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Department of  
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Region - Pacific  
Southwest Region

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2011



# ***SUPPLEMENTAL*** **RECORD OF DECISION**

## Mt. Ashland Ski Area Expansion

Rogue River-Siskiyou National Forest  
Siskiyou Mountains Ranger District

Klamath National Forest  
Happy Camp/Oak Knoll Ranger District

**Lead Agency:**

USDA Forest Service  
Rogue River-Siskiyou National Forest

**Responsible Official:**

**Scott D. Conroy**  
**Forest Supervisor**  
Rogue River-Siskiyou National Forest

**For Further Information  
Contact:**

**Donna Mickley; District Ranger**  
Siskiyou Mountains Ranger District, or

**Steve Johnson;** Project Leader  
Ashland Ranger Station  
645 Washington Street  
Ashland, OR 97520; Phone: (541) 552-2900



**2011**  
**SUPPLEMENTAL**  
**RECORD OF DECISION**

**MT. ASHLAND SKI AREA EXPANSION**

**SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT**

**Pacific Northwest Region**  
**Rogue River-Siskiyou National Forest**  
**Siskiyou Mountains Ranger District**

**Pacific Southwest Region**  
**Klamath National Forest**  
**Happy Camp/Oak Knoll Ranger District**

**Jackson County, Oregon**

April 2011

Lead Agency: USDA Forest Service, Rogue River-Siskiyou National Forest

Responsible Official: Scott D. Conroy  
Forest Supervisor

For Further Information  
Contact: Donna Mickley, District Ranger  
or  
Steve Johnson, Project Leader  
Ashland Ranger Station  
645 Washington Street  
Ashland, OR 97520  
Phone: (541) 552-2900

# TABLE OF CONTENTS

INTRODUCTION .....	SROD – 1
<i>Background</i> .....	SROD – 1
<i>Purpose and Need for Supplement</i> .....	SROD – 2
DECISION .....	SROD – 2
RATIONALE .....	SROD – 3
<i>Pacific Fisher</i> .....	SROD – 3
<i>Restricted Riparian, Restricted Watershed, and Riparian Reserves</i> .....	SROD – 4
SUPPLEMENTAL FINDINGS.....	SROD – 5
<i>Pacific Fisher</i> .....	SROD – 5
<i>Restricted Riparian, Restricted Watershed, and Riparian Reserves</i> .....	SROD – 6
PUBLIC INVOLVEMENT .....	SROD – 8
<i>Responses to Comments Received on the March 2010 Draft Supplemental EIS</i> .....	SROD – 8
OVERALL FINDINGS .....	SROD – 9
Forest Plan Consistency (NFMA) .....	SROD – 9
<i>Northwest Forest Plan – Aquatic Conservation Strategy</i> .....	SROD – 9
APPEAL PROCESS AND RIGHTS .....	SROD – 12
AUTHORIZATION .....	SROD – 13

# INTRODUCTION

This Supplemental Record of Decision (SROD) documents my decision and rationale for the selection of a course of action to be implemented for Mt. Ashland Ski Area Expansion. The Forest Service prepared a Final Supplemental Environmental Impact Statement (FSEIS) in response to a September 24, 2007 Opinion of the Ninth Circuit Court of Appeals concerning Mt. Ashland Ski Area Expansion. The 2011 FSEIS includes analysis and supplemental information designed to correct specific shortcomings identified by the Court of Appeals. The 2011 FSEIS was prepared in accordance with the National Environmental Policy Act (NEPA) and the regulations for implementing the procedural provisions of NEPA (40 CFR parts 1500-1508; 36 CFR 220).

I conducted additional (supplemental) analysis to correct specific shortcomings identified by the Ninth Circuit Court of Appeals, which allows a determination on whether and to what extent analysis of supplemental information might alter the decision made in 2004 to allow ski area expansion. This action was needed to address the appropriateness of the previous decision and to be responsive to the Court of Appeals Opinion and district court injunction. In accordance with FSH 1909.15, section 18.2, I am issuing a *supplemental* decision consistent with the scope of the supplemented environmental analysis.

## **Background**

The Mt. Ashland Ski Area (MASA) is an existing winter sports recreation area located within the Siskiyou Mountains in Southern Oregon on National Forest System Lands, and is operated under special use authorization issued and administered by the Rogue River-Siskiyou National Forest, Siskiyou Mountains Ranger District. A small portion of the ski area is located on the Klamath National Forest. The Rogue River-Siskiyou and Klamath National Forests are jointly responsible for public land management of the Special Use Permit area. The Rogue River-Siskiyou National Forest has been authorized to make decisions regarding implementation of ski area expansion activities at Mt. Ashland under the terms of a February 4, 2004 Intra-Agency Agreement (No. 03-IA-11061002-005) between the Klamath National Forest and the Rogue River-Siskiyou National Forest, which was renewed on May 12, 2009 in Intra-Agency Agreement (09-IA-11061001-003). MASA is located about 7 air miles south of the City of Ashland, primarily within the Ashland Creek Watershed. The legal location description for all actions associated with this Supplemental Record of Decision is T. 40 S., R. 1 E., within portions of sections 15, 16, 17, 20, 21, and 22, W.M., Jackson County, Oregon.

In September 2004, the Forest Service issued a Record of Decision (ROD) for the Mt. Ashland Ski Area expansion, selecting Alternative 2 with some modifications adopted from Alternative 6. The Forest Service received twenty-eight notices of appeal to the ROD. In December 2004, the Forest Service denied all administrative appeals to the ROD. In January 2005, Oregon Natural Resources Council (ONRC) filed suit against the Forest Service and Regional Forester Linda Goodman seeking declaratory and injunctive relief on the grounds that the MASA expansion project violated both the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). On February 9, 2007, after considering cross-motions for summary judgment, a United States District Court entered summary judgment against ONRC. ONRC filed a timely notice of appeal to the Ninth Circuit Court of Appeals. Upon review, the Ninth Circuit remanded the case to the district court and instructed it to promptly enjoin the MASA expansion project contemplated in the 2004 ROD until the Forest Service corrected the NFMA and NEPA shortcomings found in its Opinion *Oregon Natural Resources Council Fund (ONRC) v. Goodman*, 505 F.3d 884 (9<sup>th</sup> Cir. 2007).

The Forest Service prepared a Draft and Final Supplemental Environmental Impact Statement in response to the September 24, 2007 Opinion of the Ninth Circuit Court of Appeals concerning Mt. Ashland Ski Area Expansion. The Court of Appeals found that the Forest Service failed to properly evaluate the impact of the proposed MASA expansion on the Pacific fisher, in violation of both the NEPA and the NFMA and that it violated the NFMA by failing to appropriately designate Riparian Reserves and Restricted Watershed terrain.

## ***Purpose and Need for Supplement***

The purpose and need for the supplemental document was to analyze and correct specific shortcomings identified by the Ninth Circuit Court of Appeals, which would allow a determination on whether and to what extent analysis of supplemental information might alter the 2004 decision to allow ski area expansion. Supplemental environmental analysis was necessary for an action not yet implemented, to address the appropriateness of the previous decision and to be responsive to the Court of Appeals Opinion and district court injunction.

## **DECISION**

**As the Responsible Official, it is my decision, based on supplemental analysis conducted and documented in a 2011 Final Supplemental Environmental Impact Statement, to implement without change, the decision made in 2004 for expansion of the Mt. Ashland Ski Area.**

Under this decision (**Modified Alternative 2**), the Forest Service will conditionally authorize the Mt. Ashland Association (MAA) to implement the 2004 decision, summarized below, that was documented in the 2004 ROD at page ROD-3, including a detailed description of the expansion decision documented at pages ROD-3 through ROD-6. This is a conditional authorization, based on compliance with State of Oregon Wetland Laws and Regulations and other federal and state laws. Several state and local agencies would have regulatory responsibilities for many activities and actions in the expansion project, for which MAA must comply with in order to proceed with implementation.

The September 2004 decision authorized:

- The construction of two chairlifts, two surface lifts, and approximately 71 acres<sup>1</sup> of associated new ski run terrain primarily within the western half of the Special Use Permit area (the Middle Fork area), including widening of existing runs.
- Approximately 4 acres of clearing for lift corridors, helispot, and staging areas.
- A 4-acre tubing facility in the southern portion of the Special Use Permit area; three guest services buildings and a yurt; additional night lighting; additional maintenance access road segments; additional power, water lines, water storage tank, and sewer lines; an additional snow fence; and an increase in parking by 220 spaces.
- Watershed restoration projects including structural storm water control and non-structural controls, such as the placement of large and small woody material.

The decision also required:

- the use of a stream crossing which will use log footings.
- the use of a lightweight, low ground pressure machine (e.g., a "spider") for run clearing (and other excavation work associated with clearing for lifts; lift towers and creek crossings, except where accessible by road).
- low impact glading (partial clearing by selective tree removal).

All authorized facilities would be developed within the existing Special Use Permit area, with the exception of some of the restoration projects.

**Required Mitigation Measures**, which were identified and detailed in **Attachment B** of the 2004 Record of Decision, will be implemented for the authorized ski area expansion activities. Mitigation measures include erosion control practices, water quality Best Management Practices, and specific mitigations for wildlife, cultural, botanical, stand health, air quality and scenic effects.

**Monitoring** of all construction and development activities is a required element of my decision and will be carried out according to the Monitoring Plan in **Attachment C** of the 2004 ROD. For additional mitigation measure specifics and a detailed monitoring plan, the Record of Decision (2004) may be accessed through: [www.fs.fed.us/r6/rogue-siskiyou/projects/mtashlandski/rod-01.pdf](http://www.fs.fed.us/r6/rogue-siskiyou/projects/mtashlandski/rod-01.pdf). In addition, a copy of the 2004 Record of Decision is available upon request.

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<sup>1</sup> Estimated surface or "actual" area, expressed in acres, not including the Tubing Facility.

# RATIONALE

My decision to implement the 2004 decision, without change, is based upon evaluation of all new information (as documented in FSEIS Appendix A) as well as the supplemented information in the FSEIS to address shortcomings in the original (2004) FEIS that were identified by the Court of Appeals.

## ***Pacific Fisher***

### ***New Analyses in the FSEIS***

Supplemental analysis documented in the FSEIS identifies the current amount and types of Pacific fisher habitat and presents a summary of the latest research on the Pacific fisher species biology and habitat requirements. This new analysis substantiates the use of habitat as a proxy for population viability. In addition, the effects on fisher species and habitat from ski area expansion are disclosed, including the impacts from ski area expansion to the corridor linking the Klamath-Siskiyou region and the Southern Cascades. It supplements the analysis for cumulative effects on the Pacific fisher from foreseeable projects in the vicinity of the MASA expansion area, including Ashland Forest Resiliency, the Ashland Watershed Protection Project, and the Mt. Ashland LSR Habitat Restoration and Fuels Reduction Project. The analysis presents a biological investigation conducted to gather and predict the significance of effects (Rogue River Land and Resource Management Plan [LRMP] biological evaluation step 4 [d]). This new Biological Evaluation process complies with standards and guidelines associated with the 1990 LRMP which corrects the NFMA violation.

### ***Interpretation of Analyses and Relevance to the Decision***

The FSEIS documents analysis and supplemental information designed to correct specific shortcomings found by the Ninth Circuit Court of Appeals. Each of the shortcomings was addressed and remedied through the FSEIS. The exact points and short summary for each shortcoming, a summary of the remedy and location of the analysis within the FSEIS, and the crosswalk between the analysis and this decision is described below.

- **No Compliant Biological Evaluation**

The Court of Appeals found that the Forest Service's evaluation of the Pacific fisher in the MASA expansion area did not comply with the requirements of the LRMP's Biological Evaluation process; there was not sufficient data and knowledge regarding the population of the Pacific fisher and the quantity and quality of habitat preferred by the Pacific fisher to justify using habitat as a proxy for population and therefore, did not include a compliant Biological Evaluation and, in turn, was not compliant with the NFMA.

The FSEIS replaces information from the 2004 FEIS and contains more exhaustive detail on the biological steps conducted to determine the effects of the MASA Expansion on local populations of Pacific fisher (FSEIS pages II-2 through II-17). There was also analysis of the significance of the project effects on local and total populations. The additional analyses resulted in a compliant Biological Evaluation. This issue is therefore addressed to my satisfaction and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Inappropriate Use of Habitat as a Proxy for Population Viability**

The Court of Appeals found that species viability may be met by estimating and preserving habitat "*only where both the Forest Service's knowledge of what quality and quantity of habitat is necessary to support the species and the Forest Service's method for measuring the existing amount of that habitat are reasonably reliable and accurate.*" Therefore the Forest Service's use of habitat as a proxy for population viability was not compliant with the NFMA.

The FSEIS includes a prediction of the local and total populations of Pacific fisher, and an investigation of effects based on habitat analysis using satellite imagery (FSEIS pages II-10 through II-17). It supplements the current conditions for the fisher population in and around Mt. Ashland and identifies the current amount and types of habitat. The expanded discussion indicating knowledge of quality and quantity of habitat necessary to support the species, and identifying and presenting the rationale for how the use of satellite imagery for habitat analysis was conducted, has addressed this issue to my satisfaction and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Biological Evaluation Process for Habitat Analysis Insufficient**

The Court of Appeals found that the Forest Service had insufficient data and knowledge regarding: (1) the population of the Pacific fisher; and (2) the quantity and quality of habitat preferred by the Pacific fisher to justify using habitat as a proxy for population. Therefore, the Forest Service's habitat analysis was insufficient to satisfy the demands of the Rogue River LRMP Biological Evaluation process, and is not compliant with the NFMA.

As noted above, supplemental analysis as documented in the FSEIS presents a review and compilation of Pacific fisher biology and its habitat requirements and presents a complete and new biological investigation and Biological Evaluation (FSEIS pages II-2 through II-17). Rationale for identification of the local fisher population and for the method utilized for habitat analysis was presented. Expanded analysis of impacts to Pacific fisher and habitats are also presented. This corrects the NFMA shortcoming, and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Impacts to Corridor Not Disclosed**

The Court of Appeals found that the Forest Service was not in compliance with the NEPA when it failed to disclose the potential impact of displacing the fisher and damaging habitat in the corridor linking the Klamath-Siskiyou region and the Southern Cascades.

Discussion in the 2004 FEIS primarily focused on the north-south corridors along the Siskiyou Crest, where dispersal occurs. Supplemental analysis (FSEIS pages II-18 through II-20) derived from biological investigation discusses dispersal impacts to the east and west, where fisher dispersal does not appear to occur. This corridor would represent an east-west link, from the Klamath-Siskiyou region and the Southern Cascades. Therefore, this corrects the NEPA shortcoming identified by the courts, addresses this issue to my satisfaction, and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Cumulative Effects from Other Projects Not Considered**

The Court of Appeals found that the Forest Service failed to discuss the cumulative effects on the Pacific fisher from future projects in the vicinity of the MASA expansion area, including Ashland Forest Resiliency, the Ashland Watershed Protection Project, and the Mt. Ashland Late-successional Reserve Habitat Restoration and Fuels Reduction Project (on the south side of Mt. Ashland on the Klamath National Forest).

Supplemental analysis provides a current and complete cumulative effects analysis for Pacific fisher, including the projects identified (FSEIS pages II-20 through II-25). This analysis did not predict effects substantially different than was predicted in the 2004 FEIS. Therefore, this issue is addressed to my satisfaction, corrects the NEPA shortcoming, and the result of this supplemental analysis has not modified the original 2004 ROD.

## ***Restricted Riparian, Restricted Watershed, and Riparian Reserves***

### ***New Analyses in the FSEIS***

The supplemental analysis:

- maps all perennial streams and wetlands within the Special Use Permit Area and designates Restricted Riparian, Management Strategy 26 (MS 26). Restricted Watershed Management Strategy 22 (MS 22) is designated for the Ashland Creek Municipal Watershed;
- contains an enhanced discussion of compliance for soil standards and guidelines for MS 26 and MS 22; and
- designates Landslide Hazard Zone 2 as Riparian Reserve and discusses standards and guidelines.

## *Interpretation of Analyses and Relevance to the Decision*

- **Failure to Designate Restricted Riparian (MS 26) and Restricted Watershed (MS 22)**

The Court of Appeals found that Forest Service was not in compliance with the NFMA by failing to appropriately designate "Riparian Reserves" and "Restricted Watershed" terrain as required by the Rogue River LRMP as amended by the Northwest Forest Plan (NWFP).

Supplemental analysis (FSEIS pages II-27 through II-30) identifies where Restricted Riparian (MS 26) and Restricted Watershed (MS 22) would apply; the analysis also portrays the relationship of Restricted Riparian (MS 26) and Restricted Watershed (MS 22) and Riparian Reserves under the Northwest Forest Plan. Therefore, this issue is addressed to my satisfaction, corrects the NFMA shortcoming, and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Failure to Evaluate Soils Standards and Guidelines for MS 26 and MS 22**

The Court of Appeals found that the Forest Service did not comply with the NFMA by failing to ensure that the expansion will comply with the Rogue River LRMP standards and guidelines for soil disturbance and requires compliance in areas designated as Restricted Riparian (MS 26), and Restricted Watershed (MS 22) terrain.

Supplemental analysis in the FSEIS identifies where Restricted Riparian (MS 26) and Restricted Watershed (MS 22) exist, presents the soil landtypes affected by the 2004 decision (FSEIS page II-30), and provides soil disturbance effects and evaluates associated standards and guidelines for Restricted Riparian (MS 26) and Restricted Watershed (MS 22) (FSEIS pages II-30 through II-36). Supplemental analysis identified that predicted effects are in compliance with standards and guidelines. This issue is addressed to my satisfaction, corrects the NFMA shortcoming, and the result of this supplemental analysis has not modified the original 2004 ROD.

- **Failure to Designate Landslide Hazard Zone 2 as Riparian Reserve**

The Court of Appeals found that the Forest Service failed to include the Landslide Hazard Zone 2 (LHZ) within Riparian Reserve allocations, as associated with the NWFP.

Supplemental analysis in the FSEIS analyzed inclusion of omitted LHZ 2 lands within NWFP Riparian Reserves (FSEIS pages II-36 through II-39). The supplemental analysis determined total acres of LHZ 2, as discussed in the 2004 FEIS, do not all directly add to the Riparian Reserve; this is because some of the LHZ 2 acres were already included in the Riparian Reserve based on their distance from the channel or stream course. Much of the additional LHZ 2 area is in an upland position outside of the 150 foot horizontal distance from the channel originally mapped as Riparian Reserve, and not associated with perennial streams. Supplemental analysis discusses Riparian Reserve standards and guidelines via land cover (vegetation) effects. Therefore, this issue is addressed to my satisfaction, corrects the NFMA shortcoming, and the result of this supplemental analysis has not modified the original 2004 ROD.

## **SUPPLEMENTAL FINDINGS**

### ***Pacific Fisher***

Supplemental analysis has expanded the knowledge and rationale for utilizing the method for habitat as proxy for population viability; it has identified a more precise prediction of impacts, including a slightly refined (increased) extent of habitat change and effects on all corridors from the expansion project. The supplemental analysis demonstrates the knowledge of populations and quality and quantity of habitat, and is consistent with the Rogue River LRMP Biological Evaluation process. The discussion and disclosure of cumulative effects from the projects in the vicinity of Mt. Ashland were expanded in the FSEIS. Therefore, this corrects the shortcomings with NFMA and NEPA found by the court on all fisher issues.

The 2010 supplemental analysis found that the decision for the Mt. Ashland Ski Area Expansion project would remove 44 acres of denning/resting habitat and an additional 17 acres of dispersal/foraging habitat for fishers. Within these areas, there may be some shifting or expansion of fisher home ranges resulting from reductions in habitat quality. This could potentially influence 1 female home range and 1 male home range. This approximates 2-4 percent of the estimated local population, and 0.1-0.2 percent of the estimated total population.

The total area impacted by the decision for the Mt. Ashland Ski Area Expansion project is considered to be 220 acres because Runs 12, 15, 18 and Surface Lift 15 fragment this area from the remaining habitats within the local population area due to removal of trees. Therefore, the entire 220 acres is unlikely to function as fisher habitat or be included in an individual's home range.

Due to reductions in the extent of denning/resting and dispersal/foraging habitat for fisher within the local population area for the Pacific fisher, a Forest Service Sensitive species, the supplemental analysis in the FSEIS identifies an identical finding to that predicted in the 2004 FEIS, for which the 2004 ROD was based. The decision for the Mt. Ashland Ski Area Expansion would not likely result in a loss of viability within the local population area nor cause a trend to federal listing or a loss of species viability range wide" for Pacific fisher.

Cumulatively, all the past, current, and foreseeable future projects could impact a portion of the fisher within the local population. Based on 100 percent occupancy, Federal actions could reduce resting and denning habitat by up to 1,620 acres from both Klamath NF (4 acres) and Rogue River-Siskiyou NF (1,616 acres) projects. Since it is possible that not all habitat is occupied, fewer fisher may be impacted than this analysis represents. Past activities on non-federal lands have likely reduced habitat for fisher on up to 5,700 acres within the local population area.

### ***Restricted Riparian, Restricted Watershed, and Riparian Reserves***

The supplemental analysis in the FSEIS analyzed portions of the Special Use Permit area as Restricted Riparian (MS 26) and Restricted Watershed (MS 22) and considered the effects of expansion relative to applicable soils standards and guidelines.

#### **Restricted Riparian (MS 26)**

Based on supplemental analysis, with inclusion of perennial streams and wetlands, there is a total of 128.25 acres of Restricted Riparian (MS 26) terrain within the Site Scale Analysis Area; 71.61 acres of this are within the Special Use Permit Area and subject to applicable (soils) standards and guidelines.

For the Mt. Ashland Ski Area Expansion project regarding MS 26, the "activity area" is the total area of MS 26 (Restricted Riparian) within the area of effect for Modified Alternative 2, which equals 3.83 acres (see Figure FSEIS II-7). The activities that have the potential to affect MS 26 include lift and run clearing. Clearing for ski area expansion would not detrimentally compact, puddle or displace more than 10 percent of the activity area because of mitigation measures (see ROD Attachment B, pages B-3 through 10) including the use of low ground pressure construction equipment. It is predicted that approximately 0.06 acres of detrimental soil would result from the footings and excavation associated with the Lower Wetlands Bridge Construction crossing of the Middle Fork; however, the footings are not located in wetlands. Therefore, detrimental soil conditions are predicted at 1.6 percent<sup>2</sup> for activities within MS 26, which is in compliance with the 10 percent standard and guideline.

There would be no detrimental soil conditions created within MS 26 wetlands because there would be no clearing of ground vegetation or grading within wetlands. In addition, Soils and Site Productivity Thresholds, from Table FSEIS II-2, defines specific thresholds by activity, which is more limiting than the 10 percent standard in the LRMP. The specially designed threshold for activities within wetlands is 1 percent; for ski runs constructed through meadows the threshold is 6 percent. All of the thresholds required for implementation of this project (Modified alternative 2) would be met and are lower than the 10 percent standard and guideline in the LRMP, and therefore would be in compliance.

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<sup>2</sup> Conversion of 0.06 acres to percent of total activity area (0.06 acres/3.83 acres=0.0157 or 1.6 percent).

As noted above, the "activity area" for MS 26 is assumed to be the total area of effect for lift and run clearing (3.83 acres). The only activity that would create mineral soil exposure within MS 26 is associated with the Lower Wetlands Bridge Construction crossing of the Middle Fork. This activity would occur within Landtype 52. There would be no mineral soil exposure created within wetlands because there would be no clearing of ground vegetation or grading in wetlands.

The mineral soil exposure standard for MS 26 within Landtype 52 is 20 percent. Note that mineral soil exposure is a subset of the total area of effect, e.g., not all affected acres result in mineral soil exposure. The mineral soil exposure from ski area expansion is projected as 0.06 acres within the 3.83 acre activity area within MS 26, or 1.6 percent. The 0.06 acres of mineral soil exposure is resultant of the footings for the Lower Wetlands Bridge Construction crossing of the Middle Fork that is within MS 26. The rest of the clearing within MS 26 would not result in bare mineral soil exposure; brush, slash, small downed logs and other mineral and vegetative material would be retained and low vegetation would be allowed to occupy the site as effective ground cover (see ROD Attachment B at pages B-7 and B-8). **Mineral soil exposure conditions are predicted at 1.6 percent for activities within MS 26, in compliance with the 20 percent standard and guideline.**

Ski area expansion would also comply with the other soils standards and guidelines for MS 26, as documented on FSEIS pages II-31 through II-33.

#### **Restricted Watershed (MS 22)**

Based on supplemental analysis, there are approximately 796 acres of the Special Use Permit Area within the Upper Ashland Creek watershed. This area is also within the Ashland Municipal Watershed and subject to (soils) standards and guidelines for Restricted Watershed (MS 22).

For the Mt. Ashland Ski Area Expansion project the "activity area" within MS 22 (Restricted Watershed) is the total developed area for ski expansion within the Upper Ashland Creek Watershed (74 acres). Activities would include run and lift clearing. Effects from compaction, puddling or displacement are minimized because of mitigation measures including the use of low ground pressure construction equipment and the use of helicopters for tree removal. The 2004 Record of Decision disclosed an estimated percent of detrimental conditions at 16.5 percent for Modified Alternative 2 (the decision); refer to Table ROD-4 (page ROD-20). The estimated 16.5 percent represents the total detrimental soil conditions for all affected watersheds. **The predicted detrimental soil impact for activities within Restricted Watershed MS 22 (specifically the Upper Ashland Creek Watershed) is 8.7 percent detrimental disturbance (6.45 acres)<sup>3</sup>, which is in compliance with the 10 percent standard and guideline.**

As documented in this FSEIS, for MS 22 (Restricted Watershed), Landtype 80 (the Landtype for which the majority of clearing activities would occur) has a mineral soil exposure standard of 30 percent. According to the thresholds designed specifically for this project (see Table FSEIS II-2) the resultant bare mineral soil exposure would not be allowed to exceed 25 percent (the least restrictive) and in most situations would be much less than 25 percent for the various activities.

In some cases the threshold is the current level of existing bare soil, or 10 percent lower than the existing percent bare soil. **These thresholds and predicted consequences would therefore result in conditions that would be in overall compliance with the standard and guideline for MS 22; 30 percent or less for Landtype 80.** Note that no soil types where clearing activities would occur have the more restrictive mineral soil exposure standard of 15 percent, and therefore would also be in compliance with the standard and guideline.

Ski area expansion would also comply with the other soils standards and guidelines for MS 22, as documented at FSEIS pages II-33 through II-36.

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<sup>3</sup> Conversion of 6.45 acres detrimental disturbance to percent of total activity area (6.45 acres/74 acres=0.0871 or 8.7 percent).

### Landslide Hazard Zone 2 as Riparian Reserve

The supplemental analysis documented in this FSEIS determined a revised Riparian Reserve delineation based on inclusion of Landslide Hazard Zone 2. At the Site Scale Analysis Area, this equates to an increase of 145.13 acres (from 333.34 to 478.47). This is an approximate 44 percent increase over the 2004 FEIS. The total acres of LHZ 2 as discussed in the 2004 FEIS do not all directly add to the Riparian Reserves; this is because some of the LHZ 2 acres were already included in the Riparian Reserves, based on their distance from the channel or stream course. Also note that much of the additional LHZ 2 area is in an upland position outside of the 150 foot horizontal distance from the channel originally mapped as Riparian Reserves, and not associated with perennial streams.

Based on inclusion of Landslide Hazard Zone 2 as Riparian Reserves, supplemental analysis determined that the decision for the Mt. Ashland Ski Area Expansion project would affect an additional 10.08 acres of Riparian Reserves for a total of 14.82 acres with proposed clearing (Figure FSEIS II-10). As seen in FEIS Maps III-3 and IV-2 (pages III-16 and IV-19), this clearing would occur primarily within upper portions of LHZ 2, not associated with perennial streams or wetlands. Much of this area is non- or sparsely-forested (see Figure FSEIS II-3).

Supplemental analysis determined an additional 0.56 acres of grading within Riparian Reserves for a total of 1.24 acres; as seen in Figure FSEIS II-10 this additional grading is primarily near the top of the proposed C-6 Lift, relatively high on the slope in open sparsely forested dry areas and not associated with streams or wetlands.

**Although there is an increase in acres classified as Riparian Reserves, standards and guidelines would continue to be met because of the design of the proposed expansion facilities.** The effects associated with LHZ 2 were described in the 2004 FEIS (pages IV-10 through IV-20). New developed recreation facilities would have an impact within Riparian Reserves at the site scale; however, developed recreation facilities are not prohibited within Riparian Reserves (see FEIS Table IV-14 and pages IV 101 through 105). Mitigation Measures would be employed to reduce effects at the Site Scale. Restoration projects would also be implemented to improve existing localized degradation in Riparian Reserves within the Special Use Permit Area.

This project is designed to contribute to maintaining or restoring conditions at the site, watershed analysis, and fifth-field watershed scales over the long term. Inclusion of LHZ 2 not previously included into the Riparian Reserves, changed the reduction in forested cover from 2.3 percent as documented in the 2004 FEIS to 3.9 percent in the 2010 revision. **Due to the relatively small change (1.6 percent increase) in the overall reduction of forested cover in Riparian Reserves, it is not expected to affect the attainment of Aquatic Conservation Strategy Objectives.**

## PUBLIC INVOLVEMENT

For the supplemental EIS process, there was no "Proposed Action". The action being processed under the requirements of NEPA was to follow appropriate procedures, including public notification, about the intent to prepare a Supplemental EIS. The Supplement EIS process provides an opportunity to review the appropriateness of the previous decision. Under 40 CFR 1502.9(c)(4), there was no formal scoping period for this action. Appropriate procedures under NEPA required a Notice of Intent (NOI) to prepare a Supplemental EIS; this notice was published in the Federal Register on March 11, 2010.

### ***Responses to Comments Received on the March 2010 Draft Supplemental EIS***

A 45-day public Comment Period for the Draft Supplemental Environmental Impact Statement (DSEIS) for Mt. Ashland Ski Area Expansion formally began on March 27, 2010 with publication of a Notice of Availability in the Federal Register Vol. 75 No. 58 (FR page 14594). The 45-day comment period closed on May 10, 2010.

500 paper copies and 25 compact discs of the full DSEIS were produced. Copies of the full DSEIS were distributed to federal and state agencies, local governments, elected officials, seven federally recognized tribes, media representatives, libraries, organizations, and businesses (See DSEIS, Chapter V, for a listing). The full DSEIS was provided to others upon request. The document was also made available on the Rogue River-Siskiyou National Forest website at <http://www.fs.fed.us/r6/rogue-siskiyou/projects/planning/index.shtml>.

A total of 845 comments to the DSEIS were received by the close of the Comment Period. Approximately 60 additional comments were received after May 10, 2010. All comments received through September 30, 2010 were reviewed for substantive content and read and coded based on content and intent.

The Forest Service accepted written, electronic and oral comments as provided in §215.6. Pursuant to 36 CFR 215.6 (b), (1), an appendix documents the Responsible Official's consideration of all comments submitted in compliance with paragraph (a) of this section. This Response to Comments document is attached to the FSEIS as Appendix B.

#### **Summary of Comments**

Substantive comments received generally focused on the transparency of analysis, and the detail and basis of assumptions of analysis. There were some comments that (1) were determined to be outside the scope of the DSEIS; (2) identified additional changed circumstances that warranted a changed condition assessment (FSH 1909.15 Sec 18); or (3) were related to implementation of ski area expansion and not analysis under NEPA. The majority of comments received were not considered substantive, as they primarily offered opinions or rationale for their viewpoint. These viewpoints tended to focus on support or opposition to ski area expansion. Many of these non-substantive comments were sincerely written and offered some detail in support of their opinion, from all perspectives (i.e., for or against expansion).

## **OVERALL FINDINGS**

### ***Forest Plan Consistency (NFMA)***

Pursuant to 40 CFR 1502.20, the National Forest Management Act requires a specific determination of consistency with the Rogue River and Klamath National Forest Land and Resource Management Plans and their standards and guidelines. The 2004 Decision, confirmed by the supplemental analysis documented in the 2011 FSEIS, has been developed to be in full compliance with the Forest Plans, as amended by the 1994 Northwest Forest Plan, and NFMA. **I find this decision to be consistent with the provisions of the NFMA.**

### ***Northwest Forest Plan – Aquatic Conservation Strategy***

The analysis of the existing conditions of the four affected sub-watersheds relative to Riparian Reserve standards and guidelines (1994 NWFP ROD, pages C-31 through C-39) is presented in the 2004 FEIS Chapter IV for all alternatives considered in detail. These standards and guidelines were reviewed for applicability relative to the types of actions being proposed and authorized. The Recreation Management standards and guidelines RM-1 and RM-2 (NWFP page C-34) were determined to be applicable because recreation management is the goal of ski area expansion. The General Riparian Management standards and guidelines (NWFP page C-37) were determined to be applicable to all projects under the NWFP that are proposed within Riparian Reserves. The Watershed and Habitat Restoration and Fish and Wildlife Management standards and guidelines (NWFP page C-37) WR-1, WR-2, WR-3, and FW-1 were determined to be applicable because restoration projects are a connected action to ski area expansion.

Compliance with these standards and guidelines in regard to this supplemental decision is similar to Alternative 2; narrative discussion is contained in 2004 FEIS Chapter IV, Table IV-14, page IV-104 and 105. All actions are found to be compliant with all applicable ACS components and standards and guidelines, including those for Riparian Reserves (2004 FEIS pages IV-98 through 107).

The 2004 FEIS and ROD discussed and analyzed the elements and components contained within each of the nine ACS objectives. The 2004 FEIS clearly documents a description and analysis of the current condition for each affected fifth-field watershed at multiple scales, a description and analysis of the range of natural variability, and an analysis of how the project will maintain the existing condition or will move (i.e., restore) conditions toward the range of natural variability. An in-depth discussion of scales of analysis is found at FEIS III-40 thru 43. Effects are analyzed at three scales: the Special Use Permit Area (960 acres), the Site Scale (i.e., local scale; 1,065 acres), and the Watershed Scale (four separate affected watersheds that are smaller than the fifth-field).

As discussed in the July 7, 2007 New Information Review, the 2004 FEIS and 2004 ROD did not specifically label or discuss the nine ACS Objectives (based on policy and direction at that time). However, each Aquatic Conservation Strategy Objective was fully analyzed via the elements and components of each one. Consistency with the nine objectives is further discussed and referenced below, for the decision (Modified Alternative 2):

***ACS Objective 1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted.***

Hydrologic function— 2004 ROD page 20

Wetlands— 2004 ROD page 21

Riparian Reserve function— 2004 ROD page 23

Riparian Reserve standards & guidelines— 2004 ROD page 43

This supplemental decision remains consistent with ACS Objective 1 because although there is an increase in acres classified as Riparian Reserves, standards and guidelines would continue to be met due to the design of the proposed expansion facilities. The effects associated with LHZ 2 were previously described in the 2004 FEIS. New developed recreation facilities would occur and have an impact within Riparian Reserves at the Site Scale. Mitigation Measures would be employed to reduce effects at the Site Scale. There would continue to be no adverse effects on landscape scale features or aquatic systems.

***ACS Objective 2. Maintain and restore spatial and temporal connectivity within and between watersheds. Lateral, longitudinal, and drainage network connections include floodplains, wetlands, upslope areas, headwater tributaries, and intact refugia. These network connections must provide chemically and physically unobstructed routes to areas critical for fulfilling life history requirements of aquatic and riparian-dependent species.***

Hydrologic function— 2004 ROD page 20

Wetlands— 2004 ROD page 21

Flow— 2004 ROD pages 22-23

Riparian Reserve— 2004 ROD Page 23

Water Quality— 2004 ROD pages 23-25

Cumulative effects— 2004 ROD page 25

This supplemental decision remains consistent with ACS Objective 2 because spatial and temporal connectivity would continue to be maintained and/or restored.

***ACS Objective 3. Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.***

Vegetation/woody material— 2004 ROD page 19

Hydrologic function— 2004 ROD page 20

This supplemental decision remains consistent with ACS Objective 3 because physical integrity of the aquatic system would continue to be maintained. Mitigation Measures would be employed to reduce effects at the Site Scale.

***ACS Objective 4. Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems. Water quality must remain within the range that maintains the biological, physical, and chemical integrity of the system and benefits survival, growth, reproduction, and migration of individuals composing aquatic and riparian communities.***

Water quality— 2004 ROD page 23

This supplemental decision remains consistent with ACS Objective 4 because water quality would continue to be maintained or restored. Mitigation Measures would be employed to reduce effects at the Site Scale.

***ACS Objective 5. Maintain and restore the sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.***

Soils/site productivity— 2004 ROD page 18

This supplemental decision remains consistent with ACS Objective 5 because the sediment regime would continue to be maintained. Mitigation Measures would be employed to reduce effects at the Site Scale. There would continue to be no adverse effects at the landscape scale.

***ACS Objective 6. Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows must be protected.***

Hydrologic function— 2004 ROD page 20

Flow— 2004 ROD page 22

This supplemental decision remains consistent with ACS Objective 6 because in-stream flows would continue to be maintained. The majority of effect would occur on intermittent streams or wetlands and the one perennial stream affected would be protected via the Lower Wetlands Bridge. Mitigation Measures would be employed to improve conditions at the Site Scale.

***Objective 7. Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.***

Hydrologic function— 2004 ROD page 20

This supplemental decision remains consistent with ACS Objective 7 because floodplain inundation would continue to be maintained or unaffected.

***Objective 8. Maintain and restore the species composition and structural diversity of plant communities in Riparian Reserves and wetlands to provide adequate summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of coarse woody debris sufficient to sustain physical complexity and stability.***

Flow – 2004 ROD page 22

Land cover conditions— 2004 ROD page 23

Riparian Reserve function— 2004 ROD page 23

Engelmann spruce— 2004 ROD page 27

Late-successional ecosystems— 2004 ROD page 31

This supplemental decision remains consistent with ACS Objective 8 because species composition and structural diversity would continue to be maintained. As seen in 2004 FEIS MAP III-3, vegetative clearing would occur primarily within upper portions of LHZ 2, not associated with perennial streams or wetlands. Much of this area is non- or sparsely forested (Figure FSEIS II-3). Supplemental analysis determined an additional 0.56 acres of grading within Riparian Reserve; as seen in Figure FSEIS II-10 the majority of this grading is near the top of the proposed C-6 Lift, relatively high on the slope primarily in open dry areas and not associated with streams or wetlands. Mitigation Measures would be employed to reduce effects at the Site Scale. There would continue to be no adverse effects at the landscape scale.

***ACS Objective 9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate, and vertebrate riparian-dependent species.***

Land cover conditions— 2004 ROD page 23

Riparian Reserve function— 2004 ROD page 23

Engelmann spruce— 2004 ROD page 27

Late-successional ecosystems— 2004 ROD page 31

This supplemental decision remains consistent with ACS Objective 9 because habitat for native and riparian dependent species would continue to be maintained. As noted above, vegetative clearing would occur primarily within upper portions of LHZ 2, not associated with perennial streams or wetlands. Much of this area is non- or sparsely forested (Figure FSEIS II-3) Mitigation Measures would be employed to reduce effects at the Site Scale. There would continue to be no adverse effects at the landscape scale.

### Overall Finding

The supplemental analysis did not trigger the need to modify the decision within the 2004 ROD; therefore there has been no change to the decision, only to the inventory of how the effects are measured. I find that the inclusion of LHZ 2 as Riparian Reserve, and the additional effect of clearing and grading do not change the determination of ACS consistency. I find that none of the impacts associated with the ski area expansion decision, either directly, indirectly, individually or cumulatively, will prevent attainment of the Aquatic Conservation Strategy, compliance with the Riparian Reserve standards and guidelines, or consistency with the nine ACS Objectives, at the site, watershed or landscape scales.

## APPEAL PROCESS AND RIGHTS

This supplemental decision is subject to administrative appeal. Organizations or members of the general public may appeal my decision according to Title 36 CFR Part 215. The City of Ashland and the Mt. Ashland Association may appeal this decision pursuant to 36 CFR 251, Subpart C (one or the other, but not both regulations).

**The scope of appeals to my supplemental decision to implement the 2004 Record of Decision in its entirety is limited to the analyses, conclusions, determinations and findings contained in the 2011 FSEIS and in this Supplemental ROD.**

The 45-day appeal period begins the day following the date legal notice of this decision is published in the *Medford Mail Tribune*, *Medford*, Oregon, official newspaper of record for the Rogue River-Siskiyou National Forest. The Notice of Appeal must be filed with the Appeal Deciding Officer:

Appeal Deciding Officer: Regional Forester  
Pacific Northwest Region  
USDA Forest Service  
Attn. 1570 Appeals  
PO Box 3623  
333 SW First Avenue  
Portland, OR 97208-3623

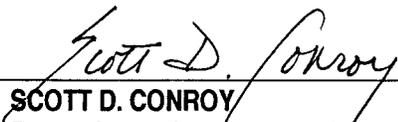
Appeals can also be filed electronically at: [appeals-pacificnorthwest-regional-office@fs.fed.us](mailto:appeals-pacificnorthwest-regional-office@fs.fed.us) or hand delivered to the above address between 7:45 AM and 4:30 PM, Monday through Friday except legal holidays. The appeal must be postmarked or delivered within 45 days of the date the legal notice for this decision appears in the *Medford Mail Tribune* newspaper. The publication date of the legal notice in the *Medford Mail Tribune* newspaper is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft word (.doc), rich text format (.rtf), or portable document format (.pdf) only. E-mails submitted to email addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. It is the responsibility of those who appeal a decision to provide the Regional Forester sufficient written evidence and rationale to show why my decision should be changed or reversed. The written notice of appeal must include the following items:

- The Appellant's name, address, and if possible, a telephone number of the appellant;
- Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant (215.2) and verification of the identity of the lead appellant upon request;
- Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;

- Identify the specific change(s) in the decision that the appellant seeks or portion of the decision to which the appellant objects; and the rationale for those changes;
- Identify any portion(s) of the decision with which the appellant disagrees, and an explanation for the disagreement;
- State how my decision fails to consider substantive comments previously provided, either before or during the comment period specified in Title 36 CFR 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

## AUTHORIZATION

  
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**SCOTT D. CONROY**  
Forest Supervisor, Responsible Official  
Rogue River-Siskiyou National Forest

4-22-2011  
Date

For further information concerning the supplemental analysis or specific actions authorized by my decision, you may contact:

**Donna Mickley, District Ranger**  
**Siskiyou Mountains Ranger District**

or

**Steve Johnson, Project Leader**  
Ashland Ranger Station  
645 Washington Street  
Ashland, OR 97520  
(541) 552-2900