

WHITEBARK PINE LMP DIRECTION: HEAVENLY SKI RESORT

Primary Objector:

Heavenly Resort, **Andrew Strain – Lead Objector**

Interested Person: Steve Fernald

Summary: In general, the objector expressed concern that whitebark pine management direction in the Plan could be used to impose restrictions on ski area management.

- Objectors state that the name “Species Refuge Area” suggests restrictive management comparable to wilderness or a wildlife refuge and propose changing it.
- Concerns about the terms “recovery” and “conservation plan” are expressed. Objectors also state that a unit-wide conservation strategy for whitebark pine would “override” the current MOU between Heavenly and the LTBMU.
- Objectors express concern about the level of detail in the Forest Plan map of whitebark pine.

FEIS version:

- Definition of Species Refuge Area: “Species Refuge Areas (SRAs) are defined as areas of quality habitat for Federal Threatened (T), Endangered (E), Candidate (C), and Proposed (P) species (FSH 1909.12, Ch. 40, Sec. 43.22a). These areas either currently provide habitat for Federal TEPC species or may provide habitat needed for future recovery” (Plan pg. 35).
- Strategies: “Develop a unit-wide whitebark pine conservation strategy” (Plan pg. 61).
- Standards and Guidelines: SG 93 “Management actions are consistent with habitat and population recovery objectives outlined conservation strategies and recovery plans”(Plan pg. 119).
- Description for whitebark pine map: “Current maps for Tahoe yellow cress and whitebark pine show approximate locations and extent of species and must be field verified during project planning. Future inventory work will identify areas of quality habitat” (Plan pg 95).

Objectors’ remedy (revised):

- Change the name “Species Refuge Area” to “Species Habitat Area.”
- Remove the Whitebark Pine SRA within the Heavenly operational boundary from the list of SRAs depicted on Forest Plan Map 14.
- Extend the 2013 MOU between Forest Service and Heavenly so that the MOU is coterminous with the life of Heavenly’s ski area special use permit.

- Utilize the best available Whitebark pine mapping data, such as that developed by Heavenly and the Forest Service in conjunction with the 2013 MOU.
- Change the strategy on pg. 61 as follows: *“Develop a whitebark pine conservation strategy. The conservation strategy must consider localized concerns and other management needs and must defer to and incorporate existing inter-organizational agreements that have been developed for Whitebark Pine conservation.”*
- Change SG 93 as follows: *“Management actions are consistent with habitat objectives outlined in conservation strategies and consistent with the requirements of the Endangered Species Act.”*

Previous Forest Service Instruction:

- Clarify that any future unit-wide conservation plans for Whitebark Pine or other changes such as additional regulatory direction, will be reviewed, compared to existing agreements, and discussed with Heavenly in regards to any inconsistencies and legal constraints.
- LTBMU should add a brief clarification in the FEIS describing potential impacts to summer recreation activities in ski areas due to Whitebark pine management or restoration.

Proposed revised Forest Service instruction:

Incorporate clarifying text into the Revised Forest plan as described above in the Summary. **Change the name Species Refuge area to Special Status Species Habitat Area.**

These concerns may stem from confusion about specific language in the Revised Forest Plan and may be resolved by clarifying certain terms and processes in the Plan.

- LTBMU intends that the terms “recovery” and “recovery plan” be used strictly as they relate to the Endangered Species Act (ESA). The LTBMU does not make determinations about when recovery is needed – recovery plans are developed by the US Fish and Wildlife Service only after a species is listed as Threatened or Endangered. Candidate species such as whitebark pine do not have recovery plans. Habitat for recovered species that are de-listed in the future would no longer be shown as a Species Refuge Area.
- “Conservation strategy” is used only to describe broad scale strategies (usually at least Basin-wide) intended to prevent the listing of Candidate species under ESA. Individual plans such as the MOU between the LTBMU and Heavenly would most likely be incorporated into a whitebark pine conservation strategy rather than overridden by it.
- Conservation or recovery plans, agreements or strategies are all official documents that the US Fish and Wildlife Service would be involved with creating.
- All Forest Plan maps are subject to change when better data becomes available (Plan pg. 92).