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

NOV 19 2009

Darlene M. Koontz, Superintendent
Lassen Volcanic National Park
P.O. Box 100
Mineral, CA 96063-0100

Subject: Warner Valley Comprehensive Site Plan Draft Environmental Impact Statement (EIS), Lassen Volcanic National Park, California [CEQ #20090285]

Dear Ms. Koontz:

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

EPA supports the objectives of this project and believes the proposed project will significantly improve the hydrologic and ecological processes and functions in the Warner Valley. We have, therefore, rated this Draft EIS as LO – Lack of Objections (see enclosed "Summary of Rating Definitions"). We offer the following recommendations, however, which we believe will help improve the project.

Clean Water Act Section 404: The proposed restoration activities include breaching Dream Lake dam, filling ditches in Drakesbad Meadow, constructing/replacing culverts under roads to restore drainages, among others. It appears that these activities will involve disposal of dredged or fill material into waters of the U.S., but we understand the National Park Service (NPS) has not coordinated with the U.S. Army Corps of Engineers regarding compliance with Clean Water Act Section 404. The NPS should coordinate with the U.S. Army Corps of Engineers to determine if the proposed project requires a Clean Water Act Section 404 permit for these activities. Section 404 regulates the discharge of dredged or fill material into waters of the U.S., including wetlands and other "special aquatic sites." The Final EIS should address the following.

- Describe how the proposed project complies with Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the Clean Water Act.
- Describe all waters of the U.S. that could be affected by the project, including acreages and channel lengths, habitat types, values, and functions of these waters.
- Identify all required Federal and State permits for work potentially affecting wetlands or waters of the U.S.

- Describe the projected habitat changes, including acreage changes in values and functions, in response to restoration activities (e.g., additional or improved acres of fens, change from lacustrine to riparian habitat at Dream Lake, improved flows in streams where culverts will be constructed or repaired, etc.).
- Demonstrate there will be no net loss of wetlands under the proposed project.

Air Pollutant Emissions Reduction: We recommend that NPS implement best practices to minimize exhaust emissions from construction equipment during the proposed project activities. Some best practices are listed below. The Final EIS should identify the best practices that will be implemented and adopted in the ROD.

- Visible emissions from all heavy duty off road diesel equipment should not exceed 20 percent opacity for more than three minutes in any hour of operation;
- Consider, where appropriate, particle traps and other appropriate controls such as specialized catalytic converters to reduce emissions of diesel particulate matter (DPM) and other air pollutants;
- After June 2010, use diesel fuel with a sulfur content of 15 parts per million or less, or other suitable alternative fuel that substantially reduces DPM emissions (see http://www.clean-diesel.org/nonroad.html);
- Minimize construction equipment idling time by turning off engines when vehicles are stopped for more than a few minutes;
- Use newer, cleaner equipment (1996 or newer model);
- Employ periodic, unscheduled inspections to ensure that construction equipment is properly maintained at all times and does not unnecessarily idle, is tuned to manufacturer's specifications, and is not modified to increase horsepower except in accord with established specifications;
- Minimize construction-related trips of workers and equipment, including trucks and heavy equipment.

We appreciate the opportunity to review this Draft EIS, and request a copy of the Final EIS when it is officially filed with our Washington, D.C., office. If you have any questions, please call me at (415) 972-3521 or call Jeanne Geselbracht at (415) 972-3853.

Sincerely,

For Connell Dunning

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions

Cc: Matt Kelly, U.S. Army Corps of Engineers – Redding, CA

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's 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 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 must 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 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."