Preliminary Decision Memo  
2017 Recreation Residence Projects –Crescent Lake  
USDA Forest Service  
Crescent Ranger District, Deschutes National Forest  
Klamath County, Oregon  

Background  
The Crescent Ranger District maintains 66 recreation residence permits on Odell Lake and 72 on Crescent Lake. Each year, permittees may submit applications for repairs and alterations to their privately owned structures to ensure safety, accessibility, and compliance with regulations, as well as upgrades as permitted under conditions outlined in the recreation residence special use permit language. Upon acceptance of these project requests, the Forest Service is required to conduct a National Environmental Policy Act of 1969 (NEPA) analysis on any project that may alter the character of a residence or that includes any ground-disturbing activity. This Preliminary Decision Memo covers eleven recreation residences and their associated projects¹ on Crescent Lake: CL-4, CL-21, CL-25, CL-39, CL-43, CL-49, CL-55, CL-64, CL-66, CL-67, and CL-70.  

Purpose and Need  
There is a need to maintain recreation residence structures and associated improvements in a safe condition that provides for accessibility, ensures compliance with County, State and Federal regulations, and allows for upgrades as permitted under conditions outlined in the recreation residence special use permit language.  

Proposed Action  
The Forest Service proposes the following actions to meet this purpose and need:  

**Cabin CL-4:** Deck: Decking and the decks post and rails are in poor shape. Proposes to remove and replace existing decking material with in-kind materials for the deck post. Will use a combination of pine wood railings (toward the bottom) and add in cable horizontally in the upper areas of the railings to prevent snow build-up and pressure on the cross railings. Will use existing pier blocks for new posts.  
2. Proposes to replace the railing and post of the steps to the beach with in-kind materials. Will use same foundation system, pier blocks.  

**Cabin CL-21:** Storage Shed: Proposes to install pre-fabricated storage shed on-lot that measures 10’ x 12’ or 120 sq. ft. Proposes to use 12” x 12” pier blocks as foundation system. Propose to level block at 4” below the surface. Roofing is to be 12” with standing seam metal to match existing cabin roof. East and west gable ends to have shake siding to match existing cabin. Will use western red cedar as siding (shiplap) to match horizontal siding at the main entry side of the cabin (the remaining elevations of the existing cabin has vertical siding). Submitted plans shows one door (west elevation) and one window each, on the north and south elevations. Will paint storage shed same color as cabin.  
2. **Dock:** Proposes to install new 6’W x 16’L floating cedar (Western) dock. Floats to meet Marine board standards. During high water, dock to be attached to an existing chain held in place by a large bolder on the shoreline. Low water levels, proposes to install two helical ground anchors as shown in picture attached.  

¹ Some recreation residences have more than one project.
3. **Stairs:** Proposes to construct and install a new set of stairs to access the beach area at the end of the existing path to the bank. Proposes to use 2 x 12 pressure treated Douglas-fir. Install 4 x 4 pressure treated Douglas-fir posts. Posts located at top of stairway and at base to be set into 18” of concrete below grade. The remaining post set onto pier blocks to reduce ground disturbance. Plans shows a total of three posts on each side of stairs. A single hand rail of pressure treated Douglas-fir is proposed on west side of structure. **NOTE:** FS would not approve the use of pressure treated materials for stairs. Permit holder would be required to use raw material. If they choose to seal material, would need to be a non-toxic sealant.

4. **Siding:** Proposes to remove damaged shingle siding and replace with shingle siding that matches existing. Proposed to repaint wood siding with dark green. Remove and replace fascia with new cedar fascia and paint a dark grey. Paint color samples submitted.

Cabin CL-25: **Roof:** Proposes to replace composite roof with standing seam metal roofing material in a dark brown color.

2. **Siding:** Proposes to remove old siding (individual large painted square shingle) and replace with individual wood boards in a horizontal “Channel Rustic” pattern. Propose to paint siding a dark brown color.

Cabin CL-39: **Satellite dish:** Proposes to install single satellite dish onto his cabin.

2. **Stairs:** Proposes to remove old railroad steps and relocate new stairs to the east of the old steps. Permit holder indicates building the new stairs in the same location as the old stairs would require the removal of vegetation to have the room to build the stairs. The permit holder indicates that the new location would have little to no impact to the ground and vegetation. Proposes to install 6’L x 3’7” W landing to anchor stairs to instead of buried footings. Stairs are to be 3’ W x 16’ 2 ¾” Long (18 steps) with a single handle rail installed at 3’ in height. Stairs, handrails, landing and stringers to be constructed out of cedar. Foundation system to be pre-fab pier blocks set at the top and bottom of stairs. New stairs to align with existing path.

3. **Retaining wall:** Proposes to add native rocks at base of deck supports where the recently disturbed material has created a large slope. The retaining wall will help stabilize and contain the material to prevent erosion. Proposes to use local large rocks from approved site and install using a small excavator. Similar project approved at Crescent Lake Lot 14-Taylor.

Cabin CL-43: **Stairs:** Permittee has already removed old stairway. Proposed to replace the old stairway with a two-tiered stairway. Supporting logs are proposed at 8” dbh. Support posts will be cut off and not protrude above the railings. Support logs to be buried 4’ in depth and use 6” of concrete base to set in for all. Steps and railing to be constructed out of smaller logs. The stairs steps to be constructed out of half logs. A 4’ x 4’ platform to be used to transition between each set of steps. All components of the stairs, including the railing, is to be constructed within this 4′ width to minimize its appearance. Stairs to be left to weather naturally.

Cabin CL-49: **Stairs:** Permittee has already removed old stairway (approved as access point for Crescent Lake Erosion Project). Proposed to replace the old stairway in same location or in a new location approximately 10” to the west of old site. Permit holder will stake new site spring of 2017 for the review. Old site was access point for erosion project and rocks may not settle enough to allow stair replacement. The new stairs will replicate the old stairs, total of 14 steps that are 24” wide, see picture attached. The length from the bank down to the beach is approximately 10’ to 15’. Design to be that of the old stairs. If able to use old site, old structural post were left in place and plans to reuse them for new stairs. If required to move stairs to new location, top support post proposes to set in footings (approximately 12” in diameter down 24”) Bottom support post to sit on pre-fab pier blocks.
Cabin CL-55: **Well:** Proposes to drill well on lot. Will also install water and electrical lines in a trench from well to cabin to operate well. Trench is 12” W x 36” D x 70’ L. Route and approximate location of well shown on site plan (located in project file). Will use licensed well driller to drill well.

Cabin CL-64: **Septic tank:** Proposes to replace 500 gallon rusted metal septic tank with new 1000 gallon fiberglass tank in same location as existing tank. Will connect tank to existing lines to cabin. Tank dimensions are 8’ L x 5’ W x 5’ .5” H. Hole will be approximately 10’ L x 6’ W x 6’ D.

2. **Deck:** Proposes to replace old rotted deck support post, and deck railing. Post to be located in same hole as old post. Deck is over sized, permit holder will reduce the deck to the maximum size allowed (400 sq. ft.) once old deck support posted are removed. Deck railing to be replaced with in-kind materials. Deck on west side of cabin to be removed per design submitted.

Cabin CL-66: **Well:** Drill well on lot at the top of the lot near the access road, see attached site plan. Trench to install water and electrical lines to support well operation. Trench is to be 12” W X 36” D X 50’ L to connect to existing pump facility.

2. **Windows:** Proposes to add a single window on west side of cabin that replicates the same style, and size of the window in this location. Proposes to replace the remaining windows with in-kind modern insulated windows that will replicate what is the existing windows and window casings. Has chosen the color of the new windows to be clay in color vinyl multi-pane windows. A spacer will be installed between both panes to replicate the existing muntin design.

3. **Steps:** Excavate an area of approximately 50 to 60” to allow for the installation of a step frame (4 to 5 steps) to be place between the top part of the deck and the parking area to allow for safe transition between the areas. Proposing to fill in the steps using the material that was excavated from this area to form earthen steps. The steps to be constructed out of pressure-treated fir measuring 4’ W. Risers to be 7.5” with a 10” tread.

4. **Stairs:** Proposes to install new stairs to beach close to existing access point. Permit holder would like to replicate stair design at CL-67 (see photo in project file). Proposing to use pier blocks at the bottom and two 12” Sono Tubes at the top that will be buried 24” below surface (drawing in project file). Concrete pad at the bank would not be approved.

5. **Driveway:** Proposes to grade upper driveway, install drain channel (perf pipe, French drain, etc.) to reduce erosion and place gravel on existing driveway and parking area. Wants to install a wood curb on lower side of driveway to contain gravel.

Cabin CL-67: **Satellite dish:** Proposes to install on-lot a single 18” small satellite dish on a metal pole that would be cemented 6” into ground (see site plan in project file for location). The hole should be no more than 12” in diameter. Proposes to dig a 40 foot long trench 4” to 6” in depth to bury the satellite cable in.

Cabin CL-70: **Fire ring:** Proposes to relocate fire ring to lot boundary and reconstruct with natural rock (See site plan in project file for location) of proposed relocation of fire ring.

2. **Screening:** Proposes to enclose the heat pump by constructing a small wall using two pier blocks as foundation system, two wooden post attached to wood planks that are 4’ in length. Material is the same wood as cabin siding.

3. **Storage shed:** Proposes to repaint storage shed the same color as the main cabin. Proposes to replace storage shed roof with standing seam metal material to match that of the cabin roof.

The projects are located in Klamath County, Oregon, with a legal description of T24S, R6E, Sections 14, 15, 16, and 21, Willamette Meridian (Figure 1).
Reason for Categorical Exclusion and Findings
Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories listed in 36 CFR 220.6(e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

Category of Exclusion
The appropriate category of exclusion is found in the Forest Service National Environmental Policy Act (NEPA) regulations at 36 CFR 220.6(e)(3). This category is appropriate because the project involves “…approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.”

Relationship to Extraordinary Circumstances
In determining the appropriateness of using the categorical exclusion, a determination of the potential impact to the resource conditions identified in FSH 1909.15 Section 30.3(2) must be made. The following is the list of the potential effects to the resource conditions from the project activities.

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.
   - Wildlife: It is anticipated that this project would have “No Effect” to any threatened or endangered species and “No Impact” to any R6 Sensitive wildlife species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
   - Plants: It is anticipated that this project would have “No Effect” to any threatened, endangered, and “No Impact” R6 Sensitive plant species. A Biological Evaluation (BE) would be completed before issuance of a final Decision Memo to document any potential effects, and any design criteria or mitigation measures will be added to that decision.
   - Fisheries: It is anticipated that this project would have no disturbance or “No Effect” to fisheries as a result of this decision.

2. Flood plains, wetlands, or municipal watersheds
   Executive Order 11988 provides direction to avoid adverse impacts associated with the occupancy and modification of floodplains. Executive Order 11990 provides direction to avoid adverse impacts associated with destruction or modification of wetlands. The project is consistent with both executive orders.
   - This project would have no effect to either floodplains or wetlands.
   - There would be no adverse effects to a municipal watershed because the project is not located within or adjacent to a municipal watershed.

3. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas
   The proposed project is not within a Wild and Scenic River corridor. The closest is the Crescent Creek Wild and Scenic River corridor, which is approximately one quarter mile to the east of the closest recreation residence on Crescent Lake, and would not be impacted by the proposed actions. The project area is not located within any Wilderness, Wilderness Study Areas, or National Recreation Areas. The closest Wilderness Area is the Diamond Peak Wilderness, which is approximately ¼ mile away and separated from the Crescent Lake recreation residence tracts by the
FS 60 road. The only potential wilderness impact would be from noise associated with project work; however, the noise level would not be more than that associated with normal recreation and railroad activities in the area and limited in duration (for the construction period only).

The Crescent Lake recreation residences are approximately one mile from the edge of the Oregon Cascades National Recreation Area (OCRA). There is no proposed activity in the OCRA.

4. **Inventoried roadless areas or potential wilderness areas**
   The project is not located within any Inventoried Roadless Areas (IRA) or potential wilderness areas. The nearest Inventoried Roadless Area is the Maiden Peak IRA, which lies approximately six miles north of the Crescent Lake recreation residences. Due to the distance there would be no impacts to this IRA from these projects. The project is not within a potential wilderness area, nor will it affect any of the criteria for inventoring potential wilderness (ie. – no roads will be built and no timber will be cut).

5. **Research Natural Areas**
   There are no existing or proposed Research Natural Areas (RNA) in or adjacent to the project. The nearest Research Natural Area is the Gold Lake Bog RNA, which is approximately 10 miles to the northwest on the Willamette National Forest.

6. **American Indian and Alaska Native religious or Cultural Sites, Archaeological Sites, or Historic Properties of Areas**
   Consultation for this project would be covered under the 2003 Programmatic Agreement for the State of Oregon and a final determination of compliance with Section 106 of the National Historic Preservation Act, including any required field surveys, would be completed before issuance of a final decision memo.

Based on the conclusions regarding the effects to the resources and conditions listed above, I will determine whether the project will have no extraordinary circumstances that may result in a significant direct, indirect, or cumulative effect on the quality of the human environment.

**Consistency with Deschutes Land and Resource Management Plan**
This project will be consistent with direction found in the Deschutes National Forest Land and Resource Management Plan and Record of Decision 1990 (Forest Plan), as amended by the Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (Northwest Forest Plan, 1994). Biological Evaluations are being prepared for Sensitive, Threatened, and Endangered animal and plant species and will be located in the project file at the Crescent Ranger District. Also, the project will meet all of the applicable Project Design Criteria from the 2014 Programmatic Biological Assessment for central Oregon.

This project is inside the Northwest Forest Plan boundary and will apply the Survey and Manage species list in 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.

**Public Involvement**
Public scoping and Tribal consultation are being conducted in conjunction with the release of this preliminary Decision Memo.
Implementation
When the Decision Memo is signed, project implementation can begin once final approval is received from the Crescent District Special Uses Administrator. The following project design features will be included to meet project objectives and/or to reduce or minimize unwanted effects:

- For any ground disturbance work- if imported fill is utilized it must be from a culturally sterile source (meaning there is no possible contamination from fill originating from another buried archaeological site).
- If, prior to, or during construction work, items of archeological or historical value are reported or discovered, or an unknown deposit of such items is disturbed, the lease holder would immediately cease activities in the area affected. The Forest Service would be notified and ground disturbing activity would not resume until written authorization is provided.
- Should human remains be encountered, the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq. [Nov. 16, 1990] and its regulations (43 CFR §10) would apply.
- Equipment Cleaning - Actions conducted or authorized by written permit (contracts) require cleaning of all heavy equipment (i.e., bulldozers, skidders, and other construction equipment) prior to entering Forest Service lands. Equipment will be inspected on-site by the Forest Service project manager or the District botanist prior to start of work.
- All gravel, fill, sand stockpiles, quarry sites and borrow materials used for this project will be inspected for invasive plants before such material is transported and used within Forest Service lands. Any infested sources must be treated before use of pit material. Only gravel, fill, sand, and rock that are judged to be weed-free by District or Forest weed specialists will be used for this project (Requirement R6 Standard #7).

Best Available Science and Conclusion
My conclusion will include a review of the record of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk.

How to Comment and Timeframe
Your comments about the proposed actions or other concerns are welcome and would be considered in the decision. They would be most helpful if received by June 16, 2017. Comments can be submitted to the address on the header of this letter, or by email to: comments-pacificnorthwest-deschutes-crescent@fs.fed.us. Written or oral scoping comments should include your name, address, and telephone number (if available). Include the title of the project (2017 Crescent Lake Recreation Residence Projects).

Comments received in response to this solicitation, including names and addresses of those who comment, will be part of the public record for this proposed action. Comments submitted anonymously will be accepted and considered; however, anonymously will not provide the Agency with the ability to provide the respondent with the subsequent environmental documents.

Administrative and Appeal Rights
The final decision is not subject to appeal or objection. On January 17, 2014, the President signed into law the Consolidated Appropriations Act of 2014 (Pub. L. No. 113-76). Section 431 of that Act directs
that the 1992 and 2012 legislation establishing the 36 CFR 215 (post-decisional appeals) and 36 CFR 218 (pre-decisional objections) processes “shall not apply to any project or activity implementing a land and resource management plan … that is categorically excluded … under the National Environmental Policy Act [NEPA].” As a result, the Forest Service no longer offers notice, comment, and appeal opportunities pursuant to 36 CFR 215 for categorically excluded projects such as the one covered under this Decision Memo.

**Contact Information**
For additional information concerning this project, contact Meria Page, Special Uses Administrator, or Lillian Cross, Acting Environmental Coordinator, at Crescent Ranger District, 136471 Hwy 97 N/ P.O. Box 208, Crescent OR 97733, or by phone at (541) 433-3200.

**Responsible Official**
The Responsible Official will be the District Ranger, Crescent Ranger District, Deschutes National Forest.
Figure 1 – Crescent Lake 2017 Recreation Residence Locator Map