

RECLAMATION

Managing Water in the West

Draft Environmental Assessment Camper's Cove Resort, Rogue River Basin Project Lands Encroachment

**Rogue River Basin Project, Oregon
Pacific Northwest Region**



**U.S. Department of the Interior
Bureau of Reclamation
Columbia-Cascades Area Office
Yakima, Washington**

January 2013

Mission Statements

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Acronyms

BLM	Bureau of Land Management
cabins	recreation vehicles
Camper's	Camper's Cove Resort, LLC
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
EA	environmental assessment
GSA	General Services Administration
ifs	isolated finds
ITA	Indian Trust Assets
NEPA	National Environmental Policy Act
ORS	Oregon Revised Statutes
Reclamation	Bureau of Reclamation

Contents

	Page
Introduction	1
Background	1
Need for the Proposal.....	4
Alternatives Considered	4
Alternative 1 – No Action Alternative.....	4
Alternative 2 – Removal Alternative	4
Alternative 3 – Disposal Alternative (Preferred)	5
Environmental Effects	8
Alternative 1 – No Action.....	8
Public Health and Safety.....	8
Recreation Values and Uses.....	8
Cultural Resources	8
Indian Trust Assets and Indian Sacred Sites	8
Wildlife	8
Threatened and Endangered Species	8
Vegetation	8
Wetlands	8
Invasive Species.....	8
Water Quality.....	8
Environmental Justice.....	8
Cumulative and Indirect Impacts	9
Alternative 2 – Removal Alternative	9
Public Health and Safety.....	9
Recreation Values and Uses.....	9
Cultural Resources	9
Indian Trust Assets and Indian Sacred Sites	9
Wildlife	10
Threatened and Endangered Species	10
Vegetation	11
Wetlands	11
Invasive Species.....	11
Water Quality.....	11
Environmental Justice.....	12
Cumulative and Indirect Impacts	12
Alternative 3 – Disposal Alternative (Preferred)	12
Public Health and Safety.....	12
Recreation Values and Uses.....	12
Cultural Resources	12
Indian Trust Assets and Indian Sacred Sites	12
Wildlife	12
Threatened and Endangered Species	12
Vegetation	12
Wetlands	13

Invasive Species	13
Water Quality	13
Environmental Justice	13
Cumulative and Indirect Impacts	13
Consultation and Coordination	13
References	15

Figures

	Page
Figure 1. Cabins Encroaching on Reclamation Lands	2
Figure 2: Vicinity Map	3
Figure 3: Encroachments at Camper's Cove Resort	5
Figure 4: Survey Map of Camper's Cove Resort and Reclamation lands proposed for disposal	6
Figure 5: Location Detail	7

Draft Environmental Assessment Camper's Cove Resort, Rogue River Basin Project Lands Encroachment

December 2012

Introduction

Camper's Cove Resort, LLC (Camper's) is located on the west side of Hyatt Reservoir, approximately 0.65 miles north of Hyatt Dam in Oregon. Hyatt Dam is on Keene Creek, part of the Klamath River Basin of Reclamation's Rogue River Basin Project, east of the Cascade Divide, and situated approximately 27 miles southeast of Talent, Oregon.

In accordance with the National Environmental Policy Act (NEPA), the U.S. Department of the Interior (DOI), Bureau of Reclamation, has prepared this environmental assessment (EA) to evaluate the environmental effects of Reclamation's proposed solution to Camper's land encroachment. The land considered in this EA was acquired by Reclamation from Talent Irrigation District for the congressionally authorized rehabilitation of numerous irrigation facilities. Reclamation completed rehabilitation work on structures of the Talent Division from 1957 to 1961.

Reclamation Manual Directive and Standard LND 08-02, *Land Disposal*, states, in part: "*Reclamation will dispose of or relinquish lands or land interests no longer needed for Reclamation purposes. Reclamation will retain only those lands required for present and identifiable future project or program purposes.*" Currently, the land encroached upon by Camper's is not considered necessary for Reclamation purposes (see Figure 1).

Background

In 2006, Camper's acquired a 2-acre parcel of private land surrounded by Reclamation project land. Camper's is situated on Hyatt Prairie Road, in Jackson County, Oregon. At the time of acquisition, the lands were used as a resort with a few mobile home trailers, corrals, and a restaurant. The facilities were in need of repair or removal. Camper's began to develop the site for recreation vehicles (cabins) by providing and/or improving utilities, a store, a restaurant, access roads, individual parking, site pads, garages, and patios.

Based upon an observed potential land encroachment, Reclamation entered into an agreement with the Bureau of Land Management (BLM) in 2011 to survey Reclamation land holdings in Section 16, Township 39 South, Range 3 East, Willamette Meridian.

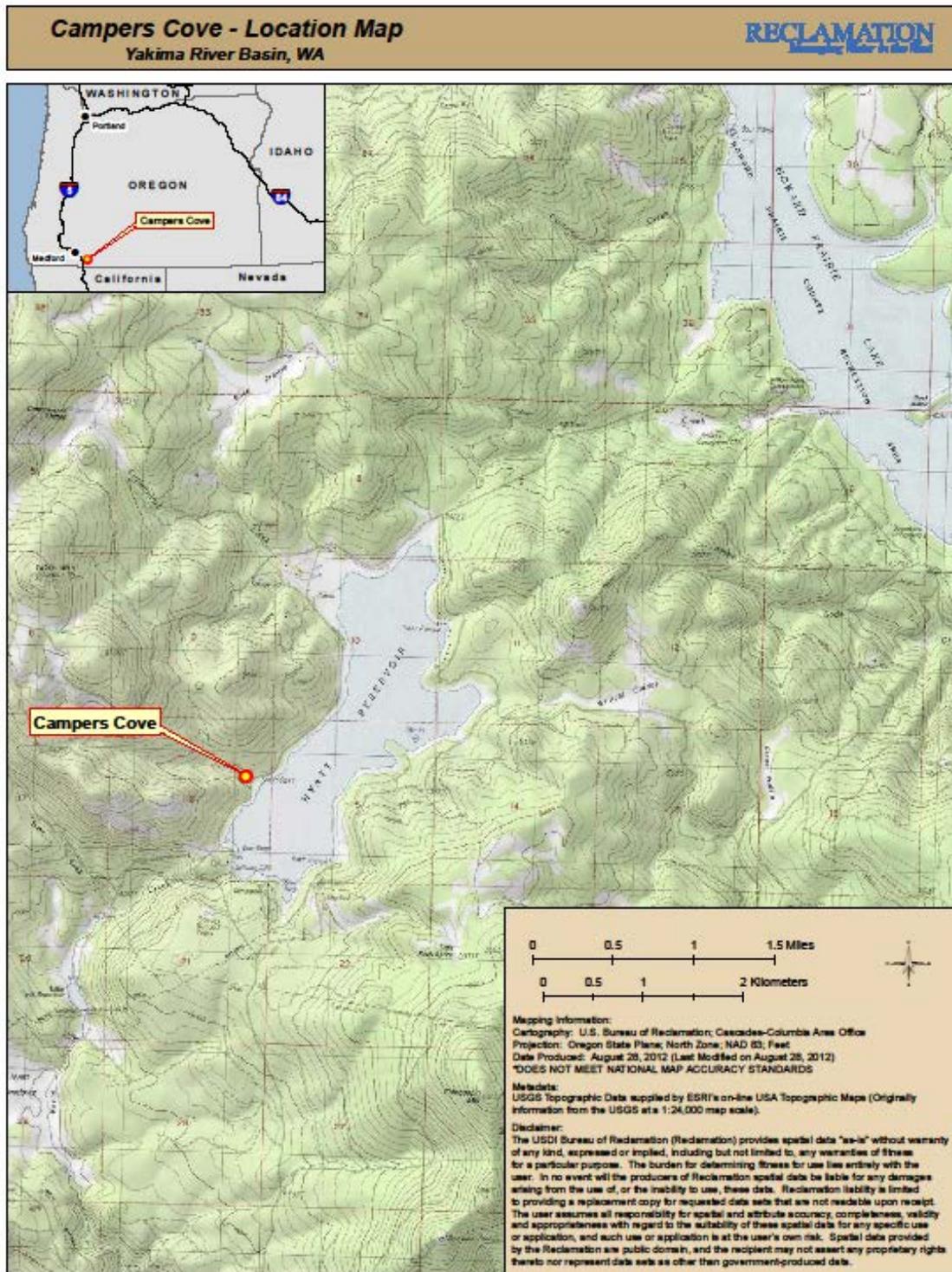


Figure 2: Vicinity Map

Need for the Proposal

The purpose of the proposed Federal action is to resolve unauthorized use of Reclamation land adjoining Camper's Cove Resort. Action is needed to comply with 43 Code of Federal Regulations (CFR) part 429, that prohibits any unauthorized use of Reclamation land that would result in new private exclusive recreational or residential use.

Alternatives Considered

Alternative 1 – No Action Alternative

NEPA regulations require the Federal action agency to consider a No Action Alternative for comparative analysis purposes. In this case, the No Action Alternative would not meet the purpose and need of the proposed action nor would this alternative comply with or adhere to 43 CFR §429.33. Under the No Action Alternative, Reclamation lands would not be sold into private ownership and there would not be an additional 3.53 acres of private land included in the Jackson County taxable land base. Deed restrictions which offer enhanced protection against future land development would not occur.

Alternative 2 – Removal Alternative

Under the Removal Alternative, all constructed facilities encroaching upon Reclamation lands would be removed at Camper's expense. Per 43 CFR §429.33, Camper's would be required to remove structures, materials, improvements, or any other real or personal property and restore Reclamation lands to a natural-like condition. Camper's would be required to pay the use fee that would have applied had the unauthorized use been authorized by Reclamation. Interest accrued on the use fee from the date of unauthorized use would also be assessed from the time said encroachment first occurred.

The land that would be disturbed under this alternative could be difficult to rehabilitate to a natural-like condition. In addition, the Removal Alternative would create undue hardship on those unknowing people who invested in the Camper's Cove Resort development and/or leased the encroaching cabin sites from Camper's Cove Resort.



Figure 3: Encroachments at Camper's Cove Resort

Alternative 3 – Disposal Alternative (Preferred)

Under the Disposal Alternative, the encroached-upon Reclamation lands and an additional 100-foot fuel break for wildfire safety (as required by the Jackson County, Oregon 2004 Land Development Ordinance [Chapter 8.7] [Jackson Co. 2004]) would be sold. This land sale would encompass 3.53 acres encircling the 2-acre Camper's Cove Resort. With the sale, the 3.53 acres would become private property.

Reclamation's authority to dispose of lands is limited and is regulated by the General Services Administration (GSA). One of the overriding limits relates to the value of the property. Any property with a value greater than \$15,000 must be disposed of by GSA. Preliminary estimates of value indicate this threshold will likely be exceeded and, as such, GSA would perform the land disposal function.

GSA would use Reclamation's authority for disposal of the lands. That authority requires that the sale is a competitive bid process open to the general public. GSA would set a minimum bid which would include the costs incurred by GSA, the costs incurred by Reclamation, and the value of the property as determined by an appraisal conducted by GSA.

Property deed restrictions would be attached in perpetuity to the lands considered for public sale under this alternative. Deed restrictions would effectively prohibit any future development within these 3.53 acres of land by establishing restrictions on how the land could be utilized such as precluding construction or erection of buildings, structures, or any other appurtenances.

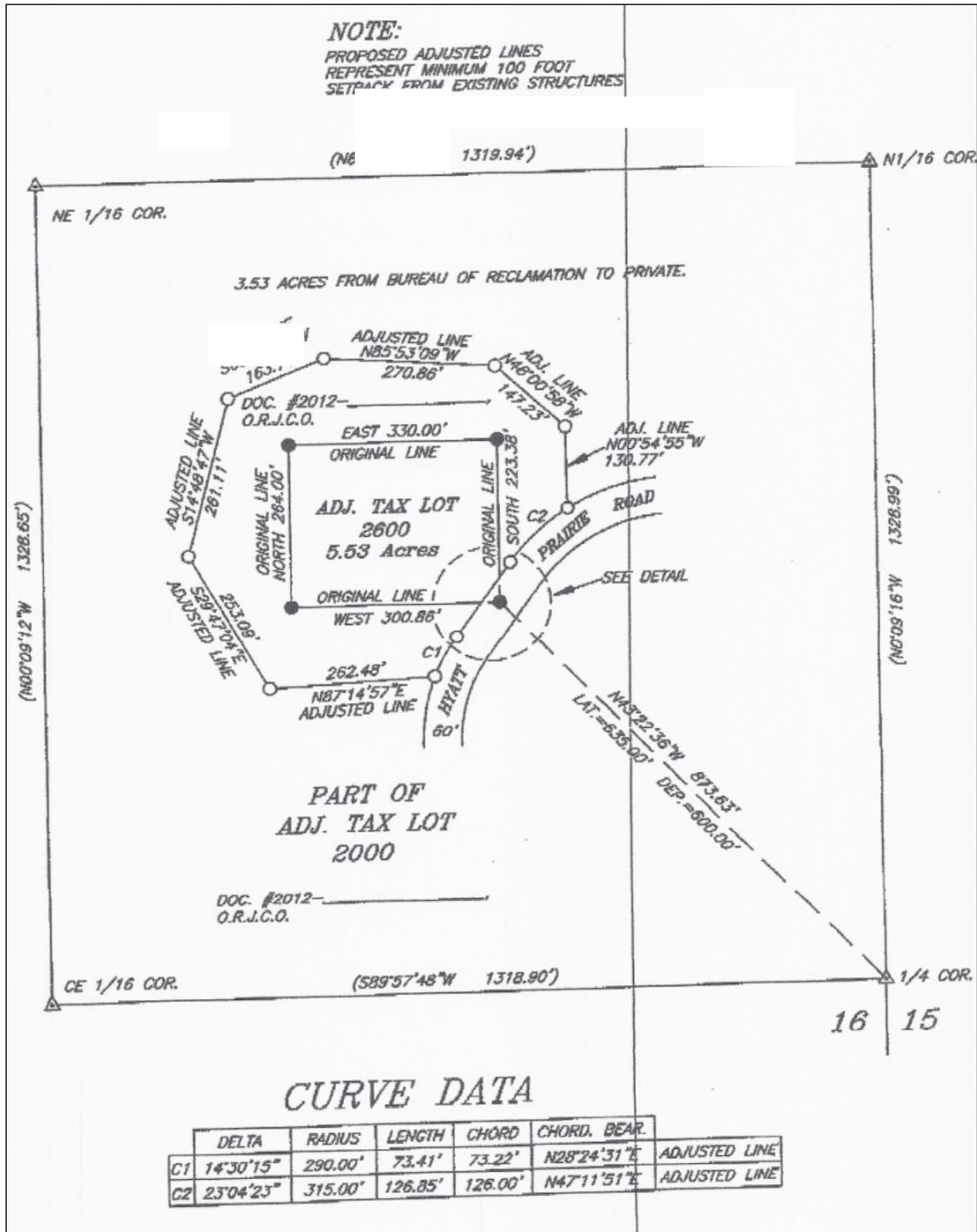


Figure 4: Survey Map of Camper's Cove Resort and Reclamation lands proposed for disposal

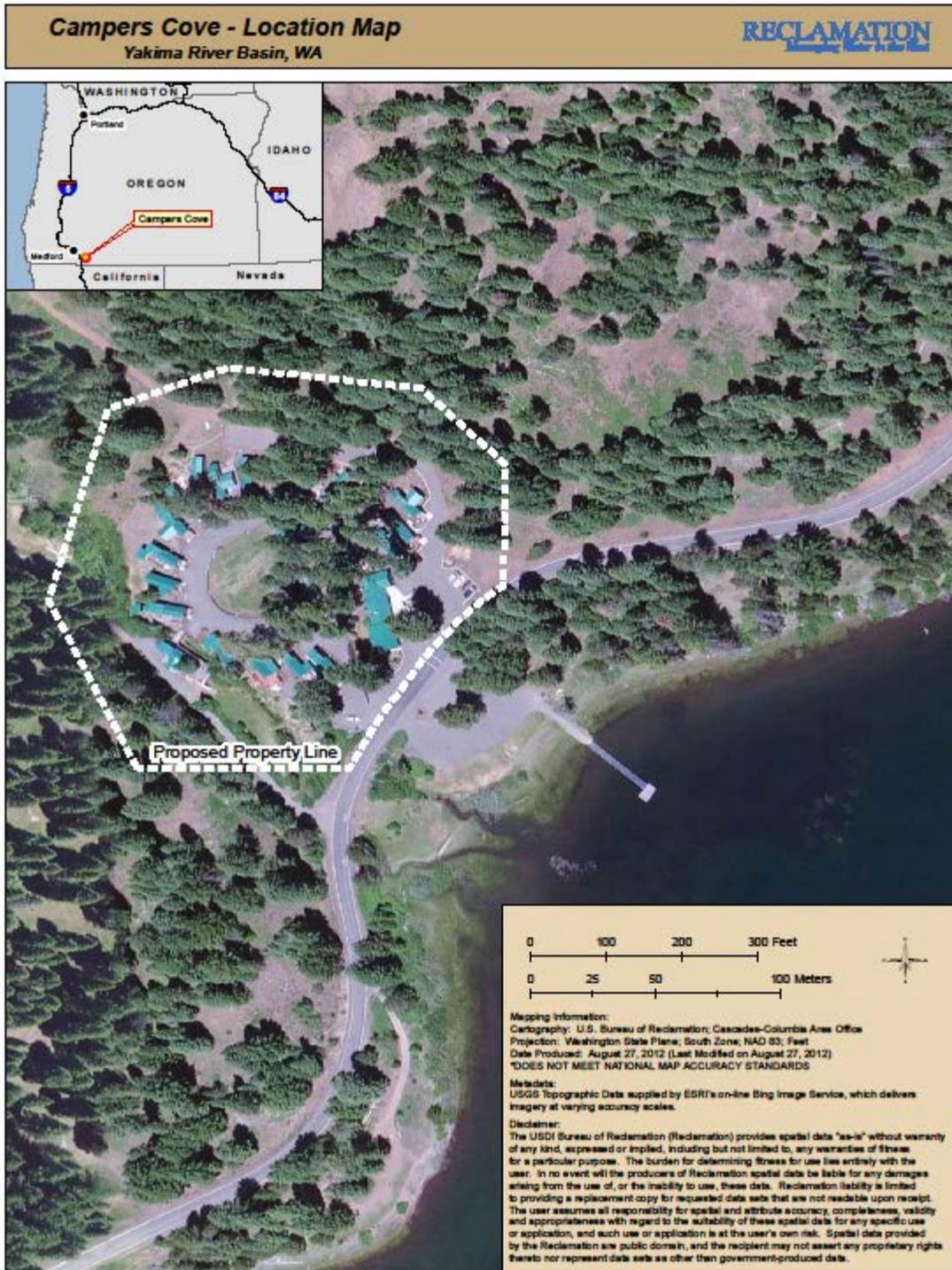


Figure 5: Location Detail

Environmental Effects

Alternative 1 – No Action

Public Health and Safety

No impacts have been identified with this alternative to public health and safety because no changes to current land use would occur.

Recreation Values and Uses

No impacts would be anticipated with the implementation of Alternative 1 because no changes to current operations of Camper’s Cove Resort would result.

Cultural Resources

Alternative 1 would have no effect on Cultural Resources.

Indian Trust Assets and Indian Sacred Sites

There are no identified ITAs within the Area of Potential Effect.

Wildlife

Alternative 1 would have no effect on Wildlife.

Threatened and Endangered Species

Alternative 1 would have no effect to listed species.

Vegetation

Alternative 1 would have no effect to vegetation.

Wetlands

Alternative 1 would have no effect on wetlands.

Invasive Species

Increased risk of invasive species establishment would not result from implementation of this alternative.

Water Quality

Alternative 1 would have no effect on water quality.

Environmental Justice

Alternative 1 would have no effect on Environmental Justice.

Cumulative and Indirect Impacts

No cumulative or indirect impacts would be realized with Alternative 1, as no change from current conditions or land use would occur.

Alternative 2 – Removal Alternative

Public Health and Safety

No significant impacts are anticipated with the removal of encroaching facilities associated with Camper's Cove Resort. There would be minor temporary localized safety, air and water quality, and noise considerations during the removal process with some risk to public safety and health inherent to demolition and structure relocation work involving heavy equipment and earth moving activities.

Recreation Values and Uses

Long-term impacts to recreation could be substantial, depending on the ability of Camper's to rebuild or relocate the facilities completely within their privately owned 2-acre tract. Temporary impacts that would occur during the removal process would be noise, land disturbance, vegetation removal, and air quality (dust and equipment exhaust). Water quality impacts could also occur (see *Water Quality* below).

Cultural Resources

A considerable amount of land surrounding Hyatt Reservoir has been surveyed for cultural resources by both Reclamation and the BLM, with several prehistoric and historic archaeological sites identified in the immediate vicinity of the reservoir. A prehistoric site was documented in 1979 by Southern Oregon State College students in the vicinity of Camper's Cove Resort. As neither the survey nor the site form was conducted and completed to professional standards, some doubt has remained as to the existence of such a site. Nevertheless, in accordance with Section 106 of National Historic Preservation Act and promulgating regulations codified in 36 CFR 800, the encroached-upon Reclamation land was inventoried and tested for cultural resources. Although two subsurface isolated finds (IFs) were documented, IFs do not qualify for site designation and are consequently not eligible for listing on the National Register of Historic Places. Therefore, this project will result in a *No Effect* determination, a decision of which the Oregon State Historic Preservation Office concurred in a letter to Reclamation dated August 31, 2012.

Tribal notification and requests for consultation were sent by Reclamation on January 20, 2012, to the Confederated Tribes of Grand Ronde Community, the Confederated Tribes of Siletz, and the Klamath Tribes. To date, no responses have been received.

Indian Trust Assets and Indian Sacred Sites

Indian Trust Assets (ITAs) are legal interests in property or rights held in trust by the Federal Government for federally recognized Indian Tribes or individual Indians. Trust status originates from rights imparted by treaties, statutes, or Executive orders. Examples of ITAs include lands, minerals, instream flows, water rights, and hunting and fishing

rights. A defining characteristic of an ITA is that an asset cannot be alienated, sold, leased, or used for easement without approval from the United States. The DOI's Departmental Manual Part 512.2 defines the responsibility for ensuring protection of ITAs to the heads of bureaus and offices (DOI 1995). DOI is required to protect and preserve Indian Trust Assets from loss, damage, unlawful alienation, waste, and depletion (DOI 2000). It is the responsibility of Reclamation to determine if the proposed project has the potential to affect ITAs. There are no identified ITAs within the Area of Potential Effect.

Wildlife

Impacts to wildlife would be temporary with this alternative and would be limited to inadvertent mortality of small animals and nesting birds that may utilize the existing facilities. The disruption of dens, burrows, and roosts associated with removal would likely occur. Minor temporary displacement impacts would be expected due to heavy equipment operation.

Threatened and Endangered Species

LISTED SPECIES

Birds

Northern spotted owl (*Strix occidentalis caurina*) – The project location is within northern spotted owl range; however, this site is not designated as northern spotted owl Critical Habitat and current forest conditions are not characteristic of spotted owl nesting, roosting, or foraging habitat. Forest features that support nesting, roosting and foraging are often found in older forests and include a multi-layered, multi-species canopy with moderate to high canopy closure (60 to 90 percent) and key habitat and structural components such as large cavities, broken tops, and large snags. Previously logged and historically grazed habitat in the surrounding area is not expected to support spotted owl nesting, roosting, or foraging. Spotted owl movement through the site during dispersal is conceivable and heavy equipment operation could potentially affect dispersal. Impacts from equipment operations would be temporary.

Invertebrates, Crustaceans:

Vernal pool fairy shrimp (*Branchinecta lynchi*) – No effect.

Plants

Gentner's fritillary (*Fritillaria gentneri*) – No effect.

Large-flowered woolly meadowfoam (*Limnanthes floccosa* ssp. *Grandiflora*) – No effect.

Cook's lomatium (*Lomatium cookie*) – No effect.

Kincaid's lupine (*Lupinus sulphureus* ssp. *Kincaidii*) – No effect.

PROPOSED SPECIES

None.

CANDIDATE SPECIES

Mammals, Terrestrial:

Fisher (*Martes pennant*) – The project location is within Fisher range; however, this site does not contain the late-successional coniferous or mixed forest that contain key habitat and structural components suitable as fisher habitat. Previously disturbed habitat in the surrounding area is not expected to support fisher denning or foraging. Fisher dispersal through the site is conceivable and heavy equipment operation could potentially affect dispersal. Impacts would be temporary.

North American wolverine (*Gulo gulo luscus*) – No effect.

Invertebrates, Insects:

Mardon skipper (*Polites mardon*) – No effect.

Plants

Siskiyou mariposa lily (*Calochortus persistens*) – No effect.

Whitebark Pine (*Pinus albicaulis*) – No effect

Vegetation

Impacts to vegetation would be unavoidable with the Removal Alternative. The area of potential effect is comprised of willow-dominated riparian wetlands and early-successional conifer forest. Effects would be minor but could be long-term depending on vegetation avoidance, land disturbance extent, and success of revegetation efforts.

Wetlands

There is potential for wetlands impacts with this alternative. Several of the cabins and related facilities are located as close as 10 feet from wetlands on the southwest side of the development. Without appropriate avoidance and protective measures, wetlands could be impacted by equipment operation and/or surface runoff with the Removal Alternative. Any impact to wetlands is significant and would require permitting, mitigation, and restoration or be in violation of Section 404 of the Clean Water Act and Oregon's Removal-Fill Law (ORS 196.795-990). It is estimated that up to 1 acre of wetlands could be temporarily impacted with the implementation of this alternative.

Invasive Species

Depending on avoidance and land disturbance limitations practiced by equipment operators during removal, exposed soils would be subject to invasive weed infestation. Reclamation would require revegetation of Reclamation lands; however, disturbance on private land is not under the purview of Reclamation's best management practices.

Water Quality

Alternative 2 could have temporary impacts on water quality due to land disturbance and equipment operation associated with removal activities. The small ephemeral stream that meanders by the southwest side of Camper's empties into Hyatt Reservoir approximately 150 feet southeast of Camper's. Runoff from disturbed areas could contribute silt and

equipment operation could emit petroleum-based pollutants, resulting in water quality degradation to the stream and Hyatt Reservoir.

Environmental Justice

Executive Order 12898 requires each Federal agency to achieve environmental justice as part of its mission by identifying and addressing disproportionately high adverse human health or environmental effects, including social and economic effects, of its programs and activities on minority populations and low-income populations of the United States. With the Removal Alternative, minority or low-income populations or communities would not be adversely impacted.

Cumulative and Indirect Impacts

Cumulative impacts are those effects on the environment resulting from the incremental consequences of a proposed action alternative when added to other past, present, and reasonably foreseeable future actions, regardless of who undertakes these actions. Alternative 2 could adversely impact the long-term continued operation of Camper's Cove Resort as a recreational facility depending on the owner's ability to rebuild on the existing 2 acres of private land. As a result, negative economic effects could be realized at a local level.

Alternative 3 – Disposal Alternative (Preferred)

Public Health and Safety

No impacts have been identified with the disposal of Reclamation lands to public health and safety because no changes to current land use would occur.

Recreation Values and Uses

No impacts would be anticipated with the implementation of Alternative 3 because no changes to current operations of Camper's Cove Resort would result.

Cultural Resources

Alternative 3 would have no effect on Cultural Resources.

Indian Trust Assets and Indian Sacred Sites

There are no identified ITAs within the Area of Potential Effect for Alternative 3.

Wildlife

Alternative 3 would have no effect on Wildlife.

Threatened and Endangered Species

Alternative 3 would have no effect to listed species.

Vegetation

Alternative 3 would have no effect to vegetation.

Wetlands

Alternative 3 would have no effect on wetlands.

Invasive Species

Increased risk of invasive species establishment would not result from implementation of this alternative.

Water Quality

Alternative 3 would have no effect on water quality.

Environmental Justice

Alternative 3 would have no effect on Environmental Justice.

Cumulative and Indirect Impacts

No cumulative or indirect impacts would be realized with Alternative 3, as no change from current conditions or land use would occur.

Consultation and Coordination

The BLM has been consulted on the proposed actions and has been involved in review of the environmental compliance. During the development of this EA, BLM has provided valuable information and cadastral survey services toward determining the extent of encroachment, establishing property boundary verification, and delineating a new proposed property boundary line.

References

- DOI 1995 U.S. Department of the Interior. 1995. "Departmental Responsibilities for Indian Trust Resources, American Indian and Alaska Native Programs." *Departmental Manual*, Chapter 2, Part 512. Office of American Indian Trust.
- DOI 2000 U.S. Department of the Interior. 2000. "Indian Trust Responsibilities - Principles for Managing Indian Trust Assets. Office of American Indian Trust." *Departmental Manual*, Chapter 2, Part 303. Office of American Indian Trust.
- Jackson Co. 2004 Jackson County, Oregon. 2004. *Land Development Ordinance*. <http://www.co.jackson.or.us/page.asp?navid=3724>. Last accessed December 2012.