

Bear Valley Mountain Resort Expansion (7910) Decision Notice and Finding of No Significant Impact

Stanislaus National Forest
Calaveras Ranger District
Alpine County, California

Decision and Reasons for the Decision

The Forest Service prepared an Environmental Assessment (EA) for the proposed Bear Valley Mountain Resort Expansion (BVM Expansion) project in compliance with the National Environmental Policy Act (NEPA) and other relevant laws and regulations. The EA discloses the direct, indirect and cumulative environmental impacts that would result from the alternatives. Additional documentation, including more detailed analyses of project-area resources, may be found in the project file located at the Calaveras Ranger District Office in Hathaway Pines, CA.

This document contains a Decision Notice and Finding of No Significant Impact (FONSI). The Decision Notice identifies the decision and the rationale for selecting or modifying an alternative from the EA. The FONSI shows that the decision does not cause significant impacts on the human environment and explains why an environmental impact statement is not necessary.

Background

The EA (p. 4-6) explains the Purpose and Need for Action, of which the key points are:

- a. **Circulation:** Improve skier/boarder circulation within the existing ski area and improve access between the ski area and Bear Valley Village.
- b. **Parking:** Increase the efficiency of the parking areas and provide additional parking capacity to meet current and future visitation.
- c. **Services:** Improve guest services.

Alternative 2 (Proposed Action), as described in the EA (p. 7, 12-16), includes nine specific actions:

1. Construct the Village Lift to provide lift service between Bear Valley Village and Koala Ridge.
2. Upgrade the Super Cub chairlift to a high-speed detachable quad.
3. Recontour *Ego Alley* between the top of the Super Cub chairlift and Cub Meadow.
4. Construct the *Mokelumne West Bypass* to provide lower-level skiers/snowboarders with an appropriate route to the base area from Bear Top.
5. Re-grade/widen *Bono's Alley/Water Tank* to better accommodate novice skiers/snowboarders descending from Koala Top to the base area.
6. Improve *The Village Skiway* in order to provide a novice trail from Koala Top to Bear Valley Village. Key to this component of the proposal is selective vegetation removal along the Koala Access Road between Koala Top and the vehicle maintenance facility, as well as a short (1,500 feet) segment of new trail construction between the vehicle maintenance facility and the existing *Village Skiway*.
7. Improve *Home Run/Lunch Run* as return trails to Bear Valley Village (widening/grading and installation of a bridge/culvert).
8. Increase parking capacity within the existing parking lots by about 174 spaces.
9. Construct an on-mountain guest services facility at Bear Top (about 12,500 square feet).

Decision

Based upon my review of the alternatives and the analysis in the EA, I decided to implement Alternative 3 (Improved Skier Circulation) as described in the EA (p. 17-19).

In reaching this decision, I reviewed and considered the most recent information, including: the Bear Valley Mountain Resort (BVM) Special Use Permit (SUP); Stanislaus National Forest Land and Resource Management Plan¹ (Forest Plan) direction (including forestwide and Winter Sport Site management area standards and guidelines); specialist reports included in the project file; and, input from interested parties. This decision incorporates by reference the BVM Expansion EA released for public comment in June 2011, as well as the updated September 2012 EA that accompanies this Decision Notice and FONSI.

My decision to select Alternative 3 (Improved Skier Circulation) authorizes the following ten specific actions. Alternative 3 is similar to Alternative 2 (Proposed Action) with the main exceptions noted below (items 1 and 7).

Lift Network

1. Construct the two-stage Village Lift to provide lift service between Bear Valley Village and Koala Ridge. My decision authorizes the installation of two chairlifts, the Village Lift (the lower lift) and the Sunrise Bowl Lift (the upper lift), between Bear Valley Village and Koala Ridge. **Note:** this two-stage lift configuration differs from the one lift configuration in Alternative 2 (Proposed Action).

The Village lift would be a detachable lift with the bottom terminal located on private land in Bear Valley Village. The lift would extend for about 6,000 feet to Sunrise Bowl. About 0.5 acres of ground disturbance may occur to construct each lift terminal. Tree removal will be required along the lift corridor and at the top terminal location.

The Sunrise Bowl Lift will be lift designed to accommodate round trip skiing use of the Sunrise Bowl area, without having to descend all the way to Bear Valley Village. The bottom terminal will be located downslope of the Village lift terminal and extend about 2,700 feet in length to Koala Ridge. About 0.5 acres of ground disturbance may occur to construct each lift terminal. Construction of the upper terminal would require some fill material to be transported to the site to create an unload area.

2. Upgrade the Super Cub chairlift to a high-speed detachable quad chairlift.

Terrain Network

3. Re-contour *Ego Alley* between the top terminal of the Super Cub chairlift and Cub Meadow.
4. Construct the *Mokelumne West Bypass* to provide lower-level skiers/snowboarders with an appropriate route to the base area from Bear Top.
5. Re-grade/widen *Bono's Alley/Water Tank* to better accommodate novice skiers/snowboarders descending from Koala Top to the base area.
6. Improve *The Village Skiway* in order to provide a novice trail from Koala Top to Bear Valley Village. Selective vegetation removal is approved along the Koala Access Road between Koala Top and the vehicle maintenance facility, and an about 1,500 feet segment of new trail construction between the vehicle maintenance facility and the existing *Village Skiway*.
7. Remove vegetation in the Sunrise Bowl to enable snowcats to groom two intermediate-level routes, on the eastern and western sides of the Bowl. These routes are to accommodate intermediate skiers/snowboarders who wish to repeat ski/ride the bowl via the proposed Sunrise Bowl Lift. **Note:** Alternative 2 (Proposed Action) does not include this action item.

¹ USDA 2010. Forest Plan Direction. April 2010. Forest Service, Stanislaus National Forest, Sonora, CA.

Ungroomed terrain in Sunrise Bowl would remain classified as expert with open runs and glades. Vegetation removal (roughly 3.6 acres) would be necessary in the lower elevations of Sunrise Bowl to help capture/funnel descending skiers/riders back to the bottom terminal of the proposed Sunrise Bowl Lift.

8. Improve *Home Run/Lunch Run* as return trails to Bear Valley Village (widening/grading and installation of a bridge).

Parking

9. Increase parking capacity within the existing parking lots by about 174 spaces (1.8 acres).

Services

10. Construct an on-mountain guest services facility at Bear Top (12,500 square feet). The Bear Top Lodge will include a 1,500-square foot deck for outdoor seating. Once the Bear Top Lodge is constructed, the existing restrooms on Bear Top will be decommissioned and removed from the site.

The Bear Top Lodge will tie into existing power and communication lines located near the top terminal of the Bear and Kuma chairs. A water/sewer line is approved to be trenched in *Tuck's Traverse* and tie into existing utility lines buried within the Koala Access Road near the vehicle maintenance facility (the existing water/sewer line within the Koala Access Road extends 8,000 feet to Bear Valley Village).

Grading and Clearing

The EA (p. 28, 30, 52-56) displays and describes ground disturbance with soils and watershed effects associated with Alternative 3. Table 1 below shows the acres of grading and vegetation clearing authorized in this decision.

Table 1 Acres of clearing and grading approved with Alternative 3

Project Component	Acres	
	Grading	Clearing
Parking Lots	1.8	N/A
Village Lift	0.5	8.3
Sunrise Bowl Lift	1.0	N/A
Super Cub Replacement/ <i>Ego Alley</i> Recontouring	1.0	N/A
<i>Mokelumne West Bypass</i>	2.2	4.3
<i>Bono's Alley/Water Tank</i>	3.3	N/A
<i>The Village Skiway</i> (Upper)	1.0	1.0
<i>Home Run/Lunch Run</i>	N/A	3.8
Sunrise Bowl Improvements	N/A	3.8
Bear Top Lodge	0.8	N/A
Water/Sewer Line	4.3	N/A
Total	15.9	21.2

Reasons for the Decision

I selected Alternative 3 (Improved Skier Circulation) for the following reasons:

1. Alternative 3 is consistent with the Forest Plan (USDA 2010): BVM is within the “Winter Sports Sites” management area with a management emphasis to “provide developed opportunities for winter sports; provide aesthetically pleasing, well maintained, fully equipped facilities for the pleasure and safety of Forest visitors; and, to protect proposed winter sports sites for future development.”
2. Alternative 3 is consistent with the BVM SUP.
3. Alternative 3 meets the Purpose and Need for Action better than the Proposed Action by accommodating repeat use of the terrain on the Village side of the ski area (due to the two-lift configuration versus a single lift configuration).
4. By providing an alternate route around steeper sections of *Mokelumne West*, the approved *Mokelumne West Bypass* will divert lower level skiers and riders away from *Mokelumne West*. This will separate the novice from low-intermediate (and above) skiers and riders that currently affects circulation on this popular trail, improving the recreation experience for all levels. The *Mokelumne West Bypass* is identical between Alternatives 2 and 3.
5. In Alternative 3, the top terminal of the proposed Village Lift will be moved further west along Koala Ridge compared to Alternative 2; therefore, skiers and riders who offload at the Village Lift top terminal will have multiple choices for descending to the base area (including *NASTAR*, *Feather Duster*, *Sugar*, *Hog Back*, or *Bono’s Alley*). No one trail is expected to receive the brunt of skier/rider traffic associated with the Village Lift. Accordingly, under Alternative 3, *Bono’s Alley* and *Water Tank* will receive strategic recontouring and widening, but not to the extent as under Alternative 2.
6. Skiers and snowboarders of all levels (excluding beginners) will be able to access the bottom of Sunrise Bowl easily and quickly. Because the alignment of the Village Lift in the Selected Alternative remains quite gentle for its entire length, it will be download friendly, should guests want to download to Bear Valley Village.
7. The Sunrise Bowl chairlift will accommodate direct, repeat use of about 75 acres on the eastern side of the Sunshine Bowl terrain. Skiers and riders can access Koala Top and all of the terrain from there down to the base area.
8. With the Sunrise Bowl lift providing access to Koala Top, numerous runs will be available, instead of forcing all skiers/snowboarders onto *Bono’s Alley*. Novice, intermediate and expert runs are all available from Koala Top.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives described below. The EA (p. 28-31) includes a comparison of these alternatives.

Alternative 1 (No Action)

Alternative 1 (No Action) serves as a baseline for comparison among the Action Alternatives (73 Federal Register 143, July 24, 2008; p. 43084–43099). Under Alternative 1, the existing parking, lift/trail network, and guest services at BVM would remain in their current condition. I did not select Alternative 1 because it does not respond to the Purpose and Need for Action; specifically:

1. The quality of the recreation experience would continue to be limited by a deficit of beginner and low intermediate terrain. Lower level skiers/snowboarders descending to the base area from Bear Top on

Mokelumne West and *Tuck's Traverse/Bono's Alley/Water Tank* would be required to negotiate terrain that is inappropriate for their ability/comfort level.

2. No new on-mountain facilities would be built under Alternative 1. Therefore, all skiers and riders on the mountain, including those using Back Side terrain (Pooh Bear and Polar Express) would need to descend to the base area for basic guest services. This would often entail more advanced guests descending through Bunny Basin, which equates to mixing of ability levels—at both the lunchtime and end-of-day egress periods.
3. Alternative 1 would continue the lack of a lift connection between Bear Valley Village and BVM. Terrain on the Village Side of the ski area would continue to accommodate intermediate through expert skiers and riders and no low-intermediate or novice route would access Bear Valley Village.
4. BVM would be expected to continue to experience parking congestion during peak visitation periods.

Alternative 2 (Proposed Action)

I did not select Alternative 2 (Proposed Action) for the following reasons:

1. Alternative 2 included a single lift between Bear Valley Village and BVM. While this would accommodate direct access from the Village to the ski area, it would not facilitate round-trip use of terrain in Sunrise Bowl. My approval for installation of both the Sunrise Bowl Lift and Village Lift under Alternative 3 will, on the other hand, accommodate lift service from the Village to the ski area with the added benefit of round-trip skiing/riding the Sunrise Bowl terrain.
2. *Bono's Alley* and *Water Tank* would be expected to experience increased congestion as well mixing of ability levels as a consequence of installing the proposed Village Lift in Alternative 2. This stems from the location of the proposed top terminal of the Village Lift, at Koala Rocks, which would effectively limit unloading guests' options for descending to the base area to *Bono's Alley*, followed by *Water Tank*.

Alternatives Considered but Eliminated from Detailed Study

The EA includes nine other alternatives that were considered but eliminated from detailed study. As described in the EA (p. 25-28), these alternatives would result in extensive soil movement, soil erosion, or other resource concerns, or would not meet the purpose and need of the project.

- a. **Removal of the Fingers Corridors:** The “Fingers Corridors” action was originally included in the original Proposed Action described in the scoping notice as a way to create a terrain link from BVM to Bear Valley Village. The Fingers Corridors would include signs and selective tree removal on about 30.8 acres to funnel skiers/snowboarders to the designated Areas in Common in order to address concerns about trespass. The high stocking levels and advanced age of the overstory trees in the forested stand surrounding the “Fingers Corridors” area were contributing to increased tree stress due to inter-tree competition for moisture and nutrients. This resulted in conditions that increased tree susceptibility to insect infestation, pathogens, and other damaging agents that resulted in the mortality of the largest trees on the landscape. Therefore, the Forest Service designed a Timber Stand Improvement (TSI) project to address forest health throughout the stand (including the Fingers area). The “Bear Valley TSI” project also addressed skier/boarder access and safety between BVM and Bear Valley Village. As such, the “Fingers Corridors” action was removed from further consideration in this EA and was addressed in cumulative effects.
- b. **Lower Home Run/Lunch Run and Showshoe Traverse:** The lower *Lunch Run/Home Run* and *Snowshoe Traverse* actions, from the original Proposed Action described in the scoping notice, were included in the Bear Valley TSI project to better address forest health considerations and transition

the red fir stand towards a desired condition. As such, the lower *Lunch Run/Home Run* and *Snowshoe Traverse* actions were removed from consideration in the EA and are addressed in cumulative effects.

- c. **Spring Gap Grading:** Regrading *Spring Gap* to accommodate lower ability skiers/snowboarders was included in the original Proposed Action described in the scoping notice. However, regrading *Spring Gap* would require widening a bench through *Groovy Gully* that would disrupt the flow of the terrain used by higher ability skiers. Additional concerns were raised relating to mixing of ability levels and visual impacts. After consideration of construction methods, the project footprint, and potential skier/boarder conflicts, it was removed from consideration in the EA because this action would not meet the Purpose and Need.
- d. **The East Bowl Beginner Pod:** Construction of the Sunrise Bowl Beginner Pod in the East Bowl would require a significant financial investment and additional environmental analysis.
- e. **Formalize *Schoolhouse Ridge* and *Applebonkers*:** The action to formalize *Schoolhouse Ridge* and *Applebonkers* was a component of the original Proposed Action described in the scoping notice. However, between the scoping notice and the release of the EA, *Schoolhouse Ridge* and *Applebonkers* were incorporated into BVM trail network through an administrative action under the BVM SUP and the ski area's annual operating plan because no ground disturbance was required.
- f. **Improvements to *Mokelumne West*:** Several options were considered to design an egress from Bear Top to the base area for low ability level skiers/snowboarders using the existing *Mokelumne West* trail. These options included a combination of trail widening, changing alignments and regrading to create appropriate slopes for low ability level skiers/snowboarders. However, the *Mokelumne West* trail has been widened to the fullest extent possible, and was not considered to be an option for meeting the need to get lower level skiers/boards down from Bear Top.
- g. **Reduced Expansion Alternative:** The suggested "Reduced Expansion Alternative" based on public comments received during scoping would reduce visitor increases to 20,000 for the next 5 to 10 years. This alternative was eliminated from detailed study because the Proposed Action only allows for an increase of 383 skier capacity. With about 30 peak ski days, the increase of additional skiers is likely less than 11,500 people annually. The Proposed Action, considered as the minimal action needed to meet the current needs, does not increase visitor use above the 1995 Record of Decision for 4,400 skiers/snowboarders-at-one-time.
- h. **Portions of the Suggested Modified Current Use Alternative:** In response to this suggested alternative from the public, indicators that address potential impacts to wildlife habitat, soils and watershed, and recreation are included in the EA. However, the full "Modified Current Use" alternative was not carried forward into the analysis.

This suggested alternative included construction of the *Village Lift* and skiway (AKA "*The Village Skiway*"), trail improvements on existing terrain (including *Bono's Alley/Water Tank*, *Spring Gap* trail, *Home Run* and *Lunch Run*, and the skier/boarder bridge [culvert]), *Super Cub* upgrade, and parking lot expansion as described in the Proposed Action. However, Bear Top Lodge (and associated utilities) and the *Mokelumne West* bypass were not included in this proposed alternative.

This alternative was not carried forward into the EA for detailed analysis for the following reasons:

- The "Modified Current Use" alternative would not address the need to improve skier/boarder services because it does not include additional guest service facilities. In addition, by excluding improvements to the *Mokelumne West* trail, this alternative would not address the need to improve skier/boarder circulation within the existing ski area. Skiers/snowboarders of lower abilities would continue to be required to negotiate terrain beyond their ability level to access the base area from top of Bear Top.

- Scaling back the overall amount of thinning in the funnel portion of the fingers and improvements to *Home Run/Lunch Run* and *Snowshoe Traverse* was implemented under the Bear Valley Timber Stand Improvement project.
- An alternative that reduced the amount of grading of *Bono's Alley* is analyzed in the EA (Alternative 3).
- The Mountain Top Lodge would be built incorporating applicable standards suggested by the US Green Building Council (USGBC). The no-action alternative analyzes the exclusion of the Mountain Top Lodge.
- The No Action alternative analyzes eliminating any re-grading or widening of the *Mokelumne West* trail.

- i. **Portions of the Suggested Resource Enhancement Alternative:** In response to this suggested alternative from the public, indicators that address potential impacts to wildlife habitat, soils and watershed, and recreation are included in the EA. However, the full "Resource Enhancement" alternative was not carried forward into the analysis.

This alternative was suggested to minimize the loss of late seral stage closed canopy habitat that presently benefits sensitive species. To reduce fragmentation or opening up of older forest habitat, some ski runs would not be widened as proposed; large, older trees would be avoided to the fullest extent feasible in all project designs and actions; and strategic patches or connecting strips of habitat would not be fragmented except where necessary. Impacts to watershed and water quality would be further reduced from the suggested "Modified Current Use" alternative concept by diminishing even further the amount of grading and tree removal. In this suggested alternative, the public urged that the *Mokelumne West* trail and the Bear Top Lodge be eliminated from the project for at least a ten-year period.

This alternative was not carried forward into the EA for detailed analysis for the following reasons:

- Spring Gap was eliminated from all action alternatives due to the potential for considerable environmental impacts and safety concerns.
- The Bear Valley TSI project (which also addressed forest health, skier safety and the amount of trespass on private lands) reduced the overall amount of thinning in the funnel portion of The Fingers and implemented the *Home Run/Lunch Run* and *Snowshoe Traverse* actions.
- No thinning is planned for the East Bowl
- Alternative 3 reduces the amount of proposed grading of *Bono's Alley*.
- The Mountain Top Lodge incorporates applicable standards suggested by the US Green Building Council (USGBC). The No Action alternative analyzes the exclusion of the Mountain Top Lodge.
- The No Action Alternative addresses no re-grading or widening on the *Mokelumne West* trail.

Public Involvement

The Forest Service first listed the BVM Expansion project in the October 2004 issue of the Stanislaus National Forest Schedule of Proposed Actions (SOPA). The Forest distributes the SOPA to about 160 parties and it is available on the internet [<http://www.fs.fed.us/sopa/forest-level.php?110516>]. Prior to scoping, BVM provided a Conceptual Resort Improvement Plan to the public for comments during the 2007/08 winter season. This plan was posted in the Bear Valley Lodge, at the BVM day lodge, and online at www.bearvalley.com. Two public meetings were held on weekends during the ski season.

The proposal was provided to the public and other agencies for comment during scoping beginning on August 2, 2008. As part of the public involvement process, the agency held a public meeting in Bear

Valley Village for interested parties to attend and provide comments. A total of 11 comment letters were received from various individuals and organizations (Summary of Public Scoping Comments, project file). The Forest used those comments to help identify issues (EA, p. 9-10).

The BVM Expansion project was presented to the Tuolumne Band of Me-Wuk Indians on May 19, 2010 as part of the annual consultation on the Forest's program of work. Copies of the 2010 Forestwide program of work were sent to the Washoe Tribe of Nevada and California. Over the past five years, consultation with the Tuolumne Band of Me-Wuk occurred on a number of projects that are related to BVM (EA, p. 8).

A legal notice, announcing the 30-day Opportunity to Comment on the EA appeared in the Union Democrat on June 29, 2011. The Forest mailed copies of the EA to those parties who previously expressed interest in the project. The 30-day comment period ended on July 29, 2011. During the comment period, one interested party submitted comments. A Response to Comments (project file) contains a summary of those comments along with responses. Based on those comments, the EA includes the following changes:

1. Chapter 1.1 (Background) includes the average annual visitation between 1980 and 2010.
2. Chapter 1.3 (Purpose and Need for Action) includes the economic importance of Bear Valley to the Highway 4 corridor.
3. Chapter 3.1 (Introduction) includes an expanded discussion of visual resources.
4. Chapter 3.2 (Effects Relative to Issues) clarifies the average annual visitation at BVM and the effects of Alternative 2 to guest services provided by Bear Top Lodge.
5. Chapter 3.3 (Effects Relative to Significant Factors) includes an updated description of the degree to which the effects on the human environment are likely to be highly controversial.
6. Appendix B (Air Quality and Greenhouse Gas Emissions) addresses greenhouse gas emissions.

Finding of No Significant Impact

After considering the environmental effects described in the EA (p. 33-78, 87-97), I determined that these actions will not have a significant effect on the quality of the human environment, considering the context and intensity of impacts as defined at 40 CFR 1508.27. Therefore, an environmental impact statement will not be prepared. I incorporate by reference, the EA and project file, in making this determination. I base this finding on the following.

Context

The project area (the BVM SUP area), located in the northern portion of the Stanislaus National Forest, is within the "Winter Sports Sites" management area (USDA 2010). Management emphasis for these areas is to provide developed opportunities for winter sports; provide aesthetically pleasing, well maintained, fully equipped facilities for the pleasure and safety of Forest visitors; and to protect proposed winter sports sites for future development (USDA 2010, p. 177): "The [Bear Valley Mountain] site is located within the heavily used Lake Alpine/Mt. Reba area in the northern portion of the Forest. Bear Valley is a major alpine ski resort and the site includes areas for expansion of the existing facilities." As such, this local, site specific project does not have international, national, region-wide or statewide importance.

Intensity

I considered the following ten elements of impact intensity (40 CFR 1508.27b) in assessing the potential significance of project effects.

1. Impacts that may be both beneficial and adverse.

I considered both the beneficial and adverse impacts associated with Alternative 3 as presented in the EA (p. 33-78, 87-97). Alternative 3 will provide recreation benefits to many users of the Stanislaus National Forest and will improve recreation opportunities on National Forest System (NFS) lands. The EA (p. 33-78, 87-97) discloses potential impacts to water, soils, vegetation, wildlife, scenery, air quality, traffic, parking and ski area access. Also, this decision includes all practical means to avoid or minimize environmental harm by adopting the Management and Other Requirements displayed in the EA (p. 20-24). The Biological Assessment and Evaluation (BAE) and specialist reports prepared for this project are available in the project file, and unless otherwise noted are available upon request. Combined, these documents provide the basis for the following key determinations:

- Under Alternative 3, the recreation experience at Bear Valley will be improved. The Bear Top Lodge will provide food services and restrooms and will help ease congestion at base area facilities during the mid-day lunch time. Increased parking will have a positive effect on the recreation experience of ski area guests by alleviating some of the parking congestions at BVM. The installation of the Village and Sunrise Bowl lifts address a portion of the parking situation by eliminating the need for Bear Valley Village residents and guests to utilize parking spaces at BVM. Due to the limited area BVM has available to increase parking capacity, parking congestion may still be experienced on peak capacity days.
- Alternative 3 will increase lift-served terrain in all classifications, with the exception of beginner. By providing an alternate route around steeper sections of *Mokelumne West*, construction of the *Mokelumne West Bypass* will divert lower level skiers and riders away from *Mokelumne West*. This will eliminate the mixing of intermediate and novice level skiers and riders that currently affects circulation on this popular trail, improving the recreation experience. The installation of the Sunrise Bowl Lift and Village Lift will improve skier/boarder circulation while providing a lift and trail connection between BVM and Bear Valley Village.
- The Sunrise Bowl Lift and Village Lift will improve skier/boarder circulation while providing a lift and trail connection between BVM and Bear Valley Village. Strategic trail improvements will benefit the recreation experience. Vegetation removal is approved in Sunrise Bowl to enable snowcats to groom two intermediate-level routes. These two intermediate trails have potential to reduce densities on intermediate terrain within the Polar Express pod (located on the Back Side). Also, strategic vegetation removal on Lunch Run and Home Run will better define these trails as skiers and riders descend to Bear Valley Village.
- No federally listed Threatened or Endangered species potentially occur within the project area.
- Removal of mature forest will reduce the amount of habitat available and potentially affect the quality of adjacent habitat by creating additional edge habitat. These actions could make some wildlife species (e.g., forest carnivores, raptors) more vulnerable to predation, or loss of fitness needed for survival and reproduction. Conversely, some wildlife species (e.g., deer, bats) could benefit from the creation of additional forest openings and edge habitat through increased foraging opportunities. The BAE determined that approved projects “May affect individuals, but is not likely to contribute to the need for federal listing or result in loss of viability for sensitive species in the planning area.” The Management Indicator Species (MIS) report prepared for this project determined that Alternative 3 would provide for the maintenance of generally well-distributed viable populations of existing native and desired non-native wildlife and fish, including MIS.
- Alternative 3 will impact soil resources in the project area primarily through addition of impervious surfaces and trail clearing and grading (e.g., parking lots, buildings, lift terminal and towers) which remove or compact soils. However, the results of the equivalent roaded area (ERA)

analysis indicate the cumulative effects in all of the watersheds analyzed were below the threshold of concern.

- Greenhouse gas (GHG) emissions were considered in proportion to the nature and scope of the Selected Alternative, including the potential to either affect emissions or be affected by climate change impacts. GHG emissions would likely increase from additional vehicular traffic, project construction/implementation, grooming and operation of the Bear Top Lodge. However, taken individually, these components of the Alternative 3 are of such a minor scale in the context of global climate change that the quantification or qualification of direct, indirect, or cumulative effects would be meaningless to a reasoned choice among alternatives.
- Implementation of Alternative 3 is not expected to affect the growth rate, ethnic composition, income or the poverty level of Bear Valley Village or Alpine County. The average growth rate is expected to continue to depend on such factors as employment opportunities, housing availability, and regional economic conditions. No unfair adverse effects occur on any low income or minority groups in the area. The project is not expected to negatively affect the socio-economic composition of the region. In fact, these projects are more likely to represent an economic stimulus in an otherwise economically depressed community.
- Approved project activities will avoid direct impacts to wetlands to the greatest extent possible. The only projects that could potentially impact wetlands are the replacement of Super Cub and trail grading on *Water Tank*. One proposed intermittent stream crossing is associated with the *Home Run/Lunch Run* trail improvements. No other project activities will impact stream channels and no activities are expected to measurably impact water quality.

2. The degree to which the proposed action affects public health or safety.

Implementation of Alternative 3 would not cause significant effects on public health and safety. As documented in the EA, two projects, in particular, will improve public safety: the Bear Top Lodge and the *Mokelumne West Bypass*. From a recreation standpoint, excluding the *Mokelumne West Bypass* would mean that lower level skiers/snowboarders descending to the base area from Bear Top on *Mokelumne West* and *Tuck's Traverse/Bono's Alley/Water Tank* would continue to be required to negotiate terrain that is inappropriate for their ability/comfort level. Excluding new on-mountain facilities (i.e., Bear Top Lodge) would mean that more advanced skiers and riders using Back Side terrain (Pooh Bear and Polar Express) would continue to descend to the base area for basic guest services. This entails descending through Bunny Basin, which equates to mixing of ability levels—at both the lunchtime and end-of-day egress periods.

Implementation of Alternative 3 would be governed by standard public health and safety contract clauses. Standard precautionary measures such as dust abatement, signing of roads during log and biomass hauling, safely securing truckloads, and maintaining the haul route, would be used.

Short-term adverse effects on public health related to air quality from pile burning are a small possibility and management requirements mitigate these effects. These potential short-term effects are of limited scope and duration and have been minimized to the extent possible through timing of pile burning. Regional air quality standards would be met in a manner consistent with the Clean Air Act.

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

While numerous cultural resources are located within the BVM SUP area, the location and treatments described herein will not affect cultural resources. No prime farmlands, prime rangelands, prime forest lands, or ecologically critical areas exist within the project area. The project area does not contain rivers designated as wild and scenic. While NFS lands are a valued asset there would be no

one-of-a-kind (unique) characteristics affected by the Selected Alternative. Several headwater streams and wetlands are present within the ski area. Analysis provided within the EA indicates that, through project design and incorporation of best management practices, impacts to streams and wetlands can be minimized or eliminated. Upon approval, and where appropriate, permits may be required prior to construction.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The Forest Service conducted several public meetings in Bear Valley Village and participated in collaborative meetings with Alpine County. Public scoping generated a total of 11 comment letters. Comments and relevant issues identified in these letters were used to develop the issues and alternatives discussed in the EA. Only one interested party, the Central Sierra Environmental Resource Center, submitted comments during the 30-day comment period.

Although the public was generally supportive of the proposed projects at BVM, the Central Sierra Environmental Resource Center's main points of disagreement were related to the Bear Top Lodge and the *Mokelumne West Bypass*. As documented throughout the EA, and this Decision Notice and FONSI, I am confident that the public and recreation benefits of those two actions outweigh the limited environmental impacts associated with them.

The BVM SUP area is within the "Winter Sports Sites" management area (USDA 2010). The Selected Alternative is consistent with forestwide and management area standards and guidelines. All approved projects will be implemented within the extent of the SUP area and are not considered out of context with BVM operational needs or guests' expectations for a developed winter sports area. Consideration was given to long-term beneficial effects of the project.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The effects on the human environment from Alternative 3 are not uncertain and do not involve unique or unknown risks. Approved activities are typical of those associated with developed ski areas and winter sports sites. These types of activities have all been previously implemented at BVM and other developed ski area with known effects.

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

The action is not likely to establish a precedent for future actions with significant effects because it conforms to all existing Forest Plan direction and is applicable only to the project area. Future projects would be considered, evaluated and analyzed separately on their own merits.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

This analysis relies on current environmental conditions as a proxy for the impacts of past actions. Existing conditions reflect the aggregate impact of all prior human actions and natural events that affected the environment and might contribute to cumulative effects. In addition, the Council on Environmental Quality issued an interpretive memorandum on June 24, 2005 regarding analysis of past actions, which states, "agencies can conduct an adequate cumulative effects analysis by focusing on the current aggregate effects of past actions without delving into the historical details of each individual past action." The cumulative effects analysis in this environmental assessment is also consistent with Forest Service National Environmental Policy Act Regulations (36 CFR 220.4[f]) (July 24, 2008).

The cumulative effects analysis in the EA is consistent with Forest Service NEPA Regulations (36 CFR 220.4[f]) (July 24, 2008). The cumulative impacts are not significant. The effects of past,

present and reasonably foreseeable future actions were assessed along with those of the Action Alternatives to determine whether cumulative effects would occur. Each resource specialist identified the appropriate cumulative effects analysis area specific to their resource.

8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Approved project elements will not adversely affect or cause the loss or destruction of significant districts, sites, highways, structures, or objects listed in, or eligible for listing in the National Register of Historic Places. Heritage resources were considered in all aspects of this project. The entire area was surveyed, and while numerous cultural resources are located within the BVM SUP area, the location and treatments approved in the Selected Alternative will not affect cultural resources.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The BAE, completed for this project to analyze and disclose effects to threatened or endangered species or its habitat, determined that there are no known federally listed threatened or endangered species present within the project area that would be impacted by the proposed project.

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Alternative 3 is consistent with applicable management direction contained in the Forest Plan. The Selected Alternative does not violate any Federal, State, or local laws or requirements imposed for the protection of the environment (i.e., Endangered Species Act, National Historic Preservation Act, Federal Clean Water Act, Executive Order 11988 for Floodplain Management, or the Clean Air Act). BVM would need to obtain all required permits from the appropriate county, state and federal regulatory agencies prior to implementation. These permits could include building and electrical permits from Alpine County for the Bear Top Lodge, and a Section 404 permit from the Army Corps of Engineers for unavoidable wetland impacts.

Findings Required by Other Laws and Regulations

This decision to approve Alternative 3 is consistent with the long term goals and objectives of the Forest Plan (USDA 2010, p. 5-16). I determined that Alternative 3 is consistent with the Forest Plan goals and objectives and forestwide and Management Area standards and guidelines, and therefore this project complies with the National Forest Management Planning Act of 1976. In addition, implementation and effects of this decision will be consistent with the following relevant acts and executive orders:

- Americans with Disabilities Act (ADA) of 1990
- Archaeological Resource Protection Act of 1978
- Clean Air Act of 1955, as amended
- Clean Water Act of 1948, as amended
- Endangered Species Act of 1973, as amended
- Fish and Wildlife Coordination Act of 1934, as amended
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained Yield Act of 1960
- National Environmental Policy Act of 1969, as amended
- National Forest Ski Area Permit Act of 1986, as amended
- National Historic Preservation Act (NHPA) of 1966, as amended
- Organic Administration Act of 1897
- Protection of Wetlands Executive Order 11990

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, the 5th business day following the close of the appeal filing period [36 CFR 215.9(a)]. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition. In the event of multiple appeals, the implementation date is controlled by the date of the last appeal disposition [36 CFR 215.9(b)].

Administrative Review or Appeal Opportunities

This decision is subject to appeal pursuant to 36 CFR 215. This decision is also subject to administrative review, under 36 CFR 251 Subpart C, by term permit holders or applicants (36 CFR 251.86). However, term permit holders or applicants must choose to appeal under either 36 CFR 251 or 215, but not both (36 CFR 251.85).

Appeals Filed Under 36 CFR 215

This decision is subject to appeal pursuant to 36 CFR 215. In accordance with the April 24, 2006 order issued by the U. S. District Court for the Missoula Division of the District of Montana in Case No. CV 03-119-M-DWM, only those individuals and organizations who provided comments during the comment period are eligible to appeal [36 CFR 215.11(a), 1993 version]. Appeals must be filed within 45 days from the publication date of the legal notice in the Union Democrat. Notices of appeal must meet the specific content requirements of 36 CFR 215.14. An appeal, including attachments, must be filed (regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer [36 CFR 215.8] within 45 days following the publication date of the legal notice. The publication date of the legal notice is the exclusive means for calculating the time period to file an appeal [36 CFR 215.15 (a)]. Those wishing to appeal should not rely upon dates or timeframe information provided by any other source.

Appeals must be submitted to Regional Forester; Attn: **BVM Expansion**; USDA Forest Service; 1323 Club Drive; Vallejo, CA 94592; (707) 562-8737. Appeals may be submitted by FAX (707) 562-9091 or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (M-F 8:00am to 4:00pm). Electronic appeals, in common (.doc, .pdf, .rtf, .txt, etc.) formats, may be submitted to: appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **BVM Expansion**.

Appeals Filed Under 36 CFR 251

This decision is subject to appeal pursuant to 36 CFR 251. Applicants for, or holders of, a special use authorization wishing to appeal must submit a written notice of appeal. The notice of appeal, including the reasons for appeal, must be postmarked or received by the Appeal Reviewing Officer within 45 days of notification of this decision. Appeals must meet the content requirements of 36 CFR 251.90. It is an appellant's responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Deciding Officer's decision should be reversed (36 CFR 251.90). The Deciding Officer is willing to meet with applicants and holders to hear and discuss any concerns or issues related to the decision (36 CFR 251.93). An appellant may also include in the notice of appeal a request for oral presentation (36 CFR 251.97) or a request for stay of implementation of the decision pending decision on the appeal (36 CFR 251.91).

Appeals must be submitted to Regional Forester; Attn: **BVM Expansion**; USDA Forest Service; 1323 Club Drive; Vallejo, CA 94592; (707) 562-8737. Appeals may be submitted by FAX (707) 562-9091 or by hand-delivery to the Regional Office, at the address shown above, during normal business hours (M-F 8:00am to 4:00pm). Electronic appeals, in common (.doc, .pdf, .rtf, .txt, etc.) formats, may be submitted to: appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: **BVM Expansion**. A copy of the notice of appeal must be filed simultaneously with: Stanislaus National Forest; 19777 Greenley Road; Sonora, CA 95370.

Contact Person

For additional information concerning this decision contact: Patty Clarey; Calaveras Ranger District; P.O. Box 500; 5519 Highway 4; Hathaway Pines, CA 95233; or, call (209) 795-1381 ext. 315.

Signature and Date

Christina M. Welch

September 21, 2012

CHRISTINA M. WELCH

Deputy Forest Supervisor
Stanislaus National Forest

Date