

US EPA ARCHIVE DOCUMENT



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

November 19, 2013

William A. Dunkelberger, Forest Supervisor
Humboldt-Toiyabe National Forest
1200 Franklin Way
Sparks, NV 89431

Bernadette Lovato, District Manager
BLM Carson City District
5665 Morgan Mill Road
Carson City, NV 89701

Subject: Draft Environmental Impact Statement for the Greater Sage-grouse Bi-state Distinct Population Segment Forest Plan Amendment Project (Project), Alpine and Mono Counties, California; and Douglas, Esmeralda, Lyon, and Mineral Counties, Nevada. (CEQ# 20130246).

Dear Mr. Dunkelberger and Ms. Lovato:

The U.S. Environmental Protection Agency EPA has reviewed the Greater Sage-grouse Bi-state Distinct Population Segment Project pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. Our comments were also prepared under the authority of the provisions of the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

EPA supports the goal of refining strategies to conserve, enhance, and restore habitats to provide for the long-term viability of the Sage-grouse. We understand that the subject Draft Environmental Impact Statement is a programmatic analysis; therefore impacts from site-specific projects are not addressed in this document and will need further NEPA analyses. We recommend that the FEIS be clearly labeled as a Programmatic Final Environmental Impact Statement PFEIS. We also recommend that, when determining the appropriate level of NEPA analysis for site-specific projects, the National Forest Service and Bureau of Land Management obtain and consider the results of a Jurisdictional Determination by the U.S. Army Corps of Engineers to inform the assessment of whether or not a project will result in significant impacts, such as groundwater draw down and riparian loss, that would adversely affect the sage grouse during various stages of its life cycle.

We note that the use of pesticides is proposed (page: 70). We recommend that an assessment of the possible adverse impacts of pesticides, if any, to the sage-grouse and its habitat be included in the PFEIS. The assessment should discuss the location, type of pesticide, amount, and application method for pesticide use.

Page 1 of the Draft EIS states that the Fish and Wildlife Service has identified actions authorized

on NFS lands and BLM public lands, such as “habitat modification,” as “major threats to the Sage-grouse”. EPA believes it is reasonable to anticipate that climate change will bring about change that may alter sage-grouse habitat. We encourage the NFS to include, in the PFEIS, an assessment of the cumulative impacts to sage-grouse habitat that can reasonably be expected to result from the type of projects expected to tier from this programmatic EIS in the context of climate change. For example, we recommend adding a discussion of the increased vulnerability of Sage-grouse under a reasonably anticipated climate change scenario, and an explanation of the projected shift of forest species to more suitable range elevations. The assessment should include measures to improve forest adaptation to climate change, such as the selection of certain species for replanting Sage-grouse habitat. Please note that Section 3 of Executive Order 13653 – “Preparing the United States for the Impacts of Climate Change” dated November 01, 2013, emphasizes that “agencies shall, where possible, focus on program and policy adjustments that promote the dual goals of greater climate resilience and carbon sequestration, or other reductions to the sources of climate change.” For more info on the EO go to: <http://www.whitehouse.gov/the-press-office/2013/11/01/executive-order-preparing-united-states-impacts-climate-change>.

Page 20 of the DEIS states that the analysis framework for this project established that no critical environmental concerns are within the amendment area, and page 21 states that “the decision not to amend or to amend the land use plans does not ensure FWS action not to add (or to add) the Bi-state sage-grouse to the ESA list of threatened and endangered species”. On October 28, 2013, the FWS proposed designation of critical habitat for the Greater Sage-grouse Bi-state Distinct Population. Also on October 28, 2013, the FWS proposed Threatened status for the Bi-State Distinct Population Segment of the Sage-Grouse. We recommend that the PFEIS reflect these status changes for the Sage-grouse and its habitat.

We have rated the DEIS as LO (Lack of Objections; see enclosed EPA Rating Definitions). Our rating is based on the Preferred Alternative, which would amend the forest plan to add protective measures for the Greater Sage-grouse Bi-state Distinct Population Segment.

We appreciate the opportunity to review the DEIS. When the PFEIS is released, please send one hard copy and one electronic copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or have your staff contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3852 or munson.james@epa.gov.

Sincerely,
/s/

Kathleen Martyn Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosure
cc: Jim Winfrey, Humboldt-Toiyabe National Forest