UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 2, 2007

William Haigh, Manager
Folsom Field Office
63 Natoma Street
Folsom, CA 95630

Subject: Sierra Proposed Resources Management Plan (PRMP) and Final Environmental Impact Statement (EIS), California (CEQ #20070224)

Dear Mr. Haigh:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and Section 309 of the Clean Air Act.

EPA reviewed the Sierra Draft Resources Management Plan/Environmental Impact Statement (EIS) and provided comments to the Bureau of Land Management on December 13, 2006. We rated the DEIS as Environmental Concerns-Insufficient Information (EC-2). We raised several issues to the BLM regarding potential impacts to water quality and aquatic habitat, as well as potential impacts to public health from exposure to naturally occurring asbestos.

Several of the issues we raised in our review of the Draft EIS were not addressed in the Final EIS. We recommend that the Record of Decision (ROD) for this project include updated information about suction dredging and its impacts to water quality and aquatic habitat, in addition to potential impacts to public health from exposure to naturally occurring asbestos. We also reiterate a number of mitigation measures that should be included in the ROD to minimize adverse environmental impacts. (See attached Detailed Comments).

We appreciate the opportunity to review this FEIS and request a copy of the Record of Decision when it becomes available. If you have any questions, please call me at (415) 972-3846 or Jeanne Geselbracht, the lead reviewer for this project. Jeanne can be reached at (415) 972-3853 or geselbracht.jeanne@epa.gov.

Sincerely,

Nova Blazej
Environmental Review Office

Printed on Recycled Paper

004885

Enclosure: EPA's Detailed Comments

NEPA Analysis and Coordination

Several of our comments on the Draft EIS are not sufficiently addressed in the Final EIS, as the Final EIS did not address issues and in some cases it deferred these issues to other permitting agencies. For example, regarding our request for the potential impacts from suction dredging, the Bureau of Land Management (BLM) deferred its response stating that BLM assumes that the State of California has assessed suction dredging impacts to water quality (p. F-25). Ecological impacts should have been considered and assessed in the Final EIS.

Because several important analyses and mitigation needs are left unaddressed in the Final EIS, BLM should address them in the Record of Decision (ROD). In accordance with 40 CFR 1505.2(c), RODs shall:

> "State whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why not. A monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation."

Our comments below identify the issues that should be addressed in the BLM ROD.

Suction Dredging

EPA would like to reiterate that suction dredging can result in significant adverse impacts to spawning and rearing habitats. In addition to the physical destruction of redds and suitable spawning habitat, the sediment introduced to the water column may settle out, covering and filling spawning gravels, reducing pool size and stream depth, and leading to increased temperatures.

In our comments on the Draft EIS, we stated that the Final EIS should describe the impacts of existing suction dredging operations. The Final EIS, however, does not describe the specific impacts of suction dredging operations currently active in planning area streams. We recognize that the State of California is responsible for regulation of water quality on all rivers and streams in the state, however, the ROD should include full disclosure of the types of suction dredging, when they occur and what type of impacts may result from this activity. We acknowledge that BLM has provided a table in the Final EIS (p. 3-47) identifying measures for notice level and plan level operations.

> **Recommendation:** The ROD should describe the direct, indirect, and cumulative impacts existing suction dredging operations have on planning area streams.

> **Recommendation:** We continue to recommend that BLM:

- Issue permits on an annual basis with renewal contingent upon satisfactory conduct of permit provisions;
- Conduct biological surveys of claims and areas 600 feet up- and downstream to ensure that redds and potential redd sites do not exist; and
- Annually monitor and review mining impacts on nearby redds and fish habitat, and changes in turbidity, temperature and stream geomorphology.

Recommendation: We also continue to recommend the following measures be included for notice level and plan level operations:

- Limit dredging to the active stream channel and where activities will not cause undercutting, excavating or erosion;
- Avoid dredging silt and clay;
- Avoid dredging or discharging where fish spawning or eggs are known to exist at time of dredging;
- Avoid removing large woody debris and root wads;
- Avoid using winches or other motorized equipment to move boulders, logs, or other natural instream obstructions;
- Do not use wheeled or tracked equipment in stream;
- Do not laterally move stream bed cobbles in the channel, and the deepest/fastest portion of the channel should be maintained in its present location;
- Material which could dam the stream channel or form fish barriers should not be placed in the stream channel, and artificial pools should not be created; and
- Use best management practices to prevent spills and consequent degradation of surface water and groundwater during refueling.

Mercury

EPA reiterates the importance of mercury clean-up plan for mining activities. EPA acknowledges that BLM has one pilot project located at the confluence of Humbug Creek and the South Yuba River and has not yet implemented a program for mercury removal. The Final EIS (p. 3-56) indicates that up to 40 abandoned mine land sites with water quality issues may require remediation over the next 20 years and plans for eliminating these sources of water pollution are underway. The Final EIS (p. 9) also indicates that the mercury hazard in Humbug Creek would be remediated.

Recommendation: The ROD should provide the details of BLM's plan for eliminating mercury from surface waters in the planning area, including how sites are prioritized, who will clean them up, and funding sources.

Recommendation: We also continue to recommend that BLM require for all notice level and plan level operations provisions for proper disposal of all mercury captured during suction dredging activities. The ROD should specify how BLM will ensure proper disposal of mercury from all suction dredging operations, and how this will be monitored and enforced.

Terms and conditions of contracts and free use permits for mineral sales in the planning area would require disposal of all mercury recovered during the processing of construction aggregate deposits in which a gold recovery circuit is used (Final EIS, p. 2-49).

> **Recommendation:** The ROD should indicate how much mercury is expected to be captured annually, specify proper disposal requirements, and describe how BLM will monitor and enforce this important provision.

The Final EIS (p. 2-49) indicates that material sales in the Yuba Goldfields would be used for the restoration of wetland and riparian habitat on BLM-managed lands in the planning area. In our Draft EIS comments, we requested clarification regarding this matter. It is still uncertain how this would be accomplished. It is unclear if each sale contract would require specific reclamation and restoration activities at specific wetland/riparian areas to be performed by the operator. Additionally, it is uncertain if sales revenues would fund restoration activities to be performed by BLM throughout the planning area.

> **Recommendation:** The ROD should describe how mineral sales in the Yuba Goldfields would be used for the restoration of wetland and riparian habitat on BLM-managed lands in the planning area. Describe the reclamation requirements for Yuba Goldfield mineral sales, as well as the wetland/riparian area restoration requirements associated with these sales. Discuss how BLM prioritizes the wetland/riparian areas for restoration.

Naturally Occurring Asbestos (NOA)

EPA reiterates its concern pertaining to sites with NOA. On page 2-14 the Final EIS indicates that BLM would post signs to inform users that NOA is present in areas where asbestos is found at levels greater than 0.25 percent per specimen or where airborne NOA is found at hazardous levels. We would like to reiterate that asbestos levels less than 0.25 percent in soil can generate airborne asbestos at hazardous levels. Over the past two years, EPA has worked closely with BLM's Hollister Field Office to conduct asbestos air and soil sampling in the Clear Creek Management Area (CCMA), an off-highway vehicle recreation area where NOA is present. Based on the results of the sampling, the Hollister Field Office is making management decisions about the CCMA, including road and trail restrictions, seasonal closures, signage, and public outreach efforts.

> **Recommendation:** In addition to informing users that NOA is present, we also continue to recommend BLM indicate what the risks are and how users can avoid exposure. You may wish to contact the Hollister Field Office for more information on these issues in order to manage NOA areas to minimize the health risk to the public and BLM employees from asbestos exposure.

The Final EIS identifies several areas known to have NOA. We acknowledge BLM's comments in the Final EIS (p. F-61) which states that BLM would address the issue of testing for NOA during site-specific planning, especially when ground disturbing activities are proposed.

Recommendation: We reiterate the importance of a proper design of BLM's sampling protocol in areas where NOA is likely to be present. We refer you to EPA Region 9's asbestos web page at http://www.epa.gov/region9/toxic/noa/ and the California Air Resources Board's (CARB) asbestos web page at http://www.arb.ca.gov/toxics/asbestos/asbestos.htm for useful information on NOA, including air monitoring. CARB's web site also addresses California's Asbestos Airborne Toxic Control Measures for Surfacing Applications, which apply to unpaved roads.

EPA is also happy to assist your office in answering questions you may have regarding sampling protocols and how to inform users about the presence, risks, and avoidance of NOA in the area.

EPA remains concerned about ground disturbing actives in areas which contain NOA. In response to our comment regarding the need for clarification on ground disturbing activities in areas where NOA is present, BLM stated in the Final EIS (p. F-61) that it would avoid certain activities in areas with NOA. While several activities were addressed, the comment did not sufficiently address our recommendation and it is still unclear what other activities would be avoided. For example, BLM did not specify if it would conduct prescribed burns in NOA areas. Additionally, BLM should specify whether unpaved roads would be closed during these activities. EPA recommends a clarified management strategy for areas with NOA.

Recommendation: The ROD should identify all ground disturbing activities that should be avoided under the Preferred Alternative and discuss how BLM would determine which activities to avoid.

Mitigation

EPA would like to reiterate its concern for soil stabilization activities and their prospective management strategies. The Final EIS (p. 2-15) identifies areas where roads and trails would be stabilized to reduce erosion rates. EPA acknowledges the management practices indicated on page F-38 of the Final EIS, however, specific success criteria, monitoring and follow up measures were left unaddressed.

Recommendation: The ROD should identify specific success criteria, and discuss monitoring and follow up measures to ensure success of these soil stabilization activities.

The Final EIS (p. 3-17) identifies the Cosumnes River as the only river within the planning area that has not been dammed, and its North Fork, Middle Fork, and main stem within the planning area are suitable for Scenic River designation (Final EIS, Appendix E). Moreover, it appears that water quality and biological resources in these river segments could benefit from the more protective management measures associated with a Scenic River designation. EPA acknowledges BLM's response in the Final EIS (p. F-52) which states that these segments were recommended for Scenic River designation under Alternative B.

Recommendation: We continue to recommend BLM reconsider proposing the North Fork, Middle Fork, and main stem Cosumnes River for Scenic River designation in the ROD.