

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

July 9, 2008

Mr. Bruce Buttrey
Natural Resource Specialist
U.S. Forest Service
Springerville Ranger District
165 Mountain Avenue
P.O. Box 760
Springerville, AZ 85938

Subject: Draft Environmental Impact Statement for Proposed Black River Exchange [CEQ# 20080229]

Dear Mr. Buttrey:

The U.S. Environmental Protection Agency (EPA) has reviewed the U.S. Forest Service's (USFS) Draft Environmental Impact Statement (DEIS) for the Proposed Black River Exchange. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act (CAA).

From the perspective of environmental stewardship, we have no objection to the Proposed Action which authorizes a land-for-land exchange resulting in federal acquisition of 396 acres of non-federal land in the Apache National Forest (ANF) and conveyance of 338 acres of federal land north of Greer in the ANF. The non-federal lands would add vital habitat for loach minnow, spikedace, and the Apache Trout, along with the acquisition of wetlands/floodplains containing significant aquatic and riparian habitats associated with the mainstream of the West Fork of the Black River and the Blue River. Accordingly, we have rated the DEIS as Lack of Objections (LO) (see the enclosed "Summary of EPA Rating Definitions").

We would like to offer a few recommendations for strengthening the Final Environmental Impact Statement (FEIS) so that the public and the decision maker(s) will be better informed about the history of the Black River Land Exchange and the actions which led to the preparation of this document. The USFS previously completed two Environmental Assessments (EA) and Findings of No Significant Impact (FONSI) for the Black River Land Exchange in 2004 and in 2005. The Greer Coalition and the Center for Biological Diversity filed a Complaint against the USFS on January 31, 2006. On February 28, 2007, the USFS was remanded to complete the DEIS as a result of litigation brought by the two groups. We recommend that the USFS describe and reference the Complaint (January 31, 2006) and the Court Order (February 28, 2007); clarify how the main issues were resolved by the Court; and describe how the USFS subsequently

addresses these issues within the EIS. We believe that disclosing this information in a succinct and thorough manner will assist the public and the decision maker in their review of the document and will enable them to make a more informed decision about the project. We recommend that the FEIS incorporate by reference the previous EAs and reference them within the document.

We also recommend that the FEIS include a map illustrating the location and proximity of the five parcels of land to be exchanged. Based on the current figures in the DEIS, it is difficult to determine the proximity of the parcels between each other and, on a broader scale, their overall location within the ANF and within Arizona. We also recommend that the location of the Spade Ranch and Crosby Acres subdivision be shown on at least one figure.

Finally, we note that the DEIS refers to parenthetical references of Project Record documents, such as Doc. 342. These references contains useful information, yet the DEIS does not provide basic bibliographical information about these documents. We recommend that the FEIS include a bibliography listing all Project Record documents that are referenced within the FEIS. If this information is available on-line, an Internet address should also be provided. Please provide a brief summary of the document if it contains vital information included in the FEIS in response to litigation. This will assist the public and decision maker in their review of the project.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to this office at the same time it is officially filed with our Washington D.C. office. If you have any questions, please contact me at (415) 972-3846 or Ann McPherson, the lead reviewer for this project, at (415) 972-3545 or at mcperson.ann@epa.gov.

Sincerely,

/s/

Nova Blazej, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions