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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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MAY 10 2010

Robert D. Williams
Nevada Fish and Wildlife Office
U.S. Fish and Wildlife Service
1340 Financial Boulevard, Suite 234
Reno, NV 89502

Subject: EPA Comments on the Paiute Cutthroat Trout Restoration Project Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), Alpine County, California (CEQ # 20100112)

Dear Mr. Williams:

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

EPA reviewed the Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR) and provided comments to the U.S. Fish and Wildlife Service (USFWS) on April 29, 2009. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) because of concerns regarding the piscicide selection process. EPA recommended the least toxic, least chemical intensive options be considered first. We also encouraged the selection of rotenone products that do not contain the synergist piperonyl butoxide (PBO), and we are pleased that the FEIS indicates selection of CFT Legumine and Noxfish, as they do not contain PBO. However, EPA also suggested, and still recommends, that CFT Legumine (vs. Noxfish) be used whenever possible due to relatively lower levels of contaminants, particularly naphthalene, in the formulation.

EPA also recommended Tamarack Lake receive physical treatment only. The response to comments states that the Agencies (USFWS and California Department of Fish and Game) agree that mechanical removal is preferable for Tamarack Lake and would eliminate impacts to benthic macroinvertebrates (p. F-134). It also states that recent surveys have deemed the lake to be fishless and therefore it will not be treated at all; however, it leaves open the possibility of later chemical treatment if unforeseen conditions arise (p. F-15). Since the Agencies indicate that mechanical removal is preferable, we recommend that a commitment to utilizing this treatment option first be included in the Record of Decision (ROD).

Finally, we wish to comment on the statement in "Master Response I" regarding climate change (p. F-16, last paragraph). The response states that the evaluation of cumulative impacts of the project and climate change are not required under NEPA since NEPA only requires

consideration of project impacts in combination with other past, present, and reasonably foreseeable projects, and that climate change is not a project under this definition. We strongly disagree with this interpretation. In fact, the Council on Environmental Quality's (CEQ) cumulative effects handbook[1] identifies global climate change as an example of cumulative effects (CEQ, p. 9) and identifies indirect effects, such as climate change, as important in improving the analysis of cumulative effects (CEQ, p. 7).

EPA appreciates the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

cc: Stafford Lehr, California Department of Fish and Game
Ken Harris, State Water Resources Control Board
Lahontan Regional Water Quality Control Board

[1] Considering Cumulative Effects under the National Environmental Policy Act, CEQ, January 1997. Available: http://ceq.hss.doe.gov/publications/cumulative_effects.html