



United States
Department of
Agriculture

Forest
Service

July 2016



Cabin F7 Replacement Project Block F Lake of the Woods Housing Tract

DECISION NOTICE and FINDING OF NO SIGNIFICANT IMPACT

Klamath Ranger District
Fremont-Winema National Forest

Klamath County, Oregon

T. 37S. R. 5E. Section 11 Willamette Meridian



Existing Cabin F7 looking NE from dock/Lake of the Woods (June 2014)

For Information Contact: Michael DeSmit, Project Leader
Klamath Ranger District
2819 Dahlia Street Suite A
Klamath Falls, Oregon 97601
(541) 885-3404
mdesmit@fs.fed.us

Preparation assistance provided by Kenneth O. Grigsby,
consulting for the USDA Forest Service

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

DECISION

Based upon my review of the Cabin F7 Replacement Project Environmental Assessment (EA), I have decided to implement the Proposed Action. The permit holder for Recreation Residence Cabin F7 requested authorization to replace their cabin in accordance with the Operating and Maintenance Plans (March 2007) and Fremont-Winema Design Guidelines for Recreation Residential Tracts. This cabin is authorized by a special use permit under the authority of the Act of March 4, 1915, 16 U.S.C. 497.

The Cabin F7 Replacement Project, as authorized by my decision, will be located to the east of the existing structure and 25 feet from the shore. The one-and one-half story wood frame structure will sit atop a poured concrete perimeter foundation. The square footage (ft²) of the proposed new construction will be 1,195 ft² on the lower main floor with a 553 ft² loft above; total 1,748 ft². Three Douglas-fir trees (10, 12, and 20 inches diameter), located within the new footprint will need to be removed to facilitate the new cabin location. Exterior construction materials would consist of earth tone colored board and batten siding and a metal roof. The specific materials and colors would meet the Fremont-Winema Design Guidelines for Recreation Residential Tracts and will be approved by the District Ranger prior to construction.

The new cabin will include sanitation facilities which require construction of a County approved septic system. The existing outhouse will be permanently removed. Approximately 225 linear feet of drainfield will be required and construction will be consistent with Klamath County regulations and permits.

The existing shop/garage outbuilding in the middle of the lot will be rehabilitated and retained for additional storage to support the occupancy.

In preparation for new cabin construction, the existing one-story cabin will be demolished and removed. Refuse will be hauled off-site.

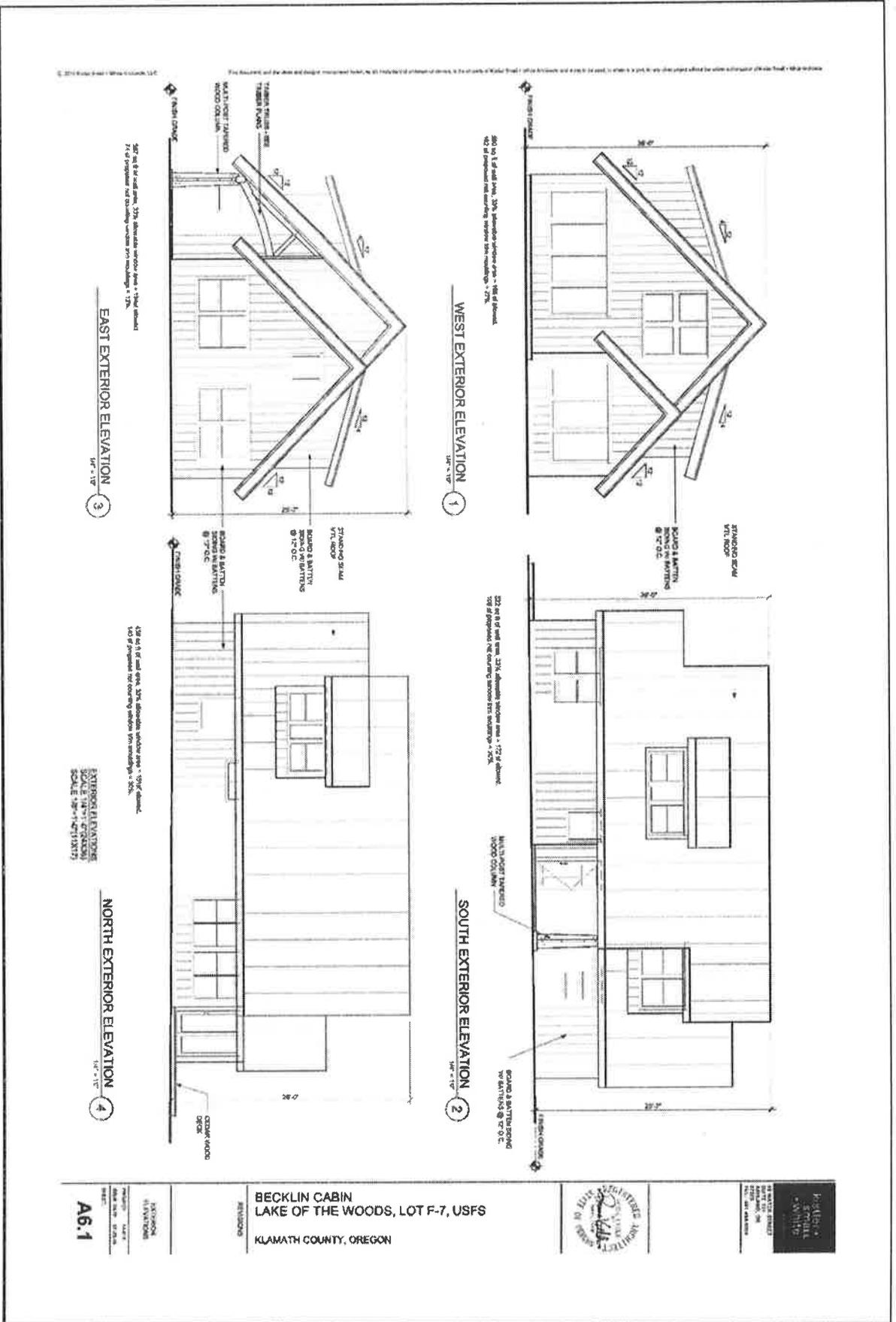
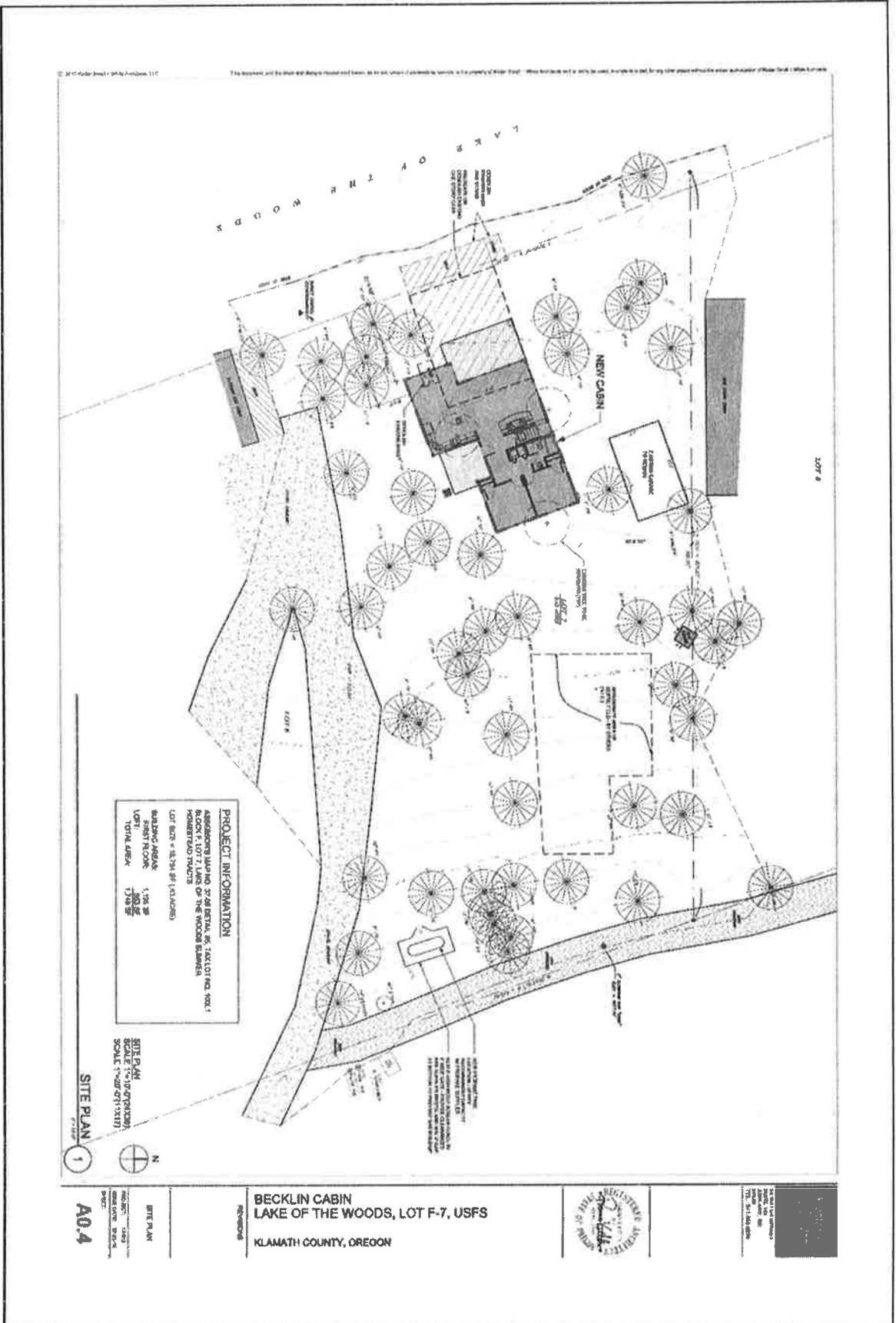


Figure 1. Conceptual Elevation Design, Proposed Cabin F7, Lake of the Woods (Kistler-Small White Architects, July 2015)

Figure 2. Proposed Cabin F7, Lake of the Woods (Kistler-Small_White Architects, July 2015)



Project Design Criteria

This decision includes the following project design, and mitigation measures to meet project objectives and/or to reduce or minimize unwanted effects (all replacement and construction would comply with the following):

- Implement all terms and conditions specified in the March 30, 2015 Memorandum of Agreement (available in project file) between the Fremont-Winema National Forest, the Oregon SHPO and Cabin F7 owners.
- All work would comply with federal, state, and local building codes. All designs would meet the Design Guidelines for Recreation Residential Tracts. During the implementation of this decision, close collaboration with the Forest Service authorized officer is required where necessary specific details will be submitted to and approved by the Klamath District Ranger.
- The following Best Management Practices will be implemented:
 - Install a temporary erosion control measure, such as a silt fence or wattle, to prevent work site runoff from entering the lake during demolition and construction. (2012 BMP¹ Fac-2. Facility Construction and Stormwater Control; 1988 BMP R-2. Erosion Control Plan²).
 - Timing of construction activities shall correspond with time periods when probabilities for rain and runoff are lowest. (1988 BMP R-3. Timing of Construction Activities). For this area that would be the summer and fall months.
 - Designate limits of the work area, as well as areas for stockpiling materials, staging equipment, and parking. Confine disturbance to the designated areas. (2012 BMP Fac-2. Facility Construction and Stormwater Control; 2012 BMP Road-8. Parking and Staging Areas). Keep the work area as far away from the lake shore as possible.
 - Control materials at the work site to prevent trash from blowing into the lake. For example, use trash containers with lids, use durable tarps that are weighted down rather than thin plastic sheeting or weathered tarps that produce plastic fragments. (2012 BMP Fac-5. Solid Waste Management).
 - Refuel and service equipment as far away from the water as possible. Store hazardous materials in spill-proof containers in a location where they will not be introduced to the lake. Store these materials only in the quantities needed for the work. (BMP Road-10. Equipment Refueling and Servicing).
 - Avoid the potential for soil and water resource contamination by hazardous materials by preventing release. (2012 BMP Fac-6. Hazardous Materials). Keep a spill kit on site for responding to unexpected leaks and spills. (2012 BMP Road-10. Equipment Refueling and Servicing).
 - Inspect equipment regularly for leaks. Repair leaky equipment. (2012 BMP Road-10. Equipment Refueling and Servicing).
 - Consider applying erosion control (jute netting or mulch) to disturbed areas when the project is completed. (2012 BMP Fac-2. Facility Construction and Stormwater Control). Base the decision on observations of disturbance, recovery, and erosion potential.
 - Sanitation facilities must be in compliance with State and local regulations to prevent degradation of water quality in groundwater and surface water resources

¹ USDA Forest Service. 2012. National Best Management Practices (BMP) for Water Quality Management on National Forests System Lands. Volume 1: National Core BMP Technical Guide. FS-990a.

² USDA Forest Service. 1988. General Water Quality Best Management Practices, Pacific Northwest Region, November 1988.

- and for the protection of public health. (2012 BMP Fac-4. Sanitation Systems; 1988 BMP Rec-3. Management of Sanitation Facilities).
- All heavy equipment necessary for operations and maintenance will be washed prior to entering National Forest lands to reduce the potential introduction of noxious weeds or invasive plant species. (2012 BMP Fac-7. Vehicle and Equipment Wash Water).
 - Native plant materials are recommended for use in re-vegetation for restoration and rehabilitation.
 - Invasive plants (oxeye daisy) are present at the site. Sites will be treated prior to disturbance.
 - All food containers or food refuse will be removed from the site each day and properly disposed of by the responsible parties to ensure that wildlife is not attracted and encouraged to visit the site.
 - As much as possible, keep ground-disturbing activities within already disturbed areas such as previous cabin footprint and driveways. Notify Forest Service authorized officer if disturbance of natural forest ground is anticipated.

DECISION RATIONALE

I have reviewed the EA and have determined that there is sufficient information to provide a reasoned decision. In making my decision, I have considered information in the Environmental Assessment related to the needs for the proposal, issues identified for this project, Forest Plan direction, conditions in the project area and comments from the public and the interdisciplinary team. The Winema National Forest Land and Resource Management Plan (LRMP) under Developed Recreation Management Area 2, has identified goals to implement the National Recreation Strategy, which emphasizes meeting public needs, developing partnerships, and creating customer satisfaction; provide for a variety of quality recreation experiences in a range of settings. Developed Recreation Management Area 2 Objectives include upgrading existing sites to provide customer-desired facilities, and to concentrate on upgrading, expanding, and adding facilities primarily within existing recreation complexes. The No Action Alternative would not further these goals and objectives, and was not selected for this reason.

PUBLIC INVOLVEMENT AND TRIBAL CONSULTATION

This project was listed in the Schedule of Proposed Actions starting in April 2015. The project was listed on the Forest's website at http://www.fs.fed.us/nepa/nepa_project_exp.php?project=46728

Scoping for this project was conducted by Ken Grigsby, under contract with Don Becklin, owner of Cabin F7. Advice and instructions for conducting scoping were provided by Margaret Bailey (District Ranger), and Mike DeSmit (Special Uses Permit Administrator), Klamath Ranger District, Fremont-Winema National Forest.

Scoping was sent to the President of the Lake of The Wood Home Owner's Association, who could sent out an email "blast" to all cabin owners and other parties on the Home Owners Association mailing list, including adjacent cabin owners to cabin F7 were contacted. . Other specific email contacts included organizational camps at Lake of the Woods: Lake of the Woods History Association, Camp Ester Applegate, Boy Scouts, Lake of the Woods Resort; the Forest Archaeologist, the State Historic Preservation Office, and the Klamath Tribe.

Scoping began on July 29, 2015, and concluded on August 28, 2015. The results of that effort are contained in the project record. There were minimal concerns specifically expressed about the project. One concern was expressed about blocking the view of an adjacent upland cabin: the project would be consistent with the Design Guidelines for Recreation Residence Tracts which limit structure heights to 26 feet. One comment questioned year-round use: year-round use is not prohibited and occupancy is fully expected to be consistent with the terms of the permit. One comment questioned the size of the structure: the new structure would be consistent with the Recreation residence Operating and Maintenance Plan which limits structures to 1,200 square feet. No comments were received from the Klamath Tribe.

On May 20, 2016, an Environmental Assessment describing the Proposed Action and effects was made available on the Fremont-Winema National Forest website and mailed to interested parties. The 30-day comment period ended on June 20, 2016. One comment was received during the comment period. The comment was entirely supportive of the project.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Winema National Forest Land and Resource Management Plan (1990) as amended by the Record of Decision for Amendments to Forest Service and BLM Planning Documents within the Range of the Northern Spotted Owl, April 1994 (Northwest Forest Plan, NWFP).

FINDING OF NO SIGNIFICANT IMPACT

As the responsible official, I have evaluated the effects of this project relative to the definition of significance established by the CEQ Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the Proposed Action would not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows:

Context

This project is limited in scope and is designed to minimize adverse environmental effects. The finding made here applies only to the Cabin F7 Replacement project within the Klamath Ranger District. The overall context of this action is to remove and replace an existing recreational cabin, located in an area assigned to recreational residences. The recreational cabins at Lake of the Woods, like other National Forest cabin tracts, are privately owned structures sited on parcels of National Forest land.

There are at present, 218 cabins, 27 guest houses, 157 outhouses, 41 boathouses and 110 storage buildings around Lake of the Woods. Cabin F7 is one of eleven tracts found to be "historic contributing" of twenty-six cabin contained in Block F. Historic cabins can be found on each block, but are mixed throughout the historic district (Section 106 Documentation, Lake of the Woods Recreation Residence Tract, 2005).

The actual cabin replacement action would occur entirely within Lot F7 and primarily within an area already disturbed by creation of a cabin site, which is less than one-half acre in size.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered with an analysis that is responsive to concerns and issues. The agency has taken a hard look at the environmental effects using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the ten factors identified in 40 CFR 1508.27(b).

1. Impacts that 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.

Adverse and beneficial effects have been assessed and found to be not significant. The analysis considered not only the direct and indirect effects of the project but also their contribution to cumulative effects. Adverse effects from the Proposed Action would be minimized or eliminated through application of project specific design features and mitigation measures. 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.

I find that there would be no significant effects to public health and safety. I believe all public health and safety issues are addressed through application of project specific design features and mitigation measures.

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

I find there would be no significant effects on unique characteristics of the area, and there are no parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas associated with the recreational cabins at Lake of the Woods. Lake of the Woods tract is a listed historic district, and the effects of the removal and replacement of Cabin F7 has been evaluated under the Section 106 process; see discussion under element #8, below.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

There would be no significant effects on the quality of the human environment. Consideration was given to effects of the project on recreation values, the economy, and environmental justice issues. Traditional and recreational uses of the Forest in the vicinity of project implementation would not be disrupted. There is no scientific dispute existing as to the size, nature, or effects of this action.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects analysis documented in the EA show effects are not highly uncertain and do not involve unique or unknown risk. The Proposed Action would be similar to many past projects involving removal and construction of residential cabins; both in this and adjacent areas, and its predicted effects are not uncertain, unique, or unknown.

6. The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.

I find the actions the Cabin F7 Replacement Project are similar in nature to other actions undertaken on National Forest System lands and do not establish a precedent for future actions

with significant effects, or represent a decision in principle with respect to future actions. From my review of the analysis and project file documentation, it is evident these actions are consistent with the Winema Forest Plan, as amended. Any future decisions will need to be considered in a separate analysis using relevant scientific and site-specific information available at that time.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

I find the effects of the Proposed Action combined with the effects of past, present, and reasonably foreseeable actions would not have any significant or adverse cumulative effects. My review of the EA and supporting documents finds the cumulative effects analyses have adequately considered the time and space of effects to each respective resource and all impacts would be contained within the project site.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

As noted throughout the EA, the FWNF, in concurrence with the Oregon State Historic Preservation Office has determined that the Proposed Action would have an effect on a National Register eligible property. An application of the Criteria of Adverse Effect indicates that implementation of the project as described includes the removal of the existing cabin and its associated outhouse, both of which have been previously determined eligible for listing on the National Register of Historic Places. This project would result in complete loss of resources that have been evaluated as contributing resources significant in the development and history of the property. As a result, the project as proposed results in a finding of "Historic Properties Adversely Affected," according to the criteria set forth in 36 CFR 800.5.

The finding that the loss of historical resources evaluated as significant in the development of the area and history of the property the criteria set forth in 36 CFR 800.5, is not the same as "significance" as defined under the NEPA, which includes the consideration of context and intensity (40 CFR, §1508.27).

The FWNF has consulted with the Oregon SHPO pursuant to 36 CFR Part 800, implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f). The owners of Cabin F7, permit holders of the property, and implementer of the project in the proposed undertaking, have participated in the consultation and are a signatory to a March 30, 2015 Memorandum of Agreement between the FWNF and the Oregon SHPO.

The FWNF and the Oregon SHPO agree that the undertaking would be implemented in accordance with the stipulations contained in the MOA in order to take into account the effect of the undertaking on historic properties. In consideration of the loss this historic resource, the Oregon SHPO found the provisions in the March 30, 2015 MOA to be acceptable to mitigate the adverse effect. Under the NEPA, this degree of effect is not "significant." The evaluation process has been similar to other historic cabin replacement processes at Lake of the Woods and elsewhere, and is in accordance with all applicable state and federal laws and policies.

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.

I have considered the degree to which the action would adversely affect endangered or threatened species or their habitat that has been determined to be critical under the Endangered Species Act of 1973. The Proposed Action would have no effect to ESA listed species

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

I find the Cabin F7 Replacement project would not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulation were considered in the Cabin F7 Replacement project. The action is consistent with the Winema Forest Plan, as amended.

ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES

No substantive comments were received during scoping or the formal comment period for this project (36 CFR 219.51(a)) Because there were no substantive comments there are no parties eligible to file an objection (36 CFR 219.53) and, therefore, no reason to provide an objection filing period.

I, Heather Berg, District Ranger, Fremont-Winema National Forest, am the Responsible Official for this project. A copy of the Environmental Assessment and Decision Notice is available for review on our website http://www.fs.fed.us/nepa/nepa_project_exp.php?project=46728. Additional information can be obtained by contacting, Mike DeSmit, Special Uses Permit Administrator, at the Klamath Ranger District, 2819 Dahlia Street, Klamath Falls, OR 541-885-3404; or by emailing Mike DeSmit at mdesmit@fs.fed.us.

IMPLEMENTATION

Implementation of this project is expected to begin in 2016. Implementation may begin on, but not before, the 5th business day following the date the legal notice is published in the Klamath Falls *Herald and News* newspaper


HEATHER BERG
District Ranger
Klamath Ranger District
Fremont-Winema National Forest


Date