

**CATEGORICAL EXCLUSION REVIEW
AND
DECISION MEMO**

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

USDA Forest Service
Divide Ranger District
Rio Grande National Forest
Rio Grande, Mineral and Hinsdale Counties, Colorado

Proposed Action/Decision:

I have decided to continue use for nine recreation residence tracts on the Divide Ranger District of the Rio Grande National Forest. The tracts include 41 lots that are authorized under current term permits that expire on December 31, 2008.

The 41 recreation residences are all located in designated tracts; and the total authorized area is approximately 23 acres. Recreation residence tract maps are available in the project file which is located at the Divide Ranger District Office in Del Norte, Colorado. A brief description of the 9 tracts on the Divide Ranger District are as follows:

TRACT NAME	ACRES	# REC. RES.
Blue Creek	1.16	6
Crooked Creek	0.30	1
King Summer	1.40	2
Lost Trail	2.16	6
Lucky Seven	3.20	7
Rio Grande Canyon	11.68	14
Riverside	0.29	1
Rock Spring	1.54	3
Spring Gulch	0.50	1

Blue Creek: The six recreation residences in the Blue Creek tract are in the vicinity of Wagon Wheel Gap (T 41 N, R 2 E, Section 30). Of the 8 lots originally available only six were ever developed. The remaining two lots were removed from site plans (cancelled) in 1994 (See Appendix A).

Crooked Creek: The one recreation residence in the Crooked Creek tract is in the vicinity of Spring Creek Reservoir Picnic Ground (T 41 N, R 3 W, Section 23). Of the 5 lots originally available only two were ever developed. A recreation residence was constructed on Lot E and was in use in the 1930's. The structure was demolished in the 1950's and the lot was cancelled to allow access to Lot D, which was never developed. The remaining 3 lots were removed from site plans (cancelled) in 1994 (See Appendix B).

King Summer: The two recreation residences in the King Group Summer Home Site tract are in the vicinity of Hogback Mountain (T 40 N, R 1 W, Section 8). Of the 2 lots originally available both were developed (See Appendix B).

Lost Trail: The six recreation residences in the Lost Trail Summer Home Group tract are in the vicinity of the Lost Trail Campground (T 41 N, R 4 W, Section 31). Of the 7 lots originally available only six were ever developed. The remaining lot F was removed from site plans (cancelled) in 1994 (See Appendix C).

Lucky Seven: The seven recreation residences in the Lucky Seven Summer Home Group tract are in the vicinity of Park Creek Campground (T 39 N, R 2 E, Section 35). Four lots were originally available and three additional lots were added to this tract in the 1940's. All of the lots available were developed (See Appendix A).

Rio Grande Canyon: The fourteen recreation residences in the Rio Grande Canyon Summer Home Group tract are in the vicinity of the Spring Creek Reservoir Picnic Ground (T 41 N, R 2 W, Section 31 and T 41 N, R 3 W, Sections 25 and 36). Of the 17 lots originally available only 15 were developed. One of the lots originally developed has since been abandoned and cancelled. The two remaining lots were removed from site plans (cancelled) in 1994 (See Appendix B).

Riverside: The one recreation residence in the Riverside Cabin tract is in the vicinity of the Collier State Wildlife Area (T 40 N, R 2 E, Section 11). This lot was never included in an established recreation residence tract but appears to have been constructed on National Forest land as a result of confusion over the location of privately owned land and National Forest lands. In 1949 this lot was included in the recreation residence program as a single lot and put under permit (See Appendix A).

Rock Spring: The three recreation residences in the Rock Spring Summer Home Group tract are in the vicinity of the River Hill Campground (T 40 N, R 3 W, Section 8). Of the 4 lots originally available only 3 were ever developed. The remaining lot was removed from the site plan (cancelled) in 1994 (See Appendix C).

Spring Gulch: The recreation residence in the Spring Gulch Cabin tract is in the vicinity of Wagon Wheel Gap (T 41 N, R 1 E, Section 26). The Spring Gulch Cabin was constructed in 1933 and there is no information available to determine if it was ever intended to be part of a recreation residence tract. In 1933 this lot was included in the recreation residence program as a single lot and put under permit (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 Divide Ranger District, the recreation residence program was established on the District with the Blue Creek tract being established in 1924. Many of the lots were already developed and the structure on Lot F may have been constructed as early as 1915.

The last recreation residence lots laid out on the Divide Ranger District were added to the Lucky Seven Summer Home Group in the early to mid 1940's. The last cabin constructed on the Divide Ranger District was constructed in the Lost Trail tract in 1958 to replace an existing structure. 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**

The Lucky Seven Summer Home Group is located in proximity to the South Fork of the Rio Grande River. The recreation residences are not located within the riparian area but are located within the floodplain of the river.

The Rio Grande Canyon Summer Home Group is located in proximity to the Rio Grande River. The recreation residences are not located within the riparian area but are located within the floodplain.

The Riverside Cabin is located in proximity to the Rio Grande River. The recreation residence is not located in the riparian area but is located in the floodplain of the Rio Grande River.

The recreation residence tracts within the floodplains of the Rio Grande River and South Fork of the Rio Grande River are existing structures and will not cause adverse effects to flood plains, wetlands or municipal watersheds.

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

None of the recreation residence tracts are located in a wilderness area, wilderness study area, or National Recreation Area.

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

None of the recreation residence tracts are located in inventoried roadless areas.

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

None of the recreation residence tracts are 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 residences on Lot C of the Lost Trail Summer Home Group, Lot F of the Lucky Seven Summer Home Group, Lots 1 and 6 of the Rio Grande Canyon Summer Home Group, and Lots 3 and 4 of the Rock Springs Summer Home Group tracts are 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 nine 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.

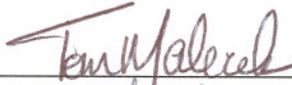
Decision:

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 41 lots on nine tracts on the Divide 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

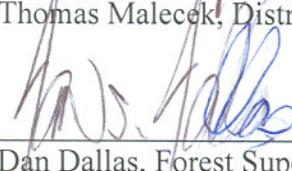
permit will include an operating plan. Operating Plans will contain specifications pertinent to the administration of the permit to assure compliance with management standards and laws.

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, Tom Malecek, District Ranger, on the Divide Ranger District at 13308 West Hwy 160, Del Norte, Colorado 81132. The telephone number is (719) 657-3321.

Recommended by: 
Thomas Malecek, District Ranger

Date: 10/02/07

Responsible Official: 
Dan Dallas, Forest Supervisor

Date: 10/12/2007

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

SPRING GULCH
RECREATION RESIDENCE

BLUE CREEK
SUMMER HOME GROUP

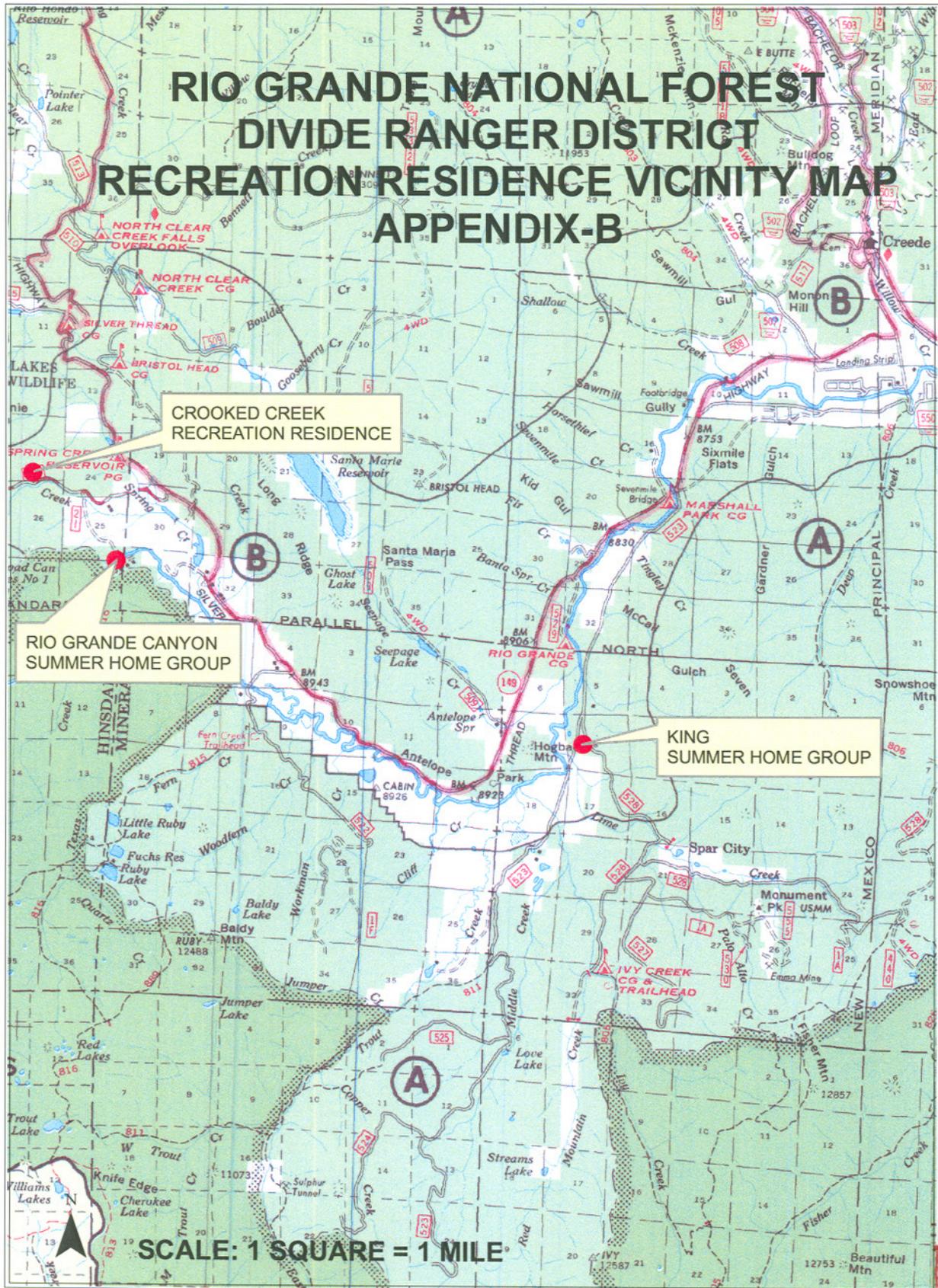
RIVERSIDE
RECREATION RESIDENCE

LUCKY SEVEN
SUMMER HOME GROUP

SCALE: 1 SQUARE = 1 MILE



RIO GRANDE NATIONAL FOREST DIVIDE RANGER DISTRICT RECREATION RESIDENCE VICINITY MAP APPENDIX-B



CROOKED CREEK
RECREATION RESIDENCE

RIO GRANDE CANYON
SUMMER HOME GROUP

KING
SUMMER HOME GROUP

SCALE: 1 SQUARE = 1 MILE