
DECISION NOTICE
AND
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
FOR
CASA LOMA RECREATION RESIDENCE PERMIT RENEWAL
U.S. FOREST SERVICE
CIBOLA NATIONAL FOREST
SANDIA RANGER DISTRICT
BERNALILLO COUNTY, NEW MEXICO

DECISION

Based upon my review of the Casa Loma Recreation Residence Permit Renewal Environmental Assessment (EA), I have decided to implement the proposed action alternative. This alternative will continue the use of five existing lots on Casa Loma Road as recreation residences. This will result in renewal of the term special use permits for those previously permitted properties that meet the terms and conditions of the permit.

As described, the proposed action would not be consistent with the following 1985 Cibola National Forest Land and Resource Management Plan (forest plan) direction on p. 87-1: “Establish tenure of 15 years of Casa Loma summer homes beginning on approval date of this plan. Permits will not be renewed at the end of the 15-year period.” My decision includes a plan amendment that will delete this statement. There is no replacement language.

DECISION RATIONALE

The current term special use permits for the Casa Loma Tract will expire on July 14, 2012. There is a need to renew these permits. The selected proposed action alternative will best meet the purpose and need identified in the EA by authorizing the continued use of the existing recreation residence tract. Continued use will be authorized by renewing the Casa Loma recreation residence special use permits for a maximum term of 20 years beginning July 15, 2012. Recreation residents have to be in full compliance with the terms and conditions of a special use permit authorizing use of the recreation residences and meet all applicable Federal, State, and county laws, regulations, and codes prior to issuance of the permit. The EA prepared for the Casa Loma Recreation Residence Permit Renewal did not reveal any significant environmental effects related to the proposed action.

The selected alternative will provide for the continued recreation residence use of the Casa Loma Tract of the Sandia Ranger District. According to Forest Service policy, “recreation residences are a valid use of National Forest System lands. They provide a unique recreation experience to a large number of owners of recreation residences, their families, and guests. To the maximum extent practicable, the recreation residence program shall be managed to preserve the opportunity it provides for individual and family-oriented recreation. It is Forest Service direction to continue recreation residence use and to work in partnership with holders of these permits to maximize the recreational benefits of recreation residences” (FSM 2347.1).

The only other alternative considered in the EA was the no action alternative. Under this alternative, the use of the five existing lots in the Casa Loma Tract would not be continued and the term special use permits for the currently permitted properties would be allowed to expire on July 14, 2012. This alternative is consistent with the current forest plan guidance to “establish tenure of 15 years for Casa Loma summer homes beginning on approval date of this plan. Permits will not be renewed at the end of the 15-year period” (p. 87-1). The plan was adopted in July of 1985. Under this alternative, a term special use permit for a 10-year period would be issued instead as required by Forest Service regulations and policies (FSM 2721.23a). At the end of the 10-year period, all structures and improvements would have to be removed from National Forest System lands by the permit holder and the site would be restored to its original condition.

This alternative was not selected because it would not meet the purpose and need identified in the EA to continue the use of recreation residences in the Casa Loma Tract and act in accordance with 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.

No unresolved conflicts related to alternative uses of available resources were identified that would have triggered any additional alternatives. The EA documents the environmental analysis and conclusions upon which this decision is based.

PUBLIC INVOLVEMENT

The proposal was initially listed on the “Schedule of Proposed Actions” on April 1, 2011, and was updated on June 15, 2011. The proposal was provided to the public and other agencies for comment during the scoping period from September 27, 2011 to October 21, 2011. A scoping letter was mailed to approximately 175 residents located in the vicinity of Casa Loma Road in Cedar Crest, New Mexico on September 27, 2011. The scoping letter was also mailed to several environmental groups and emailed to persons interested in projects on the District. In addition, certified letters were mailed to the five recreation residence owners and a follow-up phone call was placed on October 31, 2011 to further invite comments from the recreation residents. The Mountain View Telegraph and Albuquerque Journal both published articles about the Casa Loma Tract and the Forest Service’s proposed action on October 6, 2011, and October 31, 2011, respectively.

Eight comments were received as a result of the Agency scoping efforts and a summary can be found in Appendix C of the EA as well as the project record file located at the Sandia Ranger District office in Tijeras, New Mexico. Using the comments from the public, other agencies, and recreation residence owners, the interdisciplinary team developed issues associated with the proposal to renew the permits. Pages 4-5 of the EA discuss these issues.

The EA was mailed to people who commented during scoping as well as all five recreation residents. A 30-day legal notice of the proposed action and opportunity to comment was published in the Albuquerque Journal on April 20, 2012. In addition, a letter announcing the availability of the EA on the Cibola National Forest website and an invitation to provide comments was emailed on April 19, 2012 to people interested in projects on the District. Two comments were received on the EA during the comment period, which ended May 21, 2012. Neither of the two submissions included any comments about the proposed action beyond supportive ones. One additional comment was received on May 31, 2012 after the close of the comment period. This comment is addressed in Appendix F – Response to Comments, which can be located in the Casa Loma Recreation Residence Permit Renewal project file located on the Sandia Ranger District in Tijeras, NM.

FINDING of No SIGNIFICANT EFFECT (FONSI)

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

The Casa Loma Tract is situated about 1 mile west of State Highway 14, immediately adjacent to the Sandia Mountain Wilderness boundary. Access to the recreation residences is via Casa Loma Road in Cedar Crest, New Mexico. At the time this area was designated for summer home use, the area was remote and deemed suitable for recreational residences. With a growing population in the Albuquerque area and expansion of the community of Cedar Crest and development of private homes bordering the national forest, the Casa Loma Tract no longer resembles a remote setting for recreational use, but instead appears to be a private extension of the development west of Cedar Crest.

INTENSITY

The intensity of effects was considered in terms of the following:

1. Impacts can be both beneficial and adverse. My actions approved in my decision will have neither a significantly beneficial nor adverse impact because the acres affected are a small percentage of similar acres across the landscape, and the anticipated effects are similar to those in past projects which have not proven to cause significant effects.
2. There will be no significant effects on public health and safety. The Forest Service recognizes that the State and county have the authority and jurisdiction, through the Clean Water Act, to regulate and enforce individual wastewater disposal systems by way of regulations, standards and codes. These regulations, standards and codes apply to recreation residence wastewater disposal systems because they are privately built, owned,

and operated. Septic systems and buildings must meet or exceed all applicable Federal, State and county regulations. All of these conditions must be met before the cabin owner will be granted a special use permit. In addition, all inoperable vehicles, trash, and all other stored personal property that is unauthorized for storage must be removed and personal pets must be controlled by the owner at all times when not inside the cabin (EA, pages 4-5).

3. There will be no significant effects on unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas because there are no such areas to be affected.
4. The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The recreation residence program has been in place for over 60 years on the Sandia Ranger District of the Cibola National Forest, and it exists on many other National Forests across the country making any effects well known and understood.
5. The Agency has considerable experience with actions like the one proposed. Recreation residences have existed within the Casa Loma Tract since the 1940s. Adverse effects to the environment are reduced or eliminated through permit administration and permit compliance. Activities are well established practices and risks are well known and understood.
6. The action is not likely to establish a precedent for future actions with significant effects. Recreation residences on public land are not without precedence and are consistent with the National Recreation Agenda. Recreation residences can be found on many National Forests across the United States.
7. A review of the EA's Environmental Consequences section supports the findings that effects of the action are limited to the local area and there are no other effects that would be additive to the effects of the proposed action. The cumulative impacts are not significant. Where appropriate (i.e., to reduce soil erosion or impacts to vegetation), mitigation measures can be implemented to keep effects below a threshold level of significance (EA pages 9-23).
8. The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources. Two heritage resource projects have taken place in the Casa Loma area of the Sandia Mountains which have included the Casa Loma Tract. One of the reports evaluated the significance and eligibility of the structures on two lots to the National Register of Historic Places. Lot 6 was determined to be not eligible to the National Register. The Forest Service recommended Lot 1 as not eligible to the National Register, however the State Historic Preservation Office (SHPO) did not concur. The eligibility of the site to the National Register is considered undetermined (EA, page 20). The implementation of this project will not have an adverse effect to the site.

9. The action will not adversely affect any endangered or threatened species or designated critical habitat protected under the Endangered Species Act of 1973. The U.S. Fish and Wildlife Service list of threatened, endangered, and proposed species which may occur in Bernalillo County was reviewed to determine potential wildlife and plant species which may occur in the assessment area. The Biological Evaluation (BE) determined that no threatened, endangered, or proposed wildlife species may occur or have potential habitat in the project area, including the Mexican spotted owl (MSO). No MSO protected activity centers (PACs), designated critical habitat or protected or restricted habitat of mixed conifer forest and montane riparian vegetation occur within the project boundary (EA, page 10 and BE, pages 2-3).
10. The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 9 - 23). The action is inconsistent with the 1985 Cibola Land and Resource Management Plan's direction to phase out the recreation residences in the Casa Loma Tract. An amendment to the forest plan will bring the forest plan in alignment with the decision to be implemented (EA, pages 23-24).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

I have reviewed the 1985 Cibola Land and Resource Management Plan and determined that this decision is consistent with the direction provided for Management Area 2 (Sandia Ranger District), which emphasizes "... providing opportunities for a variety of year-round recreational experiences consistent with guidelines established for maintaining viable wildlife populations and ecosystem health".

The decision, however, is inconsistent with the direction in the forest plan to discontinue the recreation residence use in the Casa Loma Tract. In order to align the decision with the forest plan direction and approve new permits for the recreation residents, a forest plan amendment removing the guidance to "establish tenure of 15 years of Casa Loma summer homes beginning on approval date of this plan. Permits will not be renewed at the end of the 15-year period", is necessary.

The amendment will have limited effects. The authorization of use of the area for summer homes will continue as it has in the 27 years since approval of the forest plan. Permit administration would provide for continued use of the summer homes in a manner consistent with laws and regulations to protect soil and water resources, air quality, vegetation, and historic resources. No higher use for the area has been identified that would require elimination of the Casa Loma Tract. The forest plan amendment will affect only a small portion of the forest and would retain a use that is otherwise consistent with the recreation emphasis of the Sandia Ranger District. The amendment is consistent with the goals and objectives of the forest plan. Allowing for permit renewal of the Casa Loma summer homes would not affect the outputs described in the plan. The amendment does not change the management area designations or management area



prescriptions. Finally, the Cibola National Forest Land and Resource Management Plan is scheduled for revision beginning in late 2012, and continuation of the Casa Loma Tract can be reassessed in that process.

IMPLEMENTATION DATE AND APPEAL OPPORTUNITIES

Because no comments beyond supportive ones were received during the 30-day comment period, this decision is not subject to appeal pursuant to 36 CFR 215.12. Implementation may begin immediately.

CONTACT

For additional information concerning this decision, contact: Cid Morgan, District Ranger, Sandia Ranger District, 11776 Hwy 337, Tijeras, NM 87059, (505) 281-3304. The responsible official for this decision is Nancy Rose, Cibola National Forest Supervisor.

Nancy Rose

June 19, 2012

NANCY ROSE

Date

Forest Supervisor

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Attachment 1

Attachment 1 consists of the two documents that follow:

Current Plan Language

Page 87-1 from the Plan showing the Plan language inconsistent with the decision to re-authorize the Casa Loma Recreation Residence permits

June 2012 - Plan Amendment

Page 87-1 of the Plan as amended by the Casa Loma Recreation Residence Permit Renewal Decision Notice

Current Plan Language

MANAGEMENT AREA 2
(Continued)

Decision Variables	Activities	Applicable Analysis Areas	Standards and Guidelines
010	A05	2	Manage upper Las Huertas Canyon to maintain its potential for nordic and alpine skiing. An environmental analysis considering development of alpine ski area will not be undertaken until Period 2.
010	A01	2	Reconstruct Las Huertas Canyon Road (SR 165) as outlined in the Record of Decision for the Environmental Impact Statement "Management Strategies for Las Huertas Canyon and Amendment to the Cibola National Forest Land and Resource Management Plan." Implementation of Alternative I will begin upon expiration of the appeal period and as soon as funding becomes available. Subsequent site specific analysis will be completed prior to construction of all capital investment improvements. Since funding for administration and capital investments may require an undetermined time period, an implementation plan titled "Implementation Plan for Las Huertas Canyon" will be followed until all capital investments have been completed and funding for administration has reached planned levels. This may require periodic revision of the Implementation Plan within the overall guidelines established in the Forest Plan.
010, 420	A16, J01	2	Establish tenure of 15 years for Casa Loma summer homes beginning on approval date of this Plan. Permits will not be renewed at the end of the 15 year period.
010	A05	2	<p>Construct the following trailheads (each facility is 50 PAOT except for North Sandia Parking and Trailhead which is 125 PAOT); and Big Block Trailhead which is 30 PAOTs.</p> <p>Period 1 - North Sandia Parking and Trailhead, Tree Springs, Tunnel Canyon, Cienega, Piedra Lisa South, Three Gun, Canyon Estates</p> <p>Period 2 - Case Loma, Canoncito, Mars Court, Otero Canyon, Big Block Trailheads</p> <p>Period 3 - North Piedra Lisa, La Cueva</p> <p>Period 4 - West Trail No. 82</p> <p>Period 5 - Cuchilla Lupe</p>

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June 2012 Amendment - Casa Loma Decision

MANAGEMENT AREA 2
(Continued)

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