

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION
STAFF REPORT**



Agenda of: July 12, 2007
Item No.: 8
Staff: Steven Hust

ENVIRONMENTAL IMPACT REPORT

FILE NUMBER: SP05-0001/ Heavenly Mountain Resort (HMR) Master Plan Amendment (MPA) 2005

APPLICANT: Heavenly Valley Limited Partnership

AGENT: Andrew Strain, Heavenly Mountain Resort Vice President of Planning and Governmental Affairs

REQUEST: Recommendation for certification of the Final Environmental Impact Report for the 2005 HMR MPA.

LOCATION: In the vicinity of South Lake Tahoe at the terminus of Wildwood Avenue, and including all properties within the California side of the HEAVENLY Mountain Resort Master Plan area, Supervisorial District V, as shown in Exhibit A.

APN: California Parcels include: 028-030-01, 029-240-07, 029-240-12, 029-260-19, 029-260-25, 029-260-27, 029-260-27, 029-260-29, 029-260-32, 029-320-01, 029-320-02, 029-320-03, 029-320-04, 029-320-05, 029-320-09, 029-320-11, 030-100-01, 030-110-01, 030-120-01, 030-020-01, 030-331-02, 030-331-03, 030-040-01, 030-050-01, 030-060-01, 030-070-01, 030-080-01, 030-090-01, 030-370-04, 030-370-06, 030-390-10, 030-390-13, 030-390-42, 030-390-43, 030-390-47

ACREAGE: Approximately 3,950 acres

GENERAL PLAN: Adopted Plan, Heavenly Ski Resort Master Plan, Resolution No. 213-96 (Exhibit B)

ZONING: Tahoe Agricultural District (Exhibit C)

ENVIRONMENTAL DOCUMENT: Final Environmental Impact Report (EIR)

SUMMARY RECOMMENDATION: Staff recommends the Planning Commission make a recommendation of approval to the Board of Supervisors, to certify the Final EIR

BACKGROUND: This Environmental Impact Report/Environmental Impact Statement/Environmental Impact Statement (EIR/EIS/EIS) serves as a joint document that will meet the environmental review requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Tahoe Regional Planning Compact. The EIR/EIS/EIS analyzes all projects and proposed actions included in the 05 MPA on a programmatic level, in order to determine what impacts may result and if projects can be permitted under current environmental regulations and laws. The analysis in the 05 MPA EIR/EIS/EIS tiers from and references, the analysis included in the 95 Draft and 96 Final EIR/EIS/EIS documents that were prepared for the adopted 1996 Heavenly Ski Resort Master Plan.

The 05 MPA EIR/EIS/EIS will be utilized by a number of regulatory agencies in order to consider approval of the projects proposed in the MPA. Tahoe Regional Planning Agency (TRPA), El Dorado and Alpine Counties, and the U.S.D.A. Forest Service are the lead agencies responsible for analyzing the direct, indirect, and potential impacts that may result from implementation of the programmatic 05 MPA. However, the NEPA analysis will only review the Phase I projects. In accordance with TRPA Regional Plan environmental documentation requirements, the TRPA EIS is the environmental document that the TRPA Governing Board will consider for its approval of the 05 MPA, associated Regional Plan amendments, and approval of Phase I projects (see Project Description for further discussion). In accordance with NEPA requirements, the EIS serves as the environmental document that the U.S.F.S. will use to base its final decision in a forthcoming Record of Decision, issue a Forest Plan Amendment, and approve Phase I projects. In accordance with CEQA requirements, the EIR serves as the environmental document that the El Dorado County Board of Supervisors will consider for approval of the 05 MPA, and certification of the Final EIR. The EIR also serves as the environmental document that the Alpine County Board of Supervisors will consider for certification of the Final EIR, and amendment of the County General Plan land use designation and Zoning Ordinance (See Volume I, Chapter 1, Section 1.5 of the Final EIR/EIS/EIS for further discussion).

The 05 MPA has gone through a Draft EIR/EIS/EIS environmental documentation process between the U.S.F.S., TRPA, El Dorado County, and Alpine County as the lead agencies for the project. A public meeting for the 05 MPA and Final EIR/EIS/EIS was held with the TRPA Advisory Planning Commission on February 14, 2007, which made a unanimous recommendation to the TRPA Governing Board (GB) for approval of the 05 MPA (No Action and Action Alternatives), certification of the EIS, approval of the amendments to Plan Area Statements (PAS) 086 and 087, and approval of phase 1 projects. A public meeting was subsequently held with the TRPA GB on February 28, 2007, which acted to approve Alternative 4 of the MPA, certify the EIS, amend PAS

086 and 087, and approve the phase 1 projects. At both the APC and GB meetings, much of the discussion focused on the impacts of the 05 MPA to late seral old growth stands and the potential water quality impacts of the alternatives on the Edgewood Creek watershed in Nevada.

At the TRPA GB meeting, after considerable deliberation, a vote was taken among the GB members for Alternative 4A, which did not pass. Ultimately, after further deliberation, Alternative 4 was narrowly approved with the minimum number of votes necessary for approval.

Following the February 28, 2007, GB decision to approve the 05 MPA, three TRPA Board members asked for a reconsideration of the vote. Board members Mara Bresnick, Norma Santiago, and Jerome Waldie requested the reconsideration of the GB decision for approval of Alternative 4, and approval of the MPA as it relates to or is affected by the North Bowl lift alignment, and the project was rescheduled to go before the GB for reconsideration of the North Bowl lift alignment alternatives. At the March 28, 2007, GB meeting, public comments focused on the environmental consequences associated with the different North Bowl lift alignments (primarily Alternative 4, 4A, and 5), including grading impacts and loss and disturbance of late seral old growth trees. After debating the environmental benefits and consequences of the different North Bowl lift alignments, the GB ultimately acted to have the entire project reconsidered at the following April 25, 2007, GB meeting.

At the April 25, 2007, GB meeting, public comments again were primarily focused on impacts to water quality and late seral old growth trees associated with the North Bowl lift alignments, including some miscellaneous comments pertaining to traffic and parking pertaining to the overall project. No particular comments with regard to the CEQA analysis were raised at the meeting. After a lengthy public comment period, the GB ultimately acted to approve the 05 MPA, certify the EIS, approve the amendments to PAS 086 and 087, and approve the phase 1 projects. The GB's approval of the 05 MPA included the approval of the Alternative 4a and 5 North Bowl lift alignments, but did not include a phase I project level permit approval. There was concern among the GB members that the mitigation measures identified in the EIS/EIS were not adequate for the other North Bowl lift alignment alternatives. HMR will require additional GB approval with regard to the North Bowl lift alignment permit, which will be limited to the lift alignments associated with Alternatives 4A or 5, or an alternative that is substantially similar to these alternatives. The absence of a permit approval by the GB for the North Bowl lift alignment is not expected to affect the County's approval of the 05 MPA, since the use is entirely located within the State of Nevada, which is not anticipated to affect the California side of the MP area, under the purview of the County. Since the action alternatives of the 05 MPA were substantially similar with the exception of the North Bowl lift alignment alternatives, the GB was able to approve the project without acting on a particular action alternative. The proposed amphitheatre on the California side of HMR was approved with a 1,100 person capacity, which was another minor difference among the action alternatives.

At the May 23, 2007, GB meeting, the GB approved a North Bowl lift alignment substantially similar to the Alternative 5 lift alignment, to include the ski run improvements proposed with Alternative 4A, as a project level permit approval.

The U.S.F.S. is expected to certify the Final EIS following the GB's approval of the North Bowl lift permit approval. Alpine County is expected to present the 05 MPA to the County Board of Supervisors at the June 19, 2007. Board meeting. See Exhibit P for an expanded discussion of the joint EIR/EIS/EIS process for the 2005 HMR MPA.

STAFF ANALYSIS

Project Description: The 05 MPA proposes a long-term range of resort improvements to be phased (Phases 1, 2, and 3) over the life of the Master Plan. Phase 1 projects with the action alternatives were identified as priority projects that are intended for immediate implementation following the approval of the project and certification of the Final EIR/EIS/EIS. Therefore, Phase 1 projects were analyzed to such a degree to allow for concurrent project approval and permitting by the regulatory agencies.

There are six project alternatives proposed with the 05 MPA, including the No Action Alternative (Alternative 1, Exhibit D), the Proposed Action (Alternative 2, Exhibit E), and Alternatives 3, 4, 4A, and 5, which are reduced action alternatives. Phase 1, 2, and 3 projects are substantially similar with all the proposed action alternatives, with the exception of the North Bowl Chair Lift alignments on the Nevada side of the project area (Exhibit E). Figure 2-5 and Figure 2-6 of Chapter 2 of the Final EIR/EIS/EIS illustrates the differences with the North Bowl Chair Lift alignments and associated ski runs for all project Alternatives.

Alternative 1 (No Action Alternative)

Alternative 1 is a continuation of the existing 1996 Master Plan.

Alternative 2 (Proposed Action)

The overall concept of Alternative 2 is to improve rather than expand the resort capacity, by emphasizing improved distribution and utilization of existing facilities with augmentation through implementation and/or relocation of proposed facilities (Exhibit E). Exhibit F identifies phase 1, 2, and 3 projects proposed with Alternative 2. Section 2.4 of the Final EIR/EIS/EIS provides a detailed description of the phase 1 projects with Alternative 2. Chapter 2 identifies the following land uses within the County jurisdictional parcels (California Base Lodge and parking lot):

Phase I Projects

- *Install BMPs for California Base Lodge and parking lot.

Phase II Projects

- Relocate Lower California Maintenance Shop to off-site location.

Phase III Projects

- *Replace California Base Lodge

- *Relocate California Snowmaking Building
 - Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift
 - *Kids Camp (California Base)
 - *Replacement of Ski Lift K (Perfect Ride), **Ski Lift L (Cal Ski School), and Ski Lift M (Enchanted Forest)
 - *Ski Runs K1, L1, and M1
- * Projects already approved with the 1996 Master Plan.
**Minor lift alignment modification is proposed from previous 1996 Master Plan.

Compliance with State and Regional water quality requirements for the California Base Lodge and parking lot was incorporated into the 1996 Master Plan, and stems from a long history of regulation by the Lahontan Regional Water Quality Control Board (LRWQCB) from the early 1970s. HMR has been implementing BMPs at the California Base Lodge facility as a requirement of updated State waste discharge requirements. The Lahontan Updated Discharge Permit requires installation of BMP retrofits at the California Base Lodge parking lot to commence by October 15, 2006, and compliance with discharge to surface water effluent limitations by 2008. These BMP requirements are intended to update BMPs installed in the mid-1990s. HMR is currently operating under an Interim Operations and Facilities Maintenance Plan to treat runoff at the California Base Lodge and parking lot. Mitigation measures, monitoring, and restoration programs from the 1996 Master Plan are retained as part of the Mitigation and Monitoring Plan for the 2005 MPA. See Exhibits L and Q for additional discussion.

Under Alternative 2, the total PAOT (people at one time) capacity of HMR would remain at the approved MP 96 level of 16,125, while the skier at one time (SAOT) would decrease slightly from 18,100 to 18,096. There would be an increase of "in-basin" PAOT/SAOT and a decrease of "out-of-basin" PAOT/SAOT. The MPA proposes a build out level of 37 lifts (23 aerial lifts and 14 surface lifts) with a total hourly uphill capacity of 52,020 persons per hour (that is similar to the MP 96) 10 support facilities, four maintenance facilities, 812.5 acres of ski trails, and 528.4 acres of ski trails with snow making. A breakdown of lifts, facilities, and acreages according to State in-basin and out-of-basin classifications are presented in Exhibit G, and the locations of proposed facilities are shown in Exhibit E (Proposed Action).

Alternative 3

Alternative 3 was developed based on public comment and input from the regulatory agencies. This Alternative would reduce impacts to an identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. Alternative 3 includes all the components identified in Alternative 2 (Proposed Action) with proposed modifications to four projects (see Figure 2-5, Chapter 2, Final EIR/EIS/EIS), three of which are slated for Phase I MPA implementation (North Bowl Ski Lift, Ski Trail S9 and Ski Trail S10). In comparison to Alternative 2, the four changes with Alternative 3 include:

- revised alignment for the North Bowl Ski Lift;
- reduced capacity for the Performance Amphitheater;
- revised alignment and construction method (glading) for Ski Trail S10; and
- glade Ski Trail S9 by retaining 50% of the trees.

Alternative 4

Alternative 4 was developed based on public comment and input from the regulatory agencies during formal environmental scoping in late 2005. This Alternative would reduce impacts to the identified late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage, through glading of Ski Trails S9 and S10 (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would also decrease the visual impact of constructing these ski trails as viewed from offsite viewpoints identified in the Carson Valley, by retaining 50% of the trees within the ski trail alignments. Alternative 4 would include all the components identified in Alternative 2 with proposed modifications to two projects, one of which is slated for implementation in MPA Phase I (Ski Trail S10). In comparison to Alternative 2, the two changes with Alternative 4 include:

- reduced capacity for the Performance Amphitheatre; and
- glade Ski Trails S9 and S10 by retaining 50% of the trees.

Alternative 4A

Alternative 4A was generated based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 05 MPA. Comments that drove the modification of Alternative 4 centered on reducing impacts to the late seral/old growth stand that the North Bowl Chair Lift (as aligned in Alternative 2, 3, and 4) would bisect. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would remain as proposed in Alternative 4, as would a reduced capacity for the amphitheater (1,100 people).

Alternative 5

Development of Alternative 5 was based on public comments received regarding impacts to the late seral stand of Red fir forest in the North Bowl area of the Edgewood Creek drainage. By utilizing the existing alignments for both the North Bowl and Olympic Ski Lifts, no additional tree clearing would be required as compared to the Alternative 2 North Bowl Ski Lift alignment (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). In comparison to Alternative 2, the changes with Alternative 5 include:

- upgrading North Bowl and Olympic Ski Lifts in their existing locations,
- reduced capacity for the Performance Amphitheater; and
- revised alignment and construction method (glading) for Ski Trail S10.

Agency Jurisdictional Project Area Description: The HMR master plan boundary is a multi-jurisdictional project area within the States of California and Nevada (Exhibit H). Within the State of Nevada, the Master Plan area includes the jurisdictions of the U.S.F.S. and unincorporated Douglas County. Within the State of California, the Master Plan area includes the jurisdictions of the U.S.F.S., City of South Lake Tahoe, unincorporated El Dorado County, unincorporated Alpine County, and California Tahoe Conservancy lands. Although the TRPA is not a land owner, the Regional Plan also has jurisdiction over all project area lands within the Tahoe Basin. The project area is located in Supervisor District 5 of El Dorado County.

Adjacent Land Uses: The California side of the HMR Master Plan boundary is adjacent to the Nevada State line (U.S.F.S. land within non-jurisdictional Douglas County) to the north, Alpine County to the east, U.S.F.S. land to the south, and CSLT and U.S.F.S. lands to the west.

The TRPA Regional Plan prescribes Plan Area Statements (PAS) for the project area within the Tahoe Basin to function as Regional Plan zoning districts. The California side of the HMR Master Plan boundary is adjacent to Recreation and Conservation PASs to the north, Residential and Conservation PASs to the west, and a Conservation PAS to the south. Within the master plan area, the eastern limits of the TRPA jurisdictional boundary follow the El Dorado and Alpine County line. In general, Conservation and Recreation PASs adjacent to the project area are representative of public lands. The City of South Lake Tahoe has adopted the TRPA Plan Area Statements for City zoning purposes. See Exhibit I for adjacent zoning and General Plan information.

ENVIRONMENTAL ANALYSIS

Approximately 3,950 acres of HMR is within El Dorado County, and approximately 370 acres is within Alpine County. As such, the EIR for the MPA is prepared in accordance with the CEQA Statutes (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Administrative Code Section 15000 et seq.). The documents purpose is to disclose the environmental consequences of implementing the 2005 MPA Proposed Action and Alternatives. Although the HMR master plan boundary occurs within the States of California and Nevada, the CEQA review of the proposed project is limited to the California area within the master plan boundary, pursuant to Section 15277 of CEQA Guidelines.

Key environmental issues addressed in the 05 MPA EIR/EIS/EIS include those related to the cumulative build out of the proposed MPA 05, and project-related issues associated with the construction of the Phase I projects proposed for implementation beginning in 2007 (see Vol. 1, Section 2.4). The EIR/EIS/EIS analyzes all projects and proposed actions included in the MPA 05 on a programmatic level, in order to determine what impacts may result, and if projects can be permitted under current environmental regulations and laws. This document also serves as project specific environmental review for the Phase I projects that are planned to be implemented during the 2007 grading season. All other projects, aside from those slated for Phase I implementation, will require additional environmental review, permitting, and approval by the appropriate agencies. Issues raised during scoping of the 05 MPA are included in the Scoping Summary Report (see Appendix 1-A) and include potential water quality impacts related to new ground disturbance, potential visual impacts

from new facilities visible from key viewpoints within the Lake Tahoe Region, and potential biological resource impacts from loss of TRPA defined "old growth" habitat.

Issues that are associated with the 05 MPA and that were found to have been adequately addressed by the 95 Draft EIR/EIS/EIS and 96 Final EIR/EIS/EIS prepared for the 96 MP, are not further analyzed in this document. These issues include public safety, and public services. The proposed MPA 05 does not propose any expansion of capacity of the resort beyond what was approved (16,125 PAOT) in the 96 MP. Since the capacity of the resort does not increase, there would be no additional impacts or needs for additional public safety measures and public services. The analysis for build-out of the 96 MP is expected to be sufficient for the proposed MPA 05.

Based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 05 MPA, Alternative 4A was generated and included in the Final EIR/EIS/EIS. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS).

The lead agencies have determined that adding Alternative 4A to the EIR/EIS/EIS does not require public recirculation of the Draft EIR/EIS/EIS, pursuant to NEPA, TRPA, and CEQA requirements. See Exhibit J for further discussion of Alternative 4A and related CEQA findings.

Summary of Potential Effects and Mitigation Measures

Table Summary 2, in the Executive Summary of the Final EIR/EIS/EIS summarizes the potential effects of the Proposed Action and Action Alternatives and lists the mitigation measures and design features incorporated into the Alternatives to eliminate or reduce the potential effects to a less than significant level. The environmental analysis for the Draft EIR/EIS/EIS identified the following potentially significant impacts associated with the 05 MPA:

- Water Resources – Hydrology, Water Quality, Cumulative Watershed Effects
- Stream Environment Zones, Federal Jurisdictional Wetlands and Waters
- Water Use, Water Rights, and Groundwater
- Earth Resources
- Air Quality
- Noise
- Transportation
- Vegetation
- Wildlife and Fisheries
- Visual Resources
- Cultural Resources
- Land Use
- Recreation
- Socioeconomics

Effects and mitigation measures for the No Action Alternative are addressed in the 95 Draft and 96 Final EIR/EIS/EIS that was prepared for the 96 MP. Many mitigation measures from the 96 MP have been revised based upon the proposed 05 MPA. Several of these mitigation measures include the term "Revised" in the title. Chapter 5 of the Final EIR/EIS/EIS contains the Mitigation and Monitoring Plan for the 05 MPA (Exhibit Q). The detailed description of the 96 MP mitigation measures or 05 MPA design features, can be found in Chapter 5 using the number and title referenced in Table Summary 2. An analysis of these potential environmental effects by alternative can be found in Section 2.13 (Table 2-7) of the Final EIR/EIS/EIS.

Conclusion: Through inclusion of the mitigation measures and design features into the No Project and Action Alternatives, all potentially significant impacts are expected to be reduced to a less than significant level.

See Exhibit L for a discussion of affected resources within jurisdictional lands of El Dorado County.

CEQA Findings

Chapter 4 of the Draft EIR/EIS/EIS includes environmental analysis mandated by CEQA, TRPA, and NEPA. These Sections include:

- significant and unavoidable adverse impacts;
- relationship between local short-term use of the environment and maintenance and enhancement of long-term productivity;
- irreversible and irretrievable commitments of resources;
- growth-inducing effects of the proposed action and alternatives; and
- CEQA environmentally superior alternative and NEPA/TRPA environmentally preferable alternative.

See Exhibit M for discussion of CEQA findings for the project.

Consistency with Local, State, Federal, and Regional Regulations

Chapters 1 and 5 of the Final EIR/EIS/EIS identify the lead and responsible agencies for the 05 MPA, and provide a discussion for consistency with local, State, Federal, and Regional regulations for the project.

The lead agencies and associated management plans for the project include:

- Lake Tahoe Basin Management Unit (LTBMU), Land and Resource Management Plan (1988 Forest Plan)
- Tahoe Regional Planning Agency, 1987 Regional Plan
- El Dorado County, 2004 General Plan and Tahoe Agricultural Zone District
- Alpine County, 2005 General Plan and Agricultural Zone District

Approximately 7,020 acres of HMR is located within National Forest lands. The Responsible Official under NEPA is the LTBMU Forest Supervisor, who will issue a Record of Decision (ROD) once the Final EIS is completed. The decisions in the ROD will include:

- selection of an Alternative to implement Phase I site-specific projects; and
- whether to amend the Forest Plan with a site-specific Forest Plan amendment depending on the Alternative selected.

Approximately 6,470 acres of HMR is located within the Tahoe Basin, and within the jurisdiction of TRPA and the Regional Plan. For consistency with the Regional Plan, TRPA will need to amend PAS 086 and 087 for the proposed uses of the 05 MPA. Other prominent management plans and programs prescribed by the Regional Plan include, but are not limited to, the Regional Transportation Plan/Air Quality Plan, Water Quality Management Plan (208 Plan pursuant to Section 208 of the Federal Clean Water Act), and Scenic Quality Improvement Program.

For consistency with the Alpine County General Plan and County Zoning Ordinance within the HMR area, the following amendments will need to be made:

- amendment of the existing General Plan land use designation from Open Space to Recreational Site; and
- zone change from Agriculture to Agriculture-Commercial Recreation.

El Dorado County analysis includes consistency with the General Plan and Tahoe Agriculture Zone District. See Exhibit N for further discussion of consistency with General Plan and Zoning requirements.

The State of California Water Quality Control Board (WQCB), Lahontan Region (Lahontan) has a responsible agency role in the physical development of the MPA 05 (the issuance of waste discharge permits that may be discharge standards, Total Maximum Daily Loads (TMDL) for Heavenly Valley Creek, or National Pollutant Discharge Elimination System permits). Water quality requirements of the creeks within the California portion of Heavenly are under the jurisdiction of the Lahontan RWQCB and are governed by the *Water Quality Control Plan for the Lahontan Region* (Basin Plan) adopted March 31, 1995.

State agencies with trustee responsibility in the HMR 05 MPA Development Area include, but are not limited to: California Department of Transportation (parking, traffic and transit operations and pedestrian circulation); California Division of Forestry (tree removal and forest resource concerns); California State Historic Preservation Office (cultural resources); California Department of Fish and Game (wildlife resources); and Nevada Department of Conservation and Natural Resources (Divisions of State Lands, Environmental Protection, Historic Preservation and Archaeology, Forestry, and State Parks). These agencies act as Trustee agencies by providing comments and recommendations for implementation of the Heavenly Mountain Resort Master Plan during the

environmental review process.

Conclusion: The applicable agencies have reviewed the project for consistency with applicable local, State, Federal, and Regional regulations. The 05 MPA has been conditioned for consistency with all applicable regulations and mitigation measures.

Agency and Public Comments: A 60-day public comment period was conducted for the 05 MPA Draft EIR/EIS/EIS. During circulation of the Draft EIR/EIS/EIS (see Appendix 7-A of Volume II of Final EIR/EIS/EIS), 116 unique letters of comment were received. In addition, over 440 copies of three versions of a form letter were received (see Appendices 7-B, 7-C, and 7-D of Volume II of Final EIR/EIS/EIS), which are organized in numerical order by comment letter number. The following themes summarize the comments received on the 05 MPA Draft EIR/EIS/EIS, which requested additional environmental analysis, new mitigation measures, or the consideration of new alternatives:

- Runoff from the California base area and parking lot is causing erosion control and water quality impacts to adjacent residences.
- Do not allow the removal of old growth trees for the construction of the North Bowl Express Lift, North Bowl ski trails, and other 05 MPA facilities, because of effects to wildlife, water quality, scenic quality, and recreational experience.
- The analysis of the proposed 05 MPA must demonstrate that it will result in a net improvement to water quality and erosion.
- Performance standards are missing to determine whether mitigation measures are effective. Without them, there is no consequence for failing to mitigate effects of new development. Phases II and III projects should not be allowed until monitoring demonstrates that Phase I development projects meet the established performance standards.
- New disturbance proposed within the Edgewood Creek watershed should not be allowed (and TRPA Plan Area policies should not be removed), until it is demonstrated that existing watershed conditions are improved to meet standards.
- Analysis in the DEIR/EIS relies on flawed models (e.g., CWE and WEPP) to predict water quality effects.
- Analysis of increased traffic and air quality effects from increased visitation to Heavenly are not properly disclosed. Analysis must justify why increased visitation will not occur over 96 MP levels, and address cumulative totals and not just peak day considerations.
- Analysis of a connected action to the 05 MPA and the Stagecoach Base residential and commercial project approved by Douglas County, is not included in the Draft EIR/EIS and must be added. Further, the Draft EIR/EIS must be re-circulated.

- Additional alternatives (e.g. kinked or angled lift) that reduce the number of old growth trees removed for the proposed North Bowl Express Lift and North Bowl Ski Trails (S9 and S10) should be analyzed as required by NEPA, including removal from the 05 MPA.
- The 05 MPA is not consistent with TRPA vegetation goals, ordinances and standards, and the Sierra NV Forest Plan Amendment, and mitigation measures to offset the effects on late seral forests are not adequate.
- The existing and proposed parking numbers for the Nevada and California base areas are understated, and therefore conclusions of potential parking effects are not correct.
- Additional alternatives (e.g. removal of proposed ski trails or glading of proposed ski trails) that reduce the number of total acres of proposed ski trails in the 05 MPA should be analyzed. The need for each of the ski trails included in the MPA 05 should be provided to justify why they are included.

Exhibit O identifies the unique letters submitted by agency, organization, and public commenters for the Draft EIR/EIS/EIS for the 05 MPA, which are organized in numerical order by comment letter number. Responses to comments are provided in Section 7.4 of the Draft EIR/EIS/EIS.

Additional issues may be raised as a result of the public notice for the County Planning Commission meeting.

ENVIRONMENTAL REVIEW

This EIR is considered a "program" EIR under Section 15168 of CEQA Guidelines. Subsequent activities (in this case, approval of future special use permits required for the California Base Lodge) must be evaluated in the context of the EIR and a determination made as to whether additional environmental documentation is required. Either of two actions can be followed:

- if the activities proposed by the special use permit would have effects that were not considered in the EIR, a new Initial Study would need to be prepared and either an EIR or Negative Declaration prepared, or;
- if it is determined that the special use permit would not result in any new effects or that no new mitigation measures would be required, the special use permit could be approved by the Planning Commission as including activities, which have been analyzed and if necessary, mitigated by the program EIR, and a new environmental document would not be required.

NOTE: This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of

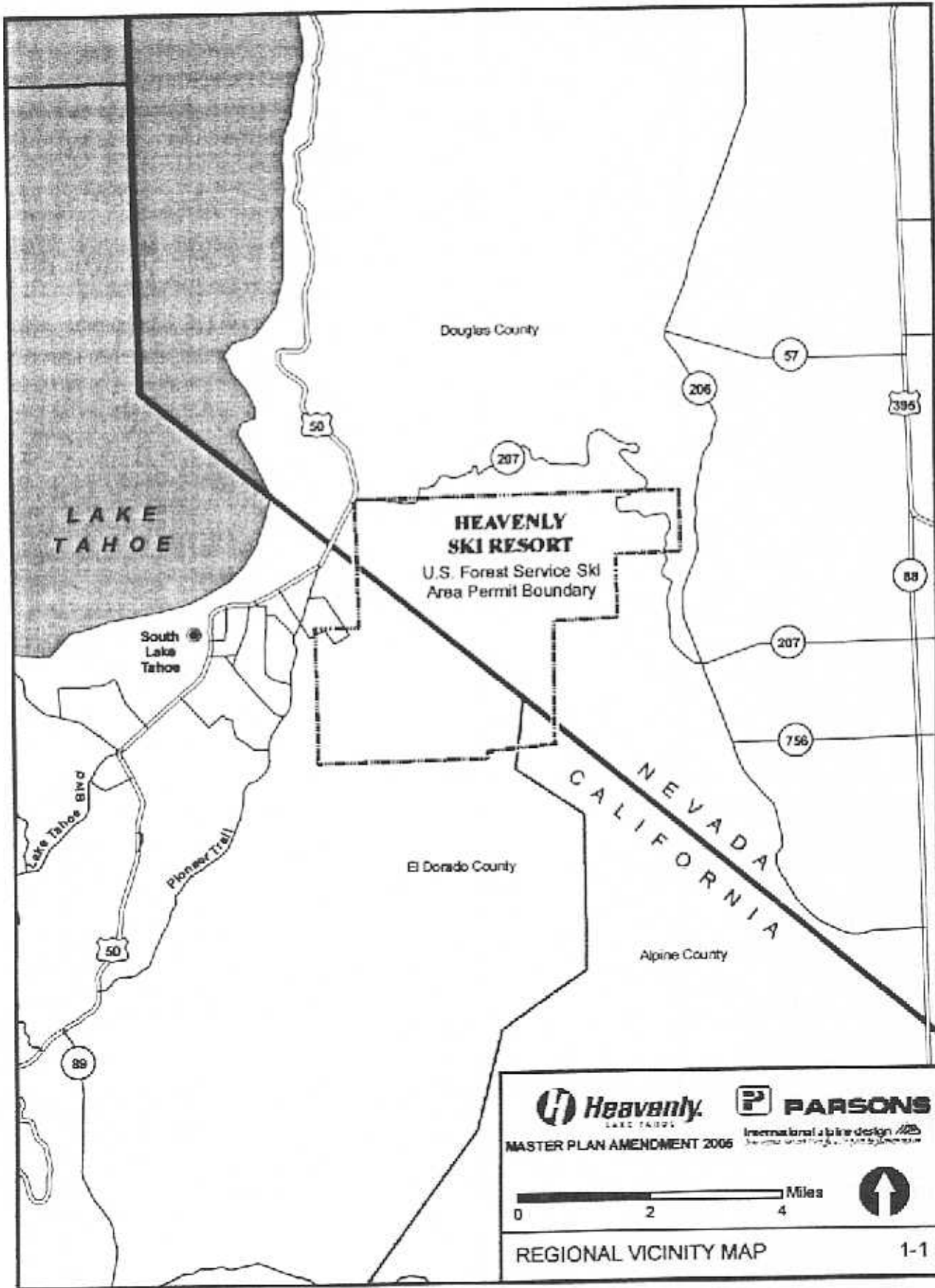
\$1,850.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$50.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION: Recommend approval

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 2	Volume 1, Final EIR/EIS/EIS
Attachment 3	Volume 2, Final EIR/EIS/EIS
Exhibit A (Figure 1-1)	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D (Figure 2-1)	2005 Existing Conditions
Exhibit E (Figure 2-2)	Alternative 2 Proposed Action
Exhibit F	Phase I, II, and III Projects
Exhibit G	Alternative 2 Facilities Summary at Build Out
Exhibit H	Agency Jurisdictional Map
Exhibit I	Adjacent Land Uses to Master Plan Boundary
Exhibit J	Addition of Alternative 4A with Final EIR/EIS/EIS
Exhibit L	Affected Resources Within County Jurisdictional Lands
Exhibit M	CEQA Findings
Exhibit N	General Plan and Zoning Analysis
Exhibit O	Agency, Organization, and Public Commenters for the Draft EIR/EIS/EIS
Exhibit P	Project History
Exhibit Q	Summary of Mitigation Monitoring Plan



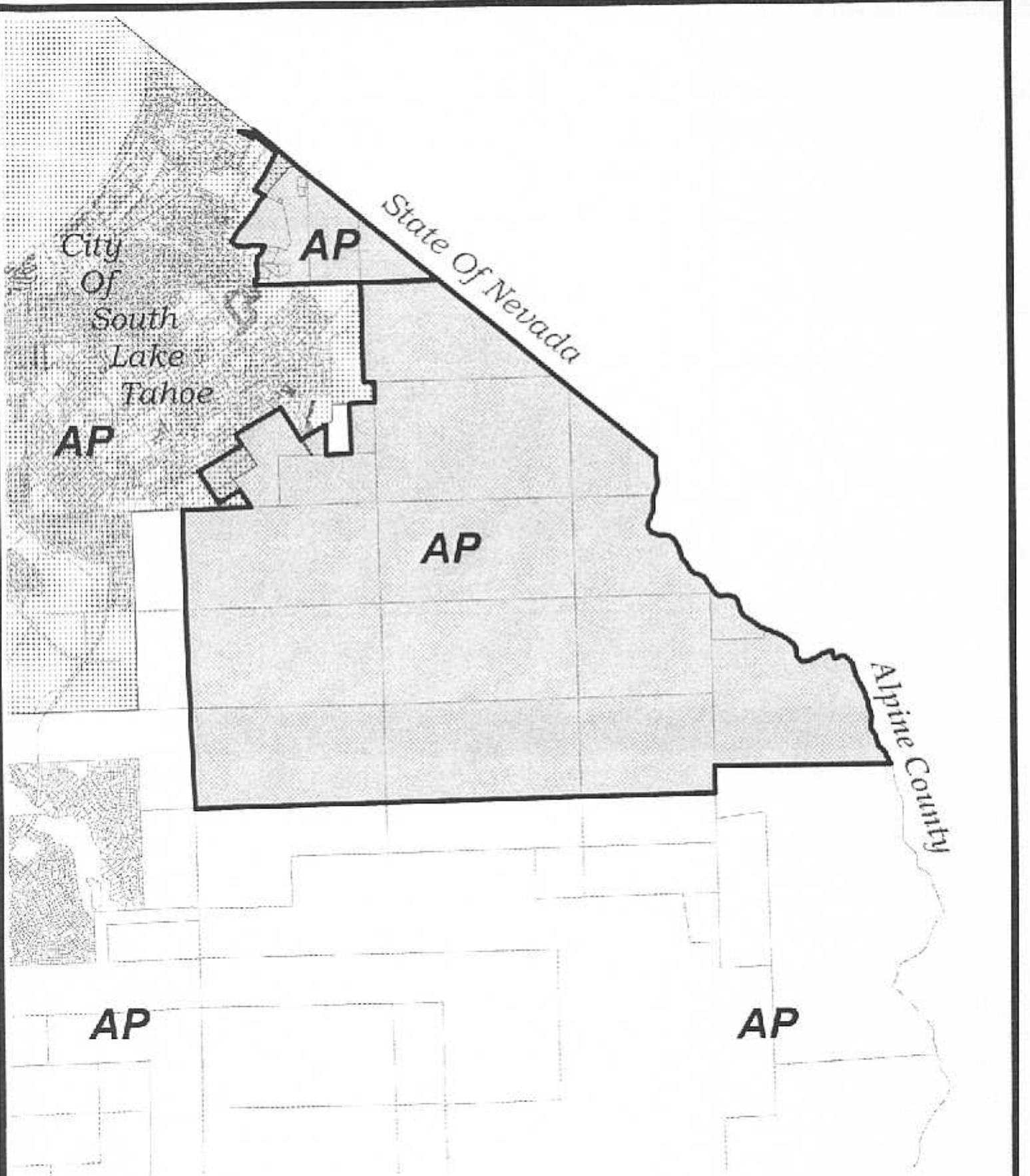
MASTER PLAN AMENDMENT 2005

International a line design



REGIONAL VICINITY MAP

1-1



Note:
 All lands displayed are subject
 to Tahoe Regional Plan.

**GENERAL PLAN
 EXHIBIT B**

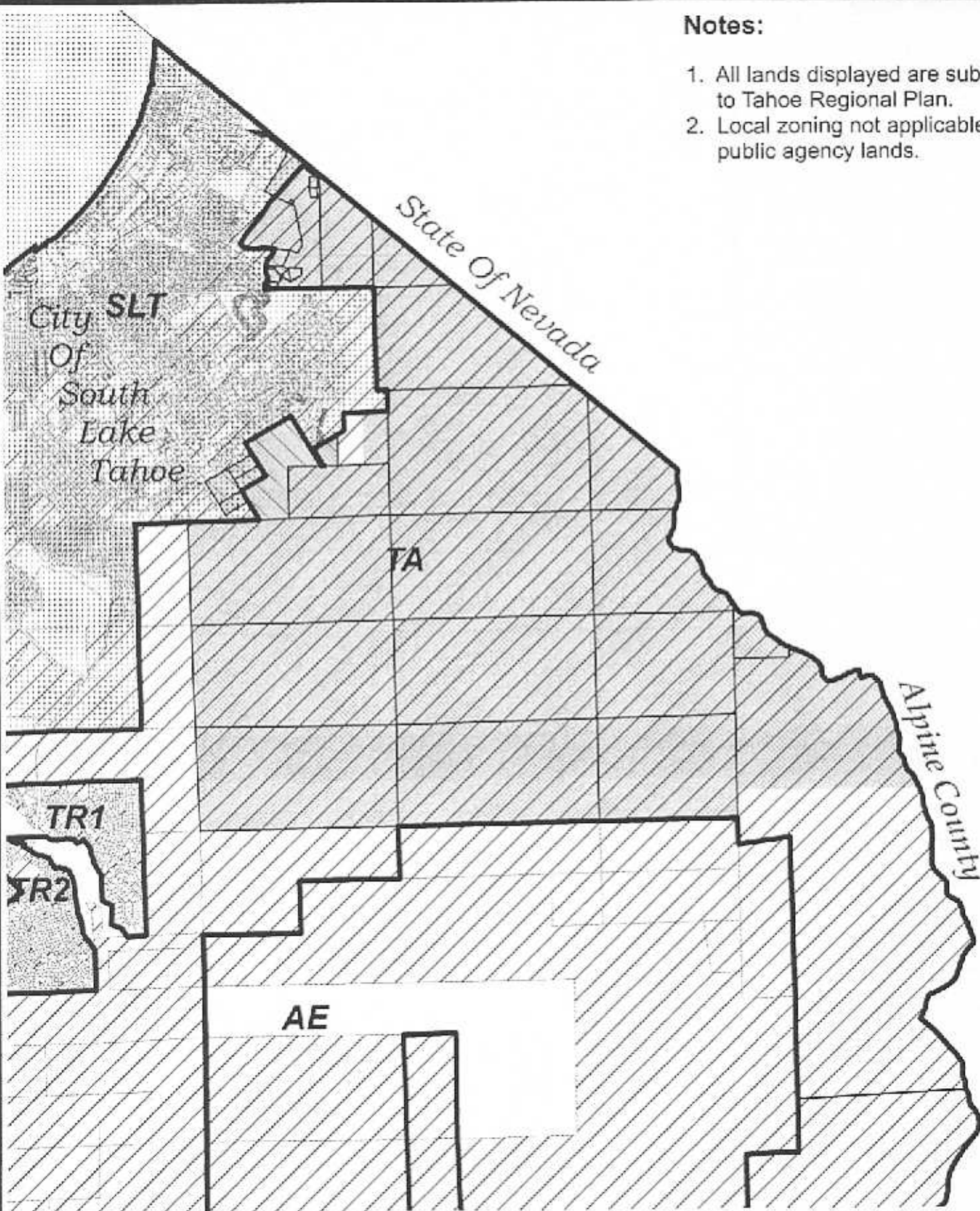
Legend:
 [Thick black line] Heavenly Ski Resort Master Plan Boundary
 [Stippled area] City Of South Lake Tahoe



Not To Scale

Notes:

- 1. All lands displayed are subject to Tahoe Regional Plan.
- 2. Local zoning not applicable on public agency lands.



Legend:

- Heavenly Ski Resort Master Plan Boundary
- Publicly Agency Lands
- Zoning Boundary
- City Of South Lake Tahoe












Not To Scale

ZONING EXHIBIT C

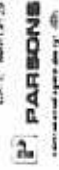


MASTER PLAN AMENDMENT 2005

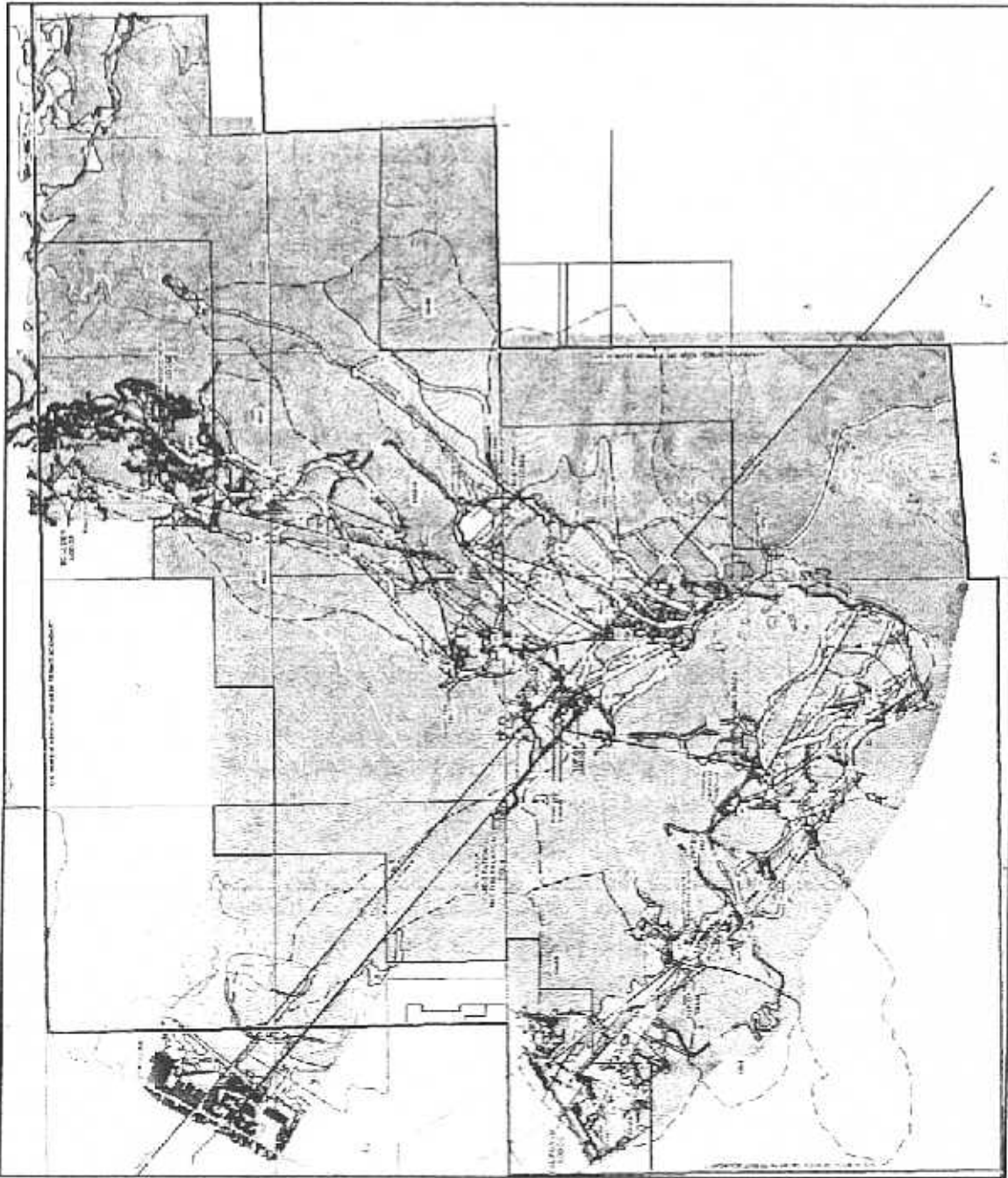
LEGEND

-  Existing Ski Trails
-  Approved But Not Constructed Trails
-  Existing Closed Zones
-  Existing Building or Structure
-  Existing Lift Alignment
-  Removed Lifts
-  Approved But Not Constructed Lifts
-  TRPA Regional Boundary
-  U.S. Forest Service Ski Area Permit Boundary

SCHEDULE 10/10/04 1:25 FEET
DATE: MARCH 29, 2005



EXISTING CONDITIONS 2005 2-1





MASTER PLAN AMENDMENT 2006

LEGEND	
	Existing Ski Trails
	Approved but Not Constructed Trails
	Proposed Trails
	Existing Gladed Zones
	Lodge and Maintenance Facilities
	Existing Lift Alignment
	Removed Lifts
	Approved but Not Constructed Lifts
	Upgraded Lifts
	TRPA Regional Boundary
	U.S. Forest Service Boundary
	Ski Area Permit Boundary
	Proposed Widening Trails
	Proposed Lift Alignments
	Proposed Conventional Trails
	Proposed Conventional Trails With Tree Islands
	Proposed Gladed Trails
	Blanked Approved Trails
	Proposed Facility Structure
	Proposed Operational Boundary

CONTRACT NUMBER: 03-11-001
DATE: DECEMBER 2006

PARSONS
International
10000 Wilshire Blvd., Suite 1000
Los Angeles, CA 90024

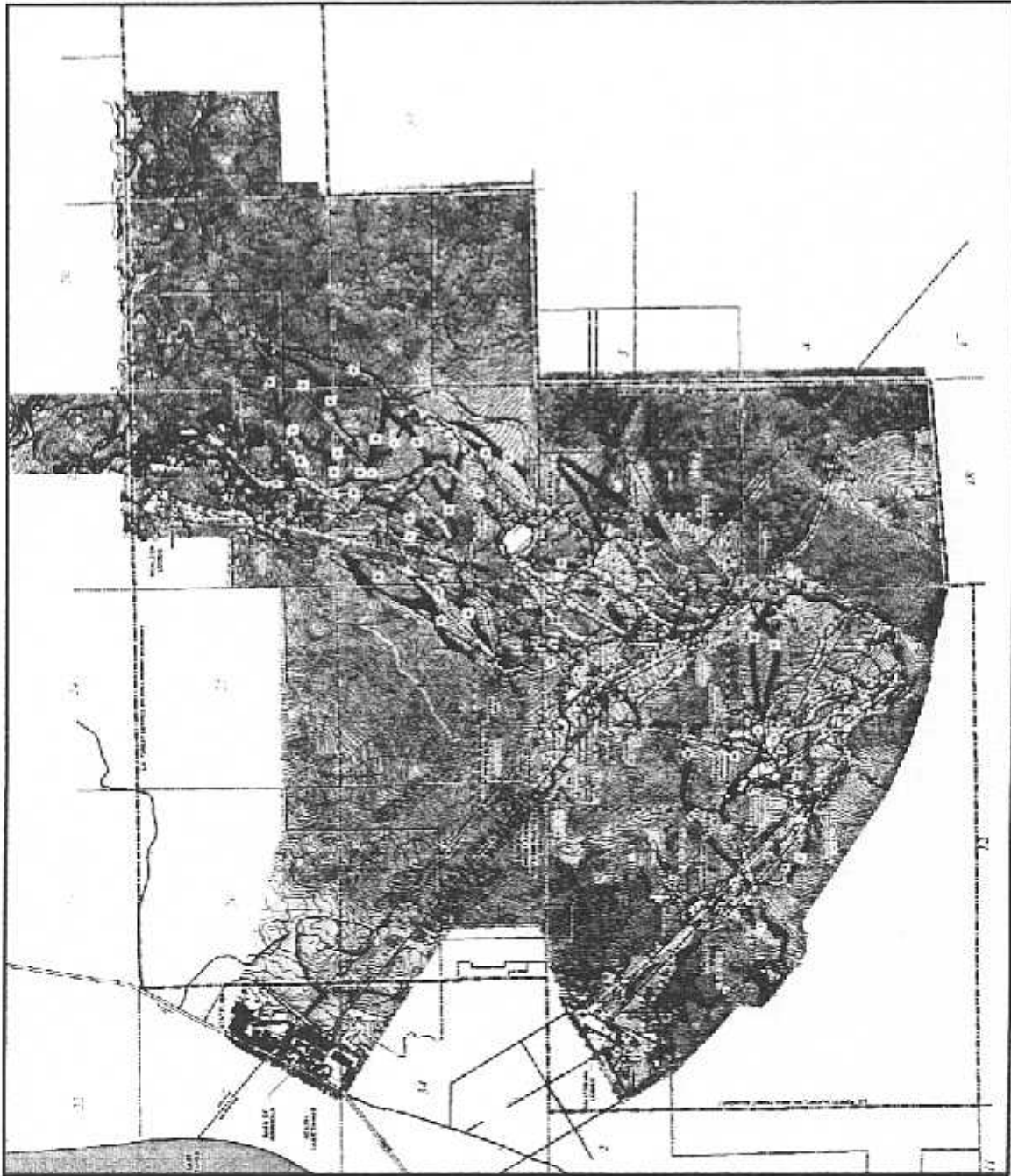


Exhibit F

Phase I, II, and III Projects

Proposed facilities would be implemented in accordance with the three part project phasing schedule proposed below:

Phase I

- Replace & Relocate Ski Lift S (North Bowl) / Ski Lift T (Olympic) with High Speed Detachable Quad, Construct Ski Runs S8, S9 and S10
- Construct Powder Bowl Restaurant/Lodge
- Remove Sky Deck and Restore Meadow
- Re-commission Service Road from Gondola Top Station to Gondola Mid Station
- Ski Trail 4 (Skyline Trail) Regrade/Realignment and Snowmaking
- Install BMPs for California Lodge / Parking Lot
- Implement Upper Shop BMPs
- Implement Ski Trail V12 (Lower Orion's Cutoff), G9 (Powderbowl 2), I4 and I5 (Skiways 1 and 2)
- Install Zip Line at Gondola Top Station
- Construct New Hiking Trails at Gondola Top Station
- Implement Special Events Area at Gondola Top Station

Phase II

- Relocate Lower California Maintenance Shop to off-site location
- Construct Gondola Top Station Restaurant/Lodge
- Replace Lift U (Galaxy) with High Speed Detachable Quad
- Implement Ski Trails U3, U4, 14, and with Snowmaking
- Lift HH (Von Schmidt's allocation)
- Implement Ski Trails H12, H13, R3, R4, 13, 14, 18, V11
- Implement Ski Trails 1, 6, 5A, 12 and W5
- Realign Ski Trail 6 (Upper Nevada Ski Run- Decommission R531-R539)
- Add Snowmaking on Ski Trails S8, S9, S10
- Add Snowmaking on Ski Trails: E2, G4, G8, G9, H5, I2, GG2, GG5, HH2, HH3, R1, R2, S2, S3, S4, S6, S7, U1, U2, U4, V3, V5, V12, W1, W2, 10, 13, 14
- Replace Ski Lift E (Patsy's) / Ski Lift F (Groove) with Quad*
- Replace Ski Lift Q (Boulder)
- Construct In-ground Half-pipe
- Expand Tubing / Adventure Peak at Gondola Top Station
- Remodel and Expand Vehicle Maintenance Shop at Top of Tram
- Angel's Roost Communications Site Improvements
- Ski Run Widening – Nevada

- Ski Run Widening - California

Phase III

- Replace & Relocate Ski Lift DD (Mott Canyon) with High Speed Detachable Quad Ski Lift
- Construct Ski Lift J (Big Juniper) High Speed Detachable Quad Ski Lift
- Construct Sand Dunes Restaurant/Lodge
- Construct Mid Station Restaurant
- Construct Boulder Lodge Skier Services Building / Expand Existing Deck
- Replace California Base Lodge
- Relocate California Snowmaking Building
- Replace & Relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift*
- Replace Ski Lift N (Pioneer) with Quad
- Construct Ski Lift Z (Wells Fargo)
- Implement Ski Runs Z1, Z2, Z3, Z4, Z5, Z6, Z7, Z8, and 15, 16, &17
- Add Snowmaking on Ski Runs Z1, Z2, Z3, Z4, Z5 and Z7
- Kids Camp (California Base)
- Replacement of Ski Lift K (Perfect Ride), Ski Lift L (Cal Ski School) and Ski Lift M (Enchanted Forest)*
- Ski Runs K1, L1 and M1
- Implement Gondola Top Station Amphitheatre
- Implement Gondola Top Station Interpretive Center
- Expand Existing Deck at Stagecoach Lodge (note: if the Stagecoach development project approved by Douglas County is implemented, then expansion of the existing deck would not occur as the lodge would be replaced and enlarged).

* Designates that a lift may need to be replaced earlier for maintenance reasons.

Exhibit G

MPA 05 (Proposed Action) Facilities Summary at Build Out

	CA In-Basin		CA Out-of-Basin		NV In-Basin		NV Out-of-Basin		Totals in- and Out-of-Basin
Total Lifts	25		0		5		7		37
Hourly Capacity (pph)	28,270		0		9,350		14,400		52,020
VTF/Hour (000)	29,248		0		5,866		16,208		53,322
Ski Trails (acres)	261.4		65.8		78.8		416.5		812.5
Beginner/Novice	77.7	31%	0.0	0%	21.6	27%	21.7	5%	121.0
Low. Int./Intermediate	109.9	44%	19.1	29%	44.4	56%	193.8	47%	367.2
Adv. Int./Expert	54.1	22%	45.8	70%	12.0	15%	198.8	48%	310.5
Other	9.6	13%	1.1	2%	0.8	1%	2.1	1%	13.8
Snowmaking (acres)	210.8		19.1		76.5		222.0		628.4
Beginner/Novice	78.9	36%	0.0	0%	23.4	31%	20.3	11%	123.6
Low Int./Intermediate	90.8	43%	19.1	100%	41.1	54%	183.4	100%	334.4
Adv. Int./Expert	40.4	19%	0.0	0%	12.0	16%	18.3	10%	70.7
Support Facilities									
No. of Buildings	8		1		1		2		10
Seats	3,050		1,000		250		831		5,131
Space (sq. feet)	159,317		38,000		18,340		35,025		247,682
Maintenance Facilities									
No. of Buildings	2		0		1		1		4
Space (sq. feet)	14,620		0		1,500		19,000		34,120
Parking/Access									
Vehicles Parked (onsite)	1,310		None		450		410		2,170
Satellite Parking (offsite)	0		None		600		600		1,200
Structured Parking	822		0		0		0		822
Avg. Car Occupancy	2.8		2.8		2.8		2.8		2.8
Skiers/Visitors	5,970		None		2,940		2,828		11,738
Gondola (cap/day)	6,000		0		0		0		6,000
Utilities									
Domestic Water	10.2		2		2.1		4.7		19
Snowmaking (acre/ft. avail)	92		8		29		593		722
Sewer	STPUD		STPUD		KGID		KGID		
Power	Round Hill		Kingsbury		Kingsbury		Buckeye		
Skiers At One Time / CCC (SAOT)	8,114		0		3,673		6,309		16,097
PAOT	8,763		0		2,658		4,484		16,125

Source: Heavenly Mountain Resort, MPA 05.

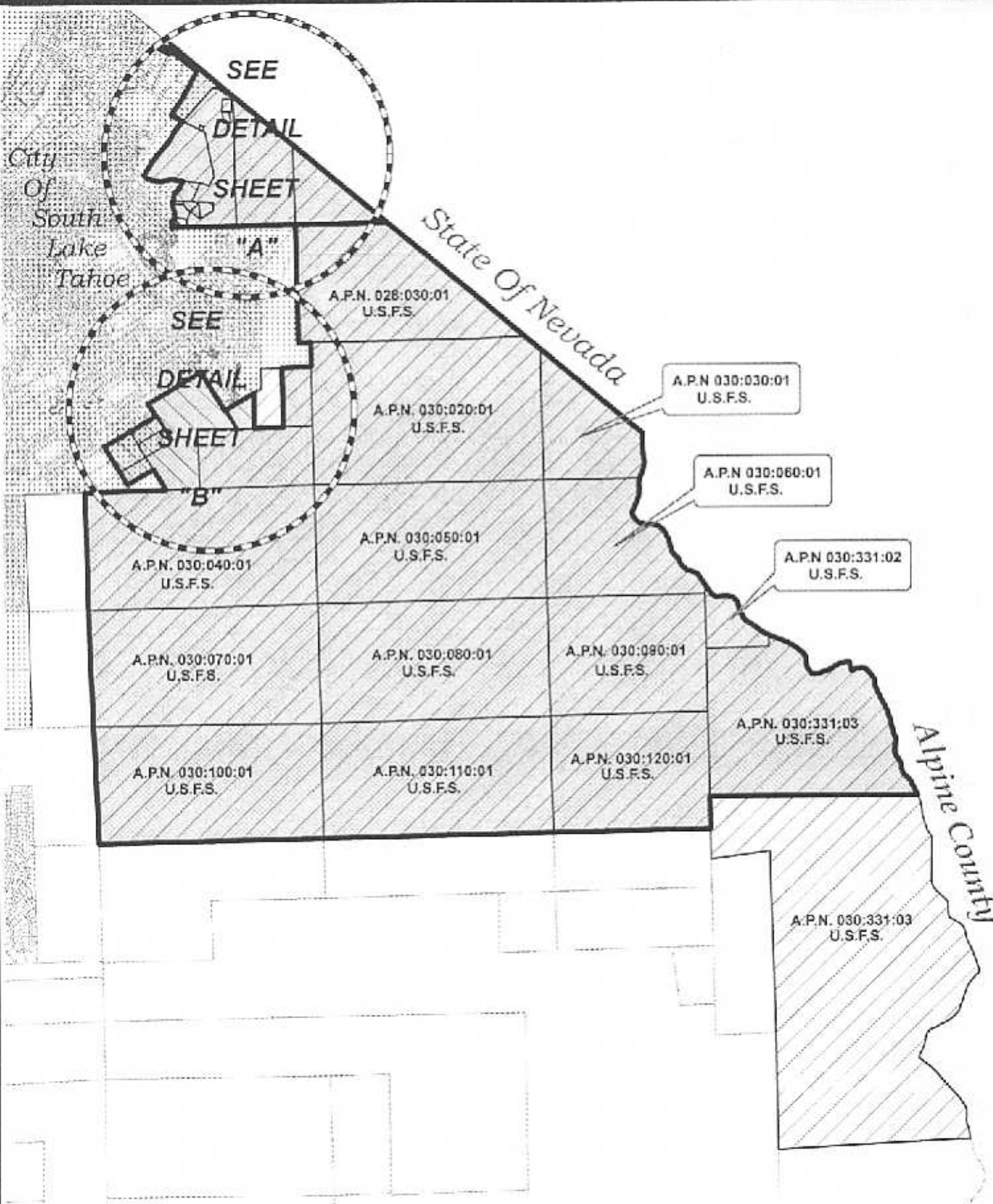
Notes:

pph – Persons Per Hour

VTF – Vertical Transport Feet

CCC – Comfortable Carrying Capacity

PAOT – Persons At One Time



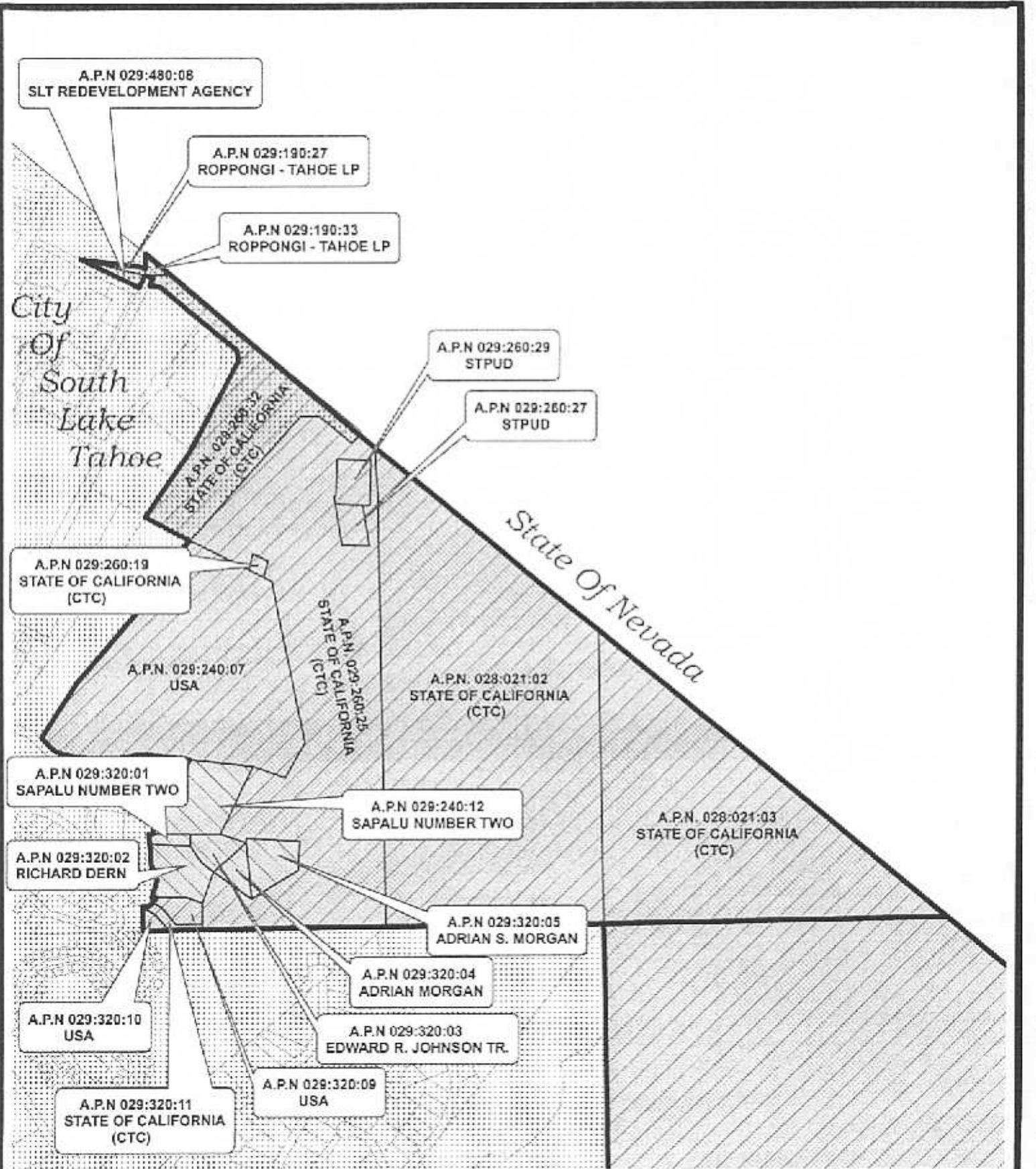
Note:
All lands displayed are subject to Tahoe Regional Plan.

JURISDICTIONAL MAP EXHIBIT H

Legend:

- Heavenly Ski Resort Master Plan Boundary
- Publicly Owned Lands
- Privately Owned Lands
- City Of South Lake Tahoe





Note:
All lands displayed are subject to Tahoe Regional Plan.

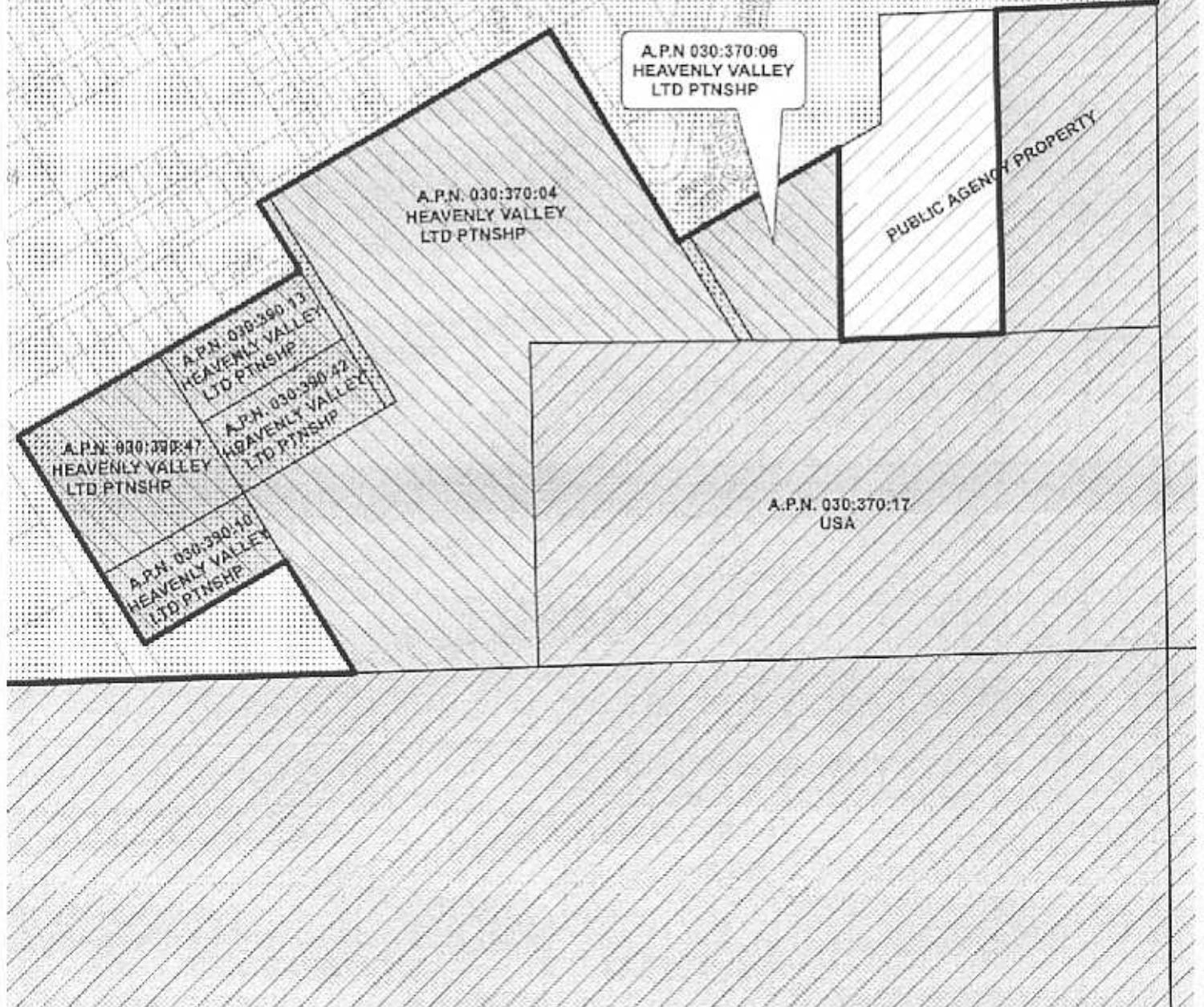
JURISDICTIONAL MAP

Detail Sheet "A"

- Legend:**
- Heavenly Ski Resort Master Plan Boundary
 - Publicly Owned Lands
 - Privately Owned Lands
 - City Of South Lake Tahoe



City
of
South
Lake
Tahoe



Note:

All lands displayed are subject
to Tahoe Regional Plan.

**JURISDICTIONAL MAP
Detail Sheet "B"**

Legend:

- Heavenly Ski Resort Master Plan Boundary
- Publicly Owned Lands
- Privately Owned Lands
- City Of South Lake Tahoe



Not To Scale

Exhibit I
Adjacent Land Uses to the HMR Master Plan Boundary

	Zoning	General Plan	Land Use/Improvements
Site			
North	¹ TRPA PAS 080 Conservation and PAS 086 Recreation.	TRPA Regional Plan, and U.S.F.S. Land and Resource Management Plan	Natural resource management and recreation within U.S.F.S. lands. HMR Master Plan uses.
South	² Non-jurisdictional (U.S.F.S) Tahoe Agricultural Zoning, TRPA PAS 095 Conservation	TRPA Regional Plan, and U.S.F.S. Land and Resource Management Plan	Natural resource management and recreation within U.S.F.S. lands.
East	Alpine County Agricultural Zone District	Alpine County General Plan,	Natural resource management and recreation within Alpine County.
West	² Non-jurisdictional (U.S.F.S) Tahoe Agricultural Zoning, ³ TRPA PAS 085 Residential, and PAS 095 Conservation	CSLT General Plan, TRPA Regional Plan	Urban land uses (Primarily residential) within CSLT jurisdictional lands. Natural resource management and recreation within U.S.F.S. jurisdictional lands.

¹TRPA Plan Area Statement (PAS) for TRPA Zoning.

²El Dorado County zoning.

³City of South Lake Tahoe has adopted TRPA PASs for City zoning purposes.

Exhibit J
Addition of Alternative 4A with Final EIR/EIS/EIS

Alternative 4A was generated and included in the Final EIR/EIS/EIS based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 2005 MPA. Comments that drove the modification of Alternative 4 centered on reducing impacts to the late seral/old growth stand that the North Bowl Chair Lift (as aligned in Alternative 2, 3, and 4) would bisect. Alternative 4A would include all the components identified in Alternative 4 with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). Glading of Ski Trails S9 and S10 would remain as proposed in Alternative 4, as would a reduced capacity for the amphitheater (1,100 people).

Section 15088.5 of CEQA Guidelines stipulates that a lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR, for public review under Section 15087, but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record. Section 2.1 of the Final EIR/EIS/EIS provides further discussion for the inclusion of Alternative 4A with the Final EIR/EIS/EIS.

As stated above, Alternative 4A would include all the components identified in Alternative 4, with the exception of the revised alignment of the North Bowl Chair Lift. The analysis for Alternative 4A has been prepared and included in the Final EIR/EIS/EIS. The lead agencies have determined that adding Alternative 4A to the EIR/EIS/EIS does not require public recirculation of the Draft EIR/EIS/EIS, pursuant to NEPA, TRPA, and CEQA requirements.

Further, the North Bowl Chair Lift and associated impacts are located in the State of Nevada. Neither El Dorado County nor CEQA has jurisdictional powers beyond the State of California. Section 15277 of CEQA Guidelines stipulates that CEQA does not apply to any project or portion thereof located outside of California, which will be subject to environmental impact review pursuant to the National Environmental Policy Act of 1969, or pursuant to a law of that state requiring preparation of a document containing essentially the same points of analysis as in an environmental impact statement prepared under the National Environmental Policy Act of 1969. Any emissions or discharges that would have a significant effect on the environment in the State of California are subject to CEQA, where a California public agency has authority over the emissions or discharges.

Exhibit L
Affected Resources Within County Jurisdictional Lands

Transportation

The Final EIR/EIS/EIS for the 96 MP identified unacceptable levels of service at U.S. Highway 50 near Echo Summit. This area of Highway 50 is located at the TRPA jurisdictional boundary for the Tahoe Basin, which serves as a drainage divide for the Tahoe Basin to the east, and the South Fork American River to the west (west slope of County). The 2004 County General Plan further identifies sections of Highway 50 from Canal Street to the Washington overhead, as operating at a level of service F. This section of Highway 50 is within the City of Placerville, where the Highway is subject to a series of stoplights.

CEQA requires an analysis of whether a project has the potential to exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways. Table TC-2 of the Transportation Element of the 2004 El Dorado County General Plan identifies sections of U.S. Highway 50 that are authorized to operate at a level of service F through December 31, 2008, in accordance with Measure Y. Table TC-3 identifies sections of U.S. Highway 50 that are authorized to operate at a level of service F after December 31, 2008, or until new policies are adopted.

- *Canal Street to junction of State Route 49 (Spring Street)
- Junction of State Route 49 (Spring Street) to Coloma Street
- Coloma Street to Bedford Avenue
- *Bedford Avenue to beginning of freeway
- *Beginning of freeway to Washington overhead
- *Ice House Road to Echo Lake

*Sections of U.S. Highway 50 that are authorized to operate at a level of service F after December 31, 2008, or until new policies are adopted (Table TC-3).

The policies of Measure Y are expected to be readopted, or new policies adopted by 2009. Level of service F is used to define forced or breakdown conditions. This condition exists wherever the amount of traffic approaching a point exceeds the amount that can traverse the point. Policy TC-Xd further applies to these sections of U.S. Highway 50:

Policy TC-Xd: Level of Service (LOS) for County maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in Community Regions or LOS D in Rural Centers and Rural Regions except as specified in Table TC-2 or, after December 31, 2008, Table TC-3. The volume to capacity ratio of the roadway segments listed in Tables TC-2 and TC-3 as applicable, shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be

based on the professional judgment of the Department of Transportation, which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM peak Hour, and PM peak hour traffic volumes.

The 05 MPA is subject to the mitigation measures of the 96 MP, which are still ongoing, and are intended to avoid non-degradation of peak hour traffic at U.S. Highway 50 at Echo Summit. Section 5.5 of the Final EIR/EIS/EIS (impact 7.5-19) identifies the mitigation measures for the prescribed mitigation. As continued mitigation from the 96 MP, HMR has been implementing efforts for various types of public transit, regional shuttle service from the Bay Area and potentially the Sacramento International Airport, and marketing strategies designed to attract visitors during off-peak travel times. HMR will continue implementing programs and strategies to avoid non-degradation of peak hour traffic for Highway 50.

Additionally, the California Department of Transportation is currently implementing improvements to U.S. Highway 50 within the City of Placerville to improve circulation and decrease congestion for this area of the freeway.

Conclusion: As discussed above, the County General Plan authorizes the identified sections of Highway 50 to operate at a level of service F through and beyond 2008, or until different policy is adopted by the General Plan. Continued implementation of the mitigation measures discussed above are expected to avoid non-degradation of peak hour traffic for Highway 50.

Water Quality

Although the California Base Lodge and parking lot has a history of water quality related impacts, the following State water quality requirements and mitigation are expected to reduce water quality impacts to a less than significant level.

As discussed in the project description, HMR is currently operating under an Interim Operations and Facilities Maintenance Plan to treat runoff at the California Base Lodge and parking lot. The Lahontan Updated Discharge Permit, adopted in 2002, requires installation of BMP retrofits at the California Base Lodge parking lot to commence by October 15, 2006, and compliance with discharge to surface water effluent limitations by 2008. Phase I of the BMP retrofit project was completed in 2006, and Phase II will be implemented in 2007 upon review and approval by TRPA, LRWQCB, and El Dorado County (amendment of Special Use Permit 98-28).

The California Base Lodge and parking lot is located within the Bijou Park Watershed. The water quality of streams draining HMR must comply with State, Federal, and Regional water quality standards. Raw data for the Bijou Park Creek (CA Lodge Parking lot) as provided by the 2006 Comprehensive Monitoring Report (CMR), is identified in Section 7.4 of Volume II of the Final EIR/EIS/EIS, and summarizes the frequency of non-compliance at Bijou Park Creek for 2001 through 2005. The water quality data at the California Parking lot illustrates that this site is currently the greatest water quality

concern related to ski area impacts. Exceedances of State standards range from 21 to 100 percent. Monitoring of Bijou Park Creek will continue as outlined in the Monitoring and Reporting Requirements of Lahontan's Updated Discharge Permit. As stated above, the Lahontan Updated Discharge Permit requires compliance with discharge to surface water effluent limitations by 2008. The following mitigation measures, monitoring, and restoration programs are expected to achieve this requirement.

Mitigation measures, monitoring, and restoration programs from the 1996 Master Plan are retained as part of the Mitigation and Monitoring Plan for the 2005 MPA. Furthermore, these measures and programs are revised and improved upon based on more than 10 years of monitoring results (qualitative and quantitative metrics), changes in environmental standards and regulations, and updates in technology. For the Revised Environmental Monitoring Program, the goals and objectives are clearly stated at the beginning of each section, as presented in Appendix 3.1-D of the Draft EIR/EIS/EIS. Chapter 7 of the Final EIR/EIS/EIS further outlines each mitigation measure of the Mitigation and Monitoring Plan for the 2005 MPA.

Conclusion: Through continued implementation of the Revised Environmental Monitoring Program, all MPA Phase I projects (see Project Description) and mitigations would be tested for effectiveness to assure there are no negative impacts, before Heavenly is allowed to move on to Phase II and Phase III projects. Effectiveness would be determined through water quality monitoring, monitoring of effective soil cover and mitigation of soil disturbance, BMP implementation and effectiveness monitoring, and riparian condition monitoring.

Exhibit M CEQA Findings

Pursuant to Section 2100(b)(2)(A) of CEQA, and Section 15091 of CEQA guidelines, CEQA requires that an EIR identify significant environmental effects that cannot be avoided if the project were implemented. However, there are no expected significant environmental effects that cannot be avoided with implementation of any Alternative. CEQA requires that changes or alterations have been required in or incorporated into such project, which avoid or reduce the significant adverse environmental effects to a less than significant level. Through inclusion of the mitigation measures and design features, into the Proposed Action and Action Alternatives, no significant effects are expected to result from implementation of the proposed projects or alternatives.

Section 21100(b)(2)(A) of CEQA further requires that an EIR identify any significant irreversible changes that would result from project implementation. The use of non-renewable resources for the 05 MPA is not expected to account for more than a small, incremental portion of the resources that are used in the Lake Tahoe Region, and would not exceed capacities that would limit the availability of these resources for other needs. See Chapter 4 of the Draft EIR/EIS/EIS for further discussion.

CEQA requires the inclusion of "the growth-inducing impact of the proposed project" in the Draft EIR/EIS/EIS. The Action Alternatives are not expected to result in any additional growth-inducing effects as compared to the No Action Alternative (MP 96), based on no proposed increase or change in the approved maximum capacity of the resort. The adopted 96 MP included a total of 16,125 PAOT for both the In-Basin and Out-of-Basin areas of IIMR. The Proposed Action and each of the Action Alternatives proposed to maintain the maximum capacity of the resort at or below 16,125 PAOT.

CEQA requires the identification of an Environmentally Superior Alternative; that is, the alternative that has no significant effect or has the least significant effect on the environment. For the consideration of the Environmentally Superior Alternative, only those portions of the Proposed Action or Alternatives located within California are considered. The only difference between the Action Alternatives in California is the size of the proposed amphitheater, which is reduced in size from 2,500 persons under the Proposed Action to 1,100 persons under Alternatives 3, 4, and 5. Without consideration of the proposed modifications that have been added to the Proposed Action and Action Alternatives, the No Action Alternative would be environmentally superior under CEQA. The No Action Alternative is considered environmentally superior based on the fact that impacts identified in the 95 Draft and Final 96 EIR/EIS/EIS would be avoided or mitigated, and the additional development (e.g., 67.4 acres of new ski trails, new access roadways, relocated lodges, and four additional ski lifts) proposed under the Proposed Action and Action Alternatives would not be constructed.

Although the No Action Alternative is considered environmentally superior, because it has the least amount of effects on the natural environment, it does not provide an opportunity to comply with the stated Purpose and Need of the proposed MPA, which is

to improve the overall quality of the visitor experience at the resort. The Action Alternative that best balances the Purpose and Need of the proposed 05 MPA with the potential effects to biological and visual resources is Alternative 4. Alternative 4 improves both skier ride times and skier congestion, while reducing impacts to biological resources, visual resources, and traffic levels as compared to the components in the Proposed Action Alternative. Therefore, Alternative 4 is considered to be the NEPA Preferred and CEQA Environmentally Superior Alternative.

Exhibit N
El Dorado County General Plan and Zoning Analysis

General Plan: As discussed above, the General Plan designates the project area as having an Adopted Plan land use designation for the HMR Master Plan. However, the purpose of the Master Plan is to provide current and future management direction for all HMR land uses, as designed within the regulatory framework of the jurisdictional agencies within the Master Plan boundary. The Master Plan land uses are further subject to the development standards of the jurisdictional agencies. Therefore, for consistency with the El Dorado County General Plan, the proposed MPA requires consistency with the TRPA Regional Plan as the underlying Adopted Plan for the review of all projects within the Tahoe Basin portion of the County's jurisdiction. The County General Plan provides broad deference to the TRPA Regional Plan for the implementation of related General Plan policies for the review of County discretionary projects. With regard to the Tahoe Basin, the primary goal of the County General Plan is to integrate the County's regulations with those of TRPA, to eliminate inconsistencies with the Regional Plan and to simplify the regulatory environment in the Tahoe Basin. The following General Plan policies further illustrate this objective:

Goal 2.10: Lake Tahoe Basin: To coordinate the County's land use planning efforts in the Tahoe Basin with those of the Tahoe Regional Planning Agency.

Policy 2.10.1.1: The County shall apply the standards of the Regional Plan for the Tahoe Basin and the Code of Ordinances and other land use regulations adopted by the Tahoe Regional Planning Agency in acting on applications for proposed land uses in the Tahoe Basin.

Policy 2.10.1.5: The County may impose more stringent regulations where TRPA does not limit the County's authority to do so.

Beyond the above goals and policies of the Land Use Element, the remaining elements of the General Plan provide broad goals and objectives applicable to the Tahoe Basin, rather than specific policy direction for the review of projects.

Objective 9.3.1 Recreational and Tourist Uses: Protect and maintain existing recreational and tourist based assets such as Apple Hill, State historic parks, the Lake Tahoe Basin, wineries, South Fork of the American River, and other water sport areas and resorts and encourage the development of additional recreation/tourism businesses and industries.

Objective 9.3.7 Skiing Industry: Expansion of the skiing industry consistent with the Tahoe Regional Planning Agency Regional Plan and the El Dorado National Forest and the Lake Tahoe Basin Management Unit Forest Plans.

The EIR/EIS/EIS for the project further analyzes the proposed land uses of the MPA for consistency with the General Plan policies identified in Table 1-4 of Chapter 1 of the Final EIR/EIS/EIS.

Conclusion: Staff finds the proposed uses of the 05 MPA as consistent with the goals, objectives, and policies of the General Plan applicable to the Tahoe Basin.

TRPA Regional Plan: The primary function of the Regional Plan is to provide a regulatory framework designed to achieve attainment of the Environmental Thresholds for water quality, air quality, soils, wildlife, fisheries, vegetation, scenic quality, noise, and recreation for the Tahoe Basin. The Goals and Policies of the Regional Plan include a Land Use Element, Transportation Element, Conservation Element, Recreation Element, Public Services and Facilities Element, and Implementation Element that provide resource goals and policies intended to achieve attainment of the Environmental Thresholds.

The Goals and Policies of the Regional Plan are substantially inclusive and more restrictive than County General Plan objectives and policies. Therefore, where County General Plan policies are more restrictive or are not addressed by the Regional Plan, these policies are deemed insignificant for County project review purposes, as they are not relevant for attainment of the Regional Plan Environmental Thresholds, and therefore not a requirement of the Regional Plan. It is the current and future intention of the El Dorado County Planning Department to maintain and further implement General Plan integration with the TRPA Regional Plan for the Tahoe Basin.

The TRPA Regional Plan prescribes Plan Area Statements (PAS) for the project area within the Tahoe Basin to function as Regional Plan zoning districts. The MPA will require an amendment to PAS 086, Heavenly Valley Nevada, and PAS 087, Heavenly Valley California. Under these PAS amendments, 832 PAOTs would be reallocated from PAS 087 to PAS 086. Also, the Special Policies for both PASs would be modified to allow additional disturbance in the Edgewood Creek watershed of PAS 086. A special policy is proposed to be added to both PASs to state that the internal Plan Area boundary between PAS 086 and 087 shall not be used to determine compliance with Maximum Community Noise Equivalent Levels (CNEL). The CNEL would still apply at the other non-Heavenly PAS boundaries.

Conclusion: The TRPA has reviewed and analyzed all proposed uses with the No Action and Action Alternatives for the HMR MPA and the EIS, and has found the project to be consistent with the Regional Plan. As discussed in the Background Section, the TRPA GB approved the 05 MPA and related project actions at the April 25, 2007, GB meeting for the project. Therefore, staff finds the project consistent with the Regional Plan.

Zoning: As discussed in the Background Section, the County jurisdictional parcels within the Master Plan area are zoned Tahoe Agricultural (TA), which allows by special use permit "recreational buildings and uses." HMR has a special use permit (S98-28) for the existing uses on these parcels. All master plan related land uses in the County

jurisdictional parcels are subject to special use permit approval by the County Planning Commission. As identified in the project description, the only new land uses identified with the MPA in County jurisdictional parcels include the following phase III projects, which are located within the California Base Lodge parcels:

- Replace and relocate Ski Lift A (Aerial Tram) with High Speed Detachable Quad Ski Lift, and
- replacement of Ski Lift L (Cal Ski School)

Exhibit E (Proposed Action) identifies the proposed changes with the Aerial Tram and Ski Lift L. The lower half of the new Aerial Tram alignment would occur slightly south of the existing alignment, but the upper half of the new alignment would extend to the top of the Powder Bowl Express chair lift. The Aerial Tram is proposed to be replaced with a high-speed quad chair lift. The alignment of Ski Lift L is proposed to have a minor modification in comparison to the existing alignment, and is proposed to be replaced with either a carpet (belt) or a handle tow.

The new uses of the 05 MPA have been reviewed for consistency with the TA Zone District. The new uses, as well as the uses identified in the project description that were already approved with the 1996 Master Plan would require an amendment to Special Use Permit 98-28. These uses are subject to additional project specific environmental review through the SUP process, the development standards of the TA Zone District, and all other applicable provisions of the Title 17 Zoning Ordinance. The TA Zone District has a height limit of 45 feet with 30 foot setbacks from all property lines. The new proposed uses have been conditioned for consistency with these requirements.

The 05 MPA is also subject to the requirements of Sections 17.22.650 through 17.22.680 of the County Zoning Ordinance, pertaining to specific plan applications. Section 17.22.665 addresses the required specific plan findings, which were satisfactorily made by staff as provided in Attachment 2. Based on the analysis contained in the Final EIR and mitigation measures identified therein, staff finds the 05 MPA contains all required content (17.22.670) to meet all applicable provisions of Chapter 17.22 pertaining to specific plans.

In order to approve the project, the approving authority must find that the project is consistent with the General Plan and would not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

Conclusion: Based on the environmental analysis contained in the Final EIR/EIS/EIS for the 05 MPA, and the mitigation measures incorporated therein (Exhibit L), including comments received from public agencies, citizens' groups, and impacted neighbors, as discussed below, staff finds that the project as conditioned will not be detrimental to the public health, safety, and welfare and will not be injurious to the neighborhood.

Exhibit O
Unique Letters from Agency, Organization, and Public Commenters for the
Draft EIR/EIS/EIS

Heavenly Mountain Resort Master Plan Amendment 2005
Draft Environmental Impact Report/Statement/Statement
Comment Log – Unique Letters (Form Letters are not included)

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
1	Anderson, Anne		6 Bergesen Court Atherton, CA 94027	7/3/06
2	Baldrice, Alice	NV SHPO	100 N. Stewart Street Carson City, NV 89701	7/10/06
3	Barney, Cherry		667 Tumbleweed Cir Incline Village, NV 89451	06/30/2006
4	Bauschke, James	Douglas County Commission	1594 Esmeralda Avenue, Room 307 Minden, NV 89423	7/26/06
5	Benin, Josh		1360 June Way South Lake Tahoe, CA 96150 joshbenin@earthlink.net	7/6/06
6	Bernstein, Autumn	Sierra Nevada Alliance	P.O. Box 7989 South Lake Tahoe, CA 96158	7/26/06
7	Bindel, Jerry	South Lake Tahoe Lodging Association		7/26/06
8	Bird, Melissa		P.O. Box 13276 South Lake Tahoe, CA 96151 sailbirds2000@yahoo.com	7/19/06
9	Birdwell, Jerry		Black Bear Inn 1202 Ski Run Boulevard South Lake Tahoe, CA 96150	7/25/06
10	Bradford, Michael	Lakeside Inn and Casino	P.O. Box 5640 Lake Tahoe, NV 89449	8/2/06
11	Bridges, Steve		P.O. Box 7022 South Lake Tahoe, CA 96150	11/27/06
12	Brubaker, Sherie		1843 Toppewetah South Lake Tahoe, CA 96150	7/13/06
13	Burton, Oliver		470 Santana Lane Aptos, CA 95003	7/9/06
14	Bush, Diane		P.O. Box 11674 Zephyr Cove, NV 89448 dianeabush@gmail.com	06/27/2006
15	Carberry, John and Sharon		717 Gardner Street South Lake Tahoe, CA 96150	7/26/06
16	Castillo, Tory		3690 Saddle Rd., SLT	05/23/2006
17	Cathers, Erin		193 Tramway Drive P.O. Box 6673 Stateline, NV 89449 Erin_umd@hotmail.com	06/29/2006
18	Cooper, Kent	NV Dept. of Transportation	1263 S. Stewart Street Carson City, NV 89701	6/14/06

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
19	Dahlgren, Joy		1200 Idylberry Road San Rafael, CA 94903 joy@lucasvalley.net	06/29/2006
20	Daley, Ken	Area Transit Management, Inc.		7/24/06
21	Dengler, Linda		1178 Canarsee St. South Lake Tahoe, CA 96150	7/25/06
22	Dingman, Stacy		Harrah's and Harveys Lake Tahoe sdingman@harrahs.com	7/22/06
23	Dumas, Tom	CA Department of Transportation	P.O. Box 2048 Stockton, CA 95201	7/27/06
24	Dyer, Michael		Dyer Lawrence Attorneys & Counselors At Law 2805 Mountain Street Carson City, NV 89703	7/25/06
25	Erlich, Robert	CA Regional Water Quality Control Board, Lahontan Region	2501 Lake Tahoe Boulevard South Lake Tahoe, CA 96150	7/26/06
26	Feist, Travis and Muscat, Marissa		3044 Sourdough Trail South Lake Tahoe, CA 96150	7/17/06
27	Feldman, Lewis		P.O. Box 1249 Zephyr Cove, NV 89448	7/14/06
28	Flanner, Philip		4942 Rocklin Dr Union City, CA 94587	7/14/06
29	Gardner, Rick		P.O. Box 2194 Stateline, NV 89449	7/18/06
30	Garrison, Dan	Resorts West		7/6/06
31	Gibbs, Bob		micoche@charter.net	06/30/2006
32	Gutowsky, A.R.		5700 Shepard Ave Sacramento, Ca 95819	7/17/06
33	Harris, Victoria and Baggett, Maria			7/12/06
34	Hayes, Hollay, Bozovich, and Benin		P.O. Box 1992, SLT	06/06/2006
35	Hayes, Rod		P.O. Box 1992, SLT	05/23/2006
36	Hayes, Rod		PO BOX 1992 South Lake Tahoe CA 96156 530.541.1691	6/28/2006
37	Hayes, Rod		P.O. Box 1992 South Lake Tahoe, CA 96156	7/12/06
38	Hayes, Rod		P.O. Box 1992 South Lake Tahoe, CA 96156	7/24/06
39	Henriouille, Gunnar		ahenriouille@mailstation.com Phone: 530-543-1259	06/02/2006
40	Herback, Phil		Park Cattle Company 1300 Buckeye Road Minden, NV 89423	7/24/06
41	Hoefler, Jon		1060 Lamor Court S. Lake Tahoe, CA 96150	7/12/06

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
42	Inagaki, Diana		P.O Box 18326 S. Lake Tahoe, Ca 96151 sapphire@sprynet.com	7/21/06
43	James, Duane	U.S. Environmental Protection Agency	75 Hawthorne Street San Francisco, CA 94105	7/26/06
44	Jamin, Teri	City of South Lake Tahoe	tjamin@ci.south-lake-tahoe.ca.us	7/14/06
45	Jamin, Teri	City of South Lake Tahoe		7/26/06
46	Kawasaki, Akira		1-1-13 Hodokubo Hino-city Tokyo 191-0042, Japan	06/05/2006
47	Kenninger, Steven		P.O Box 129 Zephyr Cove, NV 89448	7/24/06
48	Kline, Ron		ronkline@sbcglobal.net	7/27/06
49	Kocmond, Warren		P.O. Box 3440 Incline Village, NV 89450 warren.kocmond@bgcorp.com	06/27/2006
50	League to Save Lake Tahoe, Friedrich, John	League to Save Lake Tahoe		7/26/06
51	League to Save Lake Tahoe, Pignatelli, Ben	League to Save Lake Tahoe		06/14/2006
52	Leonard, Jan	Doppelmayr CTEC	3160 West 500 South Salt Lake City, UT 84104	7/19/06
53	Levi, Jimmy	Washoe Tribe of NV and CA	919 Highway 395 South Gardnerville, NV 89410	7/17/06
54	Linder, John		JLINDER@sbc.global.net	7/1/06
55	Linder, Mary		MILINDER@sbcglobal.net	7/1/06
56	Marzooco, Nancy			7/26/06
57	Mathews, Randall			7/13/06
58	McAleer, Thom	ARAMARK Lake Tahoe		7/26/06
59	McCluskey, Kathleen	Sitzmark Condominium HOA	1510 Wildwood Ave. #5 South Lake Tahoe, CA 96150	06/24/2006
60	McLaughlin, Michael		2462 Fair Meadow Court South Lake Tahoe, CA 96150	7/26/06
61	Monahan, Phil		786 Bigler Stateline, NV 89449 phil@tahoemedia.com	06/29/2006
62	Murphy, Eddie		Eddie_Murphy@ea.epson.com	05/23/2006
63	Nicklos, Jim		jnicklos@yahoo.com	7/19/06
64	Norton, Lynn		lynn@hprf.com	06/29/2006
65	Novasel, Robert		3170 Highway 50, Suite 10 South lake Tahoe, CA 96150	7/24/06
66	O'Brien, Marguerite		gritobrien@aol.com	06/28/2006
67	Ottman, Jeff and Rose Marie		P.O. Box 1372 South Lake Tahoe, CA 96156	7/17/06
68	Overbeck, Lee		South Lake Tahoe, CA Leever11@hotmail.com	07/03/2006

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
69	Parker, Vern and Mary		Vern-marv@parkerlimited.com	06/30/2006
70	Piazza, Modesto		2116 Golden Rain Rd #1 Walnut Creek, CA 94595 mod@macnexus.org	7/12/06
71	Pierini, Lou		Pierini1@pacball.net	7/7/06
72	Pierini, Lou		1375 Chinguapin South Lake Tahoe, CA 96150 Pierini1@pacball.net	7/17/06
73	Pierini, Lou		1375 Chinguapin South Lake Tahoe, CA 96150 Pierini1@pacball.net	7/17/06
74	Rastatter, John		Genoa, NV jrgenoa@aol.com	07/03/2006
75	Raymond, Hank		2443 Tolteca Way S. Lake Tahoe, CA 96150	7/25/06
76	Ribaudo, Carl		P.O. Box 10109 South Lake Tahoe, CA 96158	7/24/06
77	Ring, Brian		Edgewood Commercial Village P.O. Box 12219 Zephyr Cove, NV 89448	7/25/06
78	Robben, Ty		tyrobben@tax.state.nv.us	06/30/2006
79	Roberts, Dale		1513 Ormsby Drive South Lake Tahoe, CA 96151 worldcycle@yahoo.com	06/29/2006
80	Roberts, Terry	CA Governor's Office of Planning and Research	1400 Tenth Street Sacramento, CA 95812	7/27/06
81	Robinson, Scott and Elayne		happybud@lakenet.com	7/24/06
82	Ronan, Partick		930 Bal Bijou Road South Lake Tahoe, CA 96150	7/18/06
83	Rowles, Shawn		PO BOX 4741 Stateline, NV 89449 775.586.1069	06/28/2006
84	Rowles, Shawn		P.O. Box 4741 Stateline, NV 89449	7/16/06
85	Rowles, Shawn		P.O. Box 4741 Stateline, NV 89449	7/17/06
86	Rowles, Shawn		P.O. Box 4741 Stateline, NV 89449	7/18/06
87	Rusk, Lon		P.O. Box 2877 Stateline, NV 89449 lonr@lakesideinn.com	7/11/06
88	Schooler, Charlie		201 S. Benjamin Drive P.O. Box 4782 Stateline, NV 89449 eschooler2@yahoo.com	06/30/2006
89	Schwarte, Richard		Novasel & Schwarte Investments, Inc 3170 Highway 50, Suite 10 South Lake Tahoe, CA 96150	7/24/06
90	Scribe, Rene		356 Via Almar Palos Verdes Estates, CA 90274	7/12/06

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
891	Seufert, Dan			06/12/2006
92	Seufert, Dan		1665 Black Bart Ct South Lake Tahoe, CA 96150	7/25/06
93	Seufert, Kerstin		1665 Black Bart Ct S. Lake Tahoe, CA 96150 tahoentnrgl@yahoo.com	7/24/06
94	Shaw, Chuck	Hoshi Terrace Homeowners Association	P.O. Box 1520 Zephyr Cove, NV 89448	7/24/06
95	Sierra Club, Donahoe, Michael	Sierra Club, Tahoe Area	P.O. Box 16936 South Lake Tahoe, CA 96151	7/26/06
96	Sierra Club, Ferranto, Edward	Sierra Club	Sierra Club-Executive Committee Members	6/28/2006
97	Sierra Club, Ferranto, Edward	Sierra Club	P.O. Box 7049 Stateline, NV 89449	7/7/06
98	Slack, Sam		P.O. Box 5790 Stateline, NV 89449	7/18/06
99	Slaton, Stan and Alice		P.O. Box 3330 Stateline, NV 89449 stanslaton@charter.net	06/30/2006
100	Smith, Judy		1019 Campus Delivery Colorado State University Library Ft. Collins, CO 80523-1019	6/20/06
101	Steinbach, John	Embassy Suites Hotel	4130 Lake Tahoe Blvd. South Lake Tahoe, CA 96150	7/5/06
102	Sussman, Daniel		130 Escanyo Way Portola Valley, CA 94028 dsussman@bren.ucsb.edu	7/22/06
103	Swift, Lucretta		13125 Davos Drive Truckee, CA 96161 lucettas@sbcglobal.net	06/27/2006
104	Targosz, Zosia	NV Dept of Administration	209 E. Musser Street, Room 200 Carson City, NV 89701	7/10/06
105	Thompson, Ron		625 Hobart Ct. Fremont, CA 94539 skyfree@comcast.net	07/03/2006
106	Vetromile, Gerard		PO Box 10497 Zephyr Cove, NV 8949	7/12/06
107	Villard, Joseph		27161 Greenhaven Rd. Hayward, CA 94542 jfvlardi@sbcglobal.net	06/29/2006
108	Walowit, Rik		RikWalowit@aol.com	05/23/2006
109	Walowit, Rik		No address provided	6/28/2006
110	Walowit, Rik		P.O. Box 7042 Stateline, NV 89449-7042	7/5/06
111	Walowit, Rik		P.O. Box 7042 Stateline, NV 89449 rikwalowit@aol.com	7/24/06
112	Walton, Rodney		P.O. Box 7296 South Lake Tahoe, CA 96158	7/5/06

Letter Number	Author (Last, First)	Agency/ Organization	Address	Date Received
113	Weinberg, Jim		2437 Cougar Tr, SLT	05/25/2006
114	Weinberg, Jim		2437 Cougar South Lake Tahoe, CA 96160 tahoejimw@yahoo.com	06/29/2006
115	Weinberg, Jim		2437 Cougar S. Lake Tahoe, CA 96150 Tahoejimw@yahoo.com	7/21/06
116	Wiessner, Clyde	Vail Mountain Lift Maintenance Director		7/26/06

Exhibit P Project History

This Environmental Impact Report/Environmental Impact Statement/Environmental Impact Statement (EIR/EIS/EIS) serves as a joint document that will meet the environmental review requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and the Tahoe Regional Planning Compact. The analysis in the 2005 MPA EIR/EIS/EIS tiers from and references, the analysis included in the 95 Draft and 96 Final EIR/EIS/EIS documents that were prepared for the adopted 1996 Heavenly Ski Resort Master Plan.

The 2005 MPA EIR/EIS/EIS will be utilized by a number of regulatory agencies in order to consider approval of the projects proposed in the MPA. TRPA, El Dorado and Alpine Counties, and the U.S.D.A. Forest Service are the lead agencies responsible for analyzing the direct, indirect, and potential impacts that may result from implementation of the programmatic MPA 05. However, the NEPA analysis will only review the Phase I projects. In accordance with TRPA Regional Plan environmental documentation requirements, the TRPA EIS is the environmental document that the TRPA Governing Board will consider for its approval of the 2005 MPA, associated Regional Plan amendments, and approval of Phase I projects (see Environmental Analysis Section for further discussion). In accordance with NEPA requirements, the EIS serves as the environmental document that the U.S.F.S. will use to base its final decision in a forthcoming Record of Decision, issue a Forest Plan Amendment, and approve Phase I projects. In accordance with CEQA requirements, the EIR serves as the environmental document that the El Dorado County Board of Supervisors will consider for approval of the 2005 MPA, and certification of the Final EIR. The EIR also serves as the environmental document that the Alpine County Board of Supervisors will consider for certification of the Final EIR, and amendment of the County General Plan land use designation and zoning ordinance. See Volume I, Chapter 1, Section 1.5 of the Final EIR/EIS/EIS for further discussion.

On June 26, 1996, the TRPA Governing Board adopted the Heavenly Ski Resort Master Plan and certified the EIR/EIS/EIS.

On September 17, 1996, the El Dorado County Board of Supervisors approved Resolution No. 213-96 to certify the Heavenly EIR and adopt the Heavenly Master Plan (see Exhibit D Existing Conditions). Resolution No. 214-96 was then approved to amend the El Dorado County General Plan and re-designate the Heavenly Valley Property from a Natural Resource land use designation to "Adopted Plan," recognizing the Heavenly Ski Resort Master Plan.

Following a change of Heavenly's ownership in 2002, a comprehensive review of all aspects of resort management, operations and future planning was completed. That review and subsequent analysis thereof, combined with direction from the U.S.D.A. Forest Service, resulted in Heavenly's decision to propose an amendment to the 96 MP through the HMR 2005 MPA process.

In January of 2005, Heavenly Mountain Resort (HMR) applied to the County of El Dorado for a Specific Plan application to amend the 1996 Master Plan (A 92-01), to include the proposed land uses identified in the project description. The proposed action requires an amendment to the Adopted Plan (1996 Master Plan) land use designation for the project area, as provided through the Specific Plan application process. Although the HMR master plan boundary occurs within the States of California and Nevada (see Exhibit H), the CEQA review of the proposed project is limited to the California area within the master plan boundary, pursuant to Section 15277 of CEQA Guidelines. See the Agency Jurisdictional Project Area Description Section of the staff report for further detail.

Public scoping for a proposed amendment to the MP 96 took place from January 27, 2005, to March 30, 2005, with the public review of the Heavenly's first draft of the Master Plan Amendment. Following preparation of an Administrative Draft EA/Neg Dec for the first draft of the Master Plan Amendment, the lead environmental agencies decided to prepare an EIR/EIS/EIS and circulated a Notice of Preparation/Notice of Intent for the MPA 05 EIR/EIS/EIS in September 2005. During the circulation of the NOP/NOI, three public scoping meetings were held – one at the September 14, 2005 TRPA Advisory Planning Commission hearing, one at the USFS Supervisor's office on September 21, 2005, and one at the September 28, 2005 TRPA Governing Board hearing. Issues identified during the public scoping process have been summarized in a Scoping Summary Report (see Appendix 1-A). In support of the proposed MPA 05 EIR/EIS/EIS process, Heavenly modified their proposed amendment based upon several issues identified during the preparation of the EA/Neg Dec. Heavenly reissued the Master Plan Amendment in October 2005 (MPA 05).

A 60-day public comment period for the HMR 2005 MPA 05 Draft EIR/EIS/EIS began on May 17, 2006 with the release of a Notice of Availability by the Tahoe Regional Planning Agency (TRPA), USDA Forest Service (Forest Service), and El Dorado and Alpine counties. During circulation of the MPA 05 Draft EIR/EIS/EIS, two hearings were held to take public comment at the June 14th TRPA Advisory Planning Commission hearing and June 28th TRPA Governing Board hearing. Based upon requests from the public for more time to review the Draft EIR/EIS/EIS, the comment period was extended to July 26, 2006, so that the TRPA Governing Board at their July 26th hearing could again receive comments. See the Agency and Public Comments Section for further discussion.

Based on comments received from the public during circulation of the Draft EIR/EIS/EIS for the 2005 MPA, Alternative 4A was generated and included in the Final EIR/EIS/EIS. Alternative 4A would include all the components identified in Alternative 4, with the exception of the revised alignment of the North Bowl Chair Lift (see Figure 2-6, Chapter 2, Final EIR/EIS/EIS). See Exhibit J for further discussion of Alternative 4A and related CEQA Findings

A public meeting for the proposed MPA and Final EIR/EIS/EIS was held with the TRPA Advisory Planning Commission on February 14, 2007, which made a unanimous

recommendation to the TRPA Governing Board (GB) for approval of the MPA (No Action and Action Alternatives), certification of the EIS, approval of the amendments to PASs 086 and 087, and approval of phase 1 projects. A public meeting was subsequently held with the TRPA GB on February 28, 2007, which acted to approve Alternative 4 of the MPA, certify the EIS, amend PASs 086 and 087, and approve the phase 1 projects. At both the APC and GB meetings, much of the discussion focused on the impacts of the MPA to late seral old growth stands and the potential water quality impacts of the alternatives on the Edgewood Creek watershed in Nevada.

At the TRPA GB meeting, after considerable deliberation, a vote was taken among the GB members for Alternative 4A, which did not pass. Ultimately, after further deliberation, Alternative 4 was narrowly approved with the minimum number of votes necessary for approval.

Following the February 28, 2007, GB decision to approve the Heavenly Mountain Resort Master Plan Amendment, three TRPA board members have asked for a reconsideration of the vote. Board members Mara Bresnick, Norma Santiago, and Jerome Waldie requested the reconsideration of the GB decision for approval of Alternative 4, and approval of the MPA as it relates to or is affected by the North Bowl lift alignment, and the project was rescheduled to go before the GB for reconsideration of the North Bowl lift alignment alternatives. At the March 28, 2007, GB meeting, public comments focused on the environmental consequences associated with the different North Bowl lift alignments (primarily Alternative 4, 4A, and 5), including grading impacts and loss and disturbance of late seral old growth trees. After debating the environmental benefits and consequences of the different North Bowl lift alignments, the GB ultimately acted to have the entire project reconsidered at the following April 25, 2007, GB meeting.

At the April 25, 2007, GB meeting, public comments again were primarily focused on impacts to water quality and late seral old growth trees associated with the North Bowl lift alignments, including some miscellaneous comments pertaining to traffic and parking pertaining to the overall project. No particular comments with regard to the CEQA analysis were raised at the meeting. After a lengthy public comment period, the GB ultimately acted to approve the 05 MPA, certify the EIS, approve the amendments to PASs 086 and 087, and approve the phase 1 projects. The GB's approval of the 05 MPA included the approval of the Alternative 4a and 5 North Bowl lift alignments, but did not include a phase I project level permit approval. There was concern among the GB members that the mitigation measures identified within the EIS/EIS were not adequate for the other North Bowl lift alignments. HMR will require additional GB approval with regard to the North Bowl lift alignment permit, which will be limited to the lift alignments associated with Alternatives 4A or 5, or an alternative that is substantially similar to these alternatives. The absence of a permit approval by the GB for the North Bowl lift alignment is not expected to affect the County's approval of the 05 MPA, since the use is entirely located within the State of Nevada, which is not anticipated to affect the California side of the MP area, under the purview of the County. Since the action alternatives of the 05 MPA were substantially similar with the exception of the North Bowl lift alignment alternatives, the GB was able to approve the project without acting

on a particular action alternative. The proposed amphitheatre on the California side of HMR was approved with a 1,100 person capacity, which was another minor difference among the action alternatives.

At the May 23, 2007, GB meeting, the GB approved a North Bowl lift alignment substantially similar to the Alternative 5 lift alignment, to include the ski run improvements proposed with Alternative 4A, as a project level permit approval.

The U.S.F.S. is expected to certify the Final EIS following the GB's approval of the North Bowl lift permit approval. Alpine County is expected to present the 05 MPA to the County Board of Supervisors at the June 19, 2007, Board meeting. See Exhibit P for an expanded discussion of the joint EIR/EIS/EIS process for the 2005 IIMR MPA.

Exhibit Q

Summary of All MPA 05 Mitigation Measures/Design Features Incorporated into the Proposed Action and Alternatives

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
ALL	7.4-1	REVISED Construction Erosion Reduction Program	Existing	
ALL	7.4-2	Construct Infiltration Facilities	Existing	
ALL	WATER-1	Control Runoff for Existing Facilities	Proposed	
ALL	WATER-2	Meet Water Quality Standards	Proposed	
ALL	WATER-3	Implement Adaptive Ski Run Prescriptions	Proposed	
ALL	WATER-4	Control Runoff due to Future Construction and Long-term Operation of Facilities	Proposed	
ALL	7.4-3	Avoid Disturbance to SEZ or Restore/Create SEZ	Existing	
ALL	7.4-4	Avoid Disturbance to Wetlands or Restore/Create Wetlands	Existing	
ALL	SEZ-3	Restore Future Disturbed SEZ to Meet MP 96 Mitigation Measure 7.4-3 Requirements.	Proposed	
ALL	SEZ-4	Restore Future Disturbed Jurisdictional Waters and Wetlands to Meet MP 96 Mitigation Measure 7.4-4 Requirements.	Proposed	
ALL	SEZ-5	Restore Disturbed SEZs due to Construction of Phase I Projects to Meet MP 96 Mitigation Measure 7.4-3 Requirements	Proposed	
ALL	SEZ-6	Restore Jurisdictional Wetlands and Waters due to Construction of Phase I Projects to Meet MP 96 Mitigation Measure 7.4-4 Requirements	Proposed	
ALL	7.4-6	Reduce and Control Fugitive Dust	Existing	
ALL	BIO-2	Active Raptor and Migratory Bird Nest Site Protection Program	Proposed	
ALL	7.4-21	Identify and Protect Undiscovered Archaeological Resources	Existing	
ALL	7.5-1	REVISED Cumulative Watershed Effects Restoration Program	Existing	

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
ALL	7.5-29	Compliance with Existing Health and Safety Practices	Existing	
ALL	7.5-32	Ensure Adequate Police/Sheriff/Fire Capacity	Existing	
CITY	7.3-3	Amend City of South Lake Tahoe General Plan	Complete	Mitigation Completed
COUNTY	LU-3	Amend Alpine County General Plan	Proposed	
TRPA	7.3-1	Reduce Ski Run Widths and/or Lengths	Complete	Mitigation Completed
TRPA	7.3-4	Obtain Summer Day Use PAOT Allocations	Existing	
TRPA	7.3-5	TRPA Mitigation Monitoring Activities	Existing	
TRPA	SCENIC-3:	Design and site the proposed Powderbowl Lodge to minimize visibility from off-site views	Complete	
TRPA	SCENIC-4	Design and site the proposed Gondola Mid Station Restaurant to minimize visibility from off-site views	Proposed	
TRPA	SCENIC-5	Design and site the proposed Angel's Roost Communications Site to minimize visibility from off-site views	Proposed	
TRPA	SCENIC-8	Design and site the proposed Sand Dunes Lodge to minimize visibility from off-site views	Proposed	
TRPA	LU-1A	Eliminate MPA 05 Inconsistency with TRPA PAS 086 Special Policy 1.4 That Prohibits New Land Disturbance in Edgewood Creek Watershed	Proposed	
TRPA	LU-1B	Eliminate MPA 05 Inconsistency with TRPA PAS 086 PAOT Allocation	Proposed	
TRPA	7.4-5	Land Coverage Mitigation	Existing	
TRPA	7.4-7	Reconfigure Kingsbury Grade at the Benjamin and Tramway Intersections	Complete	Mitigation Completed
TRPA	7.4-19	Compliance with TRPA Height Limitations	Removed	Existing regulations require compliance for approval of proposed construction within Tahoe Basin.
TRPA	7.5-9	Snow Grooming Noise Mitigation Methods	Existing	
TRPA	7.5-10	Snowmobile Noise Mitigation Methods	Existing	
TRPA	7.5-11	Snow Removal Noise Mitigation Methods	Existing	
TRPA	7.5-12	Snowmaking Noise Mitigation Methods for Base Areas	Existing	
TRPA	NOISE-1	Limit Hours of Snowmaking Operation and Use of Fan Gun Technology for the Proposed Skyline Trail Snowmaking	Proposed	

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
TRPA	7.5-13	Snowmaking Noise Mitigation Methods for Upper Mountain Areas	Existing	
TRPA	7.5-14	Rock Busting Noise Mitigation Methods	Existing	
TRPA	7.5-15	Summer Concert Noise Mitigation Methods	Removed	A TRPA Plan Area Amendment is included in the Proposed Action that would eliminate potential exceedance of TRPA CNEL noise standards at Heavenly Plan Area boundary between PAS 086 and 087.
TRPA	NOISE-5	Restrict Hours of Amphitheater Operations	Proposed	
TRPA	TRANS-1	Reduce Summer VMT	Proposed	
TRPA	7.5-16	Expanded Bus/Shuttle Access	Existing	
TRPA	7.5-17	Discourage Use of Automobiles	Existing	
TRPA	7.5-18	Implement the Coordinated Transportation System (CTS)	Existing	
TRPA	7.4-9	Implement CWE, TRPA Code of Ordinances, and TRPA BMPs for Revegetation	Removed	Implementation of restoration activities and native plant species required by other mitigation measures and existing regulations.
TRPA	7.5-26	Compliance with Design Review Guidelines Section 7 Exterior Lighting Standards and Code of Ordinances	Existing	
TRPA	7.5-27	Building and Site Design	Existing	
TRPA-	7.5-8	Reduce Vehicle Emissions	Existing	
CNTY				
TRPA-	7.5-19	Reduce Traffic on U.S. Highway 50 at Echo Summit	Existing	
CNTY				
TRPA-	TRANS-4	Provide treatment to improve pedestrian safety at the Gondola Crosswalk	Complete	
CNTY			Existing	
TRPA-	7.5-31	Provide Employee Housing	Proposed	
CNTY				
TRPA-	SCENIC-6	Reduce visibility of the Skways 1 and 2 through reduction in cleared areas and retention of vegetation	Proposed	
USFS				

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
TRPA-USFS	7.4-10	Minimize Loss/Degradation of Significant Wildlife Habitat	Removed	Recreation projects are not subject to vegetation removal standards and guidelines, and therefore Limited Operating Periods for sensitive species are not required. Surveys for sensitive species will continue in order to comply with regional protocols.
TRPA-USFS	7.4-11	Monitor and Protect American Marten Populations	Removed	Recreation projects are not subject to vegetation removal standards and guidelines, and therefore Limited Operating Periods for American marten are not required. Surveys will continue in order to comply with regional protocols.
TRPA-USFS	7.4-12	Minimize Loss/Degradation of Significant Special Status Bat Roost and Foraging Habitat	Removed	Recreation projects are not subject to vegetation removal standards and guidelines, and therefore protection of potential sensitive bat species habitat is not required. Surveys will continue in order to comply with regional protocols.
TRPA-USFS	7.4-13	Monitor and Protect California Spotted Owl	Removed	Recreation projects are not subject to vegetation removal standards and guidelines, and therefore Limited Operating Periods for California spotted owl are not required. Surveys will continue in order to comply with regional protocols.
TRPA-USFS	7.4-14	Monitor and Protect Northern Goshawk	Existing	
TRPA-USFS	7.4-15	Report and Protect Great Gray Owl, Bald Eagle, Fisher, Wolverine, and Sierra Nevada Red Fox	Removed	There are no known occurrences of endangered or threatened species.

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
TRPA-USFS	7.4-16	Design and Construct Ski Lifts and Ski Runs to Protect the Natural Landscape from Local Viewpoints	Complete	
TRPA-USFS	7.4-23	Secure Adequate Water Capacity Prior to Development	Existing	
TRPA-USFS	7.4-24	Secure Adequate Sewer Capacity Prior to Development	Existing	
TRPA-USFS	7.5-20	Protect Tahoe Draba Populations within Heavenly Mountain Resort	Existing	
TRPA	VEG-1-A	Tahoe Draba Long-Term Conservation Strategy	Proposed	
TRPA-USFS	VEG-1-B	Minimize Loss/Degradation of Sensitive Plant Species	Proposed	
TRPA-USFS	VEG-1-C	Noxious Weed Management	Proposed	
TRPA-USFS	7.4-8	Minimize Removal/Modification of Deciduous Trees, Wetlands, and Meadows	Existing	
TRPA-USFS	VEG-3	Late Seral/Old Growth Forest Enhancement	Proposed	
TRPA-USFS	7.5-21	Determine Significance of Lahontan Cutthroat Trout Population in Heavenly Valley Creek and Implement Mitigation as Required by USFWS	Complete	Mitigation Completed
TRPA-USFS	7.5-22	Restrict Vehicle Traffic within the Heavenly Mountain Resort MP 96 Development Area	Existing	
TRPA-USFS	7.5-23	Implement TRPA Goals, Policies and Ordinances as well as Mitigation Measures from the EIS for the LTMU LMP and the EIS for the TRPA Environmental Thresholds Study to Mitigate Cumulative Impacts to Wildlife	Removed	Mitigation requires implementation of regulatory ordinances and regulations which are required for any future projects.

Agency Lead	Measure Number	Measure Title	Existing or Proposed	Justification for Removal from MP 96 MMP
TRPA- USFS	7.5-24	Limit Summer Activities within Heavenly's Special Use Permit Boundary	Removed	No regulatory basis for limiting summer activities. Sierra Nevada Forest Plan Amendment reversed unintended impacts to recreational special use permit holders and allowed for determination of sensitive species impacts to be made at local level. Determination has been made that there are no impacts to sensitive species habitat or individuals which would result in population declines or listing of the species.
TRPA- USFS	7.5-25	Monitor and Protect Nesting and Fledgling Bird Species	Existing	
USFS	7.3-2	Amendment of the USDA Forest Plan to Allow for a Gondola	Complete	Mitigation Completed
USFS	7.4-17	Prohibit Skier Access Management Prescription 9 Lands	Existing	
USFS	7.4-18	Prohibit Permanent Road Construction on Lands Designated for Management Prescription 9	Complete	Mitigation Completed
USFS	7.4-20	Evaluate and Monitor Known Archaeological Resources Within Comstock Logging Historic District	Existing	
USFS	7.4-22	Protect the Tahoe Rim Trail	Existing	
USFS	7.5-2	REVISED Collection/Monitoring Agreement - Heavenly & USDA Forest Service	Existing	
TRPA- USFS	7.5-3	Maintain Water Rights Balance	Existing	
USFS	7.5-4	Maintain Water Flows in Heavenly Valley Creek	Existing	
USFS	7.5-5	Maintain Summertime Flows in Heavenly Valley Creek	Existing	
USFS	7.5-6	Maintain Water Flows in Daggett Creek	Existing	
USFS	7.5-7	Maintain Compliance with Water Entitlements	Existing	
USFS	7.5-28	Maintain Timber Thinning Practices	Existing	
USFS	7.5-30	Avalanche Safety Practices	Existing	