

US EPA ARCHIVE DOCUMENT



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

May 31, 2005

Robert L. Vaught
Forest Supervisor
Humboldt-Toiyabe National Forest
1200 Franklin Way
Sparks, NV 89431

Subject: Final Environmental Impact Statement for Jarbidge Canyon
Project and Record of Decision for the South Canyon Road Portion
of the Project (CEQ# 20050171)

Dear Mr. Vaught:

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

Our comments on the Draft Environmental Impact Statement (DEIS) (July 7, 2003 letter from Enrique Manzanilla to Robert L. Vaught) raised environmental objections to Alternative 4, the Proposed Action, and Alternative 3 because they would not meet water quality standards. We also expressed concerns with Alternatives 2, 5, 6, and 7 due to potential adverse effects on the aquatic environment. We recommended the Final Environmental Impact Statement (FEIS) integrate a strong, effective water quality mitigation component and strengthen the analysis of Clean Water Act (CWA) Section 404-related issues.

The FEIS has responded to the primary objections raised by EPA in the DEIS. We recognize the Forest Service efforts to avoid and minimize adverse effects to water quality and the aquatic environment, while still providing motorized access, by selecting an alternative that avoids and minimizes ground disturbance in the stream channel, stream banks, and riparian areas. The forest closure order to restrict vehicle use to designated routes will enable more effective enforcement of off-road encroachment into sensitive stream and riparian areas.

EPA also appreciates the more detailed analysis of CWA Section 404-related issues in the FEIS, the commitment to Best Management Practices (BMPs) for all road construction work, inclusion of the terms and conditions of the April 25, 2005 U.S. Fish and Wildlife Service (USFWS) Biological Opinion, and the development and implementation of a Road Management Plan for the South Canyon Road.

Although the Selected Alternative is expected to meet State water quality standards (Record of Decision (ROD) p. 10; FEIS Section 3.9.2), EPA has three continuing concerns: 1) continued use of three low-water crossings that allow motorized vehicles to drive directly on the riverbed (FEIS p. 3-108), 2) continued use of the Alternative 4 alignment that has more road length closer to the river and within the floodplain than any other action alternative (FEIS, p. 3-109), and 3) continued vulnerability of South Canyon Road to mass wasting events (FEIS p. 3-62). Because of these concerns, we recommend that the ROD commit to the implementation of additional water quality mitigation measures, such as added armoring of the stream crossings using bioengineering techniques. Information on how the forest closure order will be enforced should also be included in the ROD and widely distributed to the affected public.

The Selected Alternative was developed through the Endangered Species Act Consultation process with the USFWS (ROD p. 9). For this reason, we recommend inclusion in the ROD the USFWS Biological Opinion and the referenced September 28, 2004 letter regarding the current user-defined road.

On June 13, 2003 the United States District Court stayed (suspended) Elko County's RS2477 claim to South Canyon Road (FEIS Appendix J). As a result, Elko County's right-of-way (ROW) claim is uncertain. Pursuant to their ROW claim, Elko County has proposed to reconstruct South Canyon Road as described in Alternative 4 of the DEIS, which will cause violations of water quality standards. We recommend that the ROD include information on the next steps regarding Elko County's RS2477 ROW claim. A decision by the Forest Service regarding the ROW claim should be evaluated in accordance with NEPA requirements.

We appreciate the opportunity to review this FEIS and ROD. If you have any questions, please contact me or Laura Fujii, the lead reviewer for this project. Laura can be reached at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

/s/

Nova Blazej, Acting Manager
Environmental Review Office
Communities and Ecosystem Division

cc: James Winfrey, US Forest Service, Elko, Nevada
Bill Baker, Bureau of Land Management, Twin Falls, Idaho
Andy Rosenau, Army Corps of Engineers, Sacramento, California
Bob Williams, US Fish and Wildlife Service, Reno, Nevada
Leo Drozdoff, Nevada Division of Environmental Protection, Carson City, Nevada
Rob Stokes, Elko County, Elko, Nevada

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Summary Paragraph

The FEIS has responded to the primary objections raised by EPA in the DEIS and includes requested information on CWA Section 404-issues and water quality mitigation. EPA has continuing concerns with the Selected Alternative due to its presence within the floodplain and low-water crossings. EPA recommended additional water quality mitigation measures and strong enforcement of both seasonal use and the forest closure order.

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cc:

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