

DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT

Forest-wide Recreation Improvement Project-Whirlpool Site
And Non-Significant Forest Plan Amendment

Project # 30432
USDA Forest Service Region 3
Santa Fe National Forest
Coyote Ranger District
Rio Arriba County, New Mexico

Decision

Based upon my review of the Forest-wide Recreation Improvement Project Environmental Assessment (EA), I have decided to implement Alternative 2, with a slight modification. The project will construct toilet facilities (2) at the Whirlpool Site. I have decided to forgo the installation of the tent pads and gravel base course at this time so the forest can more thoroughly assess the appropriate level of development at this site

This decision includes a non-significant amendment to the Santa Fe National Forest Plan (Rio Chama RMP) that will allow construction of permanent toilet facilities at dispersed sites in the Rio Chama Wild and Scenic River corridor rather than portable toilets.

Decision Rationale

The Whirlpool site is a popular camping area for white water enthusiasts or other campers due to its location on the Chama River. This dispersed camping site is currently without toilet facilities of any kind and consequently human waste is a problem. A toilet facility at this location would help alleviate this problem.

Two alternatives were considered in detail: No Action and the Proposed Action. Alternatives to the proposed action were not developed because there were no significant issues identified during scoping or the official 30-day comment period.

During development of the proposed action, one other alternative was considered in concept and eventually dropped from further analysis. This alternative would install portable toilets instead of permanent toilet buildings. Since portable toilets comply with the WSR Plan standard, no amendment would be required. However, the district and forest has learned that portable toilets would not fully address the purpose and need(improved sanitation) and the alternative was eliminated from further study.

The forest plan amendment will allow the Forest Service to provide a more permanent solution to problems with human waste and sanitation at dispersed camping sites in the Rio Chama Wild and Scenic River corridor.

This amendment is considered non-significant given that: 1) it would apply only to the Rio Chama Wild and Scenic River corridor; 2) it is being proposed because recreation needs have changed since the River Management Plan was written, nearly 20 years ago; 3) portable toilets

were considered adequate at the time, however the use at the area has increased and the forest has discovered that portable toilets will not meet the waste and sanitation needs for these sites; 4) reformatting of the Forest Plan is not necessary in conjunction with this amendment.

My decision also includes a determination that the other actions proposed by Alternative 2 are consistent with the Santa Fe Forest Plan (1987, as amended). Furthermore, design features and mitigation measures listed in Chapter 2 of the EA will be applied when implementing this project to avoid and/or minimize environmental impact.

The project record is located at the Santa Fe Supervisors Office and contains supporting information and reference materials related to this Decision Notice and Finding of No Significant Impact. In reviewing the project record, I have determined the analysis considered the best available science.

Public Involvement

This action was originally listed as a proposal on the Santa Fe National Forest Schedule of Proposed Actions and updated periodically during the analysis. The public was invited to review and comment on the proposal through a preliminary Environmental Assessment during the 30 day comment period. This EA lists agencies and people consulted on pages 12.

Two responses were received regarding the proposal. All comments and concerns received were determined to be non-significant issues and are summarized as follows.

Comment #1. We are generally opposed to any "improvements" in the area because they are in reality only expansionist plans until the next one comes along and you have money to spend so the plan begins.

Response: The plans for the whirlpool site are intended to address the current level of use and address resource concerns of human waste and sediment effects to the Rio Chama. They are not intended to expand recreation use in the river corridor. However, at this time I have decided to forgo the installation of the tent pads and gravel basecourse so the forest can assess the appropriate level of development at this site both now and into the future.

Comment #2. Major objection we have is the construction of the out houses. The ones at Big Eddy are an eye sore.

Response: The outhouses to be installed are prefabricated so the designs available are limited. The toilets will be sited first and foremost to protect water quality and second to be visually unobtrusive. The proposed locations will be screened from the road to the extent possible. The Forest Service is also looking at adding some plantings to the existing toilet building at Big Eddy. However, this proposal is not a part of this decision.

Comment #3. To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed. If none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members. The project, as proposed, is not anticipated to contribute negatively to air quality on a long-term basis.

Response: Contractors on National Forest construction projects are required to follow all local, county and state regulations. Due to its small size this project is unlikely to

produce noise or dust in excess of standards. However, Forest Service contract administrators will be on site and will monitor compliance with standards.

Comment #4. The letter does not state the proposed approach for domestic wastewater disposal.

Response: There will be no on-site wastewater disposal. The vaults will be pumped by a NMED State certified liquid waste disposal company.

Comment #5. Implementation of the project will likely involve the use of heavy equipment, thereby leading to the possibility of contaminant releases (e.g., fuel, hydraulic fluid, etc.) associated with heavy equipment malfunctions. The GWQB advises all parties involved in the project to be aware of discharge notification requirements contained in 20.6.2.1203 NMAC. Compliance with the notification and response requirements will ensure the protection of ground water quality in the vicinity of the project.

Response: The Forest Service construction contracts include the notification and response requirements for the state of New Mexico.

Comment #6. The Surface Water Quality Bureau recommends that all action alternatives in the Final Environmental Assessment include mitigation measures to identify streamside management zones (SMZ) in order to comply with regulatory setback requirements.

Response: SMZs were established during project design to ensure that the projects conform to the setback requirements of the state

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After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

Context

I have determined that the construction of bathroom facilities at the Whirlpool site are site-specific actions that by themselves do not have international, national, region-wide or statewide importance. The discussion of the significance criteria that follows applies to the intended actions and is within the context of local importance in the area associated with the Whirlpool Site and the Coyote Ranger District.

Intensity

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** There are few, if any, adverse effect from these actions. The improvements made at the Whirlpool site will improve ecological conditions at the site. My finding of no significant environmental effects is not biased by the beneficial effects of the action.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety during the construction because precautions (signage, closing the area) will be taken to minimize hazards to the public.

Overall the project is designed to improve health and safety at the whirlpool site. (See EA page 2)

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

There will be no significant effects on unique characteristics of the area, because:

- The area has been assessed for historic or cultural resources. None are present.
- The area does not include park lands or prime farmlands or wetlands.
- The project does occur in an Inventoried Roadless Areas (IRA). The project was assessed for changes from the current level of: naturalness, development, and solitude, and the effects to special features and manageability. The project will not affect these criteria in the IRA. See the IRA assessment in the project Record.
- The project does occur in the Rio Chama Wild and Scenic River Corridor. The project is not expected to have any direct, indirect or cumulative effects to the WSR designation, its free flows or its ORVs.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like those proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. Years of local expertise with these types of projects minimize the chance of highly uncertain effects or effects which involve unique or unknown risks. I find that the selected action is routine in nature, implements standard practices and protection measures, and the effects of the action are well known.

6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because of the routine nature of the project activities, no precedent will be set for any future action(s). The forest plan amendment is specific to portable toilets in the Rio Chama WSR only and does not set precedent for other improvements in the Rio Chama or other Wild and Scenic Rivers on the Forest.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The effects of the action are limited to the local area and there are no other effects that would be additive to the effects of the proposed action. (See EA page 12)

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites,

highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because there are none present in the project area (See EA page 8) The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because the project design and mitigation measures minimize effects to the cultural resources. The Forest has consulted with SHPO and interested American Indian tribes regarding the effects of project activities on cultural and historical resources, as well as mitigation measures. This consultation fulfills the obligations under the National Historic Preservation Act of 1966 and 36 CFR Part 800. (See EA page 8)

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973, because none are expected to occur within the project area(See EA page 9-10)
10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered for the project (see the project record).

Findings Required by Other Laws and Regulations

This decision is consistent (through this site specific amendment) with the Santa Fe National Forest Land Management Plan. The project was designed in conformance with the direction for Management Area (F) which incorporates the direction from the Rio Chama Wild and Scenic River Management Plan.

Implementation Date

This project may be implemented 5 business days following the close of the appeal filing period established in the legal notice of decision published in the *Albuquerque Journal*. If an appeal is filed, implementation may begin 15 business days following a final decision on the appeal. Implementation is defined as actually doing the ground-disturbing actions described in this notice.

Administrative Review (Appeal) Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Individuals or organizations who provided comment or otherwise expressed interest in the proposed action by the close of the comment period may appeal. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14. Appeals, including attachments, must be filed within 45 days from the publication date of the notice in the *Albuquerque Journal*, the newspaper of record. The publication date of said newspaper of record is the exclusive means for calculating the time to file an appeal. Attachments received after the 45 day appeal period will not be considered. Written appeals under 36 CFR 215 must be filed with the Appeal Deciding Officer:

Regional Forester
Appeal Deciding Officer
333 Broadway SE
Albuquerque, NM 87102 or
fax to (505)842-3173.

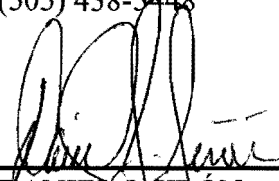
The office business hours for those submitting hand-delivered appeals are: 8:00 a.m. – 4:30 p.m., Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to appeals-southwestern-regional-office@fs.fed.us. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

In accordance with 36 CFR Section 215.14, it is the responsibility of those who appeal a decision to provide the Appeal Deciding Officer sufficient evidence and rationale to show why the Responsible Official’s decision should be remanded or revised.

- State that the document is a Notice of Appeal filed pursuant to 36 CFR Part 215.
- List the name, address and telephone number of the appellant.
- Identify the decision document by title and subject, date of decision, and name and the title of the Responsible Official.
- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects.
- State how the Responsible Official’s decision fails to consider comments previously provided and, if applicable, how the appellant believes the decision violates federal law, regulation, or policy.

Contact

For additional information concerning this decision, contact: Chris Napp, Interdisciplinary Planner, Santa Fe National Forest Supervisors Office, 11 Forest Lane, Santa Fe, NM 87508, (505) 438-5448



DANIEL J. JIRÓN
Forest Supervisor

12/21/09
Date

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