Reading File

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

October 31, 2008

Christopher Worthington
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820

Subject: Cortez Hills Expansion Project Final Environmental Impact Statement (EIS), Lander and Eureka counties, Nevada [CEQ# 20080392]

Dear Mr. Worthington:

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 (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

EPA remains concerned regarding the potential loss of up to 4.2 acres of wetland/riparian habitat from filling for project facilities and from groundwater drawdown. In response to EPA's November 2007 comments on the Draft EIS, the Final EIS includes some additional information on wetland/riparian habitat compensation; but we understand the mitigation plan is still being developed. We recommend BLM include the wetland/riparian mitigation plan in the Record of Decision. The plan should describe the proposed new or enhanced mitigation sites, including their locations, existing values and functions, and the goals for future values and functions; and provide a timeline for compensation activities, with the goal of no temporal losses of this habitat in the project area. Compensation areas should be selected to avoid any direct, indirect, or cumulative impacts of the project that could reduce the success of the mitigation plan. The plan should describe contingency measures that would be implemented should the initial plan fail to meet specified goals, and specify who will be responsible for implementing the contingency measures. The Record of Decision should commit to initiation of the plan in a timely manner to ensure no temporal loss of the affected habitat.

We request a copy of the Record of Decision when it becomes available. If you have any questions, please call me at (415) 972-3521, or call Jeanne Geselbracht at (415) 972-3853.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

004743

Cc: David Gaskin, Nevada Division of Environmental Protection
Katie Miller, Nevada Division of Wildlife