

Proposed
Record of Decision
Heavenly Mountain Resort Epic Discovery Project

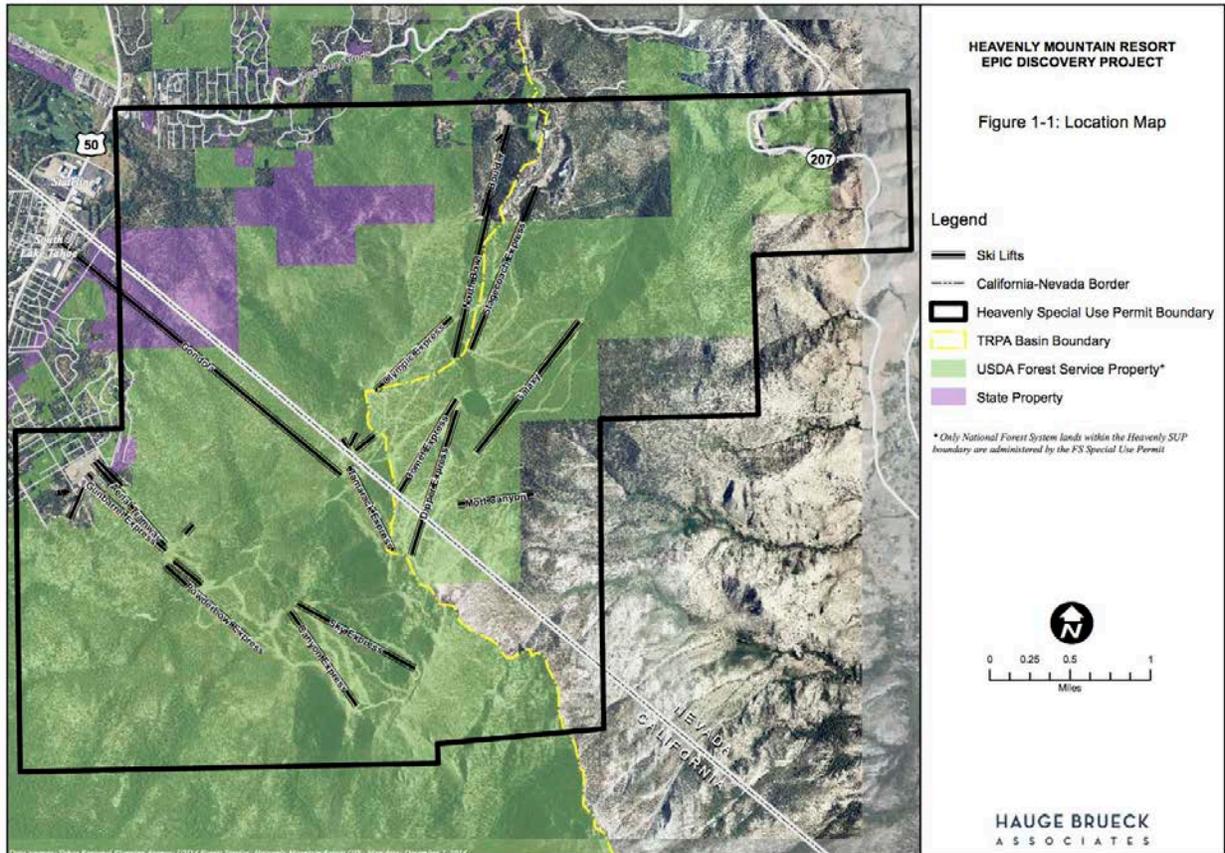
U.S. Forest Service
Lake Tahoe Basin Management Unit
El Dorado and Alpine Counties, California
Douglas County, Nevada

Background

Heavenly Mountain Resort (Heavenly) is a multi-season recreational resort which straddles the Lake Tahoe hydrologic watershed ("Lake Tahoe Basin") on National Forest System lands near the south shore of Lake Tahoe (Figure 1-1). Heavenly currently operates under a forty-year (40) Ski Area Term Special Use Permit issued by the United States Department of Agriculture, Forest Service, Lake Tahoe Basin Management Unit (Forest Service) on May 7, 2002. Unlike many other Forest Service permit holders, extensive resort improvements at Heavenly require multi-agency review and approval including the Forest Service, the Tahoe Regional Planning Agency (TRPA) and the Lahontan Water Quality Control Board.

Heavenly has proposed to expand summer uses within its permit area as part of the proposed Epic Discovery Project. In November 2011, Congress enacted the Ski Area Recreational Opportunity Enhancement Act (SAROE), which amended the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of NFS land subject to ski area permits, and for other purposes (16 USC 487b). The SAROE provides public policy direction to and authority for the Forest Service to approve facilities to support summer and year-round natural resource-based recreation at ski areas. The Act recognizes the public benefits to be gained from expanding public access to year-round recreation opportunities in developed ski areas, including additional employment and economic activity for communities with public land ski areas. The Forest Service has subsequently developed national policy (Forest Service Manual 2343.14) including screening

criteria to provide further direction on approval of these types of summer activities (see FINAL EIS/EIS/EIR Appendix 13.3-A).



The Heavenly Mountain Resort permit area falls under the jurisdiction of the City of South Lake Tahoe, El Dorado County, and Alpine County in California, Douglas County in Nevada, the TRPA, and the Forest Service. Each of these agencies assigns land use and exercises various levels of jurisdiction over specific parcels or resources. The accompanying Final Environmental Impact Report/Environmental Impact Statement/Environmental Impact Statement (Final EIS/EIS/EIR) serves as a joint document that will meet the environmental review requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Tahoe Regional Planning Compact. The environmental setting and analysis in the Final EIS/EIS/EIR tiers from, and references, the environmental setting and analysis included in the Final EIS/EIS/EIR documents that were prepared for the adopted 1996 Heavenly Mountain Resort Master Plan (MP 96) and the 2007 Master Plan Amendment (MPA 07). Where appropriate, the data, analysis and conclusions presented in the previous master plan environmental documentation are updated and refined in this Final EIS/EIS/EIR (e.g., water quality data and mitigation programs for water quality presented in Chapter 3.1 – Hydrology).

Purpose and Need

Over the years, the ways people engage in recreation during the summer months has evolved to include a new variety of activities and user experiences. Likewise, recreational use in the National Forests has evolved beyond activities traditionally associated with these lands such as hunting, fishing, camping or hiking. Ski areas serve as portals to National Forests and public lands for millions of people every year and provide important opportunities for the public to explore the outdoors and engage in active recreation.

In November 2011, Congress enacted the Ski Area Recreational Opportunity Enhancement Act (SAROE). The SAROE provides public policy direction to and authority for the Forest Service to approve facilities to support summer and year-round natural resource-based recreation at ski areas. The Act recognizes the public benefits to be gained from expanding public access to year-round recreation opportunities in developed ski areas, including additional employment and economic activity for communities with public land ski areas.

The Forest Service wants to engage all the public in quality recreation, including the next generation of National Forest users, and believes that ski areas are well-positioned to introduce user groups that might not otherwise visit National Forests (e.g., urban-based population segments, including youth) to outdoor recreation. This exposure can build a deeper appreciation for the outdoors and the value of natural resources, leading to a more environmentally aware population.

Increased summer use at ski areas in recent years has been driven by new technologies and the growing number of people seeking outdoor recreational activities in more managed settings. Summer use at Heavenly Mountain Resort has averaged approximately 108,700 visitors between the six year period beginning 2008 and ending 2013. In response to the policy direction and to visitor preferences, Heavenly has implemented a number of outdoor environment-based recreation activities including ropes courses, zip lines, hiking trails and summer tubing. The Proposed Action for this proposal would broaden the range of existing recreational opportunities in response to visitor preferences for a more diverse range of activities. The Epic Discovery proposal intends to integrate the proposed summer activities into a comprehensive environmental education program to teach visitors about the unique Lake Tahoe environment and how they can help conservation efforts.

Having a primarily tourism-based economy, the Lake Tahoe Basin both relies on, and attracts, large numbers of visitors throughout the year—most of whom recreate on public lands (National Forest System lands represent about 75% of the land base in the Lake Tahoe Basin). The results of the 2010 National Visitor Use Monitoring (NVUM) survey estimated that over 5.7 million people visited the LTBMU and the trend is increasing. Outdoor recreation visitors can be broadly placed into two categories: those who are likely to engage in self-directed recreational activities on NFS lands, and those who seek organized or developed activities in more managed settings (i.e., activities supervised by a

permittee or guide). The rise in the popularity of developed activities in more managed settings stems, in part, from: (1) the difficulty some families have in finding activities they can participate in together; or (2) barriers (the need for specialized knowledge, equipment, skills or familiarity with the forest environment) that can be associated with many self-directed activities such as mountain biking, kayaking, and rock climbing.

In order to respond to the growing popularity of and demand for resource-based activities developed in managed settings (i.e., an existing permitted developed recreation area), the proposed Epic Discovery activities include both the addition of successful attractions already in operation (e.g., ropes courses and zip lines), as well as new activities to broaden the recreational appeal to the growing numbers of multi-generational visitors. New activities include mountain biking in both managed and self-directed settings, a mountain coaster that simulates the experience of skiing and snowboarding in a natural environment, an above-ground sky cycle and zip line canopy tours. Heavenly Mountain Resort represents an important year-round recreational opportunity in the Lake Tahoe Basin. During the summer, it attracts thousands of people and has infrastructure (e.g., chairlifts, roads, utility support infrastructure and on-mountain guest service facilities) in place that would allow it to support a more diverse summer and year-round activities program. The purpose of the Epic Discovery proposal at Heavenly Mountain Resort is to diversify summer and year round activities pursuant to SAROEA by which to engage a larger segment of summer and non-ski/ride visitors seeking more managed recreation opportunities by providing:

- Adventure and thrill-based experiences that require little specialized knowledge, skills, equipment or familiarity with the mountain environment;
- Activity-based interaction with a forested, mountain environment in a controlled setting, offering an opportunity for users to interact with and learn about nature;
- Human-powered, active recreational experiences that cater to all ability levels;
- Interpretive programs that offer an educational experience for users seeking to learn more about the environment;
- A range of activities appealing to multi-generational families and groups increasing the opportunities for both self-directed activities and managed activities on NFS lands;
- Expanded non-ski/ride recreational opportunities, year round;
- Implementation of the Regional Plan Update pursuant to the South Shore Area Plan and Tourist Core Area Plan accelerating the Region's transition from a gaming-driven destination to a recreation-based destination;

- A broader range of recreational activities in low snow years; and
- Transition of a seasonal workforce to increased year round employment.

Decision

As the Forest Supervisor I am required to balance the conservation of natural resources while providing quality access, use, and enjoyment of the NFS lands in Lake Tahoe by the American Public. I have carefully reviewed the FEIS and the environmental impacts of this proposal. In my review, I considered the ground disturbance associated with these activities and the fact that the proposal was designed in such a way to use existing infrastructure (chairlifts, parking, restaurants, etc.) already at the Heavenly Mountain Ski Area. I have further evaluated mitigation measures and other project design features aimed at protecting sensitive resources. I find that the steps taken to minimize impacts from construction and during operation of these activities will address the potential effects to natural resources, and that the ground disturbance is minimal compared to the opportunities and experiences that will be provided to the visiting public.

Throughout scoping and the comment period I have heard overwhelming support from the local business community. I also recognize that the approval of this project supports the Regional Plan Update pursuant to the South Shore Area Plan and Tourist Core Area Plan which accelerates the Region's transition from a gaming-driven destination to a recreation-based destination. With the Forest Service in Lake Tahoe serving as a primary recreation provider (with more than 5.7 million visits per/year), I considered the importance of this proposal to engaging returning and new users to public lands.

Based on my review of the analysis as documented in the Final EIS/EIS/EIR, I have decided to authorize the construction and operation of the Epic Discovery Project on NFS lands. I am authorizing the Proposed Action with the Alternative Panorama Trail alignment (Selected Alternative) as shown in the Final EIS/EIS/EIR Chapter 2 (Figure 2-5). The Selected Alternative includes the following project activities grouped by general location and shown in the attached maps:

- Adventure Peak
 - Mid-Station Zipline Canopy Tour
 - Sky Cycle Canopy Tour
 - Forest Flyer Alpine Coaster
 - Infill Activities
 - Mountain Bike Skills Park
 - Kids Zipline
 - Disc Golf

- East Peak Basin
 - Mountain Bike Park
 - East Peak Zipline Canopy Tour
 - East Peak Reservoir Water Activities – kayaking, paddleboarding, fishing
 - Interpretive Activities at East Peak Lodge
 - East Peak Lodge Hiking Trail
- Sky Meadows Basin
 - Sky Meadows Zipline Canopy Tour
 - Sky Meadows Challenge Course
 - Ridge Run Lookout Tower and Observation Deck
 - Interpretive Activities at Sky Deck
- Mountain-wide
 - Educational Opportunities and Interpretive Information
 - Mountain Excursion Tour
 - Connecting Trails (e.g., Panorama Trail)
 - Emergency Gondola Snow Cat Evacuation Route (Winter Use Only)

Given my consideration of the environmental effects and potential impacts to the winter skiing experience, I am not authorizing the Sky Meadows Basin coaster proposed in Alternative 1.

Authorization of this project will be via an amendment to the existing special use permit that will authorize additional Heavenly facilities on NFS lands.

This Decision applies only to NFS lands. This Decision is conditioned on the terms of the special use permit(s) and implementation of the project design features and the mitigation and monitoring plan identified in the Final EIS/EIS/EIR (Chapter 5) to avoid and minimize environmental effects. It is also contingent on Heavenly securing all necessary additional permits required by TRPA, Lahontan and other state and federal agencies.

As a condition of this approval I am requiring that Heavenly provide a phased construction schedule. As implementation will require several construction seasons, I would like to confirm that as activities are constructed, that they incorporate changes in technology and user interests over time. As required by the standard terms of the special use permit(s), initiation of construction is conditioned upon final Forest Service approval of the detailed construction plans and operating plans. The process for final review is described below. Construction would occur according to a proposed development schedule provided by Heavenly and made part of the special use permit(s). Operation would occur according to the operating plans required as part of the special use permit.

Decision Rationale

My decision to authorize the construction and operation of the Epic Discovery Project on NFS lands is based on the analysis presented in the Final EIS/EIS/EIR which supports that my Selected Alternative best balances meeting the purpose and need for the project while having an acceptable level of impact to the environment. In selecting this alternative I recognize that this alternative is also preferred by the other regulatory agencies.

I have considered all of the resource issues and concerns described in the FEIS, as well as the public and stakeholder comments, and my rationale for choosing the Selected Alternative is based on careful consideration of several key elements addressed during the environmental review process. These key elements include consistency with the purpose and need for this project, agency policy that allows additional seasonal and year round recreational activities at ski areas, addressing concerns expressed regarding the trail system, and whitebark pine management and conservation.

In evaluating this project, I gave strong consideration to the role this proposal will take in providing recreational facilities and experiences to a more diverse public than may traditionally use the National Forest. I believe the proposed design not only enhances the visitor connection with the natural environment, but does it in a way that will not degrade the setting that attracts the visitors in the first place. It is clear to even a casual observer that the current visitation at Heavenly represents an increasingly broad spectrum of both national and international cultures and is no longer just a skiing destination.

Lastly, I understand the position of National Forest System lands here in the Lake Tahoe Basin as a fundamental component of the economic wellbeing of the area. By expanding the activities and season of use of Heavenly it serves generations of National Forest visitors and also promotes a vigorous economic climate. Taken as a whole, there is significant benefit to the American people.

Meeting the Purpose and Need

The Selected Alternative best meets the project Purpose and Need to diversify summer and year round activities at Heavenly Mountain Resort to engage a larger segment of summer and non-ski/ride visitors seeking more managed recreation opportunities. This goal expands on the purpose of a ski resort which in the past was focused on the winter visitor. This project is in alignment with national policy and offers an opportunity for us to provide high quality recreational experiences at the ski resort to users who may not ski at resorts in the winter season.

Recognizing that people and families engage with nature and outdoor recreation in different manners, I believe that the variety of approved projects in the Selected Alternative will provide a comprehensive experience that will appeal to a broader range of the visiting public. These summer activities are

designed to suit a wide range of visitors from the casual sightseer to the avid mountain adventurer. The amount and mix of activities approved in the Selected Alternative is fundamental to achieving success with this project. These new activities reduce the barriers (the need for specialized knowledge, equipment, skills or familiarity with the forest environment) that some associate with self-directed activities. The location and zoning of these activities allows for use of existing infrastructure (gondola, lifts and lodges) while still providing the opportunity for more solitude the farther guests venture from the core activity hubs.

Ski areas serve as portals to National Forests and are well positioned to engage user groups that might not otherwise visit the National Forests. I believe, providing educational and interpretive opportunities in partnership with the resort will play a big part in inspiring these user groups to further explore the National Forests. To leverage this concept to an even wider audience, Heavenly has also partnered with The Nature Conservancy. Together we can develop a comprehensive interpretive program that joins visitors with the natural environment and teaches commitment to appropriate management of our public lands.

While the majority of comments that I have heard are supportive of the proposed activities, I have heard and understand the concerns of individuals in the community that feel some or all of these activities are not appropriate for National Forest System lands. In my review of the project activities, I have come to the conclusion that the variety of activities proposed offers a range of experiences that can be enjoyed by a diverse audience while still maintaining the character and setting that is appropriate for the National Forest. I do not believe that the activities as proposed are counter to the purposes of a National Forest. These projects have been designed and located in such a manner that is dependent on the forest setting. For example, a mountain coaster that winds among the trees and rock outcroppings on a mountainside is a much different experience than one set at a completely fabricated urban amusement park. With these projects joined along with the interpretive opportunity, the exploration and experience of the National Forest at the resort will only be enhanced, not degraded.

Ski Area Recreational Opportunity Enhancement Act (SAROE)

In part, I base my decision on the screening criteria which were developed as a part of FSM 2343.14. Through those screening criteria (which are presented in Appendix 13.3) I considered how the proposed activities would fit within the natural character of the setting and yet remain subordinate to the landscape features. The activities proposed are grouped into three distinct 'pods' which remain separated by topographical features from each other. In effect, you can't see all of the activities from any one location which, in essence, separates them. In addition, in the Adventure Peak area at the top of the gondola there are already examples of the types of activities that I am approving in the Selected Alternative. I've seen the colors and materials used as well as the heights of the activities and intend that these newly authorized activities use the same types of design considerations. Through careful

design and following Built Environment Image Guide (BEIG) (including such things as the use of earth tones (browns and greens), non-reflective materials, natural materials and keeping the height of these activities below the height of the surrounding canopy) these activities will blend into the natural landscape.

In summary, projects included in the Selected Alternative:

- Do not change the primary purpose of the ski area to something other than snow sports. The activities will increase visitation by a small amount when compared to winter visits;
- Encourage outdoor recreation and provide new natural resource based recreational opportunities;
- Occur within the existing special use permit boundary and are consistent with the zoning found in the Heavenly Mountain Resort Master Development Plan;
- Harmonize with the natural environment by: being visually consistent with or subordinate to the existing landscape, not requiring significant modifications to topography, not compromise snow sports operations or functions;
- Increase utilization of existing infrastructure and not require extensive new support facilities, such as parking lots, restaurants, and lifts;
- Enable visitors to engage with the natural setting and lead to further exploration of other NFS lands;
- Meets demands of changing user interests and provides experiences for new National Forest visitors.

Interpretive Opportunities

My staff has been working with Heavenly and other partner organizations in developing a comprehensive world class environmental education and interpretation program which will be integrated into all of the activities in the Selected Alternative. This is a key piece in the goals of this project. By providing an interpretive program that educates new visitors about the National Forests and the local environment, I believe that they will be inspired to further explore the public lands at Lake Tahoe and beyond. A combination of new and traditional recreational activities, combined with interpretive opportunities, would create a unique experience and reach the widest range of visitors at Heavenly Mountain Resort.

Design Review and Approval

Many of these projects are new to ski areas and to the Forest Service. To ensure that these projects are implemented in a manner that enhances the National Forest and the recreation experience, I have decided to establish a post decision design review process. Prior to the proposed season of construction and operation for each activity approved in this ROD, a design package will be submitted by Heavenly to the Forest Service. The design package will be reviewed by both Forest Service Regional and LTBMU engineering, recreation and landscape architecture staff to confirm that the design of each activity complies with the Forest Service's Built Environment Image Guide and other applicable agency criteria (e.g. Agency direction for infrastructure color, materials and reflectivity) and that these structures harmonize with the surrounding environment and remain subordinate to the landscape.

Specific Areas of Concern

In reviewing the public comments, whether from a comment letter or public meeting, there were certain areas of concern that stood out. While there was general support for the concept of the Epic Discovery project, and many of the comments dealt with very specific elements that were responded to in the FEIS (FEIS, Chapter 7), there are certain general areas of concern where I feel it is important to describe my decision rationale. Below I address each of these main concerns.

Trails Maintenance

While there is widespread support for the expansion of the trail system, I heard concerns from our partners about the potential for their trails to be impacted by new connections established from the resort. As stated in Chapter 2, Section 2.3.5, the Trail Partnership Action Plan (MOU) is included in the Project to address trail operations, maintenance, and improvements in regard to the Panorama Trail, Van Sickle Connector Trail, and Tahoe Rim Trail from Daggett Pass south through Heavenly to its intersections with the Star Lake Connector Trail. The Trail Partnership Action Plan defines roles, responsibilities, and appropriate measures to ensure the maintenance of facilities and the recreational experience across nearby recreational resources by the trail management partners. The Trail Partnership consists of the Forest Service, Nevada State Parks, California Tahoe Conservancy, Heavenly Mountain Resort, Tahoe Rim Trail Association and Tahoe Area Mountain Biking Association. Potential measures are identified to ensure that the user experience would be maintained and protected and include adequate signage installed to alert riders of the shared-use nature of this trail, along with proper right-of-way guidance, and monitoring protocols. The Trail Partnership Action Plan acts as an MOU between the six parties and:

1. Includes a statement of mutual intent to work collaboratively to fund, build, operate and maintain a high-quality public outdoor recreation facility;

2. Provides a subsequent set of specific sub-agreements, including an annual maintenance and operating plan between the partners to direct trail design, construction, funding, operations, maintenance, adaptive management and use conflict resolution.
3. Identifies an annual meet and confer process to assess the situation and adapt operations, maintenance, improvements, etc. as conditions warrant;
4. Provides trail management objectives and a list of potential future management actions that may be taken based on the meet and confer process, including possible effects on other non-trail infrastructure. The list will have the “including but limited to” concept so as not to preclude other future actions that may be identified;
5. Establishes a set of use level triggers beginning with an overall trail assessment that will be monitored and then factored into the meet and confer process in order to respond to conditions on-the-ground; and
6. Includes a sphere of influence map in the TPAP to recognize trail connectivity in the area as a desirable feature and establishes which trails will be included in the agreement.

Through this partnership action plan I am confident that we can maintain a high quality user experience on the proposed trail system and neighboring connector trails.

In addition, I specifically modified the alignment of the Panorama Trail in response to concerns raised by our partner agencies managing Van Sickle Bi-State Park. By moving the Panorama Trail intersection closer to Boulder Lodge, we would provide users multiple options for continuing their ride/hike when departing Heavenly (e.g. create a loop by connecting the proposed Panorama and Tahoe Rim Trails, descend the Van Sickle Connector trail to Heavenly Village, or continue north on the Tahoe Rim Trail toward Kingsbury Grade). By providing more options, it is anticipated that use would be diluted and there would be less of an increase in use on the Van Sickle Connector Trail between the new trail intersection and the Park trailhead.

Whitebark Pine

I heard concerns for whitebark pine at the resort in comments received on the DEIS. I wanted to address those concerns by explaining my rationale for deciding on the Selected Alternative. Whitebark pine is currently proposed for federal listing and is also a Forest Service Region 5 sensitive species. Whitebark pine is at risk due to climate change, forest health and catastrophic wildland fire. Heavenly’s operations do not pose a long-term risk to the species, but prior to accepting these proposals I recognized the importance of developing a plan for managing this species at the resort. In cooperation with Heavenly we started developing a Whitebark Pine Partnership Action Plan. Strategies that are being considered for managing this species at the resort include the following: long-term monitoring to determine stand health and trends, annual data base records update, seed/cone collection from Plus Trees or those with high cone output, pruning for stand health, regeneration naturally or through planting, protecting

existing high value stands from wildland fire, and identifying, delineating and conserving high value whitebark pine stands.

Finalizing the inclusion of the strategies outlined above in the WBP Partnership Action Plan will allow for protection and conservation of high quality stands within the Special Use Permit Boundary. Collection of seeds and cones from “Plus Trees” and regeneration efforts combined with long-term monitoring will allow for the continued study and protection of whitebark pine within Heavenly Mountain Resort. In addition, project design features included in the proposed action require that any plus trees be identified and seeds collected prior to removal.

In conclusion, while there will be a small loss of whitebark pine trees at the resort (approx. 15 acres, of which 5 acres are whitebark pine dominant stands and 10 acres are mixed conifer stands which include whitebark pine (FEIS, Chapter 3.3-8)), in this case, the benefit to recreation outweighs the loss of forest habitat and with continued development and implementation of the Whitebark Pine Partnership Action Plan along with project design features I am confident that we can provide for the persistence of this species at the resort.

Alpine Coaster

I heard concern about the appropriateness of a mountain coaster type of activity. I am approving the Forest Flyer Alpine Coaster (mountain coaster) in the Adventure Peak area. Based on my review of this activity, I have concluded that a mountain coaster contributes to fulfilling the need to provide a range of activities for visitors of all abilities and skill sets. A coaster would provide people with a low level of skill the opportunity for an experience similar to tree skiing/riding. I considered two locations for a mountain coaster, Adventure Peak (Alternative 2) and Sky Meadows Basin (Alternative 1). The reason that I am approving an alpine coaster in the Adventure Peak area and not allowing it in the Sky Meadows Basin is two-fold.

First, the Adventure Peak location better protects the ski experience. Through application of the screening criteria in FSM 2343.14, it was identified that a coaster in the Sky Meadows Basin would interfere with current tree skiing opportunities, while a mountain coaster located in the Adventure Peak area will be located directly adjacent to other facilities, such as the winter tubing hill, it would be out of the way of downhill skiing opportunities. In addition, by locating the coaster in the Adventure Peak area it has a better chance of drawing visitors that are less adventurous due to its proximity to the top of the gondola and therefore may create interest which would stimulate them to further explore National Forest.

Second, Marten habitat borders the Adventure Peak area and while the proposed coaster location encroaches into the habitat, it does not increase fragmentation of the habitat (Wildlife BE). The Sky Meadows Basin coaster would be located within a known Martin breeding female territory and would fragment habitat that is currently intact and free from development. Therefore, the Sky Meadows Basin

coaster would have more of an indirect impact from fragmentation (Wildlife BE) than the Adventure Peak location.

In addition, I do not see that there is a need for two mountain coasters. One coaster fully fulfills the identified need and a second coaster, and the impacts associated with it, does not enhance the benefits of the proposal.

Required Mitigation

The Final EIS/EIS/EIR includes a suite of project design features, mitigation measures and monitoring that are designed to reduce and avoid, to the extent feasible, the potential environmental consequences of project implementation. Chapter 5 of the Final EIS/EIS/EIR presents the overall Mitigation and Monitoring Plan for the Resort. Section 2.3.5 of the Final EIS/EIS/EIR lists the additional project design features that will be followed during project planning, construction, and operations and maintenance activities. I am satisfied that all practicable measures to avoid or minimize environmental harm from the proposed actions have been adopted.

Other Required Permits and Approvals

My decision is only one part of the regulatory approvals needed for this project to go forward. In addition to approving access and occupancy of NFS lands, other Federal and State approvals are required as described in Section 1.4, Environmental Regulation, of the Final EIS/EIS/EIR.

Heavenly will be seeking the following permits and approvals from the other lead agencies:

- Land Use and Development Permit from TRPA for implementation of all project components that fall within the Lake Tahoe Basin boundaries. TRPA is responsible for ensuring that the project is consistent with the Tahoe Regional Planning Compact, the TRPA Rules of Procedure, and the TRPA Code of Ordinances, and that the project would allow for the attainment and maintenance of environmental thresholds established to protect the unique values of the Lake Tahoe Basin.
- Approval of Updated Waste Discharge Permits from the Lahontan Regional Water Quality Control Board for those portions of the project in the State of California.

Public Involvement

The environmental review process for this project began with a public scoping period. The Notice of Intent (NOI) was published in the Federal Register Volume 78 Issue 223, on November 19, 2013. An NOI and Notice of Preparation (NOP) were also issued to inform agencies and the public that a Draft

EIS/EIS/EIR would be prepared for the project, and to solicit views of agencies and the public as to the scope and content of the EIS/EIS/EIR. The NOP/NOI was distributed on March 26, 2012 and the scoping period concluded on December 20, 2013. Scoping notices were mailed to governmental agencies, landowners within 300 feet of the project boundaries, interested individuals, and community organizations. Additionally, public notices were placed in both the Tahoe Daily Tribune and the Nevada Appeal on March 28, 2012. Two scoping meetings were held to allow oral expression of opinion regarding the content of the EIS/EIS/EIR, as listed below.

- ▲ December 4, 2013. Public scoping meeting beginning at 9:30 a.m. at the TRPA office, Stateline, Nevada.
- ▲ December 18, 2013. Public scoping meeting beginning at 5:30 p.m. at the USFS LTBMU Forest Supervisors Office, South Lake Tahoe, California.

The scoping process for the Epic Discovery Project was designed to solicit input from the public, federal, State, and local agencies, and other interested parties on the scope of issues that should be addressed in the EIS/EIS/EIR. The scoping process was also intended to identify significant issues related to the project. Scoping comments received are summarized in the Scoping Summary Report (Appendix 1-A of the FEIS).

Review of Draft EIS/EIS/EIR

A Draft EIS/EIS/EIR was distributed for public review on September 3, 2014 and the public review period ended on October 27, 2014. A Notice of Availability (NOA) for the Draft EIS/EIS/EIR was published in the Federal Register on September 3, 2014. The NOA was mailed to interested parties, agencies, and property owners; and public notices were issues in the local papers and posted online.

One informational meeting was held on September 18, 2014 to inform the public and other interested parties about the project and solicit comments. Oral and written comments were received at meetings held by the TRPA Advisory Planning Commission on September 10, 2014, the TRPA Governing Board on September 24, 2014, and the Lahontan Board on October 8, 2014.

A total of 60 letters were received from agencies, organizations and individuals. The response to comments is located in Chapter 7 of the FEIS.

Alternatives Considered

Through public scoping and agency coordination, three action alternatives were identified for detailed analysis in addition to the No Action Alternative. The action alternatives include the Proposed Action, and Alternatives 1 and 2. The alternatives are described in detail in Chapter 2 (Proposed Action and Alternatives) of the FEIS.

Alternative 1: Sky Meadows Basin Coaster Alternative

Alternative 1 was developed in response to concerns regarding impacts to sensitive species habitat (specifically Pacific marten). Alternative 1 includes each of the components of the Proposed Action except for the Forest Flyer Alpine Coaster. This Alternative would instead include an alpine coaster in the Sky Meadows Basin.

Alternative 2: No Sky Basin Challenge Course

Alternative 2 is the Proposed Action minus the Sky Basin Challenge Course. This alternative was studied as a potential way to reduce physical impacts to the Sky Meadow Stream Environment Zone area because access trails for the challenge course would have crossed the Stream Environment Zone.

Alternatives Eliminated from Detailed Study

The public suggested a number of alternatives during the project scoping process through written and oral comments. The alternatives below were considered during initial alternative discussions with agency staff and in response to public scoping, but were eliminated from detailed study for the reasons summarized below. (FEIS – Sec. 2.5)

No Mountain Coaster – An action alternative that did not propose a mountain coaster was considered but studied in detail since elimination of the “mountain coaster” experience would not fulfill the Purpose and Need for the Project (see Chapter 1.3). A purpose of this project is to “simulate the experience of skiing and snowboarding”. The mountain coaster responds directly to this purpose. A “no mountain coaster” alternative would not allow visitors who do not possess downhill skiing or snowboarding skills to experience a downhill ride through the trees and natural environment, utilizing the natural slope and contours of the ground, similar to tree skiing. The mountain coaster experience is different from, and not duplicated by, the elevated canopy tours and zip lines, and closely replicates the excitement associated with alpine skiing and snowboarding. Heavenly’s terrain and tree cover are well known for providing a world class tree skiing and riding experience. A mountain coaster mimics that experience and broadens public access to an experience otherwise unavailable to a significant portion of the visiting public. Eliminating an alternative that does not have the experience provided by a mountain coaster reduces the range of summer activities that would be provided and therefore does not fulfill the need to provide a “range of activities appealing to multi-generational families and groups”. (FEIS – Sec. 1.3)

Construction of Two Mountain Coasters – A two-coaster alternative was also considered but eliminated from detailed study since a single coaster fully achieves the purpose and need. Meeting the project purpose and need is not necessarily enhanced by adding additional coasters. A multiple coaster alternative is not taken forward for further consideration.

Panorama Trail alignment within Maggie's SEZ – A portion of the initial alignment for the proposed Panorama Trail was located within mapped stream environment zone (SEZ) of the Heavenly Valley Creek

headwaters and was eliminated from detailed study because of the potential for permanent SEZ impacts. The alignment chosen for the Proposed Action was revised with input from Lahontan and USFS staff to minimize disturbance to SEZ by providing only one short and direct crossing of the mapped SEZ habitat. Because of trail grade considerations, complete avoidance of the mapped SEZ was not possible.

Panorama Trail Connection to Heavenly California Base – Comments received during public scoping suggested routing the Panorama Trail to the California base area instead of the Van Sickle Bi-State Park. Agency staff considered this alternative but eliminated it from detailed study because the Epic Discovery project doesn't preclude a California base area connection as a future option, biological surveys have not included this route, the connector would not mitigate an impact of the project, and a trail user can currently access the California base using existing bike facilities located in town.

Mountain Bike Park in the Sky Meadows Basin Watershed – Because of greater watershed sensitivity, a mountain bike park in Sky Meadows basin was eliminated from further consideration.

Access Mountain Bike Park using Dipper Lift instead of Comet Lift – The Dipper chair lift accesses terrain at the upper end of the lift and mountain bike park area that is considered to be too steep and difficult for the average mountain bike park guest that Heavenly expects to attract. Based on the terrain, there were no feasible options to route trails in the upper areas for the anticipated guest. In addition, the presence of Tahoe Draba plants in the vicinity of the Dipper top station made this alignment less desirable and led to its elimination from further consideration.

Environmentally Preferable Alternative

The Proposed Action is identified in the FEIS as the environmentally preferred alternative based on review of the relative potential for effects. The Action Alternatives would result in a greater number of potentially significant impacts as compared to the No Action Alternative. However, each of the identified impacts for the Action Alternatives would be reduced to a less than significant level based upon modifications to the Proposed Action, as summarized in Sections 2.6 and 2.7 of the FEIS. Therefore, the environmentally preferable Alternative should be the Alternative that best achieves the stated Purpose and Need and has the least amount of potential effect on the environment.

As demonstrated by Table 2-8 of the FEIS, the Action Alternative that best balances the Purpose and Need of the proposed Epic Discovery Project with the potential effects to biological, water, and air resources, traffic, and land coverage is the Proposed Action. While Alternative 2 results in slightly less quantity of impact than the Proposed Action prior to implementation of mitigation and design features, the Proposed Action best meets the Purpose and Need and includes mitigation measures and design features that address potential effects. With implementation of mitigation measures and design features, the environmental effects of the Proposed Action and Alternative 2 are the same; however the

Proposed Action more effectively meets the Purpose and Need of the Epic Discovery Project. Therefore, the Proposed Action is considered to be the Environmentally Preferable Alternative.

Findings Required by Other Laws and Regulations

The Final EIS/EIS/EIR considered a range of reasonable alternatives. In addition to the five alternatives considered in detail in the EIS/EIS/EIR, 12 additional alternatives were considered over the course of analysis, but were eliminated from detailed study for various reasons, as described in Section 3.5 of the Final EIS/EIS/EIR. Alternatives presented in the EIS/EIS/EIR encompass a broad range of responses to issues. The public involvement component of the project provided concerned members of the public with the opportunity to give input at the scoping stage and to provide formal comments on the Draft EIS/EIS/EIR. Responses to substantive comments made on the Draft EIS/EIS/EIR are included in Appendix P. Changes made in response to the comments include clarifying explanations and are reflected in the Final EIS/EIS/EIR. The Final EIS/EIS/EIR discloses cumulative effects of the alternatives by evaluating past, present, and reasonably foreseeable future actions in the planning area.

National Forest Management Act

The National Forest Management Act (NFMA) requires projects and permits to be consistent with the Land Management Plan (LMP) (16 USC § 1604(i)). Consistency with the Land and Resource Management Plan for the LTBMU is discussed in Section 1.6, Relationship to Existing Land Use Plans, Policies and Regulations. The project record provides a table that addresses consistency of the project with specific goals, policies, and objectives of the forest plan. This project is consistent with the Forest Plan.

National Forest Ski Area Permit Act of 1986

The Ski Area Recreational Opportunity Enhancement Act (SAROE) of 2011 amended the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of NFS land subject to ski area permits. The Forest Service has provided direction on applying this amendment to NFS land in Forest Service Manual 2343. Documentation of the consistency with the implementing regulations is provided in Appendix 13-1 of the FEIS. The Selected Alternative complies with the intent of this legislation.

Endangered Species Act

In accordance with Section 7(c) of the Endangered Species Act, the U.S. Fish and Wildlife Service (USFWS) list of endangered and threatened species that may be affected by projects in the Lake Tahoe Basin Management Area was reviewed (verified January 16, 2015) and effects on those species are analyzed in the Aquatic and Wildlife BA/BE's (Project Record).

The information provided for this project specific analysis on SNYLF is discussed in detail in the project's aquatic species BA/BE and the associated project effects description in this NEPA document are an accurate portrayal for this species at this time with the information obtained to date. Since this project

was identified as potentially affecting less than 1 acre of suitable SNYLF habitat (defined as all areas within 25 meters of perennial or intermittent streams, lakes, meadows, and ponds), this project was included in the regional programmatic batching submittal for Section 7 ESA consultation on SNYLF. The programmatic effort includes projects containing suitable habitat across all forests in Region 5. The Programmatic Biological Opinion on Nine National Forests in the Sierra Nevada of California for the Endangered Sierra Nevada Yellow-legged Frog, Endangered Northern Distinct Population Segment of the Mountain Yellow-legged Frog, and Threatened Yosemite Toad (FF08ESMF00-2014-F-0557) was released on December 19, 2015. The LTBMU will confirm that this project includes sufficient project design features and mitigation to conform to the applicable standards and guidelines and BMPs listed in the BO. If any additional project design features are deemed necessary they will be incorporated into this project NEPA, BA/BE, and decision documents, including any specific terms and conditions as directed by the USFWS. This project will not affect any other endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 because there were no other individuals or critical habitat identified in the project area.

Clean Air Act

Section 176(c) of the Clean Air Act prohibits federal agencies from, among other things, issuing licenses or permits or approving any activity which does not conform to an approved State Implementation Plan (SIP). Federal conformity regulations presume conformity with state plans where project emissions are below applicable thresholds (the “de minimis thresholds”), and where no “regionally significant” emissions would occur.

All project-related construction and operational activity of the Epic Discovery Project would occur within the area of the Heavenly Mountain Resort, which is located outside of, and approximately 12 miles east of the Sacramento Federal Ozone Nonattainment Area¹. Although the California SIP and/or the Nevada SIP may contain rules of general applicability that may apply to vehicles or equipment used for or at the project site, neither SIP contains any specific measure or rule that would limit construction or operational emissions of the proposed project, which is located in an area not designated nonattainment of any National Ambient Air Quality Standard (NAAQS).

Clean Water Act

The Federal Water Pollution Control Act of 1977 or Clean Water Act (CWA) requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. All projects that have a federal component and may affect state water quality (including projects that require federal agency approval, such as issuance of a Section 404 permit) must also comply with CWA Section 401. Point source discharges are regulated

¹ The Sacramento Federal Ozone Nonattainment Area includes the major western portion of El Dorado County in the Mountain Counties Air Basin.

by the National Pollutant Discharge Elimination System (NPDES) permit process, outlined in CWA Section 402. NPDES permitting authority is delegated to, and administered by, California's nine Regional Water Quality Control Boards. California's State Water Resources Control Board regulates the NPDES storm water program. In addition, Section 404 of the CWA authorizes the USACE to regulate the discharge of dredged or fill materials into navigable waters of the U.S., including certain wetlands and other waters of the U.S. USACE issues individual site-specific or general (nationwide) permits for such discharges.

Section 303(d) of the CWA requires states to identify impaired waters and establish the Total Maximum Daily Load (TMDL) of pollutants for those waters to protect water quality for beneficial uses. Lake Tahoe is currently on the 303(d) list for deep water transparency (Lake clarity), because it has not achieved the standard of 29.7 meters (97.4 feet) average annual Secchi disk visibility depth (depth at which a disk of standard size and markings remains visible as it is lowered into the water) since the early 1970s.

With a goal to restore Lake Tahoe's historic deep water transparency through programs and policies aimed at reducing the amount of fine sediment and nutrients entering the lake, the Lake Tahoe TMDL was adopted by the Lahontan Regional Water Quality Control Board (LRWQCB) and Nevada Division of Environmental Protection (NDEP) and approved by the EPA in August 2011. TMDL analysis showed runoff from urban land uses as the primary source of fine sediment loading to the Lake and, therefore, the TMDL plan emphasizes actions by the jurisdictions (i.e., cities, counties, and state departments of transportation) to reduce fine sediment sources from entering urban stormwater runoff and to treat urban runoff before it reaches the Lake.

Heavenly Valley Creek is the other water body potentially affected by the project, and is listed under Section 303(d) for excess sedimentation. At higher stream flows that result from summer thunderstorms, snow melt, and dam releases, the suspended sediment concentrations in Heavenly Valley Creek may exceed what is recommended for protection of the designated beneficial uses. To combat this, the Heavenly Valley Creek TMDL was established by LRWQCB in 2001 and approved by the EPA in 2002 at 58 tons/year of total suspended sediment (TSS) based on a five-year rolling average. The 2010 TMDL Implementation Tracking Status Report (Lahontan 2010) noted that Heavenly Valley Creek was in compliance with the sediment target, and since 2010, the five-year rolling average has been nearly half of the TMDL standard value.

All the action alternatives traverse some land designated as stream environment zones (SEZs) (i.e., TRPA Land Capability District 1b) in the Lake Tahoe Basin and Montane Riparian outside of the Lake Tahoe Basin. In addition to the waterways named herein, several smaller creeks and unnamed drainages run through and adjacent to the wetlands and SEZs located within the Heavenly watersheds, the most significant of which are Daggett Creek and Edgewood Creek in Nevada.

Construction of the project would result in temporary soil disturbance adjacent to proposed structures, along proposed bike and hiking trail alignments, within new access ways and improved road sections,

and at construction staging areas. Soil disturbance associated with these construction activities could cause accelerated soil erosion and sediment loss that could be transported to nearby water bodies. Use of hazardous materials during construction (e.g., fuels, lubricants) could result in the release of these materials into nearby water bodies. Construction dewatering could also provide a mechanism for contaminant discharges. Implementing the project would result in direct removal and disturbance of a minor amount of riparian habitat and SEZs for trail construction.

Heavenly will be required to obtain approvals from the USACE and the State Water Resources Control Board under the CWA, including certification (or a waiver) under Section 401 from the State that the proposed discharge complies with water quality standards. Formal wetland delineation according to USACE criteria would be conducted after final trail layout and design and prior to project permitting under Section 404 of the CWA.

All construction projects in California greater than 1 acre in size are required to prepare and implement a detailed Stormwater Pollution Prevention Plan (SWPPP) that includes a site specific Construction Site Monitoring and Reporting Plan (CSMRP) pursuant to the NPDES 2011 California General Permit for construction or in the case of the Lake Tahoe Basin, the Tahoe Construction Stormwater permit.

Soil disturbance and permanent land coverage resulting from each project component would be mitigated through application of permanent BMPs and design features illustrated on project proposals and engineering plan, outlined in the on-going MMP, detailed in the on-going CERP, and monitored by the ongoing Environmental Monitoring Program. Based on watershed BMP implementation and effectiveness evaluations reported in the 2006-2011 CMR and 2012 and 2013 Annual Reports (CardnoEntrix 2012, 2013, 2014), temporary BMPs installed and maintained during construction activities and permanent BMPs installed as project design features, would be effective at infiltrating runoff and controlling erosion.

Implementation of resource protection measures as outlined in the USDA Forest Service Region 5 Water Quality Management Handbook (USFS 2011) along with the design features outlined in Chapter 2 of the FEIS and the compliance measures and associated plans required by the TRPA, Lahontan and Forest Service for project level approval and permitting would avoid potentially adverse direct and indirect effects to surface runoff and soil erosion. In conclusion, summer recreation would not adversely affect surface runoff or create new areas of chronic soil erosion because activities and uses would be conducted in accordance with law, regulation, policy, Forest Plan Standards and guidelines, and project-specific resource protection measures/design features.

This analysis concludes that the Proposed Project proposals include compliance measures and project-specific resource protection measures that are appropriate and adequate to control erosion on and off-site and stabilize soils during and upon completion of construction and soil disturbance activities. The project-level effects would be reduced to a level of less than significant.

Flood Plains and Wetlands (E.O.s 11988 and 11990)

Floodplain Management Executive Order 11988 adopted in May 1977 directs all federal agencies to evaluate potential effects of any actions it may take in the floodplain and to avoid all adverse impacts associated with modifications to floodplains. It also directs federal agencies to avoid encroachment into the 100-year floodplain, whenever there is a practicable alternative and to restore and preserve the natural and beneficial values served by the floodplains (EPA 1977).

According to Flood Insurance Rate Maps (Revised December 4, 1986) produced by the Federal Emergency Management Agency, no 100-year flood boundaries are mapped within the Heavenly Mountain Resort special use permit area.

Environmental Justice (E.O. 12898)

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, signed in February 1994, requires federal agencies to identify and to address any disproportionately adverse effects on human health or the human environment of minority and/or low-income populations resulting from federal programs, policies, and activities. As described in the FEIS, with mitigation measure and project design features there would be no significant environmental effects, so therefore, no disproportionate adverse human health or environmental effects to minority or low income populations would occur.

National Historic Preservation Act

The basis for determining significance of cultural resources is driven by the National Historic Preservation Act (NHPA). In particular, Section 106 requires federal agencies to take into account impacts upon resources listed or eligible for listing on the National Register of Historic Places (NRHP).

Implementing the procedures provided in the Programmatic Agreements, with continued implementation of the existing mitigation measures 7.4-19 and 7.4-20 as standard design features of all alternatives of the Project would ensure there are no adverse effects.

Implementation Date

If an objection to this Draft ROD is filed, implementation may occur on, but not before fifteen business days from the date of objection resolution and issuance of a final decision. If no objection is filed, implementation may begin five business days from the close of the objection period and issuance of a final decision.

Objection Opportunities

This proposed decision is subject to objection pursuant to 36 CFR 218, Subparts A and B. Objections will only be accepted from those who submitted project-specific written comments during scoping or other designated comment period. Issues raised in objections must be based on previously submitted comments unless based on new information arising after the designated comment period(s).

Objections must be submitted within 45 days following the publication of a legal notice in the Tahoe Daily Tribune. The date of the legal notice is the exclusive means for calculating the time to file an objection. Those wishing to object should not rely upon dates or timeframes provided by any other source. It is the objector's responsibility to ensure evidence of timely receipt (36 CFR 218.9).

Objections must be submitted to the reviewing officer:

Randy Moore
Regional Forester
USDA Forest Service, Region 5
Attn: Heavenly Epic Discovery Project
1323 Club Drive
Vallejo, CA 94592
Phone (707) 562-8737

Objections may be submitted via mail, FAX (707-562-9229), or delivered during business hours (M-F 8:00am to 4:00pm). Electronic objections, in common (.doc, .pdf, .rtf, .txt) formats, may be submitted to: objections-pacificsouthwest-regional-office@fs.fed.us with Subject: Heavenly Epic Discovery Project. In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Objections must include (36 CFR 218.8(d)): 1) name, address and telephone; 2) signature or other verification of authorship; 3) identify a single lead objector when applicable; 4) project name, Responsible Official name and title, and name of affected National Forest(s) and/or Ranger District(s); 5) reasons for, and suggested remedies to resolve, your objections; and, 6) description of the connection between your objections and your prior comments. Incorporate documents by reference only as provided for at 36 CFR 218.8(b).

Contact

For additional information concerning this project or the Forest Service objection process, contact:

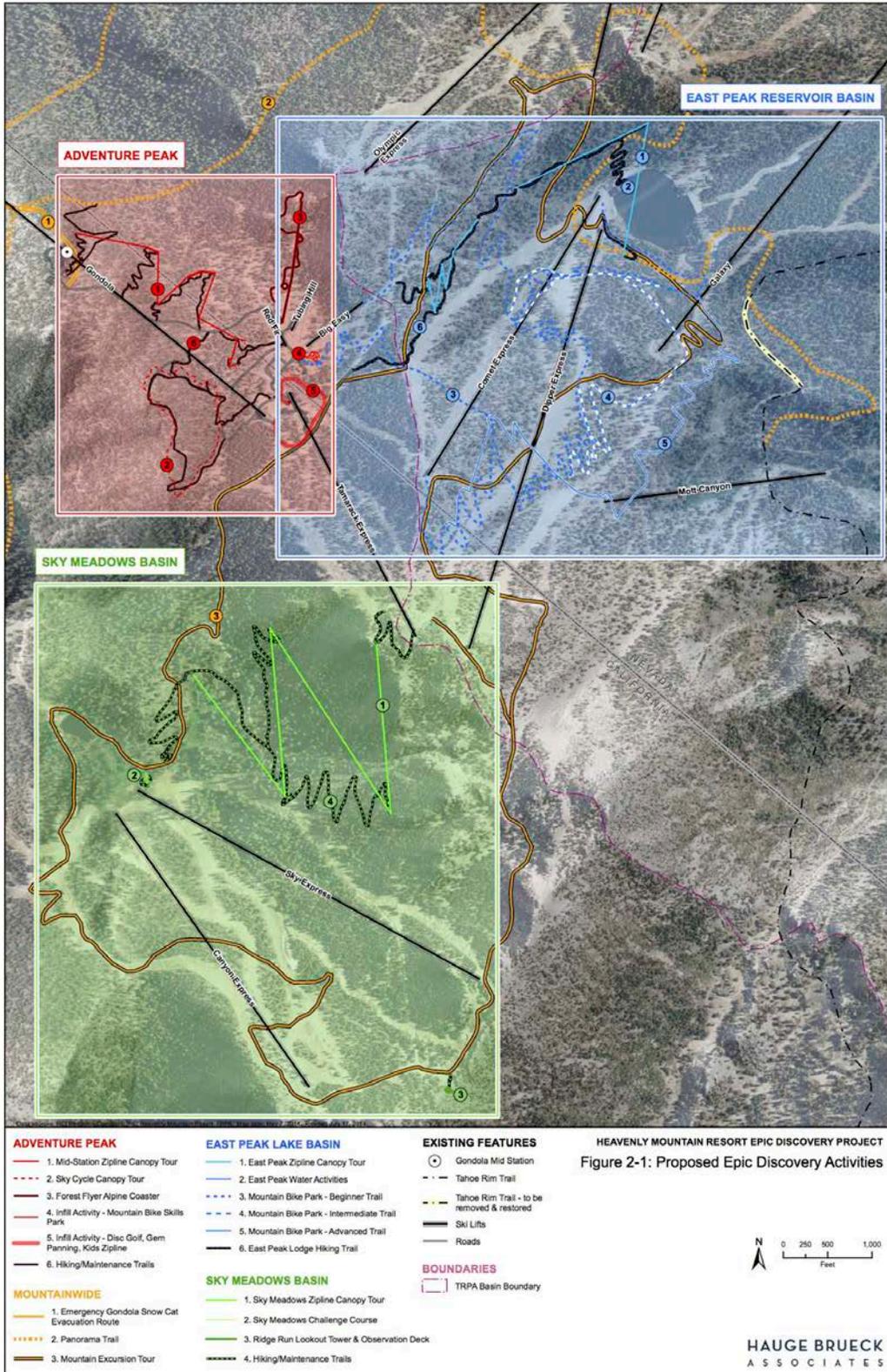
Matt Dickinson, NEPA Contract Coordinator
Lake Tahoe Basin Management Unit
35 College Drive
South Lake Tahoe, CA 96150
(530) 543-2769

Responsible Official:

Jeff Marsolais
Forest Supervisor
LTBMU

Attachments:

Maps of Selected Alternative



Heavenly Mountain Resort Epic Discovery Project

