



United States  
Department of  
Agriculture

Forest  
Service

**Southwestern  
Region**

MB-R3-03-18

April 2012



# **Environmental Assessment for the Casa Loma Recreation Residence Permit Renewal**

**Sandia Ranger District, Cibola  
National Forest, Bernalillo  
County, New Mexico**

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Printed on recycled paper – April 2012

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# Chapter 1 – Purpose and Need

## Introduction

The current term special use permits for the Casa Loma Recreation Residence Tract (Casa Loma Tract) located on the Sandia Ranger District near Cedar Crest, New Mexico (appendix A), will expire in July of 2012. In order to authorize continued use of the Casa Loma Tract and renew the special use permits for the recreation residence owners for a maximum term of 20 years, consistent with Forest Service policy (FSM 2721.23a) and (FSH 2709.14.23.1), an environmental analysis needs to be conducted.

This environmental assessment (EA) documents the environmental effects related to the proposal to authorize the continued use of five existing lots on Casa Loma Road as recreation residences. The alternative to allow the current term special use permits to expire and not continue the use of the land as a recreation residence tract (no action alternative) is also analyzed in this document.

## Document Structure

The Forest Service has prepared this EA in compliance with the National Environmental Policy Act (NEPA) and other relevant Federal and State laws and regulations. This EA discloses the direct, indirect, and cumulative environmental impacts that would result from the proposed action and alternatives. The document is organized into the following parts:

- Chapter 1 - Purpose and Need: This section includes information on the history of the project proposal, the purpose of and need for the project, and the Agency's proposal for achieving that purpose and need. This section also details how the Forest Service informed the public of the proposal and how the public responded.
- Chapter 2 - Alternatives: This section provides a more detailed description of the Agency's proposed action and any alternatives.
- Chapter 3 - Environmental Consequences: This section describes the environmental effects of implementing the proposed action and the no action alternative. This analysis is organized by resource areas. Within each section, the affected environment is described first, followed by the effects of the proposed action and the no action alternative.
- Chapter 4 - Consultation and Coordination: This section provides a list of preparers and agencies and organizations consulted during development of the EA.
- References
- Appendix: The appendix consists of multiple parts, containing maps as well as responses gathered during the public scoping process.

## Background

In the early part of the 20<sup>th</sup> century, the invention of the automobile and increasing public interest in outdoor recreation put new demands upon the Forest Service. Prior to this time, the Agency was primarily focused on management of natural resources. In 1907, "The Use of the National Forests" book (public version of the "Use Book") promoted recreation as one of the many forest uses (Williams 2000). The Occupancy Permit Act of 1915 authorized permits for summer homes, helping to expand recreation use in the national forests, and the Agency began to promote occupancy of the national forests by recreationists (Supernowicz 1987).

Recreation residences, also referred to as summer homes or second homes, include a homogeneous group of properties built for the common purpose of recreating within national forest lands (Supernowicz 1987). The buildings are privately owned, but are situated on National Forest System lands (NFS) and occupy NFS lands under Forest Service special use permits.

In the 1940s, the Sandia Ranger District established an area referred to as the Casa Loma Tract for summer home use. Although the original plat dated September 1940 shows nine lots, only five were ever developed. Construction of these summer homes dates from the mid-1940s into the 1950s. The recreation residences in the Casa Loma Tract *do not* represent a homogeneous group of properties linked by distinct characteristics of rustic architecture, but rather are comprised of very diverse structures that do not adhere to any one architecture style or possess characteristics of a rustic architecture utilizing native log, wood, and stone.

The Casa Loma Tract is situated about 1 mile west of State Highway 14, immediately adjacent to the Sandia Wilderness boundary (appendix B). 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 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.

Recreation residences in the Casa Loma Tract are located within a 100-year flood plain (see “Water and Soil Resources” section in chapter 3, “Environmental Consequences”). Under current regulations, the construction of new cabins in a flood plain would not be authorized. The screening criteria listed in Forest Service Handbook 2709.11, Chapter 10, state that in order to receive further consideration, a proposed use “will not create a serious and substantial risk to public health or safety” and the examples of a substantial risk include “facilities in a flood plain.” Although the recreation residences at Casa Loma were authorized under former regulations, this means that the recreation residence owners would not be allowed to rebuild the cabins in the same location if they were destroyed by a catastrophic event or natural cause. The Forest Service Manual states that “following destruction or substantial damage (greater than 50 percent) of a recreation residence by catastrophic events or natural causes, allow rebuilding if the lot can be occupied safely and the use remains consistent with the forest land and resource management plan (FSM 2723.23a.13). However, new construction will only be authorized if it meets current environmental requirements (FSH 2709.14.23.5c). To rebuild the cabins in a flood plain would not meet current environmental requirements. In accordance with the same regulations, the lots at Casa Loma would not be available as “in-lieu lots” if other recreation residence tracts had experienced damage and were looking for another place to rebuild.

## **Management Area Direction**

The “Cibola National Forest Land and Resource Management Plan” (forest plan) from 1985 describes management emphases for the areas included in this project as follows:

Management Area 2 (Sandia Ranger District): “Management emphasis is on providing opportunities for a variety of year-round recreational experiences consistent with guidelines established for maintaining viable wildlife populations and ecosystem health.

Wildlife diversity and population viability will be maintained or improved through habitat management using such tools as prescribed fire, timber or firewood harvest, or structural improvements to attain identified goals and objectives for the management area.

Pinyon-juniper on slopes of less than 15 percent will be managed for personal use firewood” (p. 84).

## **Purpose and Need for Action**

The current term special use permits for the Casa Loma Tract will expire in July of 2012. In order to authorize continued use and renew the Casa Loma recreation residence special use permits for a maximum term of 20 years beginning July 15, 2012, an environmental analysis needs to be conducted. Ordinarily, “issuance of new recreation residence term special use permits to the same permit holder can be made without further environmental documentation” (FSH 2709.14.23.1). However, one of the exceptions to this rule requires an environmental analysis and documentation “if the use has not been analyzed sufficiently as part of an EA or EIS completed within 5 years of permit expiration” (FSH 2709.14.23.1b).

In addition, “decisions to issue new recreation residence term permits following expiration of the current term permit requires a determination of consistency with the current forest plan” (FSM 2721.23.e). The 1985 forest plan established tenure of 15 years for the Casa Loma recreation residences after which they were scheduled to be phased out (Management Area 2, pg. 87-1). Therefore, continued use of the land for recreation residences in the Casa Loma Tract is inconsistent with the direction in the forest plan, and forest plan amendment is required.

## **Scope of the Project**

The scope of the Casa Loma Recreation Residence Project is specifically focused on whether or not to authorize continued use of the Casa Loma Tract of the Sandia Ranger District. This analysis does not include questions of cabin owners’ compliance with various rules, regulations, and laws. For the purpose of this analysis, all specialists assumed that cabin owners would be in full compliance. The rationale for this assumption is as follows: if the proposed action is selected, the Sandia district ranger will not authorize term special use permits to cabin owners until the cabin is fully compliant with ALL terms and conditions of the special use permit as well as ALL applicable Federal, State, and county laws and codes.

## **Proposed Action**

The Forest Service proposes to authorize the continued use of five existing lots on Casa Loma Road as recreation residences. This action will result in the renewal of the term special use permits for those previously permitted properties that meet the terms and conditions of the permit. Linked to the proposed action would be a forest plan amendment to eliminate forest plan direction that is inconsistent with the continued authorization of the Casa Loma recreation residences.

## Decision Framework

Given the purpose and need, the deciding official reviews the proposed action and the other alternatives in order to make the following decision:

- Whether or not to authorize the continued use of five existing lots on Casa Loma Road as recreation residences.

## 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 followup 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 can be found in appendix C 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 a list of issues to address.

## Issues

The Forest Service received eight responses, six from cabin owners and nearby residents and two from other agencies. Three of these responses included a few similar concerns. All of the comments relate to compliance with either the terms and conditions of a special use permit or the applicable Federal, State, and county laws, regulations, and codes. Recreation residence owners must be in compliance with all applicable conditions prior to the reissuance of a special use permit. These items include, but are not limited to: (1) removal of all inoperable vehicles, personal property, trash, and all other stored personal property that are unauthorized for storage; (2) personal pets must be controlled by the owner at all times when not inside the cabin; and (3) 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.

Some also felt that these cabins constituted private use of public land and was unfair and that their existence precluded public use of the National Forest System lands immediately adjacent to the cabins. The current condition of some cabins in Casa Loma may give the impression that public access is restricted. However, the land immediately adjacent to the structures is not closed to public use, only the private structure itself is closed to the public. The Occupancy Permits Act of 1915 specifically states that the permits are to be issued and administered in a manner as “not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.” (16 U.S.C. 497)

In summary, the comments identified no unresolved conflicts concerning alternative uses of available resources that required the development of an alternative other than no action. All issues raised by the respondents were either related to compliance issues and are, therefore, considered outside the scope of this analysis or are already decided by law. Effects of the proposed action were analyzed under the assumption that all recreation residence owners will be in compliance with the terms and conditions of a special use permit authorizing use of the recreation residences as well as all applicable Federal, State, and county laws, regulations, and codes prior to issuance of the special use permit.



## Chapter 2 – Alternatives

This chapter describes the alternatives considered for the Casa Loma Recreation Residence Project. During scoping, no unresolved conflicts related to alternative uses of available resources were identified that would have triggered any additional alternatives. Therefore, only two alternatives are considered in this analysis: the proposed action alternative and the no action alternative.

### Proposed Action Alternative

This is the proposed action that was presented in the scoping letter to the public on September 27, 2011. This alternative proposes the continued 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 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.” The proposed action includes a plan amendment that would delete this direction. There is no replacement language.

### No Action Alternative

Under the no action alternative, the use of 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 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 forest plan was adopted in July of 1985.

If the decision is made to implement the no action alternative, a term special use permit will be issued for a 10-year period as required by Forest Service regulations and policies (FSM 2721.23a). At the end of the 10-year period, all structures and improvements will have to be removed from National Forest System lands by the permit holder and the site would be restored to its original condition.



# Chapter 3 – Environmental Consequences

This section summarizes the physical, biological, and social environments of the affected project area and the potential changes to those environments due to implementation of the alternatives.

## Analysis Area and Assumptions

The analysis area for direct and indirect effects on all environments is the Casa Loma project area. The project area is located on the east slope of the Sandia Mountains and begins directly west of the Casa Loma Subdivision located west of State Highway 14 and extends west to Sandia Mountain Wilderness, near Cedar Crest, New Mexico, in Bernalillo County. The legal description for the project is T. 10N, R. 5E, Section 10. The timeframe is the present to the completion of possible renovation needed to meet codes or demolition of improvements as required in the no action alternative.

The effects analysis was conducted with the assumption that all cabin owners will be in compliance with the following prior to issuance of and will remain in compliance throughout the tenure of the special use permit:

- All terms and conditions of a special use permit authorizing use of the cabin.
- All applicable Federal, State, and county laws, regulations, and codes.

## Wildlife Resources

The following analysis is based on the wildlife specialist report prepared by Zachary Parsons, wildlife biologist. This report is on file in the project record.

## Affected Environment

The Casa Loma recreation residences occupy five lots averaging half an acre each. Total direct impacts are to 2.74 acres on these five lots of pinyon-juniper woodland between private lands and the wilderness area. Habitat is assumed to be degraded within a certain distance of building development, producing a disturbance zone (Theobald 1997). For this analysis, the building effect distance for establishing the disturbance zone was defined as 250 meters. This results in an area of 72.6 acres of pinyon-juniper woodland and 4 acres of ponderosa pine forest.

Analysis of effects assumes permit holders are in compliance with all associated requirements. These may include restrictions on bird feeders which otherwise have the potential to impact human-bear interactions, as well as bird populations. Physical restraint of pets while outdoors may be another condition which would otherwise have the potential to impact wildlife, such as dogs harassing and altering deer movements, for example.

Under either alternative, disturbance due to road traffic is assumed to continue. Recreational use of Casa Loma Trail will continue, as well as associated impacts to wildlife.

## Habitat Existing Conditions

Pinyon-juniper woodlands are important to wildlife because they provide pinyon nuts and juniper berries that are readily available forage for many wildlife species. Other habitat features include critical winter range for game mammals and birds, travel corridors, thermal cover, dead and down

woody materials used for nesting and resting, snags used by cavity nesting species, and human created water sources.

Ponderosa pine forests provide forage and cover for many species of wildlife. Habitat features common in ponderosa pine forest include roost and nest trees, snags and large downed logs, abundant needle litter, thermal cover, travel corridors, grassy forest openings, fawning areas for deer, and natural and human created water sources. Management of habitat for the northern goshawk is an important consideration in this habitat type.

**Threatened and Endangered Species**

The U.S. Fish and Wildlife Service list of threatened, endangered, and candidate species which may occur in Bernalillo County was reviewed to determine potential wildlife and plant species which may occur in the assessment area. Refer to the project level biological evaluation report in the project record for a more detailed description of threatened, endangered, and candidate wildlife species and critical habitat occurring in the project area. No threatened, endangered, or candidate wildlife species may occur or have potential habitat in the project area, including the Mexican spotted owl (MSO, table 1). No known MSO protected activity centers (PACs) or designated critical habitat occur within the project boundary; or potential protected or restricted habitat of mixed conifer forest. Species whose habitats do not occur in the project area were not considered further.

**Table 1. Potential threatened and endangered species**

Common Name	Scientific Name	Group	Status	Habitat Type
Mexican spotted owl	<i>Strix occidentalis lucida</i>	Bird	Threatened	Occurs in mixed conifer and montane riparian habitat. There are no known territories or designated critical habitat, or protected or restricted habitat in the project area.

**Sensitive Species**

The Regional Forester’s Sensitive Species list for the Southwestern Region was reviewed to determine potential wildlife or plant species which may occur in the assessment area. The yellow-billed cuckoo was analyzed as a candidate species above, as was the bald eagle. Refer to the project level biological evaluation report in the project record for a more detailed description of sensitive species. Sensitive wildlife species which may occur or have potential habitat in the project area are listed in table 2. Surveys were conducted to protocol in the project area for northern goshawk in 2009. No new territory was located.

**Table 2. Potential sensitive species**

Common Name	Scientific Name	Group	Habitat Type
Northern goshawk <sup>1</sup>	<i>Accipiter gentilis</i>	Bird	Ponderosa pine habitat with open areas and woody debris to support abundant prey. Surveys were conducted to protocol in the project area, but no other territories were located. “Management Recommendations for the Northern Goshawk in the Southwestern United States” (USFS General Technical Report RM-217) outlines desired forest conditions for the 6,000-acre home range used by a breeding pair of goshawks including the viability of 14 important prey species.
Merriam’s shrew	<i>Sorex merriami leucogenys</i>	Mammal	This species is generally associated with dry habitats, usually near water. No surveys have been conducted for this species in the project area.
Dwarf shrew	<i>Sorex nanus</i>	Mammal	The preferred habitat is talus and other rocky areas primarily in mixed conifer forest. No surveys have been conducted for this species in the project area.
Spotted bat	<i>Euderma maculatum</i>	Mammal	This species is a cliff dweller that roosts in cracks and crevices in rock in forested areas near open water. No surveys have been conducted for this species in the project area.
Pale Townsend’s big-eared bat <sup>1</sup>	<i>Corynorhinus townsendii pallescens</i>	Mammal	Conifer forests strongly associated with the availability of caves or cave-like roosting habitat (mines, buildings, etc.) provide habitat for the Townsend’s big-eared bat. No surveys have been conducted for this species in the project area.

<sup>1</sup>U.S. Fish and Wildlife Service Species of Concern for planning purposes

### Management Indicator Species

The forest plan identified 13 forestwide management indicator species (MIS) to estimate the effects planned activities may have on wildlife forestwide and project level habitat and populations. All 13 MIS species were considered for this analysis, but only those species whose habitat occurs in the project area were considered further. Table 3 describes the habitat type, existing habitat trends, management indicator species, and existing MIS population trends. Refer to the forestwide MIS report in the project record for a more detailed description of MIS species and their habitat associations, habitat trends, and population trends (USDA Forest Service 2005).

**Table 3. Habitat types, MIS, and existing forestwide habitat and population trends**

Habitat Type	Acres in Project Area	Existing Forestwide Habitat Trend	Management Indicator Species	Existing Forestwide Population Trend
Pinyon-juniper	72.6	Stable	Mule deer	Downward
			Juniper titmouse	Downward
Ponderosa pine	4.0	Stable	Pygmy nuthatch	Stable
			Merriam’s turkey	Upward

MIS for the pinyon-juniper woodland are mule deer and juniper titmouse. Mule deer can be found in the area yearlong. Mule deer numbers in general have decreased over the past decade and mid-

successional habitats used by deer are being reduced due to a lack of disturbance from fire or mechanical treatments. The juniper titmouse is a woodland species that nests in cavities. Older age class pinyon and juniper trees in open canopy stands are the primary nesting habitat. Existing population trend for the species is downward statewide in New Mexico due to conversion of woodland habitat to rangeland, removal of mature and senescent trees in pinyon-juniper habitat, and overall decline of this habitat due to drought and beetle infestation.

MIS for the ponderosa pine forest are pygmy nuthatch and Merriam’s turkey. The pygmy nuthatch is a cavity nester and prefers old-growth ponderosa pine. The Merriam’s turkey is a habitat generalist that occurs in ponderosa pine, pine-oak, and pinyon-juniper woodlands. It was reestablished in the Sandia Mountains in the early 1990s and has continued to expand its range in the area.

**Migratory Birds**

On January 10, 2001, Executive Order 13186 was signed placing emphasis on conservation of migratory birds, supplementing the Migratory Bird Treaty Act which has been in effect since the early 1900s. Effects to migratory birds are analyzed in the following manner: (1) effects to highest priority birds listed by Partners in Flight (Partners in Flight 2007); (2) effects to important bird areas (IBAs); (3) effects to important overwintering areas. Refer to the “Cibola National Forest Breeding Bird Report” for 2010 and supplement for 2011 for additional details (USDA Forest Service 2010). Migratory bird species evaluated are summarized in table 4.

**Table 4. Migratory bird species evaluated in the vegetation types in the analysis area**

Habitat Type	Species	Population Trend	Comments
Pinyon-juniper: 72.6 acres	Virginia’s warbler	Stable	The species is common when Gamble oak understory is available from May through July and during dispersal and migration.
	Black-throated gray warbler	Downward	This species is generally located from May to September in mesic woodlands with a high canopy cover interspersed with shrubs.
Ponderosa Pine: 4 acres	Flammulated owl	Unknown	This cavity nesting species occurs commonly from May to September where large, old ponderosa pine trees exist.
	Grace’s warbler	Downward	The area contains suitable habitat, where it nests in the upper canopy of contiguous ponderosa pine stands. It is relatively common from May to September.

**Environmental Consequences**

**Threatened and Endangered Species**

**Proposed Action Alternative**

If the proposed action alternative is selected, use of the land for the Casa Loma Tract will continue and the term special use permits that meet the terms and conditions of the permit will be renewed. There will be no effects to species or its habitat if the proposed action alternative is selected (table 5).

**No Action Alternative**

If the no action alternative is selected, the current special use permits are allowed to expire and all recreation residence tract structures will be removed. There will be no effects to species or its habitat if this alternative is selected (table 5).

**Table 5. Effects determinations to T&E species by alternative**

Species	Proposed Action Alternative	No Action Alternative
Mexican spotted owl	No effect to protected, restricted, or critical habitat. No effect to species or its habitat.	No effect to protected, restricted, or critical habitat. No effect to species or its habitat.

**Sensitive Species**

**Proposed Action Alternative**

Direct impacts and disturbance to wildlife from occupancy of residences would continue to occur within permittee lots in pinyon-juniper woodlands, as well as potential indirect effects such as alteration and fragmentation within the disturbance zone including pinyon-juniper woodlands as well as a small amount of ponderosa pine forest (table 6).

**No Action Alternative**

Short-term impacts could include disturbance associated with the removal of existing building structures and remediation of sites. In the long term, disturbance due to seasonal occupancy of residences would be reduced, but significance of disturbance reduction would be negligible. Existing urban development abuts the forest boundary, and the distance from this boundary to the wilderness area is approximately a quarter mile (table 6).

**Table 6. Effects determinations to sensitive species by alternative**

Species	Proposed Action Alternative	No Action Alternative
Northern goshawk	Direct disturbance and indirect effects to the goshawk’s prey species may result in reduced foraging opportunity on a very small area. May impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability.	No impact to the species in the short term. In the long term, a very small amount of potential foraging habitat could be utilized which may otherwise be avoided due to disturbance. No impact on the species.
Spotted bat	There could be slight direct impact to the species due to disturbance of foraging. May impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability.	This species is not likely to be affected through implementation of the no action alternative since they roost in rocky cliffs and outcrops near water which are not found in the project area. No impact on the species.
Pale Townsend’s big-eared bat	There could be slight direct impact to the species due to disturbance of foraging. May impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability.	This species roosts predominantly in caves and abandoned mines, and although it may be found in association with buildings, there are no significant maternity roosts or winter hibernacula in the project area. No impact on the species.

Dwarf shrew	The species has the potential to occur in the project area, and human occupancy may have a minor impact to the species by diminishing foraging opportunity for insects and logs used for cover.  May impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability.	The preferred habitat of this species is talus and coniferous forest; lack of occupancy of residences should not have significant impact to the species in the long term.  No impact on the species.
Merriam's shrew	The species, while extremely rare, has the potential to occur in the project area, and human occupancy may have a minor impact to the species by diminishing foraging opportunity for insects and logs used for cover.  May impact individuals, but is not likely to result in a trend toward Federal listing or loss of viability.	This species is generally associated with sagebrush habitat; lack of occupancy of residences should not have significant impact to the species in the long term.  No impact on the species.

### Management Indicator Species

#### Proposed Action Alternative

Direct impacts and disturbance to wildlife from occupancy of residences would continue to occur within permittee lots in pinyon-juniper woodlands, as well as potential indirect effects such as alteration and fragmentation within the disturbance zone including pinyon-juniper woodlands as well as a small amount of ponderosa pine forest (table 7).

**Table 7. Proposed action alternative effects for MIS**

Management Indicator Species	Project Level Habitat Direct and Indirect Effects	Forestwide Population/Habitat Effects
Mule deer	Decreases habitat condition in a small area due to continued human disturbance associated with recreation residences.	N
Juniper titmouse	Decreases habitat condition in a small area due to continued human disturbance associated with recreation residences.	N
Pygmy nuthatch	Decreases habitat condition in a small area due to continued human disturbance associated with recreation residences.	N
Merriam's turkey	Decreases habitat condition in a small area due to continued human disturbance associated with recreation residences.	N

N = Negligible impact to population or habitat (forestwide) since the amount of habitat represents a very small percentage of the total habitat available on the forest.

#### No Action Alternative

Short-term impacts could include disturbance associated with the removal of existing building structures and remediation of sites. In the long term, disturbance due to seasonal occupancy of residences would be reduced, but the degree of disturbance reduction would be insignificant. Existing urban development abuts the forest boundary, and the distance from this boundary to the wilderness area is approximately a quarter mile; thus, the disturbance associated with these

nearby private residences would compromise the improvement that would occur due to the removal of the Casa Loma recreation residences (table 8).

**Table 8. No action alternative effects for MIS**

<b>Management Indicator Species</b>	<b>Project Level Habitat Direct and Indirect Effects</b>	<b>Forestwide Population/Habitat Effects</b>
Mule deer	Displacement due to human presence would not occur due to recreation residences. Habitat loss and fragmentation due to roads would continue, but to a lesser degree than the proposed action alternative due to reduced traffic to residences. This alternative would not affect mule deer populations in the project area.	N
Juniper titmouse	The titmouse would not be displaced given that no disturbance would occur due to residences. Project level populations of juniper titmouse are expected to continue to decline due to factors other than the no action alternative.	N
Pygmy nuthatch	There would be no nest abandonment associated with disturbance from residences. Project level populations of pygmy nuthatch are expected to remain stable. In the long term not renewing permits would not affect pygmy nuthatch populations.	N
Merriam's turkey	Roads would continue to cause habitat loss and displacement, but to a lesser degree than in the proposed action alternative. Project level populations of wild turkey are expected to remain upward for reasons unrelated to implementation of this alternative. In the long term, not taking any action would not affect the forest level population or habitat trend of wild turkey.	N

N = Negligible impact to population or habitat (forestwide) since the amount of habitat represent a very small percentage of the total habitat available on the forest.

## **Migratory Birds**

### **Proposed Action Alternative**

Direct impacts and disturbance to wildlife from occupancy of residences would continue to occur within permittee lots in pinyon-juniper woodlands, as well as potential indirect effects such as alteration and fragmentation within the disturbance zone including pinyon-juniper woodlands as well as a small amount of ponderosa pine forest (table 9).

### **No Action Alternative**

Short-term impacts could include disturbance associated with the removal of existing building structures and remediation of sites. In the long term, disturbance due to seasonal occupancy of residences would be reduced, but the degree of disturbance reduction would be insignificant. Existing urban development abuts the forest boundary, and the distance from this boundary to the wilderness area is approximately a quarter mile; thus, the disturbance associated with these nearby private residences would compromise the improvement that would occur due to removal of the Casa Loma recreation residences (table 9).

**Table 9. Effects to migratory birds**

Species	Proposed Action Alternative	No Action Alternative
Grace's warbler	DC – Decreases habitat condition in the long term due to disturbance in a small area.	IC – Improves habitat condition in the long term due to decreased disturbance from residence occupancy; DC – Decreases habitat condition in the short term due to human disturbance associated with remediation of sites.
Flammulated owl	DC – Decreases habitat condition in the long term due to disturbance in a small area.	IC – Improves habitat condition in the long term due to decreased disturbance from residence occupancy; DC – Decreases habitat condition in the short term due to human disturbance associated with remediation of sites.
Virginia's warbler	DC – Decreases habitat condition in the long term due to disturbance in a small area.	IC – Improves habitat condition in the long term due to decreased disturbance from residence occupancy; DC – Decreases habitat condition in the short term due to human disturbance associated with remediation of sites.
Black-throated gray warbler	DC – Decreases habitat condition in the long term due to disturbance in a small area.	IC – Improves habitat condition in the long term due to decreased disturbance from residence occupancy; DC – Decreases habitat condition in the short term due to human disturbance associated with remediation of sites.

DC = decreases habitat condition; IC = improves habitat condition; NC = no change in habitat condition

**Important Bird Areas (IBAs)**

There are no designated IBAs affected by the project. The nearest IBA is the HawkWatch observation site on the south end of the Sandia Mountains, approximately 3 miles southeast of the project area.

**Overwintering Areas**

Important overwintering areas have not yet been designated on the forest, thus, none would be impacted by project implementation.

**Cumulative Effects**

The cumulative effect analysis area for wildlife includes habitat types similar to the project area (pinyon-juniper woodlands and ponderosa pine forests) along the wildland-urban interface on the east side of the Sandia Mountains. Past activities in the analysis area that have led to current conditions include livestock grazing in the early to mid-1900s, subsequent removal of livestock from the forest, exclusion of unplanned fires, human settlement, and recreational development and use of trails and trailheads. Present activities considered include Forest Service and private lands fuels reduction treatments in the vicinity of the Casa Loma recreation residence project area and along the urban interface zone. Current projects include the Hondo Fuels Reduction Project and Talking Talons Wildlife Habitat Improvement Project. Foreseeable future projects include new fuels reduction and forest health restoration projects on Forest Service managed lands that are being proposed along the wildland-urban interface near the project area, including: Isleta fuels reduction, Sulphur fuels reduction, and Sandia landscape treatment projects. Fuel hazard reduction treatments presently occurring on private lands are also likely to continue in the foreseeable future.

The proposed action alternative or the no action alternative would result in very little contribution to cumulative effects to wildlife and habitat on the Sandia Ranger District. The amount of habitat affected (approximately 76.6 acres) constitutes approximately 0.08 percent of the 100,446 total acres on the district (or eight one hundredths of one percent of the total land). Urban development and associated disturbance on adjacent private lands will dwarf any effects of five seasonal recreation residences. Current and future vegetation treatment projects present more potential for cumulative impacts than either the continuance of the Casa Loma recreation residences or their removal.

## **Water and Soil Resources**

The following analysis is based on the water and soil resources report prepared by Livia Crowley, forest hydrologist. This report is on file in the project record.

### **Water Resources**

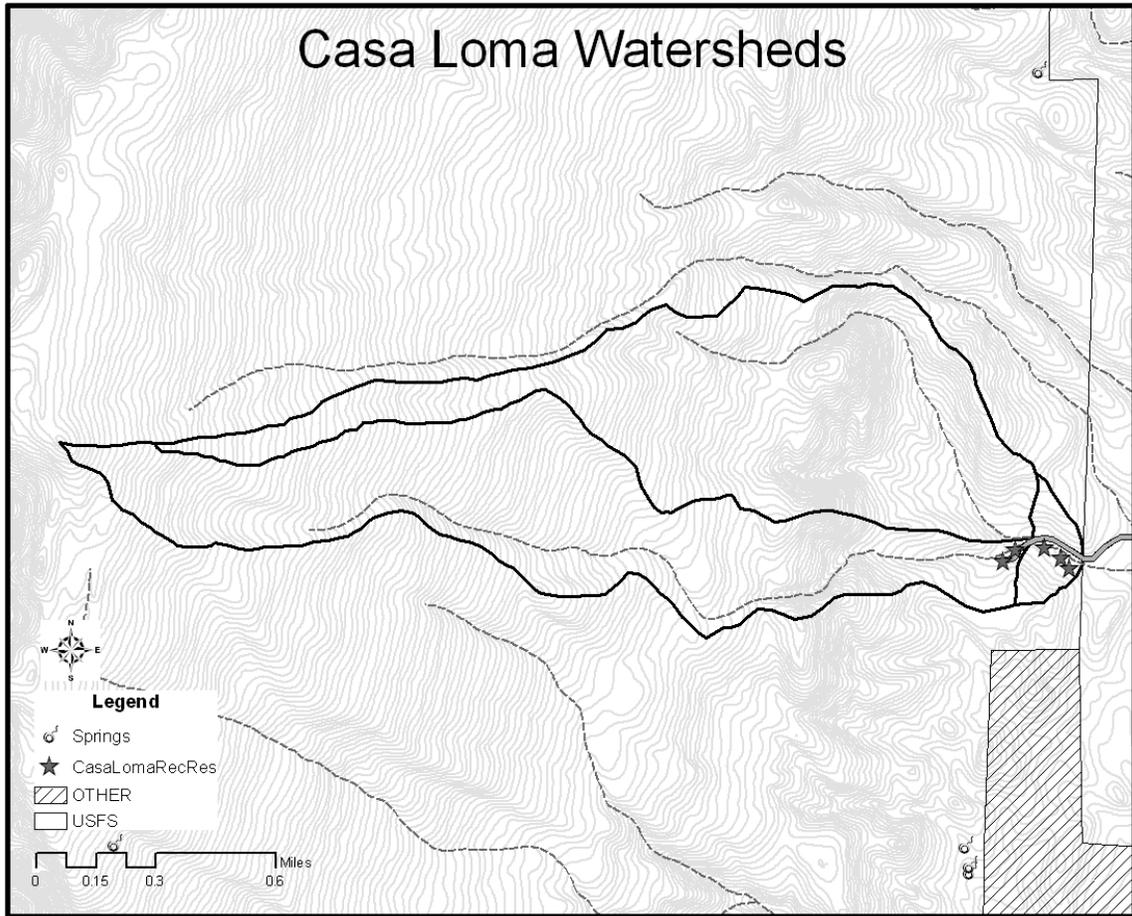
#### **Affected Environment**

Water resources include water features, the watershed above the area, and water quality. There are no wetlands in the project area. There are no municipal water supplies in the project area or in the watershed.

Water features in the project area include two ephemeral/intermittent stream channels. These two streams join near cabin/lot 4 as shown in figure 1. The streams have defined channels with indicators of annual scour and deposition. The access road has two stream crossings. The first crossing is to access cabin 1. This crossing has a large culvert which shows evidence of erosion at the inlet and overtopping. The upper crossing has a vertical drop of about 6 feet to the downstream side which appears to be actively moving upstream. The road funnels water to this crossing, increasing the erosional rate at this site. This road is not well maintained and lacks basic drainage features even though it is adjacent to the stream channel in many places. The road was observed to be directing runoff water and sediment into the channel in several locations. Removal of the road is not part of the alternatives, so this effect to stream channels would continue regardless of the alternative selected.

The watershed above the project area is about 800 acres. The stream draining the north side of the watershed is 400 acres; the southern stream drains 380 acres. There are 20 acres of watershed below the confluence of the two streams. The watersheds are properly functioning but with a high risk of wildfire.

The cabins are located in the valley of two streams as shown in figure 1. Because of this position, the cabins could be subject to flooding. The high risk of wildfire in the watershed above the cabins could lead to flooding, should a fire impact the watershed. Flooding is also possible from high intensity precipitation events. See appendix E for a map of the extent of a 100-year flood based on morphology as observed in February 2012. This map is only an approximate. It shows that cabins 4 and 1 are at the greatest risk from flooding. The stream crossings are likely to become impassable. The condition of stream crossing will worsen effects to stream morphology and cause flows to leave the channel. In addition, flooding from side slopes could lead to impacts to cabins and lots.



**Figure 1. Casa Loma watersheds**

Water quality in the project area is not known. Standards for surface water in ephemeral streams are directed at the designated uses of livestock watering, wildlife habitat, limited aquatic life, and secondary contact. Specific standards include limits on the monthly mean and single sample levels of *E. coli* bacteria (New Mexico, 1999). Since flows in the stream originate from storm flow, it is unlikely that *E. coli* levels would exceed the standards. Since the cabins have underground systems which handle their liquid waste, groundwater in the area may be impacted if these systems are not operating properly. Cabins are required to meet all state regulations including those for waste systems but their presence increases the risk of leaking to groundwater.

The analysis area for water resources is the permit area for the cabins. The timeframe will be 12 years. This is because 10 years is the amount of time allowed for the removal of the cabins should the no action alternative be selected. Two additional years are added to allow for administrative process.

## **Environmental Consequences**

### **Proposed Action Alternative**

Under this alternative, use of the land for the Casa Loma Tract will continue and the term special use permits that meet the terms and conditions of the permit will be renewed. Underground waste systems would remain, as would the risk of leakage to groundwater.

### **No Action Alternative**

The cabins would not be reauthorized and permittees would be given 10 years to remove the cabins and improvements completely. Removal would include removing the waste systems completely. This would remove the risk of pollution to groundwater as the result of leakage.

### **Cumulative Effects**

There are no cumulative effects to water resources as the result of the alternatives due to the small project area and limited scope of the alternatives, and no other management actions within the delineated project area that would result in cumulative effects.

## **Soil Resources**

### **Affected Environment**

The soils in the project area have been mapped using an integrated method, Terrestrial Ecosystem Survey (TES) (USDA 2007). All of the cabins are located on TES unit 87. Generally, this unit has a slight erosion potential and is in satisfactory condition.

A field review in February 2012 assessed the soil condition on the ground. The review showed that in the area of the cabins, soil is compacted. Some of the lots, such as lot 6, have paths leading into the forest that are compacted and actively eroding. It is unclear as to the origin of these trails but continued use by permittees may lead to continued instability in these areas. In addition, the road which accesses the cabins is actively eroding, leading to soil loss and sediment yields to the adjacent stream channel. This means in the area of the cabins and access road, the soil varies from unsatisfactory to impaired as a result of compaction, erosion, and loss of vegetation. Each cabin has a different footprint, with lot/cabin 1 having the largest extent of impact. The general trend of soil condition in the area of the cabins is downward, since soil loss is not a productive condition. In addition, paths leading from the cabin areas into the woods may continue to be unstable.

The analysis area for soils is the permit area for the cabins. The timescale is 15 years. This is because 10 years is the amount of time allowed for the removal of the cabins should the no action alternative be selected. Five years are added to allow for administrative process and restoration activities to occur.

### **Proposed Action Alternative**

Under this alternative, use of the land for the Casa Loma Tract will continue and the term special use permits that meet the terms and conditions of the permit will be renewed. Soil condition would continue to be unsatisfactory to impaired in the location of the permitted cabins. Paths from the cabins leading into the forest could continue to be used, leading to continued erosion in these areas as well.

**No Action Alternative**

The cabins would not be reauthorized and permittees would be given 10 years to remove the cabins and improvements completely. Removal would include restorative activities which could include contouring to restore stable drainage, mulching, and seeding. As a result, soil conditions would begin to improve from the current condition.

**Cumulative Effects**

The effects on soil characteristics are limited because of the small project area and there are no other management actions in the project area that contribute to cumulative effects.

**Heritage Resources**

The following analysis is based on the heritage resources specialist report prepared by Cliff Nicoll, assistant forest archaeologist. This report is on file in the project record.

**Affected Environment**

Two heritage resource projects have taken place in the Casa Loma area of the Sandia Mountains, which have included the Casa Loma Tract. Report No. 2007-03-029, “A Cultural Resources Survey for the Hondo Wildland-Urban Interface Area,” documented the survey of 1,845 acres, with 100 percent pedestrian coverage. The 5-acre Casa Loma Tract is located within the boundaries of that survey. That report provided documentation of three of the recreational residences located within the tract (AR-03-03-05-878/LA158140, AR-03-03-05-879/LA138141, and AR-03-03-05-885/LA158146).

Report No. 2007-03-035, “A Cultural Resources Evaluation of Recreation Residences Lot 1-A and Lot 6 Casa Loma Tract,” evaluated the significance and eligibility of the structures on two lots to the National Register of Historic Places (AR-03-03-05-866/LA156158 and AR-03-03-05-867/LA156159).

Ten lots (Lot 1 through 10) were originally staked out in the Casa Loma Tract between 1939 and 1940. Lot 1-A was added at a later date (prior to 1948). Lots 1 through 6 (including 1-A) were occupied by 1948. Lots 7 through 10 were withdrawn from public use. Lots 3 and 5 were eventually abandoned. Lots 1, 1-A, 2, 4, and 6 remain occupied at the present time (appendix D).

**Table 10. National Register eligibility of the structures on lots 1, 1-A, 2, 4, and 6: Casa Loma Tract**

Lot Number	F.S. Site Number AR-03-03	L.A. Number	Report No.	Eligibility
1-A	05-866	156158	2007-03-035	Not Eligible <sup>1</sup>
6	05-867	156159	2007-03-035	Not Eligible <sup>1</sup>
4	05-878	158140	2007-03-029	Not Eligible <sup>1</sup>
2	05-879	158141	2007-03-029	Not Eligible <sup>1</sup>
1	05-885	158146	2007-03-029	Undetermined <sup>2</sup>

<sup>1</sup> Sites determined not eligible to the National Register will not constrain management of their location.

<sup>2</sup> Forest Service recommended site as not eligible to the National Register, however, the SHPO did not concur. The eligibility of the site to the National Register is considered undetermined.

## **Environmental Consequences**

### **Proposed Action Alternative**

If the proposed action alternative is selected, use of the land for the Casa Loma Tract will continue and the term special use permits that meet the terms and conditions of the permit will be renewed. There will be no direct or indirect effects to heritage resources if the proposed action alternative is selected.

### **No Action Alternative**

If the no action alternative is selected, the current special use permits are allowed to expire and all recreation residence tract structures will be removed. This action would result in an adverse effect to site AR-03-03-05-885/LA158146 which would require mitigation.

The mitigation measures of the adverse effect would be developed in consultation with the New Mexico State Historic Preservation Officer and would comply with 36 Code of Federal Regulations 800.

### **Cumulative Effects**

There are no other projects planned with the Casa Loma Tract that would have an effect on heritage resources.

## **Recreation Resources**

The following analysis is based on the recreation resources specialist report prepared by Robert Heiar, recreation staff officer. This report is on file in the project record.

### **Affected Environment**

There are very limited recreation resources within or adjacent to the Casa Loma Project area. These resources include the five recreation cabins under analysis and Casa Loma Trail. Sandia Mountain Wilderness lies at the edge of the project area.

Lot 6 encroaches slightly into the Sandia Mountain Wilderness. However, the lot predates wilderness designation and contains no visible construction. It is because of this overlap that a very small portion of the Sandia Mountain Wilderness is included in the affected environment.

Casa Loma Trail starts at the end of Casa Loma Road near Lot 6. Use of this trail is very low which possibly correlates to the fact that there is no trailhead for visitor parking. The trail crosses into the Sandia Mountain Wilderness and terminates at the junction with Faulty Trail.

There are no inventoried roadless or proposed wild and scenic rivers within this project area. The Recreation Opportunity Spectrum (ROS) for this area is roaded natural.

## **Environmental Consequences**

### **Proposed Action Alternative**

The proposed action provides for the status quo for all other recreation activities. Some cabins may need considerable improvements to meet all of the applicable codes. This may require the

use of power tools and heavy equipment. This construction noise may infiltrate into the wilderness. As cabin owners will need to make all improvements within a reasonable timeline as established by the authorizing officer, these effects are short in nature substantially limiting the effects. Hiking, hunting, bird watching, and the wilderness experience will not otherwise be affected by this alternative.

No structure would be authorized to be placed and no mechanized equipment would be operated on the portion of Lot 6 that falls within the Sandia Mountain Wilderness.

### **No Action Alternative**

The no action alternative does not allow the reissuance of special use permits for the recreation residence cabins. Therefore, the cabins would need to be removed in accordance with Forest Service regulations and policies.

Demolition and removal of the cabins and associated improvements would create ground disturbance, unattractive scenery in the immediate vicinity of the cabins, and demolition noise that may travel into the wilderness. The duration of these effects would be short in nature and the sites would rehabilitate quickly.

This action would eliminate the district's ability to provide the recreational cabin owner experience. The scope of this experience is limited to the five current cabins, thus having a very small scope of effect given the nearly 1.3 million visitors the Cibola National Forest receives annually. (NVUM 2006)

### **Cumulative Effects**

The analysis area for cumulative effects on recreation includes the Casa Loma Project area. The timeframe is the present, including ongoing activities and the foreseeable future (10 years), because this is a reasonable length of time that we can anticipate future projects.

The only foreseeable recreation management activity within the project area is routine trail maintenance of Casa Loma Trail. There currently is a fuel reduction project underway in the immediate vicinity. No recreation projects are planned for the area in the foreseeable future.

No cumulative effects on recreation are anticipated with either alternative.

## **Fire, Fuels, and Vegetation Resources**

The following analysis is based on the fire, fuels, and vegetation resources specialist report prepared by Matt Rau, assistant district fire management officer. This report is on file in the project record.

### **Affected Environment**

The fire, fuels, and vegetation effects analysis area is defined as the Casa Loma Project boundary.

The Casa Loma analysis area is comprised mainly of pinyon-juniper woodland at the lower end, and a transition to ponderosa pine near the wilderness boundary. The overall state of the vegetation in the analysis area could be categorized as dense and overstocked. This is a condition directly related to the absence of fire playing its natural role in the ecosystem.

The presence of the five recreation cabins in the analysis area has not directly caused this problem as the fire control strategy on the Sandia Ranger District has been, and still is, full suppression. With or without the cabins fire would, and still will, be put out at the smallest possible size.

The main disturbance to the vegetation has already occurred in the form of road construction and site preparation for the building of the cabins. Those disturbances have already occurred and are considered outside the scope of this analysis.

The Casa Loma analysis area is located within the Hondo Fuels Reduction Project area. The objective of that project is to reduce the risk of uncharacteristic wildfire entering private lands with a high resistance to control. To date, approximately 60 percent of the Casa Loma analysis area has had vegetation manipulation completed by way of selective tree cutting and firewood removal. The second phase of treatment will involve the use of prescribed fire to further reduce fuel loading. This type of treatment would have occurred within the Casa Loma analysis area with or without the presence of the five recreation cabins, but the implementation priority was raised due to the residences.

## **Environmental Consequences**

### **Proposed Action Alternative**

There would be no effect to the fire, fuels, or vegetation resource areas if the proposed action alternative is selected as long as the recreation residences are held in compliance with the language and limitations of the permit. Any adverse effects from the selection of this alternative would be compliance issues, and could be mitigated through enforcement.

### **No Action Alternative**

If the special use permits are allowed to expire, this action would require that all structures be removed for the tract lots. This could result in adverse effects to existing vegetation surrounding the structures through the demolition process.

This could be mitigated through resource protection language being used in the demolition plan, as well as monitoring of the process.

### **Cumulative Effects**

Continued implementation of the Hondo Fuels Reduction Project would not be affected by this analysis decision. There are no other projects planned with the Casa Loma Tract that would have an effect on fire, fuels, or vegetation resources.

## **Forest Plan Amendment**

The proposed action would amend the forest plan to remove the guidance to “(e)stablish 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.” Removal of this guidance would be necessary to approve new permits for the Casa Loma summer homes. The amendment would have limited effects. The authorization of use of the area for summer homes would 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. No higher use for the area has been identified that would require elimination of the Casa Loma Tract. 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.

The National Forest Management Act (NFMA) provides that forest plans shall “be amended in any manner whatsoever after final adoption and after public notice.” Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the responsible official must determine if the amendment would result in a significant change in the plan. In making the determination, the responsible official identified four factors to consider: timing; location and size; goals, objectives, and outputs; and management prescriptions.

### **Timing**

The NFMA requires that forest plans be revised at least every 10 to 15 years. The “Cibola National Forest Land and Resource Management Plan” was completed in 1985 and will be in the revision process soon. This amendment is being proposed late in the lifespan of the Cibola forest plan. The standards and guidelines established by this amendment will be reviewed again during the forest plan revision process.

### **Location and Size**

The forest plan amendment would 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.

### **Goals, Objectives and Outputs**

The amendment is consistent with the goals and objectives of the Cibola forest plan. Allowing for permit renewal of the Casa Loma summer homes would not affect the outputs described in the plan.

### **Management Prescriptions**

The amendment does not change the management area designations or management area prescriptions.

# Chapter 4 – Consultation and Coordination

The Forest Service consulted the following individuals, Federal and state agencies, environmental groups, and organizations during development of this environmental assessment.

## **ID Team Members**

The Forest Service interdisciplinary team for this project included the following individuals:

Elke Schuster, Project Lead  
Robert Heiar, Recreation  
Cliff Nicoll, Heritage  
Zachary Parsons, Wildlife  
Livia Crowley, Hydrology and Soils  
Matthew Rau, Fire Management  
Aaron Johnson, Timber and Vegetation  
Donald Hall, Lands and Minerals  
Elaine Sigler, Special Uses  
Keith Baker, NEPA Specialist

## **Federal and State Agencies**

The Forest Service received input from the following Federal and State agencies during development of this environmental assessment:

U.S. Fish and Wildlife Service  
New Mexico Department of Game and Fish  
State of New Mexico Environmental Department  
New Mexico Energy, Minerals, and Natural Resources Department

## **Environmental Groups and Organizations**

The Forest Service received input from the following groups and organizations during development of this environmental assessment:

Center for Biological Diversity  
Audubon New Mexico  
WildEarth Guardians  
Sierra Club  
New Mexico Wilderness Alliance  
New Mexico Outfitters and Guides  
National Wild Turkey Federation



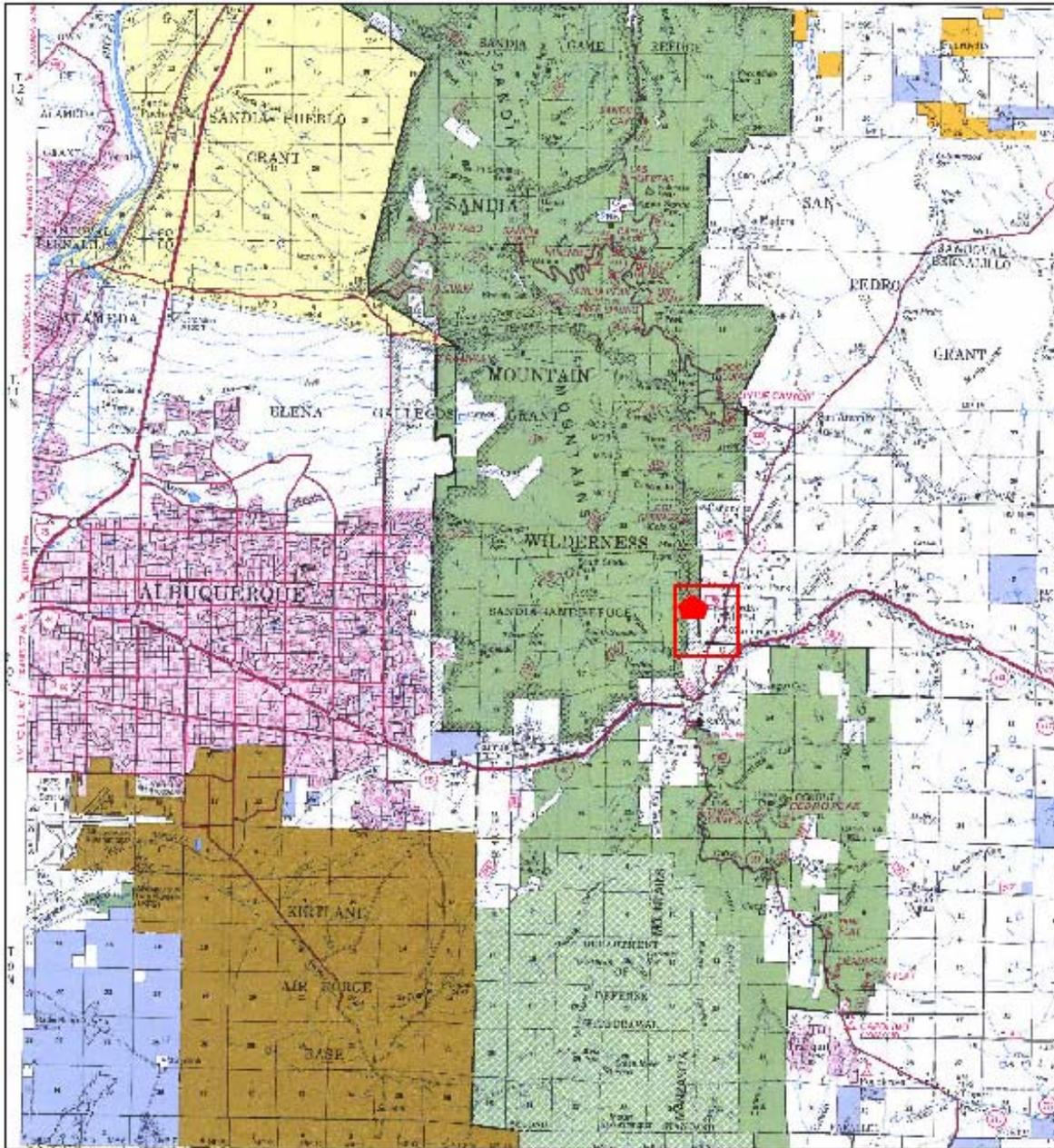
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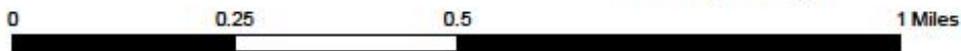
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# Appendix A – Casa Loma Tract Vicinity Map

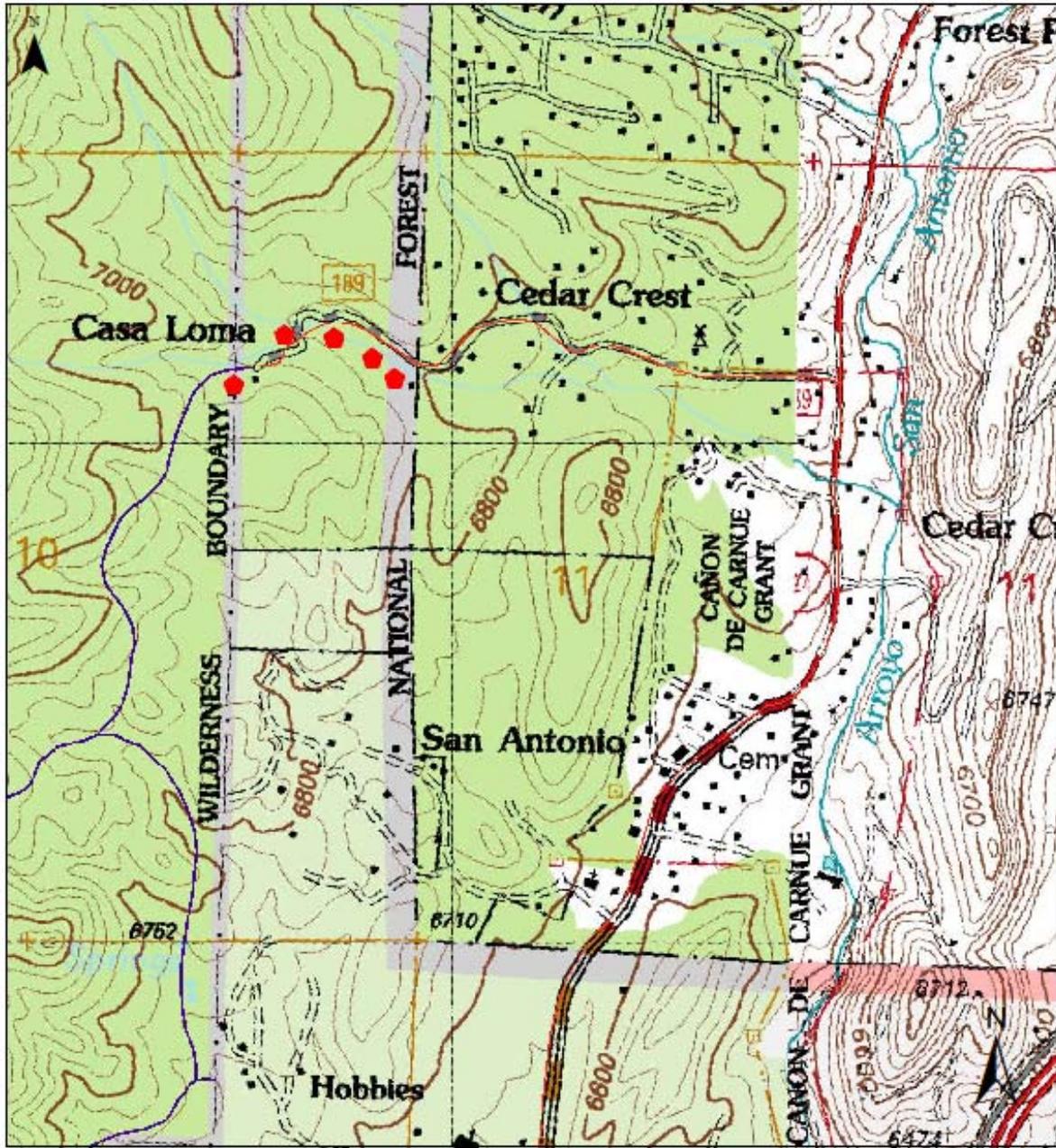


 Recreation Residence Cabin

### Casa Loma Recreation Residence Tract Vicinity Map

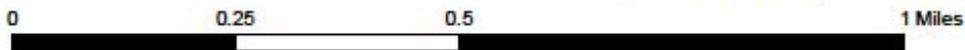


# Appendix B – Casa Loma Tract Location Map



 Recreation Residence Cabin

Casa Loma Recreation Residence Tract Location Map



# Appendix C – Public Scoping Comments

A scoping letter was mailed to approximately 175 residents located in the proximity of Casa Loma Road in Cedar Crest, New Mexico, on September 27, 2011. The letter was also mailed to several Federal and State agencies and environmental organizations. In addition, the scoping letter was emailed to persons interested in projects on the Sandia Ranger District via a district email list. Certified letters went out to the five Casa Loma cabin owners. Scoping comments were due October 21, 2011. In addition, the cabin owners were called by phone and again invited to comment on October 31, 2011. Some comments are provided in summary form. The full-length comments are available in the project file located at the Sandia Ranger District office in Tijeras, NM.

## Commenter Information (Scoping September 2011)

Commenter Number	Commenter Name	City and State	Comment Date
1	Fred Jasler	Cedar Crest, NM	9/30/2011
2	NM Department of Game and Fish	Santa Fe, NM	10/6/2011
3	Linda Nezzar	Cedar Crest, NM	10/06/2011 and 10/11/2011
4	Gerard and Regina Sleafte	Cedar Crest, NM	10/18/2011
5	U.S. Fish & Wildlife Service	Albuquerque, NM	10/21/2011
6	Matias Del Toro	Albuquerque, NM	10/31/2011
7	Larry and Kris Shryock	Cedar Crest, NM	11/02/2011

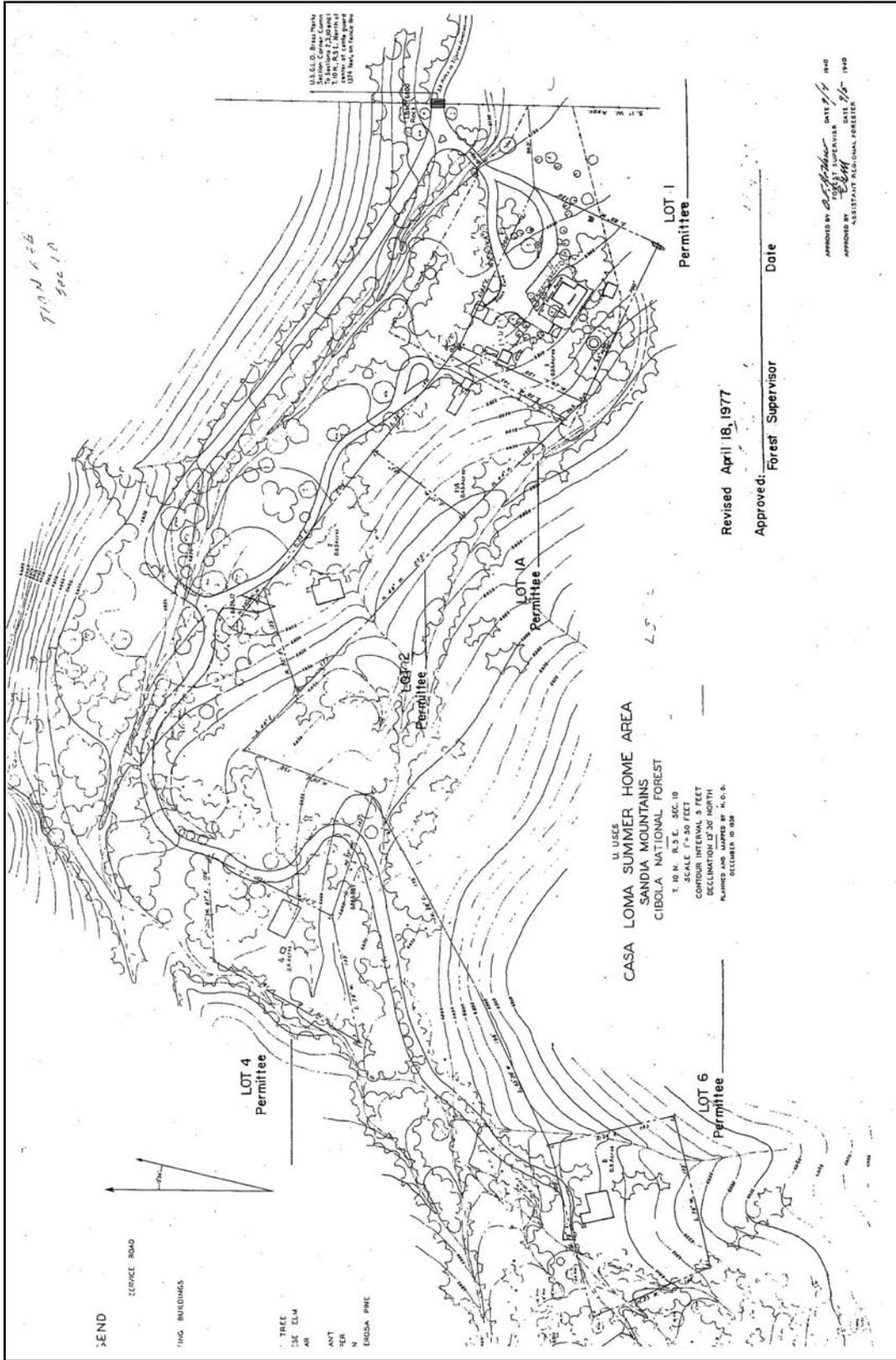
## Public Comments and Forest Service Responses

Commenter 1	
Comment 1.1	FS Response
I don't see a problem. The recreation residences have been there for a long time and they are not destroying the forest. Might as well continue the use.	Thank you for your comment. Your input has been received and considered.
Commenter 2	
Comment 2.1	FS Response
In response to the letter dated 26 September, regarding the above referenced project, the Department of Game and Fish (Department) does not anticipate significant impacts to wildlife or sensitive habitats.	Thank you for your input as a cooperating agency. Your input has been received and considered.

<b>Committer 3</b>	
<b>Comment 3.1</b>	<b>FS Response</b>
I did notice close to the end of the road, a wrecked car and trash. Are they in fact “cabins” or homes that are occupied year round? If they are occupied residences, I do not see the need to extend the lease. On the other hand, If they are just strictly “recreation,” how much are they actually used, and is it worth the time and money for the Forest Service to conduct the analysis.	Thank you for your comment. The issue is one of compliance and falls outside the scope of this analysis (see chapter 1, “Scope of the Project”).
<b>Comment 3.2</b>	<b>FS Response</b>
I have no objections to the cabin owners’ permits being reissued as long as: (1) the area is kept clean - i.e. removal of garbage, abandoned cars, appliances, etc., and (2) the area is kept safe.	Thank you for your comment. Your input has been received and considered.
<b>Committer 4</b>	
<b>Comment 4.1</b>	<b>FS Response</b>
Negative Environmental Impact: Each of the residences have private septic systems that do NOT meet current Bernalillo County public health standards. These outdated septic systems pose an immediate threat to the surface and ground water. Additionally, the residents store large numbers of dilapidated vehicles on forest property. One residence has over 10 motor vehicles parked on the property - and these are leaking oil and hazardous materials into surface and groundwater. Finally, these residences are used year-round, and their heating systems do not meet Bernalillo County codes. The residents resort to burning large amounts of firewood, even on no-burn days. These residences are polluting the local air, and furthermore, run a high risk of starting a major wildfire from inadvertent embers. These environmental hazards are severe and we are gravely concerned about the impact on the Cibola Forest and our adjacent properties.	Thank you for your comment. The issue is one of compliance and falls outside the scope of this analysis (see chapter 1, “Scope of the Project”).
<b>Comment 4.2</b>	<b>FS Response</b>
Private Residences Create a Public Nuisance: These private residences degrade from the natural beauty of the forest and intended public recreational use. The structures are unkempt and are an eyesore from both the forest road and adjacent properties. The properties have huge amounts of trash littered throughout, including cars, trucks, trailers, boats, rugs, appliances, cigarette butts, beer bottles, etc. And the residents allow their dogs to run free, disturbing and threatening the public and their constitutional right to walk in their national forest.	Thank you for your comment. The issue is one of compliance and falls outside the scope of this analysis (see chapter 1, “Scope of the Project”).

Comment 4.3	FS Response
<p>Private Use of Public Lands is Unfair and Inappropriate: When originally conceived in the 1920s, the Casa Loma Residences were intended for short-term summer-only recreational use. Instead, these properties are now being used year-round by long-term squatters—at tax-payer’s expense. This constitutes public funding for private use—which is both illegal and contradictory to the principles of the National Forest System. The approximately 20 acres around these residences can no longer be used by the public. This is inconsistent with the Forest Plan FSM 2721.23e, and represents unfair and inappropriate use of public lands. The public has a right to use this land, so we propose that the residences be demolished and the land returned to its natural state</p>	<p>Thank you for your comment. The land immediately adjacent to the structures is not closed to public use, only the private structure itself is closed to the public. The Occupancy Permits Act of 1915 specifically states that the permits are to be issued and administered in a manner as “not to preclude the general public from full enjoyment of the natural, scenic, recreational, and other aspects of the national forests.” (16 U.S.C. 497)</p>
<b>Commenter 5</b>	
Comment 5.1	FS Response
<p>The U.S. Fish and Wildlife Service (Service) has reviewed the proposed project scoping information and has the following comment: Given the proposed action is inconsistent with the direction in the current forest plan, we recommend a thorough evaluation of impacts to endangered, threatened, proposed, candidate, and species of concern occurring in the action area.</p>	<p>Thank you for your input as a cooperating agency. Your input has been received and considered.</p>
<b>Commenter 6</b>	
Comment 6.1	FS Response
<p>I have no issues. I am in favor of renewing the permits.</p>	<p>Thank you for your comment. Your input has been received and considered.</p>
<b>Commenter 7</b>	
Comment 7.1	FS Response
<p>As a cabin owner, we would like to express our desire for the continual use of the recreational permits to remain into the future. We are good stewards of the national forest, love our cabin, and can co-exist. It was a decision in the past to create the cabin act, please do not take away what was given. The Forest Service has many other areas that they can develop for public use that would not negatively impact the surrounding community.</p>	<p>Thank you for your comment. Your input has been received and considered.</p>

# Appendix D – Casa Loma Lot Survey Map



# Appendix E – Casa Loma Floodplain Map

