



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

July 26, 2006

Terri Marceron
Forest Supervisor
Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150

Subject: Draft Environmental Impact Statement (DEIS) for the Heavenly Master Plan
Amendment 2005 (CEQ# 60208)

Dear Ms. Marceron:

The U.S. Environmental Protection Agency (EPA) has reviewed the DEIS referenced above. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

This project amends the Heavenly Master Plan, adopted in 1996. EPA provided detailed comments on the DEIS for the Master Plan, rating it as Environmental Objections, Insufficient Information (EO-2), in June 1995 and expressing continuing concerns with the Final EIS (FEIS) in June 1996. Our concerns regarding the level of development and the impacts to habitat, old growth forests, and water resources remain.

This amendment to the 1996 Master Plan further expands development in the Heavenly management area. In particular, it increases the acres of ski trails by 64.5 and the acres for snowmaking by 24.4 over the 1996 Master Plan levels. It also proposes the construction of an amphitheater, an interpretive center, and additional hiking trails. As a result of our concerns with increased impacts to habitat and watersheds, we have rated the DEIS as EC-2, Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions").

This amendment was first submitted for public review in the fall of 2005 with Alternative 2 selected as the proposed action. However, due to public concerns, Alternative 4 is now being carried forward as the preferred alternative. Alternative 4 includes a reduced-size amphitheater and reduced glading amounts for Ski Trails S9 and S10 when compared to Alternative 2. This alternative, therefore, reduces the impacts to sensitive wildlife habitat, old growth forests, and visual resources when compared to Alternative 2. EPA appreciates the efforts to reduce impacts and address public concerns. However, we are concerned with the amount of expansion proposed and the related impacts to watersheds and habitat. It is unclear why an alternative with a reduced number of ski trails would not meet the project purpose and need. As a result, the feasibility of decreasing the numbers of proposed ski trails should be clarified in the FEIS.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send (2) copies to the address above (mailcode: CED-2). If you have any questions, please contact me at 415-972-3988 or Summer Allen, the lead reviewer for this project at 415-972-3847 or allen.summer@epa.gov.

Sincerely,

/S/

Duane James, Manager
Environmental Review Office

Main ID # 4674

Enclosure: Summary of EPA's Rating Definitions

Watershed Impacts

The Revised Cumulative Watershed Effects Restoration Program and Technical Report shows relatively severe soil erosion in a given watershed and soil loss in each of the ten watersheds. The DEIS notes that Watersheds CA-6 and NV-4 have Equivalent Roaded Acres (ERAs) above acceptable Thresholds of Concern (TOCs) as a result of human activity, such as parking lots and facilities without adequate Best Management Practices (BMPs) (p. 3.1-30). It also notes that impacts to water resources and removal and modification of deciduous trees, wetlands, and meadows will happen under every alternative (p. 3.1-47 and p. 7.4-8). Therefore, the application of appropriate BMPs and other mitigation measures to mitigate and minimize these impacts is increasingly important. While we are supportive of the plan to include the Revised Construction Erosion Reduction Program in the proposed project (p. 3.1-48), the erosion mitigation measures referred to in Appendix H should also be summarized in this document.

In addition, the 2004 Review and Report of the existing Heavenly monitoring and compliance programs (Appendix 3.1-C) recommends that Heavenly abandon the previous Cumulative Watershed Effects (CWE) model as it has not been used in the past and implementation timelines have not met up with development plans. This Report recommended that Heavenly seek approval from the Tahoe Regional Planning Agency (TRPA) Governing Board for a new CWE approach. It further recommended inclusion of very distinct steps for implementation, monitoring, and mitigation, including specific road, run, and building BMPs (p. 370 of DEIS, Volume II). Restoration projects need ongoing maintenance to sustain restoration grasses and decommissioned roads need to be physically closed with a barrier (Appendix 3.1-C). The 2005 Third Quarter Report also notes that there needs to be ongoing communication of monitoring results to the resort staff (App. 3.1-E).

Recommendations:

The erosion mitigation measures referred to in Appendix H and included in the 1996 Master Plan should be summarized in this FEIS.

The FEIS should clarify if the Comprehensive Monitoring Report recommendations for resort roads are being implemented. The FEIS should also address if the recommendations from the 2004 Review and Report have been completed. Increased efforts to communicate monitoring results to resort staff should also be addressed in the FEIS.

Habitat Impacts

The proposed project would result in habitat fragmentation as a result of construction of ski runs and Lift S and the removal of habitat for the northern goshawk, a Federal species of concern (p. 3.9-47). There may also be cumulative impacts to wildlife resources that result from this project in combination with projects outside the Heavenly Mountain Resort. The document notes that standard design features and project-specific mitigation measures that would likely be required for implementation of the projects should offset potential cumulative impacts (p. 2.9-55) but there is no indication of how this will be ensured. This is of particular concern as the Lake

Tahoe Region continues to face stresses to habitat and watershed values due to the multiple uses in the area. The DEIS notes that the best estimate of late seral or old growth stands in pre-settlement times was approximately 55% of the forested area. As of 2000, late seral or old growth areas make up only 5% of the forested area (p. 3.8-11). The Forest Service has recognized that only active management will help increase this amount.

Recommendation:

The FEIS should address how active, adaptive management will ensure that cumulative impacts to habitat and old-growth are reduced to the greatest extent possible. In particular, monitoring timelines for habitat and old-growth impacts during and after project implementation should be included in the summary of cumulative impacts.

Alternatives Analysis

The DEIS notes that a Clean Water Act (CWA), Section 404(b)(1) permit may be needed (p. 7.4-8). In the event a permit is needed, the CWA Guidelines require that the Least Environmentally Damaging Practicable Alternative (LEDPA) be selected for implementation. The Forest Service has selected Alternative 4 as the preferred alternative, which includes a reduced-size amphitheater and reduced glading amounts for Ski Trails S9 and S10. This alternative reduces old forest habitat removal from 9.39 acres under Alternative 2 to 5.78 acres under Alternative 4. It also reduces removal of sensitive wildlife habitat from 8.74 acres under Alternative 2 to 2.84 acres under Alternative 4. While EPA appreciates the efforts to reduce impacts and address public concerns, we are concerned that the document does not analyze implementation of an alternative with a reduced amount of ski trail expansion.

Recommendations:

EPA recommends that the Final Environmental Impact Statement (FEIS) document why 64.5 acres of ski trail expansion is critical to meeting the project purpose and need. If an alternative with a reduced increase in ski trails is practicable to meet the purpose and need, this alternative should be evaluated and selected in the FEIS as it would have fewer impacts to sensitive habitat and watersheds of concern.