



US Forest Service
Pacific Southwest Region
Lake Tahoe Basin Management Unit



Decision Memo for Implementation of the
Baldwin Beach Toilet Project
Eldorado County, California

BACKGROUND:

The Baldwin Beach Toilet Replacement Project includes replacing the restroom building associated with the western parking area at the Lake Tahoe Basin Management Unit (LTBMU) Baldwin Beach recreation site. The project area is located entirely on National Forest System (NFS) lands on Lake Tahoe's south shore, east of the mouth of Tallac Creek in Section 26, T13N, R17E within Eldorado County, California. The site is accessed from Highway 89 through Forest Service Road 1305 (See Figure 1).

The goals and objectives of this project include: reducing LTBMU's overall deferred maintenance backlog, provide universal access to developed recreation opportunities, and consistency with the USFS Built Environment Image Guide to strengthen the architectural identity of the recreation program. This project implements the LTBMU Recreation Facility Analysis 5-Year Program of Work, as well as the 1999 LTBMU Accessibility Action Plan. Accomplishment of this project will help meet the target of managing developed recreation facilities to standard.

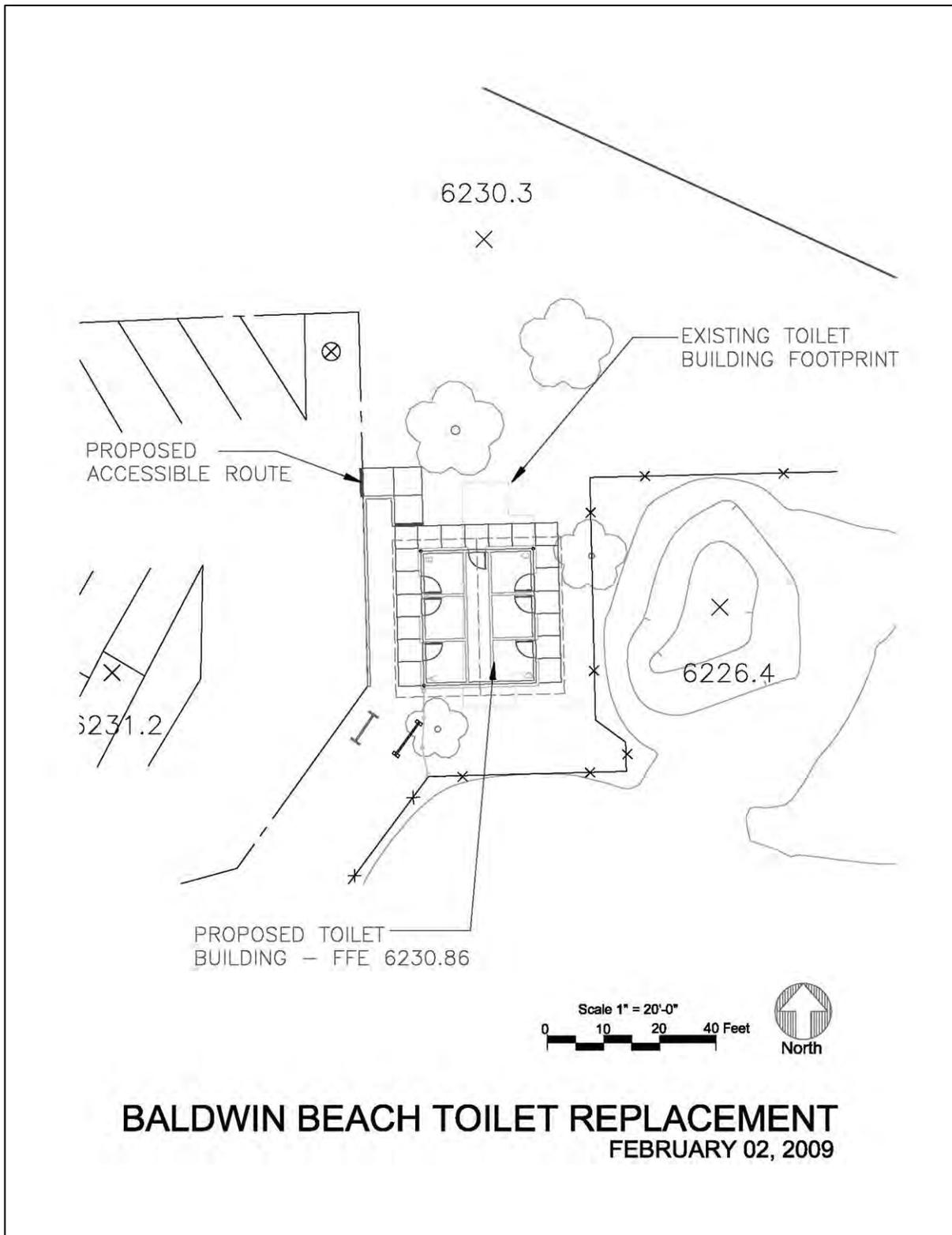
PURPOSE AND NEED:

The purpose of the project is to provide a fully accessible restroom at Baldwin Beach and, through replacing the existing structure, reduce the deferred maintenance backlog on the unit. The existing restroom at Baldwin Beach's western parking area does not meet Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG) for providing universal access, including people with disabilities. Additionally, the existing restroom is more than 35 years old and has substantial deferred maintenance needs (See Figure 2).

PROPOSED ACTION:

This project will remove the existing flush restroom building and parking lot edge barriers and construct a new universally accessible restroom building, drinking fountain, and accessible path of travel from the parking area to the restroom. The new restroom building will be similar to the six unit restrooms that were recently constructed at Pope Beach and at Baldwin Beach's eastern parking area. This project will reduce deferred maintenance and is identified in the approved LTBMU Recreation Facility Analysis.

The following figure shows the existing building footprint and the proposed building replacement and proposed accessible route.



PROJECT DESIGN FEATURES:

Project design features are elements of the project that are applied in treatment areas. These features are developed based on Forest Plan direction and site specific evaluations in order to reduce or avoid negative environmental impacts of the proposed action. Project design features associated with this project include the following:

Soil Design Features

1. Erosion control and prevention of sediment transport for this project will be implemented in accordance with; *USDA, Water Quality Management for Forest System Lands in California - Best Management Practices* (USDA 2000). This project will also be included in the Region 5, Best Management Practices Evaluation Program (BMPEP) monitoring sample pool and will be subject to temporary BMP (TBMP) monitoring evaluations while construction is ongoing.
2. Project activities will occur within the Tahoe Regional Planning Agency (TRPA) grading ordinance season (May 01 – Oct 15). If in an unlikely event, grading or movement outside of this window becomes necessary (i.e. to finish BMPs, etc.) a standard grading exception permit request will be submitted to TRPA and LWQCB for approval. During periods of inclement weather, operations would be shut down until soil conditions are sufficiently dry and stable to allow construction to continue without the threat of substantial erosion, sedimentation, or offsite sediment transport.

Biological Design Features

1. No project activities will be allowed within the Tahoe yellow cress (TYC) fenced area.
2. No material grading (soil, rocks etc.) will occur within 2 feet of the existing TYC fence. This is to prohibit any materials from entering the fenced area.
3. Demolition of the existing toilet will occur directionally away (from east to west) from the TYC fence. This is to prohibit any materials from entering the fenced area.
4. There will be no material storage, material stockpiling, or equipment storage between the restroom and TYC fence.
5. All construction and earth-moving equipment are required to be weed-free. Equipment will be considered weed free when visual inspection by the Contracting Officer's Representative does not reveal soil, seeds, plant material, or other such debris.

6. All gravel, fill, or other materials are required to be weed-free. Obtain certified weed-free materials from gravel pits and fill sources that have been certified weed free or have been surveyed and approved by the LTBMU Botany Department.
7. Minimize the amount of ground and vegetation disturbance in the construction areas.
8. Staging areas for equipment, materials, or crews will not be sited in weed infested areas.
9. After the project is completed all disturbed project areas would be monitored for three years to ensure additional weed species do not become established in the areas affected by the project.
10. Any sightings of threatened, endangered, candidate, sensitive, management indicator, or special interest species would be reported to the project biologist. These species would be protected as directed by standards and guidelines in the Lake Tahoe Basin Management Unit Forest Plan (LTBMU FP), Sierra Nevada Forest Plan Amendment (SNFPA), and TRPA code of ordinances.

Heritage Design Features

1. If any previously unrecorded cultural resources are discovered during this project, all project related activities must cease immediately and the consultation process as outlined in Section 800.13 of the Advisory Council on Historic Preservation's regulations 36 CFR 800 must be initiated.

Recreation Design Features

1. Temporary portable toilet facilities would be provided during facility construction while the site is open to the public.
2. Limit construction activity to week days, and non-holidays to minimize impacts to the recreating public.
3. Provide a safety buffer around construction site (e.g. temporary fencing).
4. Install signs warning recreation visitors to be aware of construction activities.
5. Manage construction traffic to maintain clear traffic routes during construction periods and follow posted recreation site speed limits.

REASONS FOR CATEGORICALLY EXCLUDING THE PROPOSED ACTION:

CEQ regulations allow Federal agencies to exclude from documentation in an environmental assessment (EA) or environmental impact statement (EIS) categories of

actions that do not individually or cumulatively have a significant effect on the human environment, based on the agency's experience and knowledge. I have concluded that the proposed action fits under 36 CFR 220.6 (d)(5), "Repair and maintenance of recreation sites and facilities".

This proposed action fits within this category because the project scope is limited to a toilet building within a recreation site and as replacing toilets is a common action on the Forest, that normally do not individually or cumulatively have a significant effect on the quality of the human environment, a categorical exclusion is appropriate.

EXTRAORDINARY CIRCUMSTANCES:

Extraordinary circumstances do not exist which preclude this project under this Categorical Exclusion. The following paragraphs address the extraordinary circumstance categories associated with the project per 36 CFR 220.6(b). The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion (CE). It is the existence of a cause-effect relationship between a proposed action and the potential effect on these resource conditions and if such a relationship exists, the degree of the potential effect of a proposed action on these resource conditions that determine whether extraordinary circumstances exist. (36 CFR 220.6(b).

1. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species –

The project area was evaluated and surveyed for federally listed species and Forest Service sensitive species. The project area is not located within designated or proposed critical habitat. This project will not affect any threatened or endangered species as these species and their suitable habitats do not occur in or adjacent to the project area (Project Record Document No. 2).

Bald eagle is the only Forest Service sensitive species to occur within or near the project area. This project will not affect bald eagle because although the bald eagle is known to occur or have suitable habitat in and near the project area, implementation of project design features associated with this project ensure that no effects would occur (Project Record Document No. 2).

This project will not affect any LTBMU sensitive plant species because there is no suitable habitat within the project area and no individuals are known or expected to occur within the project area (Project Record Document No. 3).

Botany surveys identified a small population of Forest Service sensitive plant species Tahoe yellow cress (*Rorippa subumbellata*) within the Baldwin beach recreation site. The population within the Baldwin Beach recreation site is fenced to limit disturbance. This project will not affect *Rorippa subumbellata* (Tahoe yellow cress) or any other plant species listed as threatened,

endangered, proposed for listing, or candidates under the Endangered Species Act of 1973, as amended (ESA), administered by the U.S. Fish and Wildlife Service from the proposed project because there is no suitable habitat within the project footprint and no individuals are known or expected to occur within the project footprint (Project Record Document No. 3). Project design features would ensure that demolition and construction activities associated with the project will not affect the Tahoe yellow cress.

2. Flood plains, wetlands, or municipal watersheds –

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, “. . . the lowland and relatively flat areas adjoining inland and coastal waters include flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year.”

The project is not located in a floodplain. The project is located above the high water line of Lake Tahoe. This has been validated by map and site-review. This decision will not affect floodplains. To further ensure that floodplains-related impacts are minimized, Best Management Practices are incorporated.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

The project is not located in wetlands. This has been validated by map and site-review. During demolition and construction activities, short term, isolated impacts to wetlands and beach soils may occur around the toilet building and accessible pathway locations. However, the proposed action includes soil, water quality and other design features that would provide adequate environmental protection to adjacent wetlands. This decision will not result in significant wetlands-related impacts.

To further ensure that wetlands-related impacts are minimized, Best Management Practices are incorporated.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. There are no municipal watersheds identified in the Forest Plan (FEIS, p. 3-62). This decision will not affect municipal watersheds.

3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas – The Baldwin Beach recreation site does not lie within the boundary of Congressionally designated areas.
4. Inventoried roadless areas – The Baldwin Beach recreation site does not lie within the boundary of inventoried roadless areas.
5. Research Natural Areas – Baldwin Beach recreation site does not lie within the boundary of Research Natural Areas.
6. American Indians and Alaska Native religious or cultural sites – The Baldwin Beach recreation site does not lie within the boundary of known American Indian cultural or archeological sites.
7. Archaeological sites, or historic properties or areas – The Baldwin Beach Toilet Replacement project does not lie within the boundary of known archeological sites or historic properties. The existing toilet building is not eligible for listing on the National Register of Historic Properties, nor is the site considered a historic site or landscape. This project falls under the Programmatic Agreement between the California State Historic Preservation Officer, the Advisory Council on Historic Properties and the US Forest Service, Pacific Southwest Region.

FINDINGS REQUIRED BY OTHER LAWS:

This project is in accordance with Federal, State, and local laws. Specifically:

National Forest Management Act – This Act requires the development of long-range land and resource management plans (LRMP). The Act requires all projects and activities to be consistent with the forest LRMP (“Forest Plan”). The LTBMU Forest Plan was approved in 1988 and has been amended several times, including the Sierra Nevada Forest Plan Amendment (2004). The LRMP guidance for natural resource management activities has been reviewed in consideration of this project (Forest Plan Consistency Spreadsheet, Project Record Document No. 1) and with incorporation of project design features this project is consistent with the Forest Plan. Management Indicator Species will not be affected by this project.

Endangered Species Act – In accordance with Section 7(c) of the Endangered Species Act, the USFWS list of “endangered and threatened species that may be affected by projects in the Lake Tahoe Basin Management Area” (January 31, 2008) was reviewed and appropriate restrictions are reflected in the design features to ensure the project’s consistency with this law.

National Historic Preservation Act - Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act (P.L. 89.665, as

amended) also requires Federal agencies to afford the State Historic Preservation Officer (SHPO) a reasonable opportunity to comment. Surveys conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision were reflected in the project planning. This project is consistent with the National Historic Preservation Act.

Lahontan Regional Water Quality Control Board - Because this project will include work in a stream environment zone, the Lahontan Regional Water Quality Control Board has been involved according to the Memorandum of Understanding between the LTBMU and the LWQCB.

TRPA - This project is exempt from permitting under the Memorandum of Understanding between the LTBMU and the TRPA, in accordance with:

Section III.A.3. Reconstruction of recreation improvements provided they remain in substantial conformance with the original structure(s) in the floor area, height, volume, and land coverage, and provided they are retrofitted with BMPs. Relocation of improvements is included in the exemption where the relocation is necessary for health and safety or to avoid SEZ or other environmentally sensitive situations, provided that relocated land coverage does not exceed 2,000 square feet in land capability districts 1, 2, and 3, and SEZ, nor exceeds a total of 10,000 square feet in all land capability districts and is offset by removing and restoring an equal amount of land coverage from an area equally or more environmentally sensitive and in the hydrologically related area.

TRPA Special Interest Species - Osprey and bald eagles foraging off the shores of Lake Tahoe shores [have] been recorded near the project area during the summer months. Osprey and bald eagle surveys have been done near the project area along Lake Tahoe shores resulting in no current nest trees in or within 0.25 miles of the project area in 2008. Peak project activities will be occurring during the osprey limited operating period (March 1 – August 15) and at the peak of Lake Tahoe’s summer recreational season at the lake. There was an active nest from 2008 that is located 85 meters from the entry road of Baldwin Beach. With normal road activity and successful nesting in 2008, the project is not likely to affect the nest by vehicles passing the area. Therefore, it is not anticipated that the project activities will affect foraging or nesting behavior beyond existing recreational disturbance during this time of the year.

PUBLIC INVOLVEMENT:

- The Baldwin Beach toilet replacement project appeared on the LTBMU Supplemental SOPA list starting in April 2009.
- A focused list of public agencies, and interested parties were informed of the proposed action in May 2009. Additionally, public notice was provided in the Tahoe Daily Tribune newspaper providing information for public input and the proposal was posted on the LTBMU public website. No comments were received.

IMPLEMENTATION DATE:

The planned implementation date for the Baldwin Beach toilet replacement is August, 2009.

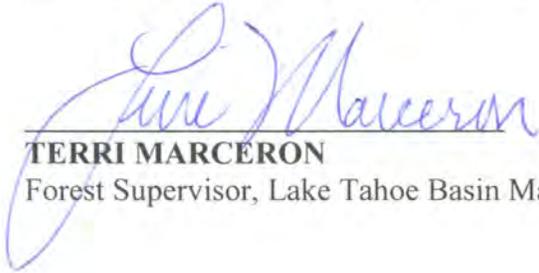
ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES:

The Baldwin Beach Toilet Replacement Project is not subject to appeal pursuant to 36 CFR 215.12(f) as it is a decision which has been categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement.

SIGNATURE AND DATE:

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment as it is within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories listed in sections 220.6 (d) and (e) of 36 CFR 220.6. My decision concludes that no extraordinary circumstances exist related to the proposed action that may result in a significant individual or cumulative effect on the human environment, and that the decision is not subject to appeal.

My conclusion is based on information presented in this document, my familiarity with the project area and the entirety of the project file.



TERRI MARCERON

Forest Supervisor, Lake Tahoe Basin Management Unit

6/29/09
Date

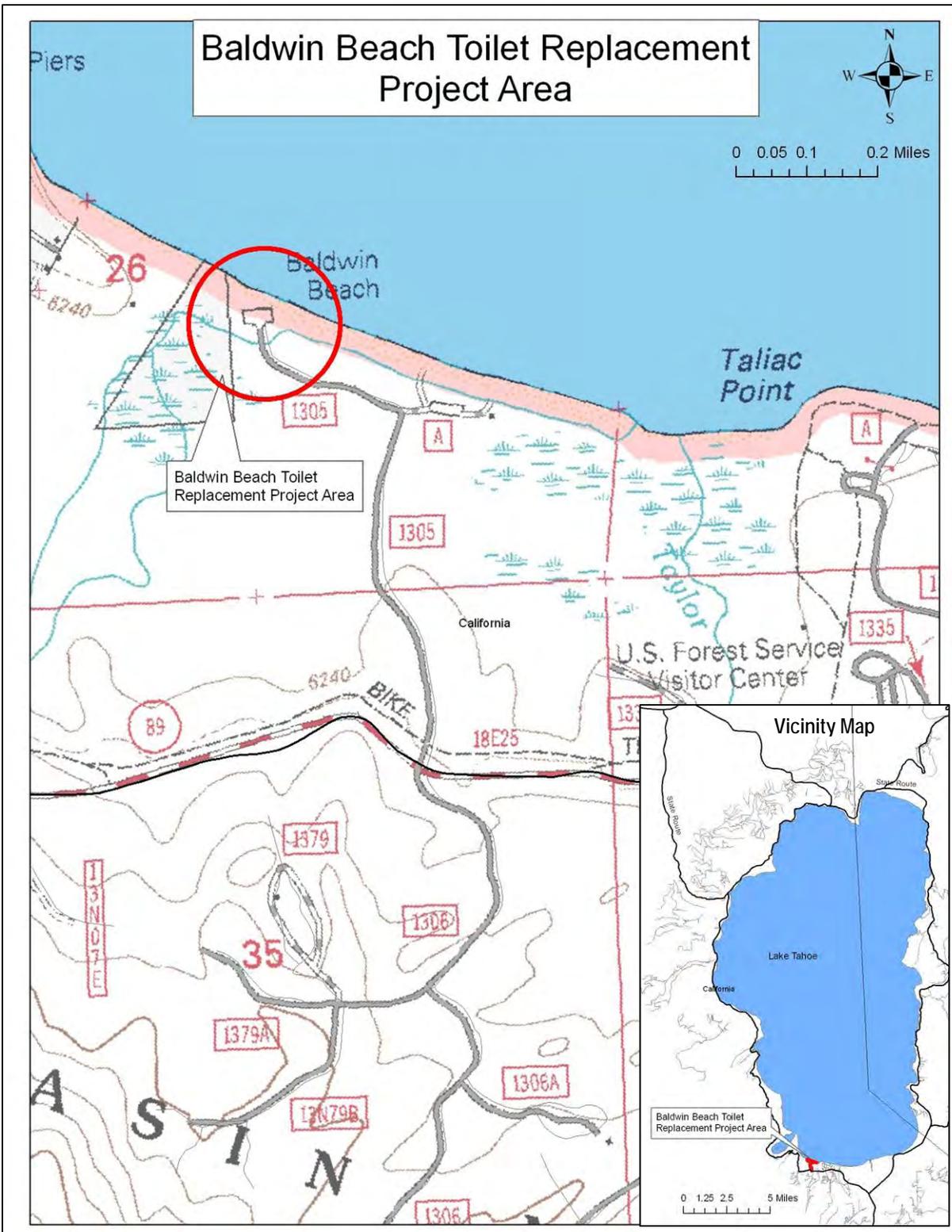


Figure 1. Project Area Map



Figure 2. Existing Restroom Building