UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

December 23, 2009

Mickey Carter
Environmental Protection Specialist
Bonneville Power Administration
P.O. Box 3621, KEC-4
Portland, OR 97208-3621

RE: EPA Region 10 Review of the Chief Joseph Hatchery Program
EPA Project Number: 05-039-BPA

Dear Mr. Carter:

The U.S. Environmental Protection Agency (EPA) has reviewed the final Environmental Impact Statement (EIS) for **Chief Joseph Hatchery Program (CJHP)** (CEQ No. 20090398) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we evaluate the document's adequacy in meeting NEPA requirements.

EPA's comment letter on the draft EIS, dated June 14, 2007, focused on water quality related issues. Specifically, we requested additional information on applicable water quality standards, CWA §303(d) impaired waters, and expressed concerns with the project's potential to impact water quality. We appreciate the response to our comments and additional information related to the Columbia River and Okanogan River status as impaired and applicable water quality standards. However, we continue to have concerns with potential impacts to water quality due to lack of detailed information on impacts to beneficial uses and unclear information regarding National Pollutant Discharge Elimination System (NPDES) permit requirements.

The EIS discusses water withdrawal on the Okanogan River and potential effects to minimum flow requirements. We expressed concerns with potential impacts to beneficial uses from withdrawals in our draft comments. The FEIS includes a response to our concern and states that "water withdrawal for the ponds would occur between October through April when most other beneficial uses would not likely be affected." We are not clear from this statement which beneficial uses would be affected and to what extent. One of the beneficial uses for the Okanogan River and Omak Creek is to support in stream habitat for salmon and other fish migration, rearing, spawning, and harvesting. The EIS demonstrates that in stream flow requirements would not be met for periods between October and April and therefore, we are concerned that this reduced flow may affect fish species. We recommend including mitigation in the ROD to avoid potential impacts to fish populations.

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The proposed hatchery facility will require a NPDES permit for discharges to Waters of the U.S. The document does not clearly identify the proposed discharge points or which discharge is under Washington Department of Ecology (WADOE) or EPA permitting authority. Section 4.5.2 includes a brief discussion of the NPDES permit requirements and states that applications should be made to WADOE. The section does not identify EPA's NPDES permitting role, which likely applies to this project. The Response to Comments section includes a response related to our request for clarification of the NPDES permit; however, it only includes the limits for the WADOE permit. In Washington, EPA issues permits for federal facilities and for permits on Tribal lands. For example, the proposed Omak pond is a portion of the project on Tribal land and therefore, would require coverage under either a general or individual NPDES permit administered by EPA.

EPA issued the general permit, "Federal Aquaculture Facilities and Aquaculture Facilities Located on Indian Country" that became effective on August 1, 2009. This permit provides coverage to facilities of a certain annual production rate and maximum monthly feeding amount. The EIS does not provide this level of detail for the CJHP and therefore, it is unclear if the CJHP would be a facility that would need coverage under the general permit. We recommend that you review the permit eligibility and contact EPA to ensure that the facilities are covered by the appropriate permit. The contact for the general permit is Sharon Wilson at wilson.sharon@epa.gov or by phone at 206553-0325 and EPA's permit can be found on the internet at:
http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/General+NPDES+Permits/$FILE/wag130000_fp.pdf

In addition to our NPDES permitting authority we also have CWA Section 401 certification responsibilities for CWA Section 404 permits on the Confederated Tribes of the Colville Reservation (CTCR) lands. Table 4-1 includes the 401 certification and has the CTCR and WADOE listed as the authorities for this process. This should be corrected to read EPA and WADOE. If you have any questions and for coordination please contact Linda Storm at storm.linda@epa.gov or by phone at 206-553-6384.

Thank you for the opportunity to review this EIS. If you would like to discuss these comments in detail, please contact Lynne McWhorter at (206) 553-0205.

Sincerely,

Teresa Kubo

Teresa Kubo, Acting Manager
Environmental Review and
Sediment Management Unit

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