

**SANTA FE NATIONAL FOREST
CATEGORICAL EXCLUSION PROJECT RECORD**

Project Name: Rainbow Family Gathering

Date: 6/23/2009

Ranger District: Cuba *Prepared by:* M. Dechter

Project Description (Attach project area map): Approval of a special use authorization for a gathering of up to 12,000 people on approximately 8,800 acres of land from June 11, 2009 to July 30, 2009. Potential actions authorized under the permit would include activities such as silent circle, prayer circle, community village, councils workshops, play shops, kiddie village, environmental education, and acoustic entertainment. Improvements authorized under this permit are fully described in the Operational Plan, but include the installation of a surface waterline from existing springs, slit trenches for waste, temporary kitchen facilities, a medical facility, dispersed camping areas, campfire rings, and parking areas.

Project Purpose & Need : The purpose of this project is to respond to a request for authorization of a special use permit for the aforementioned activities while ensuring protection of natural and cultural resources located on National Forest System lands.

Forest Plan Management Area Direction, S&G's, and Other Related Plans: The Forest Plan includes both general management direction and direction specific to management areas.

General Management Direction:

Page 21 - Administer special uses to best meet public needs.

- The Forest Service is working with the Rainbow family through this analysis to administer a special use permit to both protect the environment and cultural resources and best meet the needs of *all* publics.

Page 53 - Permits for non-commercial recreation special uses (summer homes, organization camps, special events, etc) may be issued to qualified applicants when the proposed use:

1. fulfills a demonstrated special public need without unduly infringing on the use by the general public,
 2. is in accordance with an approved implementation plan (where called for) and will not cause adverse impacts on the Forest or its resources which cannot be fully mitigated,
 3. does not serve a function that can be provided by private enterprise off National Forest lands, and/or
 4. is compatible with Management Area objectives.
- The Forest Service is developing an operational plan to accompany the special use permit (if approved) to minimize adverse affects via mitigations and limit infringement on the general public. This activity is in compliance with Management Area objectives (see below), and cannot be provided for on nearby private lands.

Page 86 - Respond to applications for new permits, amendments, documents, leases, and rights-of-way within 30 days of receipt.

- The Forest Service has responded within 30 days and is and will continue to work closely with the permit applicants throughout the length of the permit.

The proposed event is fully within **Management Area A**. According to the Forest Plan, "This management area consists primarily of those Forest lands suitable and capable of growing commercial timber." The management Emphasis is on timber production and enhancement of wildlife habitat diversity consistent with other resource integration. Roaded dispersed recreation experiences are emphasized.

It appears the proposed event is in conformance with the management guidance for Management Area A. This Management Area is primarily designed to limit the impacts of timber harvest, and it does not contain any language that would limit the activities and temporary improvements identified as part of the proposed event.

A. Scoping (FSH 1909.15, Chpt 30.3-3)

Scoping was conducted internally among Forest Service employees.

POTENTIAL ENVIRONMENTAL EFFECTS

B.1. Extraordinary Circumstance Resources (See instruction #6, pg 2)

<p>1. Listed/proposed T&E species or designated critical habitat, or FS sensitive species: <input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>Goatsuck Present in project area mitigated by NO HUMAN PRESENCE NEAR NEST SITES. SEE OP. PLAN. BIOGRAND CANT. TROUT IN PROJECT AREA SEE OP. PLAN FOR MITIGATION NEAR RUNNING WATER.</i></p> <p>Specialist name, signature, and date analysis completed: <i>Carmon Bruneau 6-22-09</i></p>
<p>2. Floodplains, wetlands, or municipal watersheds: <input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>Wetlands - Palomas + American Creeks. See Operations Plan for Mitigations</i></p> <p>Specialist name, signature, and date analysis completed: <i>William Cts 6-23-09</i></p>
<p>3. Congressionally designated areas: <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>Wilderness (San Pedro Parks) to the North + West of Project Area. Not in Project Area - No Impact to wilderness.</i></p> <p>Specialist name, signature, and date analysis completed: <i>William Cts 6-23-09</i></p>
<p>4. Inventoried roadless areas: <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>None in Project Area</i></p> <p>Specialist name, signature, and date analysis completed: <i>William Cts 6-23-09</i></p>
<p>5. Research Natural Areas: <input checked="" type="checkbox"/> Absent <input type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>None in Project Area</i></p> <p>Specialist name, signature, and date analysis completed: <i>William Cts 6-23-09</i></p>
<p>6. American Indian religious or cultural sites: <input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>Consulted with SHPO ok to proceed</i></p> <p>Specialist name, signature, and date analysis completed: <i>Tom D. Jorgensen 6/25/09</i></p>
<p>7. Archaeological sites, or historic properties or areas: <input type="checkbox"/> Absent <input checked="" type="checkbox"/> Present <input type="checkbox"/> Uncertain <i>Consulted with SHPO ok to proceed.</i></p> <p>Specialist name, signature, and date analysis completed: <i>Tom D. Jorgensen 6/25/09</i></p>

B.2. Categorical Exclusion Determination (FSH 1909.15, Chpt 30.3-3)

1. Does the proposed project meet a category in FSH 1909.15, Chpt 31.1 or 31.2?
<input checked="" type="checkbox"/> Yes Go to Question 2
<input type="checkbox"/> No Prepare an EA or EIS
2. If resource conditions that may lead to a finding of extraordinary circumstances are present then, based on scoping, is the degree (context and intensity) of the potential effects to any of the extraordinary circumstance unknown, uncertain, or potentially significant? (FSH 1909.15, Chpt 30.3)
<input type="checkbox"/> Yes Prepare an EA or EIS
<input checked="" type="checkbox"/> No Go to Question 3
3. Does the proposed project fall into a category in FSH 1909.15, Chpt 31.1?
<input checked="" type="checkbox"/> Yes The proposed project may be categorically excluded without preparing a Decision Memo and project file. Insert CE Category and Description in Section C and complete CE Project Record.
<input type="checkbox"/> No Go to Question 4
4. Does the proposed project fall into a category in FSH 1909.15, Chpt 31.2?
<input type="checkbox"/> Yes The proposed project may be categorically excluded with a Decision Memo and project file. Insert CE Category and Description in Section C and complete CE Project Record.
<input type="checkbox"/> No Prepare an EA or EIS.

C. Hazardous Fuels Initiative CE Use: This CE category can no longer be used. In addition to the requirements pertaining to extraordinary circumstances, compliance with Forest Plan, laws, regulations, policies, etc. and those in the category title description, HFI projects must also meet the following:

- ~~1. Primary purpose of the project is hazardous fuels reduction;~~
- ~~2. Be in a wildland urban interface (WUI) or if outside a WUI, in Condition Classes 2 or 3 in Fire Regime Groups I, II, or III;~~
- ~~3. Be identified through a collaborative framework as described in "A Collaborative Approach ... 10-Year Comprehensive Strategy Implementation Plan;"~~
- ~~4. Not be conducted in wilderness areas; and~~
- ~~5. Not include the use of herbicides/pesticides, or construction of new permanent roads or other new permanent infrastructure.~~

D. Requirements for Grazing Authorization CE under P.L. 110-161, (FY 2005-08)

1. Decision continues current grazing management (documented in the files),
2. Monitoring indicates that current grazing management is meeting, or satisfactorily moving toward, objectives in the land management plan,
3. Decision is consistent with agency policy concerning extraordinary circumstances, and
4. Shall not be used for allotments in federally designated wilderness areas.
5. Category citation is Grazing Authorization under P.L. 110-161, 2008 appropriations) and Public Law 108-447, Sec. 339; 118 Stat. 3103, as amended. CE use extended through FY 2008.

E. Energy Policy Act of 2005 (Section 390) oil & gas exploration/development categories:

1. Individual surface disturbances of less than five (5) acres provided the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a NEPA document has been previously completed.
2. Drilling an oil and gas location or well pad at a site at which drilling has occurred within five (5) years prior to the date of spudding the well.
3. Drilling an oil or gas well within a developed field for which an approved land use plan or any NEPA document prepared to analyzed drilling as a reasonably foreseeable activity, provided such plan or document was approved within five (5) years prior to the date of spudding the well.
4. Placement of a pipeline in an approved right-of-way corridor, provided the corridor was approved within five (5) years prior to the date of placement of the pipeline.
5. Maintenance of a minor activity, other than any construction or major renovation of a building or facility.

F. CE Category (FSH 1909.15, Chpt 31.1 or 31.2)

Enter CE Category and Description (not examples). FSH 1909.15 Chapter 31.12 (8) Approval, modification, or continuation of minor, short-term (1 year or less) special uses of National Forest System lands.

G. Major Regulatory Requirements

Federal/State	Comments	Date Completed
Sec 7 ESA Consultation (FWS Concurrence)	No Need For Consultation	6/23/2009
Sec 106 NHPA Consultation (SHPO Concurrence)	Consulted with and received OK	6/25/09
Consistent with Forest Plan Mgmt Area and Direction		
HFI Fuels Reduction Project Compliance ¹		
Compliance w/ Clean Air Act ²		

¹ Hazardous fuels reduction is the primary purpose for the project; Project is a WUI or if outside a WUI, in Condition Classes 2 or 3 in Fire Regime Groups I, II, or III; and Project is identified through a collaborative framework as described in "A Collaborative Approach 10-Year Comprehensive Strategy Implementation Plan."

² Only applies to projects with Rx burning, document alternatives to Rx burning considered and why eliminated (e.g., fails to meet purpose & need, too costly, lack of access, etc).

H. Notes (additional comments, other resources, mitigations, etc.)

Please refer to the Operating plan for the full list of permit specifications.

HEALTH and SAFETY

1. Gathering participants are responsible for their own health and safety, including coordination with area medical facilities for emergency services and evacuation plans.
2. Emergency vehicles will be allowed ingress and egress quickly without unnecessary delays.
3. Emergency helicopter landing zones have been identified to accommodate emergency evacuation of Flight For Life needs at Wetherhill and Manuel's Cabin. Areas designated as landing sites in cooperation with Rainbow Family Gathering participants shall remain clear of campsites or other facilities within 200 feet of the center.
4. An emergency plan will be developed by the Forest Service in coordination with Rainbow Gathering participants for use in the event of fire, flood, or other natural disasters.
5. Victims of any non-life threatening injury or illness discovered by the Forest Service at the gathering will be referred to individual Rainbow Gathering first aid volunteers who have identified themselves to the Forest Service. These first aid volunteers agree to report any contagious outbreaks to the Forest Service and appropriate health agencies. Gathering participants have the right to refuse medical service from any entity.
6. Biological Hazards generated at first aid stations will be disposed of at an appropriate medical waste disposal facility. No biological hazardous waste will be buried or left on the site.
7. Trash will be removed from the site in accordance with State/County sanitation requirements. The County transfer station is open Wednesday and Saturday from 8:00 AM until 5:00 PM. Only paper and wood trash will be burned.
8. Drinking water should be filtered or boiled or treated. Periodic testing of drinking water systems for total coliform and fecal e-coli will be performed as County or State requirements dictate. Gathering participants may have an independent entity test water.
9. A hand washing station will be present at each kitchen area.

10. Minimum kitchen dish washing procedures should be a four bucket system followed by a trickling water non-dip final rinse. The first bucket should be for compost, the second bucket for warm water pre-wash, the third bucket for a hot soapy wash, the fourth bucket for a hot clear rinse, followed by a rinse using trickling disinfected water, or bleach water buckets. Dishes should be allowed to air dry.
11. To assure the health and safety of visitors to the gathering, the following actions should be followed:
 - a) Portable toilets should be utilized when feasible. The toilets will be pumped and cleaned as needed.
 - b) As an alternative to portable toilets, slit trenches or earth pit privies may be used. The trenches or privies must meet State or County requirements for temporary campsites.
 - 1) Slit trenches should be constructed on upland sites. They should be located at least 300 feet from standing surface waters or perennial streams, at least 300 feet away from kitchens, and down slope from any drinking water sources. Trenches should be approximately 12 inches wide and of an adequate depth and length for the anticipated number of people. Topsoil and sod should be stored for rehabilitation. Buckets of lime or wood ash shall be available at all trench or privy sites. Trenches or pits shall be closed when they fill to within 12 inches of the surface. Disinfectant hand wash stations will be provided at each location.
12. Due to endemic rabies in this area, all dogs, cats and any livestock should be vaccinated for rabies, per State and County ordinances. Any encounters with wild animals that exhibit unnatural behavior should be reported to the Forest Service.
13. If Gathering participants identify dead or defective trees that present a hazard to gathering infrastructure or participants, they will be discussed with a Forest Service resource adviser and mitigation will be jointly developed.

RESOURCE PROTECION

14. Sensitive areas such as wetlands, sensitive species, and archeological sites will be flagged by the Forest Service in cooperation with Rainbow Gathering volunteers. Gathering participants may not park, camp, or congregate within these areas or remove items from these areas (plants, items over 50 years old like bottles, cans, etc.)

15. To prevent disturbance to wildlife that utilize water sources in the area, no

camping will occur within 300 feet of any natural or man-made water source, including streams, lakes, ponds and stock water tanks.

16. Gray water and compost pits from kitchens will be at least 100 feet from any surface water or running stream channel and will not be located in areas that contain riparian vegetation. Gray water and compost pits should be covered at all times with 4 millimeter polyethylene, ash or lime and will be marked so as to prevent people from falling into them.
17. Bathing or swimming areas will be suggested by the Forest Service in cooperation with Rainbow Gathering volunteers.
18. Water diverted from one live source should not be introduced to another live source (no stream to stream, spring to spring transfer.)
19. Gathering participants will monitor all activities to ensure that soap, disinfectants, medical waste, or any other foreign material is not introduced into lakes, streams, or other surface waters.
20. Gathering participants will do minimal excavation or digging out around drinking water sources. Temporary collection techniques (such as rocks, logs, or tarps, etc.) will be used to collect drinking water at the source.
21. Log and/or rock crossings will be constructed to minimize impacts to stream banks and will be removed at the conclusion of the gathering.
22. Campfires will be attended to at all times. A shovel and at least one five gallon container of water should be placed at each campfire location. Campfires must serve as community fires— individual campfires will not be used. Fire pits should be completely contained and should not exceed a 12 foot diameter. All top soil and sod will be stored and covered for protection.
23. If local conditions dictate, a District wide or larger fire order prohibiting open fires may be issued. If such an order is issued, all cooking and warming must then be accomplished with camp stoves fueled by propane or white gas, or in kitchens approved by a Forest Service resource adviser; and smoking may only occur in vehicles or areas designated by the Forest Service.
24. No fireworks of any kind will be used on National Forest System lands.
25. Only dead and down firewood may be used. Cutting of green vegetation requires prior approval of the Forest Service.
26. Livestock fences will not be cut or damaged; gates will be kept closed.
27. Sensitive archaeological sites are present in and around Parque Venado.

28. Forest archaeologists will be present to help avoid effects on this resource by ground disturbing activities such as digging fire pits and latrines. Rainbow Gathering participants will not pick up or move any artifacts.
29. Vegetation transect markers (metal stakes) in the Parque Venado will be identified and marked with flagging or another method and will be left undisturbed.
30. The San Pedro Parks Wilderness is subject to applicable regulations. Motorized and mechanized (wheeled) vehicles are not allowed; and party size is limited to 15 in the Wilderness Area.

SITE REHABILITATION

31. All parking areas, Bus Village, trails and areas of concentrated use in the gathering site will be scarified to a depth of 2-4 inches unless deemed unnecessary by the Forest Service and gathering participants and if deemed necessary, will be seeded with a native seed mix approved by the Forest Service. Seeding will be accomplished following the gathering at a time approved by the Forest Service.
32. Slit trenches and latrines will be filled and covered with the native material originally removed from the pit and from the surrounding area, and mounded with excess material to allow for settling. Any surface waste will be removed from the area.
33. Gathering participants will remove and recycle all trash at an established sanitary landfill. Contracts may be made by individuals with local trash hauling companies.
34. Any abandoned vehicles will be removed from National Forest System lands at the cost of the owners.
35. All structures not previously existing at the gathering site (bridges, swings, lean-tos, ovens or art) will be dismantled or scattered to achieve a natural appearance.
36. Any unauthorized (user created) trails will be returned to as natural a state as possible. If necessary, existing trails will be returned to a width specified by the Forest Service, and the appropriate water controls will be installed.
37. All water lines constructed by Gathering participants will be removed from the gathering site and adjacent areas.
38. Fire pits will be filled with native material originally removed and mounded with excess material to allow for settling. Rocks will be scattered to give a natural appearance to the landscape.

39. Other site specific needs will be identified during a walk through the gathering site with Gathering volunteers and the Forest Service on the morning of July 6 and with Information and Welcome Home stations by noon on July 8.
40. When site rehabilitation is completed to the satisfaction of the Forest Service, a letter to that effect will be written to the Rainbow Family.

SPACE ALLOCATION

41. Sufficient limited use parking areas will be provided for Rainbow Gathering participants who are disabled, volunteers for emergency response, temporary supply drop-off by attended vehicles, ongoing shuttle services from remote parking areas, and Forest Service administrative purposes. Areas will be designated by the Forest Service in cooperation with Rainbow Gathering volunteers.
42. Wetland areas will not be used for parking.
43. All four wheels of parked vehicles must be completely off the road.
44. Whenever feasible, vehicles should be parked facing out toward the road to expedite egress.
45. Unauthorized vehicles parked in areas reserved for specific purposes or that interferes with the ingress/egress of emergency vehicles are subject to citation or towing at the owner's expense.
46. The Forest Service in cooperation with Gathering volunteers will institute a one-way system of travel. On Forest Road 70 parking will be limited to the south side of the road between Welcome Home and Palomas Trailhead. There will be 10-12 individually marked parking areas on the North side of the road between those two points. They will be well marked as "Rainbow Parking".
47. Pursuant to the exemption in Closure Order 10-322, clothing is optional within the Gathering site except that areas within view of Forest Roads 69, 70, 103 and State Highway 126 will be identified as "No Nudity" areas.
48. Leashing of animals within the Rainbow Gathering site is optional as long as they are under effective voice control, except that Rio Arriba County ordinances requiring that dogs be on leash at all times will apply on Forest Roads 69, 70, 103 and State Highway 126.
49. Rainbow Gathering participants and their animals will not harass wildlife or livestock.
51. No camping will be allowed in the closure area on Forest Road 70. The area is 2 ½ miles in length and is signed on both ends.