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

JAN 30 2012

Kathryn D. Hardy
Forest Supervisor
El Dorado Forest
100 Forni Road
Placerville, California 95667

Subject: Draft Environmental Impact Statement for the Rubicon Trail Easement, El Dorado County, California (CEQ# 20110417)

Dear Ms. Hardy:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the above project. Our review and comments are 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.

The Draft EIS evaluates the impacts of issuing a right-of-way easement to El Dorado County for improvements along the Rubicon Trail within Eldorado National Forest, Pacific Ranger District. The project includes constructing a bridge at Ellis Creek and hardening the crossing at Buck Island to reduce sediment delivery, constructing vault toilets to address sanitation issues along the trail, and implementing various erosion control measures. EPA supports the project's goals of reducing erosion and runoff from the historic Rubicon Trail into nearby creeks and wetlands. Overall, the Draft EIS contains valuable information useful to both the public and decision maker(s) and we have rated the Draft EIS as Lack of Objections (LO) (see enclosed "*Summary of Rating Definitions*").

While we have no objections to the project, EPA recommends that the Forest Service elaborate on the Best Management Practices (BMPs) that will be used on a site-specific basis along the 6.7 miles of the Rubicon Trail. Appendix C contains descriptions of BMPs that will be used to reduce sediment and contaminant delivery to hydrologic features in the project area but does not identify which measures will be used to address specific erosion and sediment problems identified in the Draft EIS. One example is the Winter Camp Wetland, which is noted as a problem area because of severely incised and exposed banks, high disturbance, and sanitation issues. The Draft EIS states that the installation and maintenance of erosion control features will reduce sediment and contaminant delivery to these wetland features. We recommend that the Final EIS identify the specific features that will be employed at Winter Camp Wetland, as well as the other areas listed on page 42, and discuss their effectiveness for reducing erosion and sediment delivery to streams.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one hard copy and one CD to the address above (mail code: CED-2). Should you have any questions regarding our comments, please contact me at (415) 972-3521, or contact Stephanie Skophammer, the lead reviewer for the project. Stephanie can be reached at (415) 972-3098 or skophammer.stephanie@epa.gov.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The 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 the environmental impact. EPA would like to work with the lead agency to 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 potentially 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 or 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 analysed 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 analysed in the draft EIS, which should be analysed 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 NEPA 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.