UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Ref: EPR-N

MAR 18 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
Box 7
Medora, North Dakota 58645-0007

Re: Theodore Roosevelt National Park
Elk Management Plan Draft EIS
CEQ # 20080521

Dear Superintendent Naylor:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the *Theodore Roosevelt National Park Elk Management Plan Draft Environmental Impact Statement* (DEIS). Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

According to the DEIS, the Theodore Roosevelt National Park is proposing to develop and implement an elk management strategy to address the large population of elk in the South Unit of the park that will be compatible with the long-term protection and preservation of park resources. The current elk population in the South unit is estimated at 900. Based on information such as past management practices, modeling, policies and guidance, it was determined that a population size between 100 and 400 would meet the desired condition of a lightly grazed system.

In addition to the no action alternative, the DEIS presents five action alternatives to meet the objectives of the plan. Alternatives B through E were developed for initial population reduction and maintenance. Alternative B outlines direct reduction through firearms, Alternative C reduces and maintains population through roundups and euthanasia at off-site locations, Alternative D incorporates translocation for healthy elk after Chronic Wasting Disease testing, and Alternative E provides increased elk hunting opportunities outside of the park. Alternative F, fertility control of female elk, was developed as a maintenance tool only. This alternative could only be implemented after initial reduction efforts were accomplished through another alternative in order to meet target population goals. Currently, the park is not considering Alternative F since there are no fertility control agents available at this time that meet National

Park Service (NPS) guidelines set forth in the DEIS (pages 72-73), however this alternative may be considered in the future as technology improves.

Additionally, the DEIS presents adaptive management scenarios and outlines a six-step approach in the event an elk management action needs to be altered once a preferred alternative is chosen. For this plan, adaptive management is hinged on the elk population size as the primary factor that would affect the South Unit from reaching the objective of being a lightly grazed system. Additionally, monitoring under this plan would target both the elk population as well as shifts in grassland vegetation patterns in elk use areas, and would also examine other variables. EPA is pleased that so much consideration has gone into the adaptive management process, recognizing that a certain level of uncertainty exists and that management techniques sometimes need to be adjusted as new information is available.

It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of the project. The DEIS states that NPS will identify the preferred alternative for the Elk Management Plan only after consideration of comments received during the public review period. EPA also realizes that certain data, such as the 2005 and 2006 data on elk movement and distribution, still awaits analysis. However, EPA's review has not identified any potential environmental impacts requiring substantive changes to the proposed plan, and therefore all alternatives will receive the same rating of Lack of Objections. Although it should be noted that if and when future fertility control technology meets the criteria outlined in the DEIS, there may be unforeseen limitations or consequences associated with the technology that were not considered during the planning stages.

EPA commends the NPS for its thorough review and analysis of the issues, affected environment, and proposed alternatives in order to develop this DEIS. If you have any questions regarding the NEPA process or this rating, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303 312-6540.

Sincerely,

Larry Svoboda
Director, NEPA Program
Ecosystems Protection and Remediation

Enclosure:

Ratings Criteria

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.