

**DECISION MEMO**  
USDA FOREST SERVICE  
FREMONT NATIONAL FOREST

Fremont National Forest FY2002 Toilet Replacement Project  
Bly, Lakeview, and Paisley Ranger Districts  
Klamath and Lake Counties, Oregon

**I. Decision**

It is my decision to proceed with the Proposed Action to install new, or replace existing steel vault toilets with precast concrete vault toilets based on internal review of the Proposed Action and comments received during the scoping period. This decision is Categorically Excluded from documentation in an environmental assessment or environmental impact statement based on an analysis of the activities and their expected effects and comments received during scoping.

A. Categorically Excluded:

This decision is categorically excluded from an environmental assessment or environmental impact statement under 31.1b (3) Repair and maintenance of administrative sites (Morgan Butte); (5) Repair and maintenance of recreation sites and facilities (all sites except Sycan – Hanan Trailhead), and 31.1b (4) Repair and maintenance of roads, trails, and landline boundaries (Sycan – Hanan Trailhead).

B. Extraordinary Circumstances:

- Morgan Butte is located on a steep site but the new vault will be placed in the same location as the existing vault.
- This project will have no impact and is not likely to result in a trend to federal listing or loss of viability of any R6 sensitive species. The Biological Evaluation for Proposed, Endangered, Threatened and Sensitive (PETS) Animal Species indicates that two toilet locations are approximately one mile from active bald eagle nests and are located within identified Bald Eagle Management Areas. The Lofton Lake Campground toilet is approximately 1.3 miles from the Heart Lake bald eagle nest, and the Dog Lake Campground toilet is approximately 1 mile from the Dog Lake bald eagle nest. Both locations are far enough away from the proposed activity that it is expected there will be no impact or disturbance to the nesting bald eagles (Short Biological Evaluation, Proposed, Endangered, Threatened And Sensitive (Pets) Animal Species. Markus, 3-19-2002).

- The Biological Evaluation for Threatened, Endangered, and Sensitive Fish species (Leal 6-4-02) states that Redband trout, Pit Sculpin, and Goose Lake Sucker are the only sensitive aquatic species known or suspected to occur in the subwatersheds potentially affected by implementation of the Fremont National Forest FY2002 Toilet Replacement Project. A determination of “No Effect” is made regarding the Redband trout, Pit Sculpin, and Goose Lake Sucker
- All new and replacement toilets will be located outside of the 100 year floodplain and are not within wetlands or municipal watersheds.
- The Sycan – Hanan toilet will be located in an existing trailhead facility consisting of a loop road within the Sycan River Wild and Scenic River Corridor. This facility is not within an RHCA and a Watershed Analysis has been completed for the Upper Sycan River so it is fully consistent with RM-1 of the Inland Fish Strategy. The installation of the toilet meets Management Area 11, Wild and Scenic River, Standards and Guidelines to enhance user experiences (Appendix A).
- None of the sites are within inventoried roadless areas.
- None of the sites are within Research Natural Areas.
- None of the sites will impact known Native American, archeological or historic properties or areas. During excavation, District and Forest resource specialists (Rec. 7 certified) will be on site to monitor ground disturbance. If cultural artifacts or features are found during excavation, work will be stopped and the Forest Archeologist will be called to the site.

## **II. Project Description**

The project consists of installing new, or replacing existing steel vault toilets with precast concrete vault toilets<sup>1</sup>. The above ground structures will consist of both precast concrete and wood frame constructed units at several locations on the Paisley, Bly and Lakeview Ranger Districts. All toilets will be permitted through Department of Environmental Quality (DEQ) that requires compliance with the Clean Water Act (CWA). The toilets are designed to meet federal accessibility requirements under the Uniform Federal Accessibility Standards (UFAS) as provided by the Rehabilitation Act of 1973 and amended in 1978.

Most replacement units will not be sited in the exact same location as the existing facilities as proper installation of the unit, with the back facing south, is crucial to ensure effective venting. The new locations will generally be more open and free

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<sup>1</sup> The “vault” is the below ground waste collecting structure; the “cab” is the above ground structure, and the “toilet” consists of both the below- and above ground structures.

from forested vegetation, and on gentler sloped ground to provide easier access to most recreationists and meet accessibility requirements.

Removal of the older toilets that are replaced will consist of:

- Pumping the old vaults,
- Removing the cab,
- Liming and filling the old vault with sand and/or native material, or
- Removing the old vault and filling the pit with sand and/or native material, and
- Disposing of old vaults properly.

The excavated material from the installation of the new toilet will be used to fill either the older vault or pit.

### **III. Location**

The following table lists the sites, location, number and type of toilet that will be installed on the Paisley, Bly and Lakeview Ranger Districts.

Table 1. Fremont National Forest FY2002 Toilet Replacement Project

Site	Location	CXT-Precast Concrete	Wood Frame Construction
		Number and Type of Units	
<b>Paisley Ranger District</b>			
Morgan Butte Lookout (#8)	T. 36 S., R. 17 E, Sec. 2	1 single vault	
Sycan -Hanan Trailhead (#11)	T. 33 S., R. 16 E., Sec. 35		1 single vault
Deadhorse Lake Day Use Area (#10)	T. 35 S., R.16 E., Sec. 1		1 single vault
Campbell Lake Campground (#9)	T. 35 S., R. 17 E., Sec. 6		2 single vaults
Dairy Point Campground (#7)	T. 36 S., R. 18 E., Sec. 7	1 single vault	
Happy Camp Campground (#18)	T. 36 S., R.17 E., Sec. 2	2 single vaults	

Table 1. Fremont National Forest FY2002 Toilet Replacement Project (cont.)

Site	Location	CXT-Precast Concrete	Wood Frame Construction
		Number and Type of Units	
<b>Bly Ranger District</b>			
Lofton Lake Campground (#6 a & b)	T. 38 S., R. 16 E., Sec. 22	2 single vaults	
Sprague River Park (#19)	T. 37 S., R. 15 E., Sec. 8	1 single vault	
<b>Lakeview Ranger District</b>			
North Warner SnoPark (#3)	T. 38 S., R. 21 E., Sec. 34	1 double vault (new)	
Mud Creek Campground (#2)	T. 38 S., R. 21 E., Sec. 11	1 single vault	
Vee Lake Campground (# 1)	T. 36 S., R. 22 E., Sec. 30	1 single vault	
Dog Lake Campground (#4)	T. 40 S., R. 17 E., Sec. 21	1 single vault	
Cottonwood Lake Campground (#5)	T. 38 S., R. 18 E., Sec. 7	2 single vaults	
Deep Creek Campground (#16)	T. 40 S., R. 22 E., Sec. 31	1 single vault	
Twin Springs Campground (#17)	T.39 S., -R. 21. E., Sec. 26	1 single vault	

#### IV. Public Involvement

Legal Notices inviting comments on the proposed project were published in the HERALD AND NEWS, Klamath Falls, Oregon on Thursday, March 28, 2002 and the LAKE COUNTY EXAMINER, Lakeview, Oregon on Thursday, April 4, 2002. A NEWS article was provided to radio station KQIK in Lakeview as a public service announcement. The full text of the Proposed Action and map were available on the World Wide Web and were mailed to 240 individuals. Comments were received from the following individuals (see Appendix B for response to comments):

Stephen T. and Flora C. Harris  
Chuck Wells, President, Concerned Friends of the Winema  
Steve A. Lewis, Project Leader, US FWS  
Leonard LeCaptain, Fish and Wildlife Biologist US FWS  
Jerry O'Leary  
Will E. Hatcher, Forester, Klamath Tribes

## **V. Findings**

The installation and or replacement of sanitary facilities meets the Fremont National Forest's Land and Resource Management Plan (LRMP) goals and objectives to:

- Meet or exceed state water quality standards and protect identified beneficial uses.
- Provide for developed recreation opportunities in a natural appearing forest setting.
- Provide for a variety of recreational opportunities within all levels of the recreation opportunity spectrum (ROS).
- Meet the goals and objectives of the National Recreation Strategy.
- Protect Wild and Scenic River qualities.
- Protect, and preserve the significant values of, and interpret, when appropriate, for public enjoyment and education the cultural resources found on the Forest (LRMP pgs. 50-51).

The installation and/or replacement of sanitary facilities is consistent with the Fremont National Forest's Land and Resource Management Plan Forest-wide Standards and Standards and Guidelines specific to Management areas (Appendix A) as required by the National Forest Management Act (FSM 1922.41 and FSH 1909.12).

### Consistency with the Inland Fish Strategy

The proposed action does not involve construction of new facilities within Riparian Habitat Conservation Areas (RHCA) but does replace what already exists and therefore must be assessed to assure operation of facilities does not prevent attainment of Riparian Management Objectives (RMOs) or adversely affect native fish (RM-1 of InFish). None of the toilets targeted for replacement occur in the 100-year floodplain and there is no evidence that the old toilets leaked or had any affect to ground or surface water quality. In some cases, toilets will be relocated further from the water's edge than the existing facility thereby reducing the risk of sedimentation to water bodies. In areas where some risk of sedimentation migrating from the construction site exists, an erosion control plan will be developed and implemented.

Only one of the toilets is proposed for replacement within a priority watershed for bull trout (Upper Sycan River – Hanan Trailhead). This facility is not within an

RHCA and a Watershed Analysis has been completed for the Upper Sycan River and is fully consistent with RM-1 of the Inland Fish Strategy.

Replacement of 19 toilets at various locations around the forest will not adversely affect inland fish nor prevent attainment of RMOs as described in InFish. The installation and or replacement of sanitary facilities is consistent with the Inland Native Fish Strategy Environmental Assessment Decision Notice and Finding of No Significant Impact 1995 (INFISH) (USDA Forest Service) for:

Recreation Management

RM-1 “For existing recreation facilities inside Riparian Habitat Conservation Areas assure that the facilities or use of the facilities would not prevent attainment of Riparian Management Objectives or adversely affect inland native fish.” (INFISH pg. A-9).

**VI. Initial Issues and Concerns**

- Improved facilities may encourage more visitors to a site; consequently the potential for adverse impacts to cultural resources may increase.
- Excavation for new toilet location could reveal cultural resource site.
- Threatened, endangered, or sensitive (TES) animal, fish, or plant species may be present that could be adversely affected by the relocation or construction of the new toilet facility.

**VII. Effects**

*Cultural Resources*

Any potential increase in recreation visitor use as a result of the improved facilities will be within the range of expected use intended for these facilities and will have no adverse effects to known cultural resource values.

The installation of new or replacement toilets will occur in already existing campgrounds, trailhead, administrative sites (Morgan Butte) or rental facility locations. The Fremont LRMP requires protection to cultural resources as part of the implementation and ongoing management of the recreation facility. During excavation, Forest and District personnel, having appropriate training (Recreation 7 certified), will be on site to monitor newly disturbed soil for the possibility of uncovering any unknown cultural resources. Should any cultural resource be revealed, the excavation will be stopped and the Forest Archeologist called to the site to initiate appropriate protocol depending on the extent of the resource uncovered. As a result of this mitigation procedure, the installation of new toilet facilities will have no adverse effects to cultural resources.

*Proposed, Endangered, Threatened or Sensitive Species (PETS)*

Two toilet locations are near active bald eagle nests and are located within identified Bald Eagle Management Areas. The Lofton Lake Campground toilet is approximately 1.3 miles from the Heart Lake bald eagle nest, and the Dog Lake Campground toilet is approximately 1 mile from the Dog Lake bald eagle nest. Both locations are far enough away from the proposed activity that it is expected there will be no impact or disturbance to the nesting bald eagles.

*Aquatic Resources*

The current vaults are anywhere from 20 to 40 years in age and are constructed of steel. Undoubtedly, this material has deteriorated over time. The new precast concrete vaults will contain effluent to the vault itself and prevent any potential degradation to the soil and water resources.

**Project Specific Protection Measures**

- 1) No activities associated with this project will take place within the active floodplain of any stream channel; and,
  
- 2) To the extent appropriate and feasible, all toilet replacements will occur in the same location as the existing toilet or in an already disturbed location, unless the location is changed to move an existing toilet out of a floodplain or further away from a stream channel.
  
- 3) An erosion control plan may be required during construction to minimize off-site sediment movement. Erosion control methods such as silt fences, hay bales, etc. may be required. The zone hydrologist or fisheries biologist should make a determination whether or not measures are required prior to construction.

**Mitigation**

<b>Issue</b>	<b>Mitigation</b>
Excavation could reveal unknown cultural resource site	District and Forest resource specialists (Rec. 7 certified) will be on site during excavation to monitor ground disturbance. If cultural artifacts or features are found during excavation, work will stop and the Forest Archeologist will be called to the site.
PETS species could be adversely affected by relocation/construction of new toilets	<b>Mitigation Measures:</b> 1. Should any proposed or listed endangered, threatened, or sensitive species be found during project activities within, adjacent, or near enough that activities could be a disturbance, activities will be halted until their effects

	<p>can be determined and their significance assessed.</p> <p>2. If an active raptor nest is found during operation, LRMP Standards and Guidelines will be followed at a minimum. The LRMP states that any major activity adjacent to an active raptor nest should be postponed until the young have fledged. Contact the Wildlife Biologist.</p>
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**VIII. Implementation**

Implementation of this project is expected to occur from July through October of 2002.

**IX. Contact**

For further information, please contact Margaret David Bailey, Resource Planning Specialist, Lakeview Ranger District, 18049 Hwy. 395 North, Lakeview, OR 97630. Telephone number 541-947-6356.

**X. Administrative Appeal**

This Decision is not subject to administrative appeal under 36 CFR 215.8 (4) as this decision is categorically excluded from documentation in an environmental assessment or environmental impact statement per FSH 1909.15, section 31.1.

**XI. Signature**

The responsible official is Charles R. Graham, Forest Supervisor, Fremont and Winema National Forests.

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CHARLES R. GRAHAM  
Forest Supervisor

DATE

APPENDIX A  
FREMONT NATIONAL FOREST  
LAND AND RESOURCE MANAGEMENT PLAN  
FOREST-WIDE STANDARDS, and  
STANDARDS AND GUIDELINES SPECIFIC TO MANAGEMENT AREAS  
APPLICABLE TO  
FREMONT NATIONAL FOREST FY2002 TOILET REPLACEMENT PROJECT

**FOREST-WIDE STANDARDS**

**Cultural Resource Management**

*Protection*

2. Ground disturbing activities will be designed to ensure that there should be no effect on inventoried cultural properties that have been determined eligible to the National Register of Historic Places (36 CFR 60.4) (LRMP pg. 92).

*Native American Religious Freedom Act*

1. The Klamath Tribal Executive Council will be requested to identify tribal issues for proposed projects on former reservation land (LRMP pg. 93)

**Fish and Wildlife Management**

*Threatened, Endangered, Sensitive Species*

1. Legal and biological requirements for the conservation of endangered, threatened, and proposed plants and animals will be met (LRMP pg. 108).

**Recreational Management**

*Developed Recreation*

1. Developed sites will be managed for the enjoyment of the recreating public while protecting the associated resources (LRMP pg. 113).

The Recreation Opportunity Spectrum (ROS) designation for the developed recreation sites listed in Table 1. is “Roaded Natural” (Fremont National Forest Land and Resource Management Plan, (LRMP) pg. 29) except for the Sycan-Hanan Trailhead located within the Sycan River Wild and Scenic River boundary, which is, designated “Semiprimitive nonmotorized” (LRMP pg. 182).

**Facilities Management**

1. Buildings, utility systems, and related facilities will be planned, developed, maintained, and operated for safe use, support of the Forest resource programs, and cost effectiveness (LRMP pg. 115).

## **STANDARDS AND GUIDELINES SPECIFIC TO MANAGEMENT AREAS**

### **Management Area 9, Semiprimitive Recreation**

#### Recreation Management

##### *B. Structures and Improvement:*

1. Structures and improvements shall be provided to facilitate use, protect resource values, and for administration (LRMP pg. 168).

### **Management Area 11, Wild and Scenic River**

#### Recreation Management

##### *C. Structures and Improvements*

1. Structures and improvements shall be provided to enhance user experiences, facilitate use, protect resource values, and administration of the area (LRMP pg. 183).

##### *D. Site Planning and Design*

2. Structures and sites should be attractive in their designs, materials, and coloring and located and screened to be as inconspicuous as possible (LRMP pg. 184).

### **Management Area 13, Developed Recreation**

#### Recreation Management

##### *B. Operation*

4. Vaults, septic tanks and wastewater systems shall be inspected at regular intervals to ensure adequate operation (LRMP pg. 190).
5. Maintain all site improvements to their design standards, with priority given to health and safety related items (LRMP pg. 190).

### **Management Area 15, Fish and Wildlife Habitat and Water Quality**

#### Perennial Streams and Water Bodies

##### *All Management Activities*

- A. Management activities in and adjacent to Class I, II, and III perennial streams will be conducted so that all applicable state and federal water quality standards are met or exceeded (LRMP pg. 200).

**APPENDIX B  
RESPONSE TO COMMENTS**

**Chuck Wells, President, Friends of the Winema (April 8, 2002)**

COMMENT: It is important that cost figures, estimates be included when the Service asks for input from the public.

RESPONSE: Cost figures are not included in the Proposed Action Statement. Cost information is confidential information pertaining to bidding and contract award protocol.

**Stephen T. and Flora C. Harris (April 17, 2002)**

COMMENT: Go ahead with your toilets, but not in remote areas, unattended. For they will be vandalized.

RESPONSE: All of the toilet locations are within existing campground, trailhead or rental facility locations.

**Leonard Le Captain USDI Fish and Wildlife Service (telephone conversation 4-15-2002)**

COMMENT: If activities occur greater than .5-mile line of sight or .25 mile with no line of sight from bald eagle nest sites than there would be “no effect” to bald eagles. Project would have “beneficial effect” to fisheries.

RESPONSE: The Lofton Lake Campground toilet is approximately 1.3 miles from the Heart Lake bald eagle nest, and the Dog Lake Campground toilet is approximately 1 mile from the Dog Lake bald eagle nest. Both locations are far enough away from the proposed activity that it is expected there will be no impact or disturbance to the nesting bald eagles.

**Jerry O’Leary (telephone conversation May 20, 2002)**

COMMENT: Would like to see more economic advantage provided to local contractors.

RESPONSE: This information will be passed to the Forest Contracting Officer.

**Will E. Hatcher, Forester, Klamath Tribes (April 24, 2002)**

COMMENT: The Natural Resources Department has no interest in this project.

**Steve A. Lewis, Project Leader, US FWS Klamath Falls Fish and Wildlife Office, (April 24, 2002)**

COMMENT: Overall, we believe the project is necessary to prevent potential leakage and associated water quality problems as the current toilet vaults continue to decay and commend the Forest Service for taking action. To reduce soil disturbances and avoid water contamination, we recommend the new toilets be placed in the same locations as the old ones unless different areas are necessary to avoid areas susceptible to flooding or to avoid/minimize adverse impacts to trust resources.

RESPONSE: Typically the existing toilet sites were located on hillsides, out of the floodplain, and generally are surrounded by trees. Due to the technology for adequately venting the new toilets and to provide better access to the public, most of the replacement toilets will be relocated to sites that allow the venting system to receive as much sun throughout the day as possible and that will provide better accessibility to most recreationists. Replacement of 19 toilets at various locations around the forest will not adversely affect inland fish nor prevent attainment of RMOs as described in InFish.