Decision Notice and Finding of No Significant Impact

Cow Creek Recreation Area Project

USDA Forest Service
Pecos/ Las Vegas Ranger District, Santa Fe National Forest
San Miguel County, New Mexico
Sections 26 and 35, T17N, R12E, NMPM

Background

The Cow Creek Campground was built in the 1960's along Cow Creek. It consisted of five single-family campsites designed to accommodate five persons at one time (PAOT) for a total of 25 PAOT for the entire campground. The campground had two pit toilets, picnic tables, potable water, and grills. Over the last few decades, use has changed from the single, smaller families to larger, extended family groups. This has resulted in the uncontrolled expansion of campsite areas. Over the years, deferred maintenance has resulted in deterioration of the campground facilities and damage to natural resources, which includes soil compaction, elimination of vegetation, erosion, and multiple user-created fire rings. On May 29, 2000, the Viveash fire burned through the Cow Creek Campground and destroyed one of the toilet buildings in the campground.

The damage from the wildfire and change in use patterns created a need to reconstruct the recreation area in Cow Creek that would:

- Provide a rustic, moderately developed camping experience;
- Provide universally accessible toilet facilities and site furnishings, universal access to at least 20% of the camping sites, and parking for fishing and camping sites;
- Provide adequate restroom facilities that meet current standards for solid waste collection; and
- Improve the water quality of Cow Creek by moving existing camping areas away from the immediate edge of Cow Creek and closing unsuitable, existing camping sites that are too close to Cow Creek.

The environmental assessment (EA) documents the analysis of three alternatives to meet this need.

Decision Framework

The Pecos/Las Vegas District Ranger will decide whether to implement the proposed action, an alternative to the proposed action or some combination of the alternatives, and whether further environmental analysis in an Environmental Impact Statement is needed. The decision will include project-specific mitigation measures that need to be applied in addition to meeting the prescribed standards and guidelines in the Forest Land and Resource Management Plan. Based on public comments to the scoping notice and site-specific analysis in the EA, the District

Ranger must determine whether significant issues exist. The decision is contingent upon that determination.

Decision

Based upon review of all the alternatives, I have decided to implement a modified version of Alternative B (Proposed Action). Under this alternative, the Forest Service will construct an extended family campground having four sites in the FDR 92 corridor (see Map 1). The configuration of this campground will be designed to accommodate a maximum of 15 persons per site and will fit in with the Roaded Natural setting of the area. Each site will have picnic tables, fire rings with grills, and designated improved surface impact areas. Parking will accommodate up to three vehicles per site. There will be no potable water at this facility, but there will be two universally accessible unisex toilet facilities. Two day use fishing sites will also be constructed. A summary of modified Alternative B follows:

- Starting at the Forest Boundary gate on FDR 92, we will construct Group Camping Area 1, near an existing user-created camping area. Group Camping Area 1 will accommodate a maximum of eight People at One Time (PAOT). Existing camping areas will be moved away from the edge of Cow Creek and further up the slope. Parking for Group Camping Area one will be along FDR 92 and will be designed for two vehicles. This area will be considered a “walk-in” site.

- Group Camping Area 2 (part of the original campground) will be reconstructed to accommodate a maximum of 15 PAOT. Existing camping areas will be moved away from the edge of Cow Creek and further up the slope. Group Camping Area 2 will have parking for three vehicles.

- A new, sealed vault toilet will be installed for use by Group Camping Areas 1 and 2. Two locations will be analyzed for this toilet– the first on the east side of FDR 92 and the second on the west side of the road near the existing toilet. The best site will be chosen based on engineering criteria. It may be necessary to construct a small pull-out for the toilet. This facility will be accessible to persons with disabilities.

- Group Camping Area 3 will have two campsites that would hold a maximum of 30 PAOT. There will be a sealed vault toilet constructed in this area to accommodate both camping sites. A new road would be constructed to access these sites. Each site will accommodate up to three vehicles.

- We will construct a defined parking area for five vehicles at Day Use Fishing Site 1. Natural barriers will be used to prevent vehicles from driving up to the edge of Cow Creek.

- At Day Use Fishing Site 2, we will close the area immediately adjacent to Cow Creek to prevent people from parking too close to it. We will construct a parking area to accommodate four vehicles about 100 feet south of Cow Creek.

Reason for My Decision

Using comments received during scoping from the public and other agencies, the Interdisciplinary Team identified two significant issues regarding the effects of the proposed action (EA page 6):

> **Issue 1. Capacity of the area.** Due to the small size of the project area, increasing the number of camping facilities in the Cow Creek Recreation Area could result in overuse and degradation of this area. Further, the private property owner east of Group Camping Area 3 is concerned that additional capacity would result in nuisance.
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> **Issue 2. Trespassing.** There is potential for vandalism and trespassing to occur on the private property just east of proposed Group Camping Area 3.

A third issue, trash collection, was brought up during the Notice and Comment period. Commenters noted that the camping areas frequently hold a lot of garbage, and stated that they regularly pick up trash from the area.

In weighing these three issues, I decided that trespassing would be the same - minimal - for all the alternatives. The mitigation measures apply to all the alternatives (EA page 15) and are sufficient to prevent trespassing; therefore, none of the alternatives would be superior in terms of preventing trespass.

The next issue I considered was trash collection. The Forest Service collects trash from its developed campgrounds as part of its regular maintenance duties; therefore, any of the action alternatives would be superior to the No Action alternative because regular trash collection would resume.

Capacity is the final factor I considered. The need for developed campsites is clear, both to prevent degradation of the riparian area and to provide recreational opportunities to the public. Alternative C provides the least capacity, which is likely to result in damage to the riparian area and water quality because people would continue camping in undeveloped areas along Cow Creek. Thus, Alternative B is a better choice than Alternative C. Since Alternative B, however, provides the greatest capacity, it also has the greatest probability of causing nuisance. By modifying Alternative B to have one less campsite near Group Camping Area 3, it would provide the best mix of resource protection and recreational opportunity while limiting possible nuisance.

A detailed discussion of NFMA compliance points, as outlined in the Code of Federal Regulations (CFR) 36 CFR 219.27(a) through 219.27(g), is found within each resource report found in the project file. NFMA compliance items covered under 36 CFR 219.27(a) "Resource Protection", 36 CFR 219.27(e) "Riparian Areas", and 36 CFR 219.27(g) "Diversity", are described in the EA pages 44-45.

Other Alternatives Considered

In addition to the selected alternative, I considered three other alternatives. The following information is a summary of the differences between the selected alternative and the other alternatives. A detailed comparison of these alternatives can be found in the EA on pages 8-14.

Alternative A (see Map 2)

No Action

Under the No Action Alternative, current management plans would guide management of the project area. Overnight use is expected to return to pre-fire numbers of 40 Persons At One Time (PAOT). Camping would continue to occur immediately adjacent to Cow Creek at most of these areas. The existing pit toilet would continue to deteriorate and would not meet State standards for collection of human waste. There would be only one picnic table, and the existing, non-standard fire rings would remain. Overnight and day users would continue to park along FDR 92 in user-created parking spots. The campground would not be universally accessible to persons with disabilities.

Alternative B (as proposed in the EA) (see Map 3)

Under Alternative B as proposed in the EA, we would construct a five site extended family campground with a capacity of 15 PAOT per camp site for a total of 75 PAOT. Parking would be large enough to accommodate three to four vehicles per site.

Alternative C (see Map 4)

Alternative C was developed to address the issue of capacity. Under Alternative C, we would close Group Camping Area 1 to camping, construct one site at Group Camping Area 2, and construct one site at Group Camping Area 3, for a total PAOT of 30.

Public Involvement

The proposal to reconstruct the campground was listed in the Schedule of Proposed Actions in 2000-2001. The proposal was provided to the public and other agencies for comment during scoping in March 2003.

On December 18, 2003, the Cow Creek Recreation Area Environmental Assessment was mailed to parties who expressed interest in the project and supplied comments to the initial scoping document. The 30-day comment period resulted in three letters from the public and other agencies. These letters were analyzed and specific comments relating to the project proposal were addressed in the response to comments document found in Appendix I (attached). After the close of the comment period on January 29, 2004, we met with several interested persons at the project site and listened to specific comments on the alternatives. We also met with another interested person on March 5, 2004 to listen to their comments. Both groups expressed concern about the accumulation of trash; the latter person was also distressed about possible vandalism to and trespassing on private property.

Late in the comment period, an alternative was presented by an interested party. This alternative was not analyzed in detail because it did not meet the purpose and need, the location of the proposed campsite was not within the project area, and it was submitted after the analysis in the EA was completed.

A list of non-significant issues and reasons regarding their categorization as such is found in the project record (PR #16).

Findings Required by Other Laws and Regulations

This decision to implement Alternative B (modified Proposed Action) is consistent with the intent of the Forest Plan's long term goals and objectives listed on pages 16-20. The project was designed in conformance with the Land and Resource Management Plan's standards and guidelines for recreation areas, access for people with disabilities, and water quality (Land and Resource Management Plan, pages 50, 51, and 79).

The project is in compliance with the National Forest Management Act and other applicable laws and regulations guiding National Forest System land and resource management (EA pages 44-46).

The decision is in compliance with Executive Orders addressing floodplains (EO 11988) and wetlands (EO 11990). No floodplains or wetlands will be impacted by this project (EA pages 28-29).

No group of people, including racial, ethnic, or socio-economic, would be expected to bear a highly disproportionate share of negative consequences from this action EO 12898, Environmental Justice (EA page 43-44).

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that implementing Alternative B as modified will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. My decision is based on the following findings:

Context

The environmental context of this project is limited to a two mile section of the Cow Creek Watershed on the Pecos/Las Vegas Ranger District. The societal context of this project is within the zone of influence of the Santa Fe National Forest Plan, and as such, does not have regional or national effects.

Intensity

1. Impacts that may be both beneficial and adverse.

There will be no significant beneficial or adverse effects associated with this project. The small number of private property owners nearby might encounter visitors to the forest more often. I do not consider this to be a significant adverse effect because these encounters are anticipated to be few. Because the size of the recreational area and amount of recreation in this area is very small relative to the size of the watershed, no significant adverse effect to water quality would occur from construction or use of the facility (EA page 28). Further, the increased number of PAOT

would meet the projected needs for developed facilities in this area of the Pecos/Las Vegas District. Finally, collection of garbage would occur at regularly scheduled intervals.

2. The degree to which the proposed action affects public health or safety.

There will be no significant adverse effects on public health and safety because the new facilities would provide sanitation that would meet health and safety standards and state law (EA page 20). A net improvement in sanitation would take place, both from new toilets and regular garbage pick-up.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on unique characteristics of the area, because the project does not occur within ecologically critical areas such as historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers (EA pages 26, 31).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment are not likely to be highly controversial, because there is no known scientific controversy over the impacts of this or similar projects (EA pages 20-24).

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA pages 18-44).

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The project does not establish a precedent for future actions that may have significant effects; nor does it represent a decision in principal about a future consideration. This project is similar to other recreation projects that have been implemented by the Forest Service for decades. Any future Forest Service proposed actions not specifically identified and analyzed in this EA would be evaluated separately through the NEPA process to determine the site-specific environmental effects (EA page 5).

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

As disclosed in Chapter 3 of the EA (pages 19-21, 25, 28-31, 37-38, 42-43), the project will not result in any cumulatively significant impacts. No other past, present, or reasonably foreseeable future actions in the area (EA page 16) will combine with the effects of Alternative B (modified) to cause any cumulatively significant impacts. These actions are not related to other actions that, when combined, will have significant impacts.

8. The degree to which an action may affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Alternative B (modified) will not adversely affect properties listed in, or eligible for listing in, the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historical resources (EA page 38). Appropriate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act for this project has been completed.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The project will not adversely affect any Endangered Species Act listed or proposed endangered or threatened species or their habitats since no federally listed species are expected to occur within the project area (EA page 32-34). In addition to the EA, a biological assessment/biological evaluation (BA/BE) that supports this finding has been prepared for this project.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for protection of the environment.

Alternative B (modified) will not violate any Federal, State and local laws or requirements imposed for protection of the environment. For example, effects from this action will meet or exceed state water and air quality standards (EA pages 27-29).

Implementation Date

Implementation of this decision may occur five business days after the close of the appeal filing period if no appeal is filed. If an appeal is received, implementation may not occur until 15 days following the date of the disposition of the last appeal filed.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215. A notice of appeal must be in writing and fully consistent with 36 CFR 215.14. Appeals must be filed within 45 days following the date of publication of the legal notice of this decision in the Albuquerque Journal. The publication date of the legal notice in the Albuquerque Journal is the exclusive means for calculating the time to file an appeal; those wishing to appeal should not rely upon dates or timeframes provided by any other source. Individuals or organizations that submitted substantive comments during the comment period may appeal this decision (36 CFR 215.6). The appeal must be filed by regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service with the Appeal Deciding Officer.

Please submit appeals to:

Gilbert Zepeda
Appeal Deciding Officer / Forest Supervisor
Santa Fe National Forest
P.O. Box 1689
1474 Rodeo Road
Santa Fe, NM 87504-1689
Fax: (505) 438-7834
E-mail: appeals-southwestern-santafe@fs.fed.us (.doc, .rtf or .txt formats only)

If hand delivered, the appeal must be received at the above address during business hours (Monday – Friday 8:00 am to 4:40 pm), excluding holidays. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

When no appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period.

Contact

For additional information about this decision or the Forest Service appeal process, contact John Buehler, Pecos/Las Vegas Ranger District, Santa Fe National Forest, P.O. Drawer 429, Pecos, NM 87552; 505-757-6121.

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JOSEPH G. REDDAN Date
District Ranger
Pecos/ Las Vegas Ranger District

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