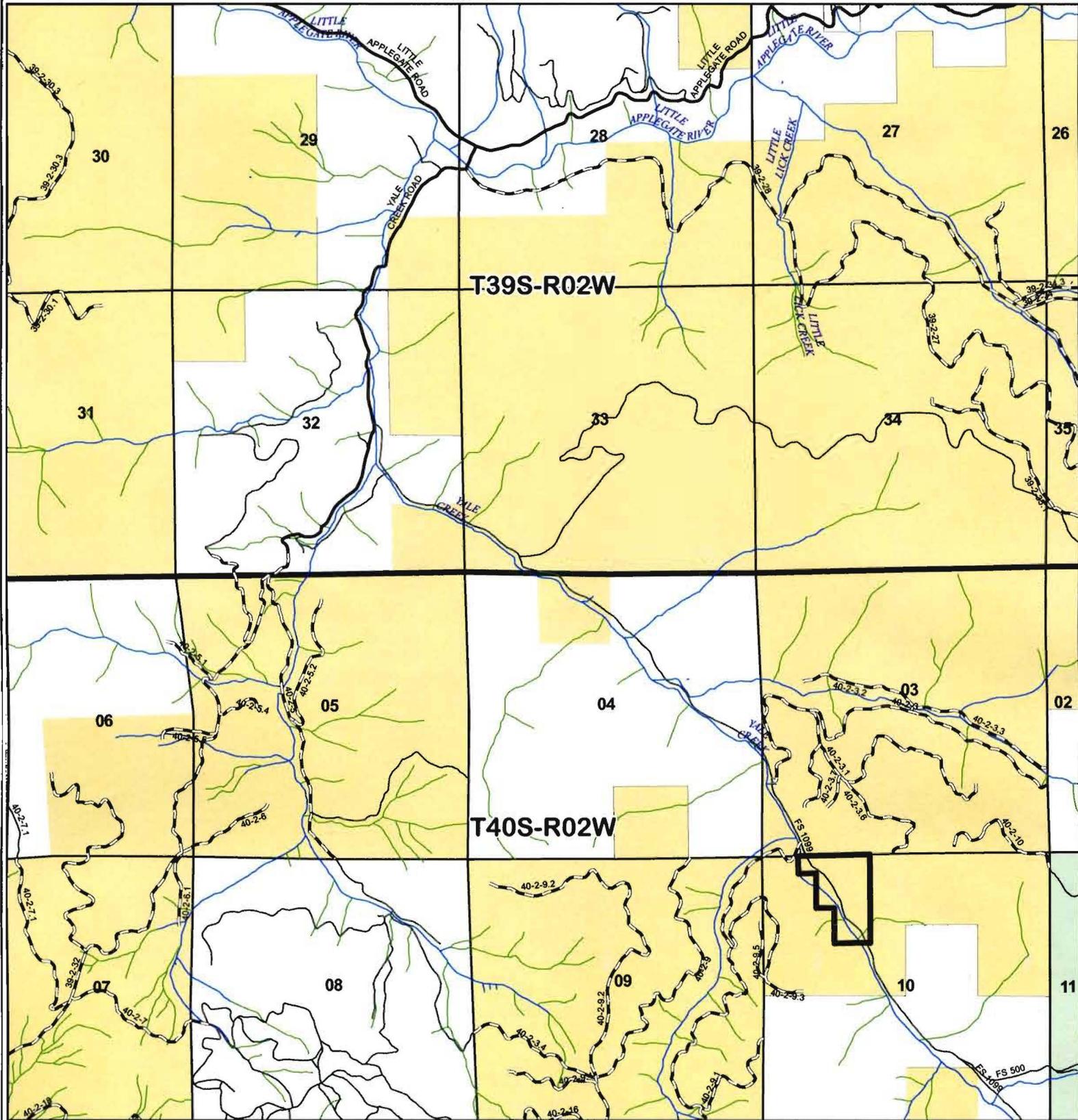
T. 40 S. R. 2 W.



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.

MAP 2.

Kenny Meadows Recreation Site Maintenance Project



U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Medford District
January 2010



Road	Stream
BLM	Seasonal
County	Perennial
Other	Kenny Meadows Recreation Site



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.