



File Code: 1570
Route To:

Date:

SEP 24 2014

Subject: Objection Response for the Lake Tahoe Basin Management Unit Revised Land Management Plan

To: Regional Forester, R-5

This is my response on the objections filed to the Final Environmental Impact Statement (FEIS), draft Record of Decision (ROD), and Revised Land Management Plan (Revised Plan) for the Lake Tahoe Basin Management Unit. All objections of the Revised Plan have been consolidated into one set of issues and one response is being rendered. The issues were sufficiently similar to allow consolidation (36 CFR (Code of Federal Regulations) 219.57(b) (1)).

Twelve objections were submitted and accepted under the objection procedures and were considered in my response. Also, five requests from interested persons in one or more of the objections were received and granted. An objection received from one individual did not meet the objection filing requirements at 36 CFR 219.54(c) and was forwarded on to you and your staff for consideration in making your final Revised Plan decision. Listings of the objections and their tracking numbers, as well as the interested persons, are included in Attachment 1. Each objector and interested person will receive notification of my response. The final objection response is available on the Web at <http://www.fs.fed.us/objections> and listed under R5 – Pacific Southwest Region, or in hard-copy, upon request.

You issued a draft Record of Decision for the Revised Plan on November 22, 2013. The Revised Plan conforms to the 1982 planning regulations at 36 CFR 219 [1982, as amended] (draft Record of Decision, p. 32). The 1982 planning regulations, referenced by you, were last published in the Code of Federal Regulations on July 1, 2000¹.

¹ The Lake Tahoe Basin Management Unit (LTBMU) Land Management Plan (LMP) was prepared under the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 as amended by the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600 et seq.), the implementing regulations of the NFMA at 36 CFR 219 (77 FR 21260, April 9, 2012), and the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.) and its implementing regulations (40 CFR 1500-1508).

NFMA's current implementing regulations at 36 CFR 219.17(b)(3) (77 FR 21270) allow the use of the provisions of the prior planning regulation, including its transition provisions (2000 Planning Rule at 36 CFR 219.35(a) and (b) (December 18, 2009)). The transition provisions of the 2000 planning rule allow the use of the prior planning regulation promulgated in 1982.



Lake Tahoe Basin Management Unit Revised Land Management Plan

History of the Revised Plan

- Current Plan is from 1988; amended numerous times with 2 significant amendments – 2004 Sierra Nevada Framework Plan Amendment (SNFPA and the 2007 Management Indicator Species SNFPA).
- LTBMU began revision in 2004
 - Tahoe Basin management and regulatory agencies along with a 40-member stakeholder forum developed a collective vision for the Basin.
 - Desired conditions from this process have been incorporated in Revised LMP.
- LTBMU has worked with 4 different sets of planning regulations in the past 10 years
 - Began revision under the 2005 planning rule, then 2008 planning rule – both rules were invalidated by the courts.
 - Current FEIS and Revised LMP were developed using the provisions of the 1982 regulations and the Objection process from the 2012 regulations.
 - Although the revised Plan adheres to the 1982 regulations, it incorporates many of the concepts in the 2012 rule, and is more strategic in nature than the 1988 plan.
- Draft Environmental Impact Statement (DEIS) was published in June 2012 – around 18,500 comments received.
- After DEIS publication, the Pacific Southwest (PSW) research station convened a panel of scientists to review use of best available science in the DEIS; FEIS reflects changes suggested by the panel.
- FEIS and Revised LMP published in November 2013 responded to those comments; a new preferred alternative was developed as part of the response.

Review and Consideration of Objection Concerns

The process of reviewing the objections and assessing opportunities for resolution has taken longer than anticipated. The inherently comprehensive and complex nature of land management plans contributed to the overall time needed for the review and the need for me to exercise my discretion to extend the time to issue my final response (36 CFR 219.56(g)).

More than 200 individual issues were identified from the objections received and each was considered in the review. Within the 200 issues, many were similar enough in nature to consolidate into a broader range of resources and topic areas, including recommended wilderness designations, wild and scenic rivers suitability and eligibility, wildlife habitat management, monitoring and viability; fire suppression and fuels management; winter recreation and ski permits; climate change, soils, water and air quality. Objectors were also concerned that the draft ROD violates the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), the Wilderness Act, and the Wild and Scenic River Act, among others.

Upon completion of my initial review of the written objections received for the LTBMU Revised LMP and FEIS, I decided to hold a meeting in South Lake Tahoe on May 20, 2014, to have additional engagement with objectors and interested persons on proposed instructions for the following areas of concern: Wild and Scenic Rivers, Management Indicator Species, Viability, Monitoring, Wildlife Habitat, including post fire and old growth, Fire Management, Ski Permits, Wilderness and Roadless, and Winter Recreation. Approximately 19 objectors and co-objectors, three interested persons and a number of members of the public, participated in the meeting, either in person or by phone. All objectors and interested persons were given an opportunity to speak on each of the topic areas. The purpose of the meeting was not to re-state the contents of the objection letters or to bring forward information not previously submitted, but rather focused on a discussion of the instructions I was considering, related specifically to the topic areas. During the meeting, objectors helped to clarify my understanding of the issues and suggested improvements to my proposed instructions in my final response to objections.

At the May 20, 2014, meeting, I decided to hold another meeting on July 1, 2014, to continue our discussions with both objectors and interested persons on several remaining issues, including Wildlife, Fire Management, Ski Permits, and Recommended Wilderness. At this meeting, we had approximately 14 objectors and co-objectors, three interested persons, and various members of the public. I found the feedback I received at both meetings to be very helpful to my consideration of the issues and potential instructions and have included the transcripts from both meetings in Attachments 4 and 5.

This objection response is the outcome of a deliberative and extensive review of concerns raised by objectors involving complex regulatory and management issues. My response reflects my findings from the review of the written submitted objections, current policies in place, the direction the Agency is heading on some of these issues, the discussions I had with objectors and interested persons at the two meetings, and follow-up discussions with the responsible official. Although some issues raised in the objections are not specifically cited in my response, all objectors' concerns have been considered within the broader range of topic areas. My review focused on ensuring the Revised Plan meets current requirements and to determine whether changes are warranted to improve upon the analysis and decision based on the objections submitted. My response contains instruction for you to implement before signing a final ROD and is the final determination of the U.S. Department of Agriculture on the objections.

My full response to the objection issues raised for the Lake Tahoe Basin Management Unit Revised Plan is found in Attachment 2. Each topic area includes an issue summary, my independent review, team's conclusions, and where applicable, instructions. A complete set of my final instructions may also be found in Attachment 3.

By copy of this letter and notification of availability on the Web, I am notifying all parties to this objection.

A handwritten signature in black ink, appearing to read 'Tony Tooke', is written over the printed name.

TONY TOOKE
Reviewing Officer for the Chief

Enclosures: Attachment 1 – List of Objectors and Interested Persons
Attachment 2 – Response to Objections
Attachment 3 – List of Instructions
Attachment 4 – Transcript of May 20, 2014, Meeting
Attachment 5 – Transcript of July 1, 2014, Meeting

cc: Objectors and Interested Persons
Region 5 Objections