

**CATEGORICAL EXCLUSION REVIEW
AND
DECISION MEMO**

**RECREATION RESIDENCE USE OF
NATIONAL FOREST SYSTEM LANDS**

USDA Forest Service
Conejos Peak Ranger District
Rio Grande National Forest
Conejos County, Colorado

Proposed Action/Decision:

I have decided to continue use for three recreation residence tracts on the Conejos Peak Ranger District of the Rio Grande National Forest. The tracts include nine lots that are authorized under current term permits that expire on December 31, 2008.

The 9 recreation residences are all located in desiganted tracts; and the total authorized area is approximately 6 acres. Recreation residence tract maps are available in the project file which is located at the Conejos Peak Ranger District Office in La Jara, Colorado. A brief description of the 3 tracts on the Conejos Peak Ranger District are as follows:

TRACT NAME	ACRES	# REC. RES.
La Manga	3.07	5
McIntyre	2.80	3
Trail Creek	0.30	1

La Manga: The five recreation residences in the La Manga tract are in the vicinity of the Elk Creek Campground (T 33 N, R 5 E, Section 11). Of the 14 lots originally available only five were ever developed. The remaining 9 lots were removed from site plans (cancelled) in 1994 (See Appendix A).

McIntyre: The three recreation residences in the McIntyre tract are in the vicinity of the Elk Creek Campground (T 33 N, R 5 E, Section 1). The tract map for the McIntyre tract has been lost or destroyed so it is not known how many lots were originally available. Any remaining lots were removed from site plans (cancelled) in 1994 (See Appendix A).

Trail Creek: The one recreation residence in the Trail Creek tract is in the vicinity of the Lake Fork Campground (T 35 N, R 4 ½ E, Section 13). Of the 15 lots originally available only one was ever developed. The remaining 14 lots were removed from site plans (cancelled) in 1994 (See Appendix A).

Background:

Recreation residences are a valid use of National Forest System lands, and are an important component of the overall National Forest recreation program. It is Forest Service policy to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational

benefits of these residences (FSM 2347.1). On the Conejos Peak Ranger District, the recreation residence program was established on the District with the La Manga tract being laid out in the mid-1920's. The Trail Creek recreation residence tract was the last tract to be platted in 1946. The last cabin constructed on the Conejos Peak Ranger District was constructed in the Trail Creek tract in 1951. By 1968, a moratorium was issued on the recreation residence program nationwide, which stated that no new tracts would be established nor permits issued for unoccupied lots.

Reasons for Categorically Excluding the Proposed Action:

I have determined that this proposal may be categorically excluded from the requirement to prepare an Environmental Assessment or Environmental Impact Statement as provided by the National Environmental Policy Act (40 CFR 1508.4).

The proposed action fits the category of action identified in Forest Service Environmental Policy and Procedures Handbook 1909.15, Section 31.2 (15), "*Issuance of a new special use authorization for a new term to replace an existing or expired authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized facilities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.*"

The project was put through the following screens to determine if the use of a CE is appropriate:

Is this a significant Federal Action?

1. Are there significant adverse environmental effects on public health or safety (are permits required under the Clean Air Act or Clean Water Act)? **NO**
2. Are there significant adverse effects on unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas? **NO**
3. Are there highly controversial effects on the quality of the human environment? **NO**
4. Are there highly uncertain effects on the human environment or involve unique or unknown risks? **NO**
5. Will the action establish precedent for future actions with significant effects or represent a decision in principle about future considerations? **NO**
6. Will action be related to other actions with individually insignificant but cumulatively significant impacts? **NO**
7. Will the action adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural or historic resources? **NO**
8. Will the action adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973? **NO**
9. Will the action threaten a violation of Federal, State, local laws or requirements imposed for the protection of the environment? **NO**

Are there any resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action would warrant further analysis and documentation in an EA or EIS?

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing, or proposed critical habitat, or forest Service sensitive species? **NO**

The wildlife and plant BE/BA's include an analysis of the effects of this action on TES species.

- b. Flood plains, wetlands or municipal watersheds? **NO**

None of the three tracts includes flood plains, wetlands or municipal watersheds.

- c. Congressionally designated areas, such as wilderness, wilderness study areas or National Recreation Areas? **NO**

The three recreation residence tracts are not located in a wilderness area, wilderness study area, or National Recreation Area.

- d. Inventoried roadless areas? **NO**

The three recreation residence tracts are not located in an inventoried roadless area.

- e. Research Natural Areas? **NO**

The three recreation residence tracts are not located in a research natural area.

- f. Native American religious or cultural sites? **NO**

Cultural resource inventories and an evaluation of eligibility for the National Register of Historic Places were completed. This action will have no impact to American Indian or Alaska native religious or cultural sites.

- g. Archaeological sites, or historic properties or areas? **NO**

The recreation residence on Lot 5 of the McIntyre tract is considered individually eligible for the National Register of Historic Places. This does not constitute an extraordinary circumstance.

Site specific resource protection measures will be incorporated into the the recreation residence special use permits as needed. An Operations and Maintenance Plan for each lot will be developed and attached to the permit. Compliance will be monitored by Rio Grande National Forest personnel.

Scoping and Public Involvement:

Scoping and public involvement for this project were conducted. Public involvement was accomplished through posting of the "Schedule of Proposed Activities" on the Rio Grande National Forest web page

and scoping was accomplished by mailing letters to all recreation residence permit holders. Notice regarding the proposed action and opportunity to comment was placed in the "Valley Courier" in Alamosa, CO on July 31, 2007. Written comments were encouraged by August 28, 2007. At the end of the scoping period, 24 comments were received in favor of renewing the permits.

This activity is consistent with the Revised Forest Plan for the Rio Grande National Forest which was approved by the Regional Forester on November 7, 1996. The Forest Plan is the result of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976. This law directed National Forests to complete long-term resource management plans. The analysis for the continued use of three recreation residence tracts is tiered to the Forest Plan and its Final Environmental Impact Statement (refer to the Forest Plan Consistency Review).

Findings Required by Other Laws:

The proposed action is consistent with the Revised Rio Grande National Forest Land and Resource Management plan. There will be no significant adverse effects on consumers; civil rights; minority groups or women; prime farmland, rangeland, forest land, wetlands or flood plains; threatened and endangered species; cultural resources; air or water quality.

Decision:

The decision is to continue recreation residence use. In order to implement this decision, the Rio Grande National Forest will authorize new Recreation Residence Term Special Use Permits for 9 lots on three tracts on the Conejos Peak Ranger District. Current permits expire on December 31, 2008. New permits will be authorized and issued to permit holders who are in compliance with terms and conditions of their existing permits by January 1, 2009 with an expiration date of December 31, 2028. Each permit will include an operating plan. Operating Plans will contain specifications pertinent to the administration of the permit to assure compliance with management standards and laws.

This decision is not subject to appeal pursuant to 36 CFR 215.12(f) and may be implemented immediately.

For additional information concerning this decision contact, Roberto Martinez, District Ranger, on the Conejos Peak Ranger District at 15571 C.R. T-5, LaJara, Colorado 81140. The telephone number is (719) 274-8971.

Recommended by: 

Roberto Martinez, District Ranger

Date: 10/01/2007

Responsible Official: 

Dan Dallas, Forest Supervisor

Date: 10/12/2007

RIO GRANDE NATIONAL FOREST CONEJOS PEAK RANGER DISTRICT RECREATION RESIDENCE VICINITY MAP APPENDIX-A

