

APPENDIX I

Cow Creek Campground Environmental Assessment

Response to Comments, Appendix I to Decision Notice and FONSI

Response to Comments Letter 1

Daniel (Bud) T. Kelly Jr's Que Four, L.C. letter, dated January 20, 2004

Page two, paragraph two...

Comment: "As such, implementation of the "Preferred" Alternative B not only would diminish what good might be accomplished through the more reasonable actions of the other alternatives, but would do irreparable harm to the area by putting unnecessary pressure on an eco-system which, because of the Viveash Fire, remains extremely vulnerable."

Response #1: based on issues generated in the initial scoping process, we developed the reduced capacity, emphasis on day use (Alternative C). The difference between Alternative B and C is One additional campsite in camping area one and two additional campsites in camping area three (see attached map). This results in an additional PAOT of 15 more people maximum. Building this upper camping area on the high side of the road will ensure that impacts to the riparian area will be minimal. Moving camping areas outside of riparian areas and restoring those sites, is generally known to reduce sedimentation and nutrient loading in streams. "The size (scale) of the Cow Creek Recreation Area and amount (magnitude) of recreation activity occurring in this area is very small relative to the size of the watershed and the total of all land use activities occurring in the watershed. Therefore, when impacts on water quality and riparian areas of future recreation use in the Project Area associated with alternative is considered with all past, present and foreseeable future actions, these impacts are not individually substantial nor would they contribute to a cumulatively substantial impact in the watershed" (Water Quality/Riparian Areas Specialist Report).

Page three, paragraph three, four

Comment: "But neither the needs nor the purposes expressed remedy what Que Four, L.C. believes to be a critical element seemly overlooked throughout the entire plan: the fact the larger area does not need further development.... Thus it is Que Four, L.C. fully supports the rehabilitation of existing campsites including closing those along the river in "Preferred Alternative B, but vigorously opposes any further expansion."

Response #2: In the Environmental Assessment for Cow Creek Recreation Area, (pg 4), Purpose & Need for Action states: The Santa Fe National Forest Land and Resource Management Plan (Forest Plan (FP), as amended) "desired condition for developed recreation sites is to manage the recreation resource to increase opportunities for a wide variety of developed and dispersed experience (FP pg 18)." This is based on population and recreation trends.

"Recreation research indicates that over half the population picnic during the year and more than 70% participate in family gatherings away from home, and trends indicate that these percentages would increase slightly in the future. Twenty-five percent of the

population camp and 13% fish in mountain rivers, lakes and streams. The percentage of people participating in these activities is predicted to stay constant, which implies an increasing number of participants as the population increases” (Recreation Resources Specialist Report). We are not only designing recreation sites to accommodate today’s needs, we are also looking to future needs.

Page three, paragraph six

Comment: *“The Cow Creek Recreation Area Project, in essence, proposes a new area supporting several campsites with a density of 45 PAOT (actually increasing the overall density to 75 PAOT from 30 PAOT). This requires significant development and destruction of natural environments in the creation of roads, parking, campsites, and toilets; and in an area of less than an acre, it represents a gross violation of true public need and responsible stewardship.”*

Response #3: Alternative B would reduce stream-bank erosion by rehabilitating approximately 1.93 acres (84,158 sq. ft.) of existing recreation sites and removing these sites from the riparian areas to upland sites. With Alternative B, overnight camping use could increase from 40 PAOT to 75 PAOT. The addition of 30 PAOT is not considered a major development. This facility would not only serve the immediate needs of the Cow Creek watershed, it would provide camping facilities for users within the National Forest portion of the Osha/Cow Creek Watershed. The development as described in Alternative B is within the type of development envisioned and contemplated in the Forest Plan.(FP p18).

In fact this would lessen impact to the watershed, encouraging the public to camp in developed sites away from the creek and possibly reducing impacts to the upper creek riparian area above the project area. A gross violation of public need and responsible stewardship would be to not address the degradation of the riparian sites, not provide adequate sanitation and not provide recreational camping opportunities for the public who own these lands

Page two, paragraph five

Comment: *“...given experiences on its property and with the surrounding lands, both prior to and after the Viveash Fire, the Forest Service has failed to account for the effects public pressure will bring both to the reconstitution of a viable ecosystem and to the respect of private property.”*

Response #4: The public will use this area whether we build campsites or not. In Northern New Mexico, the public is drawn to rivers, creeks and lakes with easy access that provides opportunities for fishing. In 2003, people were camping and fishing at the old deteriorated sites. (personal communication: Buehler, 2003). Either we manage an area by building sites and directing where we desire the public to camp, park their vehicles; and provide sanitation facilities (toilets) to address water quality issues, or we will continue to have impacts to critical riparian areas which will contribute to

sedimentation and water quality issues. The effects from the Viveash Fire have been identified in the Viveash EIS. As addressed in the Environmental Consequences section of the Environmental Assessment for Cow Creek recreation Area Project, the size of the Cow Creek Recreation Area under Alternative B and amount of recreation activity occurring in this area is very small relative to the size of the watershed and the total of all land activities occurring in the watershed. We cannot force the public to respect private property. We can ask/encourage them to know where property boundaries are and request they respect private property owner's rights and not trespass. By posting this information along with a map of the area showing private property, most people will respect boundary lines.

Page three, paragraph seven

Comment: *“It further impacts directly on the only piece of private land in the project area, thereby increasing prospects for trespass and vandalism.”*

Response #5: In the Environmental Assessment for Cow Creek Recreation Project, Response to Issues Trespassing section,(pg 19) it states that the interposition of barriers relative to the location of private property can influence whether or not people trespass from a recreation site. The majority of users abide by designated limits and fencing assists with defining where boundaries are located. Most users will not hike uphill thru dense aspen regeneration and climb over or go around a 6 foot fence to trespass, especially when there are not any structures within sight on the private property. Tying the barrier fence into steep terrain on the south side and into the private gate on the north side can contribute to discouraging trespassing on private property. Vandalism is an issue that takes place on a random basis and corresponds with something to vandalize. Planting screening near your wellhead could go a long way to discouraging vandalism. What vandals cannot see, they will not vandalize.

Page four, paragraph three

Comment: *1. Given past abuses and recognized mismanagement, what are the proposed plans for improved management of the existing sites?*

Response #6: The Pecos/Las Vegas Ranger District now has a larger campground and developed site maintenance crew than we did just four years ago. In 1998, we were given the authority to convert our fee sites into a fee demonstration project where we can retain 95% of our collected revenues to put back into the maintenance, law enforcement and upgrading of our fee sites. This authority has provided us with the ability to manage our fee sites better and provide a uniform presence at each site on a weekly basis. The three keys to managing recreation sites are design, education and enforcement. The better an area is designed, the less time needs to be spent on the latter two.

a. Can the Forest Service adequately enforce and manage such a site even if improved, given there is no office in the immediate vicinity?

Response #7: The Pecos office is the local office that is responsible for the Cow Creek area and manages developed sites from Jack's Creek Campground to Dalton Fishing Access. We have a seasonal crew that maintains the facilities, cleans toilets and picks up garbage on a weekly basis. We also are able to bring this crew on earlier in the season and can get the campgrounds cleaned up, signed and ready to go a month earlier than we did in the past.

b. Do past actions suggest continued mismanagement?

Response #8: Before the Viveash Fire, the Cow Creek Campground had been neglected by the District and had fallen into disrepair. There was a need to invest some dollars to improve the facilities and re-build the campsites. The focus in the 1990's was on Jack's Creek, Panchuela and rebuilding a portion of Holy Ghost. In the last four years, we have been working at putting time and materials into some of our older campgrounds to reduce the backlog of maintenance needs and improve the service to the public. We have used fee demo dollars to do this.

c. Does the Forest Service now have the capacity to:

i. Police and patrol the area

Response #9: Yes we currently have a crew of employees to address this issue. On the weekends, the Forest Protection Officer would collect fees, enforce the rules and regulations, and other regulations associated with the Campground and National Forest. Periodically, on an unscheduled basis, the Forest Service Law Enforcement Officer would drive to the campground and check for compliance of rules and regulations in the area.

ii. Enforce PAOT numbers

Response #10: Part of the responsibilities of the Forest Protection Officer and Law Enforcement Officer is to enforce group size regulation in campgrounds.

iii. Restrict vehicle numbers

Response #11: Enforcing vehicle numbers is also a responsibility of the Forest Protection Officer.

iv. Enforce fee collection

Response #12: Fee collection is the core of the fee demo program. It is through these efforts that we can fund our program. The Forest Protection Officer would collect fees.

v. Enforce overnight use/day use times

Response # 13: Most of this would be posted on site and on the weekends, the Forest Protection Officer and Law Enforcement Officer would enforce overnight/day use times.

vi. Engage in trash collection

Response #14: The Forest Service would have a maintenance crew come by at least once a week depending on how busy the area is, to clean toilets, collect garbage, clean fire-rings out, sign maintenance, painting, upkeep of the facilities, and inform the public of rules and regulations

d. Has the Forest Service considered potential budget cuts, which in-and-of-themselves, could significantly reduce manpower to patrol and enforce?

Response #15: Through the years we have seen budgets fluctuate, but we still have been able to work on campground maintenance and collect fees. Addressing health and safety concerns will continue to take place at any facility, or the area will be closed down. Health concerns relates to toilets that are designed with a vault that does not leak into the environment, cleaning inside the facility on a scheduled basis, collecting garbage on a scheduled basis. Safety concerns include: facilities that are maintained to prevent accidental injuries associated with construction materials, removing hazard trees from the campsite area and around the toilets, roadways and paths within the campgrounds, maintaining signs for information purposed and patrolling areas to reassure campers that we checking for compliance of rules and regulations.

e. Has the Forest Service considered increased access for the disabled persons on existing sites to bring overall levels up, thus mitigating need for newly developed facilities upstream?

Response #16: The Forest Service looked at opportunities to re-build existing site in the lower part of the existing campground, and were able to

design an accessible site at one of the two locations. Based on the need to move sites away from the stream bank, we were not able to make the lower sites larger.

Page five, paragraph three

2. What are the proposed plans for management and enforcement of “Preferred” Alternative B?

a. Has the Forest Service considered the fact that no other site contains such density?

Response #17: Campsites at Field Tract, Holy Ghost, Iron Gate and Cowles have a higher density than this proposal.

b. Has the Forest service studied whether there is any real need for the upstream facility, other than perceived need of the local community for access (and can't the same access be achieved by limiting access to walk-in as it is now)?

Response #18: Limiting access to walk in camping as it is right now would not serve the needs of providing a developed campground that is accessible to persons with disabilities. Another concern is allowing campers to camp along the riverbank could contribute to a loss of vegetation and an increase in sedimentation into the stream and other water quality issues. For additional discussion on whether there is a real need for the upstream facility, see Response #2.

c. Has the Forest Service considered sites below existing sites, where open spaces would require less human intervention than the disruption caused by steep grades and narrow canyons?

Response # 19: The Forest Service looked at designing campgrounds above this area, in the Bull Creek area and at the Manzanares Administration site. We felt those other sites would not meet the need of providing a camping facility that is adjacent to a fishing stream and has other opportunities for recreation in the vicinity.

d. Has the Forest Service considered exponential pressure such totals will place on a smaller stream bed and on surrounding wildlife given it sits in the epicenter of the fire which would only exacerbate environmental degradation?

Response # 20: “The size (scale) of the Cow Creek Recreation Area and amount (magnitude) of recreation activity occurring in this area is very small relative to the size of the watershed and the total of all land use activities occurring in the watershed. Therefore, when impacts on water quality and riparian areas of future

recreation use in the Project Area associated with alternative is considered with all past, present and foreseeable future actions, these impacts are not individually substantial nor would they contribute to a cumulatively substantial impact in the watershed” (Water Quality/Riparian Areas Specialist Report).

e. Has the Forest Service considered other safety issues related to increased pressure upstream from existing sites; people hiking up into the wilderness, in or around the upper stream, where snags and dangerous trees will not be cleared away?

Response #21: One of the benefits of having a campground fee station is the ability to post information of the area. Included at the fee station would be information about the Viveash Fires of 2000 and the hazards that still exist in the forest.

f. What is the proposed method for removing existing dead trees , let along eliminating potentially hazardous trees, keeping in mind environmental and public safety concerns?

Response #22: The San Miguel REA would be responsible for removing trees along their corridor and we would offer the salvage wood to a commercial company first, second, offer it as public fuel-wood, and third go in with hand crews and chainsaws and remove all hazard trees within 2/12 tree lengths of the campsites, toilet area, roads, and pathways.

g. What specific rehabilitation efforts are being proposed?

Response #23: We would define the area that will be incorporated into the new campsite using large boulders to keep vehicles from driving up to the stream bank. A campsite would be measured out on the ground where a tent pad would be built and a picnic table and fire ring would be cemented into the ground. The area along the stream bank would be reworked to aerate the soil, plantings of alder and willow would be added to the bank to promote stream bank stability, and if necessary a webbing fabric could be used to keep the soil in place until vegetation would be established. Signing the area to keep people off the site is necessary. To discourage tent placement along the stream bank, you would place half in the ground and half exposed rocks that have a lumpy appearance to them.

h. How will slash be removed?

Response #24: Slash will be cut into small pieces, spread less than 24 inches high, and where it makes sense, leave some for the campsites for evening fires.

i. How will disturbed ground be rehabilitated?

Response # 25: Campsites will be leveled and re-seeded, any cut slopes as a result of roadway construction or pathways will be seeded as well.

j. What protection will be given to emerging aspen?

Response #26: Efforts to save as much of the aspen as possible will be made. The smaller aspen would most likely survive the brushing/ grazing of tree as they are felled and the one that are smashed could re-sprout. We like the aspens too.

k. Has the Forest Service contacted all concerned groups (private land owners, organizational representatives like Trout Unlimited, Sierra Club, Nature Conservancy, etc.) for input, or contracted with an outside group to gain an independent assessment of effects on trout, viability for introducing native species given the increased human pressures on smaller waters upstream, particularly given existing stream damage?

Response #27: The New Mexico Game and Fish has submitted a letter of support for Alternative B and of the effects of the project. The initial scoping letter was sent to a variety of interested environmental and conservation groups including Trout Unlimited, Sierra Club, and the Nature Conservancy and they did not respond to the letter.

Page five, paragraph two

3. What is the Forest Service plan for mitigating or paying costs or trespass or damage, or vandalism?

Response # 28: The six foot barrier fence was a mitigation measure developed to address adjacent landowner's concerns with trespassing on his private property and is only offered to minimize the potential that users could trespass. The Forest Service does not pay for the cost of trespass, damage to private property, or vandalism, this is the responsibility of the landowner.

a. How will the proposed six-foot fence be maintained and repaired?

Response #29: The fence will be maintained by the maintenance crew.

b. Will the Forest Service provide compensation for damage to private property owners fence (whether from falling trees, or people knocking down or cutting the fence?)

Response #30: The Forest Service does not provide compensation for damage to private property. Trees have fallen on the land owners fence and will continue to do so, that is

part of living in a forest. Any damage to the landowner's private fence is the responsibility of the landowner.

c. Will the Forest Service protect and defend the property of private land owners, possibly building and extended six-foot fence wherever public access is possible (which would only exacerbate the problems for wildlife) as well as fully compensating the land owner for any theft or damage, as well as absorbed the costs for prosecuting violators?

Response #31: The Forest Service does not defend the property of private land owners or compensate them for any theft, damage, or absorb the costs for prosecuting violators. That is the responsibility of the landowners.

Response to Comments Letter 2

Comments from the Santa Fe Conservation Trust Letter dated January 20, 2004.

Page 2, paragraph 2...

“Alternative C addresses each one of these needs and concerns; it addresses the access issues as well as sanitation and does so in a manner that is appropriate for the area, and consistent with existing levels of use. It also meets goals and objectives of the Forest Plan. Though it is described as a ‘reduction’ from current levels, it is in fact an increase over approved existing levels. The increase is from 6,398 square feet approved to 40,032 square feet. Alternative C also accommodates more than the approximately 40 existing PAOT, providing 62 total PAOT.

Alternative B, on the other hand, provides for roughly a tripling in the use of the campground from the existing approved level of 25 PAOT and the estimated current use of 40 to 111 PAOT. The increase in square footage is from the approved 6,398 to 73, 669. This increase is significant, and justified by a policy of establishing designated sites that would limit camping to those sites. Unfortunately, past experience does not bear this approach out and there exists a distinct possibility that uncontrolled and unregulated camping and parking could continue within the area, resulting in even higher usage numbers than the 111 PAOT projected for Alternative B.”

Response # 1: By designing sites at appropriate locations, we can not only control use but ensure use will not impact the riparian area of the stream. The past is not an indication of the future. The Pecos/Las Vegas Ranger District now has a larger campground and developed site maintenance crew than we did just four years ago. In 1998, we were given the authority to convert our fee sites into a fee demonstration project where we can retain 95% of our collected revenues to

put back into the maintenance, law enforcement and upgrading of our fee sites. This authority has provided us with the ability to manage our fee sites better and provide a uniform presence at each site on a weekly basis. The three keys to managing recreation sites are design, education and enforcement. The better an area is designed, the less time needs to be spent on the latter two.

Comments Letter 3 was supportive therefore we did not respond to the comments.