UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 26, 2007

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

Subject: Final Environmental Impact Statement (FEIS) for the Heavenly Master Plan Amendment 2005 (CEQ# 70036)

Dear Ms. Marceron:

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

This project amends the Heavenly Master Plan, adopted in 1996. EPA provided detailed comments on the Draft EIS (DEIS) for this project on July 26, 2006. In our comments, we expressed concerns regarding the level of development and the impacts to habitat, old growth forests, and water resources and rated the document as EC-2, Environmental Concerns - Insufficient Information. As we noted in our comments on the DEIS, this Master Plan amendment was first submitted for public review in the fall of 2005 with Alternative 2 selected as the proposed action. However, due to public concerns, Alternative 4 was carried forward as the preferred alternative. Alternative 4 includes a reduced-size amphitheater and reduced glading amounts for Ski Trails S9 and S10 when compared to Alternative 2.

Due to public concerns regarding the project's impacts to late seral/old growth stands and Edgewood Creek water quality, Alternative 4a was created and brought forward in the Final EIS (FEIS). EPA appreciates the efforts of the Forest Service to reduce environmental impacts and address public concerns through the development of this alternative. We also appreciate the additional information regarding water quality monitoring and mitigation measures that has been provided in the FEIS. Because Alternatives 4a and 5 are the least environmentally damaging of the alternatives considered, EPA recommends the selection of one of these alternatives as the preferred alternative. However, our concerns remain with the impacts to watersheds and habitat if Alternative 4 is selected.

Regardless of which alternative is selected, EPA would like to underscore the importance of the mitigation and monitoring measures identified in Section 5.8. All alternatives proposed require amendments to the Tahoe Regional Planning Agency (TRPA) Plan Area Statements 086 and 087 Special Policies. The proposed amendments remove restrictions on development and do not support the need for a coordinated transit system. The management mechanisms identified in Section 5.8 are critical to ensure that watershed impacts are minimized and that transit continues to be an available option as traffic conditions change. EPA strongly recommends that the Forest Service commit to the mitigation and monitoring measures identified in Section 5.8 in the ROD. Please also see EPA's detailed comments regarding selection of the preferred alternative.

We appreciate the opportunity to review this FEIS. When the Record of Decision (ROD) is released for public review, please send (1) copy to the address above (mailcode: CED-2). If you have any questions, please contact me at 415-972-3846 or Summer Allen, the lead reviewer for this project. Summer can be reached at 415-972-3847 or allen.summer@epa.gov.

Sincerely,

Summer Allen

FOR

Nova Blazej, Manager
Environmental Review Office

Attachment: EPA Detailed Comments

Main ID # 4674

Environmentally Preferable Alternative and Selection of the LEDPA

The proposed project would result in habitat fragmentation as a result of construction of ski runs and Lift S and the removal of habitat for the northern goshawk, a Federal species of concern. We appreciate the inclusion of the VEG-3 mitigation measures to help ensure that cumulative impacts to habitat and old-growth are reduced to the greatest extent possible, including additional habitat enhancement measures. However, it is important to select the least damaging alternative that can still meet the project needs (Section 1505.2(b)). Alternative 4a, which includes a reduced-size amphitheater and reduced glading amounts for Ski Trails S9 and S10, and Alternative 5, which further reduces tree removal, will result in less significant impacts to old growth/late seral stands and northern goshawk habitat.

The Draft EIS (DEIS) noted that a Clean Water Act (CWA), Section 404(b)(1) permit may be needed (p. 7.4-8). However, the Final EIS (FEIS) is not clear regarding the need for a CWA permit for this project. As we stated in our DEIS comments, in the event a permit is needed, the CWA Guidelines require that the Least Environmentally Damaging Practicable Alternative (LEDPA) be selected for implementation.

Recommendations:
The Record of Decision (ROD) should advance Alternative 4a or 5 as the preferred alternative. If this is not done, the ROD should identify Alternative 5 as the environmentally preferable alternative and an explanation of why Alternative 5 was not selected as the preferred alternative (Section 1505.2(b) and *CEQ 40 Most Frequently Asked Questions* #6). In this instance, the ROD should also include the reasoning why Alternatives 4a and 5 were not practicable (CWA Section 404(b)(1)).