UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
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In accordance with our responsibilities under Section 309 of the Clean Air Act (CAA), the National Environmental Policy Act (NEPA), and the Council on Environmental Quality (CEQ) regulations for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft TriCounty Resource Management Plan/Environmental Impact Statement (RMP/DEIS) for Sierra, Otero, and Doña Ana Counties, New Mexico. The purpose of the proposed action is to update the RMP's for the three county planning area managed by the Las Cruces District of the Bureau of Land Management (BLM).

EPA rates the DEIS as "EC-1" i.e., EPA has "environmental concerns and requests that clarifying information be added" in the Final EIS (FEIS). The EPA's Rating System Criteria can be found here: http://www.epa.gov/oecaerth/nepa/comments/ratings.html. The "EC" rating is based on potential impacts to natural resources. The "1" indicates the DEIS does not contain sufficient analysis and information concerning air impacts and mitigation. Detailed comments are enclosed with this letter which clearly identifies our concerns and the informational needs requested for incorporation into the Final EIS (FEIS). Responses to comments should be placed in a dedicated section of the FEIS and should include the specific location where the revision, if any, was made. If no revision was made, a clear explanation should be included.

EPA appreciates the opportunity to review the DEIS. Please send our office two copies of the FEIS, and an internet link, when it is sent to the Office of Federal Activities, EPA (Mail Code 2252A), Ariel Rios Federal Building, 1200 Pennsylvania Ave, N.W., Washington, D.C. 20004. Our classification will be published on the EPA website, www.epa.gov, according to our responsibility under Section 309 of the CAA to inform the public of our views on the proposed Federal action. If you have any questions or concerns, I can be reached at 214-665-8006, or contact Keith Hayden of my staff at hayden.keith@epa.gov or 214-665-2133.

Sincerely,

Rhonda Smith
Chief, Office of Planning
And Coordination

Enclosure

DETAILED COMMENTS
ON THE
DRAFT TRICOUNTY RESOURCE MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT FOR
SIERRA, OTERO, AND DOÑA ANA COUNTIES, NEW MEXICO

BACKGROUND: The Federal Land Policy and Management Act of 1976 (FLPMA) directs the BLM to manage the public land and resources to allow for multiple-use while assuring the sustained yield, diversity, and productivity of that land for present and future generations. As directed by FLPMA, the primary way of accomplishing this mandate is through the development and updating of resource management plans. The BLM Las Cruces District has determined that the two primary RMPs it relies on to direct management of public land in the Las Cruces District are inadequate for a number of resources and need to be revised or amended to conform to the latest policies and to provide updated management direction. The purpose for revising the existing RMPs is to consolidate, update, and establish appropriate goals, objectives, land use allocations, management actions, priorities, and procedures, within a multiple-use management context for the BLM public land resource programs administered by the Las Cruces District Office. The RMP revision will allow the Las Cruces District Office to meet nationwide BLM goals and objectives and to ensure actions taken are consistent with current BLM policy.

ALTERNATIVES SUMMARY

Alternative A

Alternative A is the no-action alternative and would continue existing resource management policies. Decisions that have been implemented based on the 1986 and 1993 RMP's would continue, and actions not yet carried out would be implemented at a future date.

Alternative B

Alternative B is the environmentally preferable alternative which emphasizes resource conservation and reducing human uses of land. As stated in the Draft EIS, this alternative would reduce or restrict surface-disturbing activities, close areas to vehicle use, and limit vehicle use to existing or designated routes in 99 percent of the Decision Area. Alternative B would also close or defer, in the short-term, fluid mineral leasing, and increase the areas of avoidance and exclusion for rights-of-way; including for renewable energy project sites. These management actions would reduce surface disturbance, soil erosion, vegetation loss, and increase control of noxious weeds.

Alternative C

Alternative C is the BLM preferred alternative which provides for a mix of resource conservation and resource use. Management under this alternative would balance the need to protect, restore, and enhance natural values with the need to provide for the production of food, fiber, and minerals and to provide recreation, heritage tourism, and other services on public land. This balance would be achieved within the limits of the ecosystem's ability to provide resources on a sustainable basis and within the constraints of applicable laws and regulations. Measures to protect sensitive resources would be implemented, but they would be less restrictive than under Alternative B.

Alternative D

Alternative D places an emphasis on resource use and production while maintaining resource protections necessary to meet legal requirements. Constraints on resource use and production would be the least restrictive of all the alternatives, while still complying with multiple uses in accordance with BLM regulation and policy. Under this alternative, long-term preservation of some resources for future use may be jeopardized.

SPECIAL DESIGNATIONS

Area of Critical Environmental Concern (ACEC); page 2-7:

Potential ACEC's were evaluated by BLM staff and 9 were deemed to meet importance and relevance criteria to be designated an ACEC. Table 2-2 supposedly presented the 9 areas considered for ACEC designation. There is 16 potential ACEC's listed in table 2-2, and the preferred alternative has 11 ACEC's proposed. The description of table 2-2 and what is presented in table 2-2 offer contradictory information.

Recommendation:

- Change the information in table 2-2 to correctly state the number of ACEC's being considered and proposed for each alternative.

AIR QUALITY

General Comments

The DEIS does not appear to discuss air quality impacts related to potential future construction activities.

Recommendation:

- EPA recommends the use of best management practices for PM10 and fugitive dust control. In order to further reduce potential air quality impacts, please include a construction emissions mitigation plan (Plan) and adopt the Plan into the Record of Decision (ROD).
- The DEIS should more fully discuss dust ordinances on the city and county levels, educational outreach tools, and tools to minimize the public's exposure to PM10 as outlined in the Natural Events Action Plan (NEAP) for Doña Ana County, as applicable.
- The EPA recommends the following mitigation measures be included in the Plan in order to reduce impacts associated with the emissions of PM10, and other pollutants from future construction activities:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate at active and inactive sites during workdays, weekends, holidays, and windy conditions;
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions; and
- Prevent spillage when hauling material and operating non-earthmoving equipment and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Plan construction scheduling to minimize vehicle trips;
- Limit idling of heavy equipment to less than 5 minutes and verify through unscheduled inspections;
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, prevent tampering, and conduct unscheduled inspections to ensure these measures are followed.

Prescribed Burns; Section 2.7 of Appendix D:

This section outlines BMP's for prescribed burning that may occur in the planning area. The BMP's discuss conducting burns in a way that protects soil productivity, does not affect wetland or riparian areas, and adheres to the *Decision Record and Resource Management Plan Amendment for Fire and Fuels Management in New Mexico and Texas* and the *New Mexico Wildland Fire Management and Joint Powers Master Agreement.*

Recommendation:

- EPA recommends the EIS specifically reference the New Mexico smoke management regulation, 20.2.65 New Mexico Administrative Code (NMAC); which was developed as part of the Region Haze State Implementation Plan (SIP). Additionally, on May 10, 2013, the EPA issued interim guidance to help air agencies manage air quality data recorded during "exceptional events". Exceptional events are events that affect PM2.5 and PM10 concentrations, such as, wildfires, high winds, and volcanic or seismic activities.

Appendix O – Off Highway Vehicle (OHV) Areas and Route Designations:

The appendix details OHV area designations and restrictions that may be applied to OHV use in the planning area. The appendix states that restrictions may be of any type.

Recommendation:

- Additional detail regarding specific restrictions may be useful to identify, especially during high wind events. EPA recommends that the project alternatives selected could include a discussion of zoning and use permits as appropriate, such that fugitive dust impacts from existing or planned ORV routes and use during high wind events are minimized to more fully enhance the variety of uses in a particular recreation area. Mitigation measures may include dust suppression techniques, such as enforcing ORV speed limits, and suspension or curtailment of ORV use during excessive wind events.

CONSULTATION AND COORDINATION

Tribal Consultation and Coordination; Page 5-4:

The EIS provided information to show that potentially affected tribes were identified and contacted for government to government consultation on potential effects. Due to the nature of the project, it appears that it is unlikely to affect tribal resources.

Recommendation:

- EPA recommends that BLM continue to include the Tribes during all appropriate phases of the project and contact Tribes that still have interest in being contacted including the White Mountain Apache Tribe when necessary.

Threatened and Endangered Species; Page 5-5:

Due to potential impacts to threatened and endangered species and migratory birds the BLM submitted a Biological Assessment (BA) to United States Fish and Wildlife Service (USFWS). The BLM will continue consultation with USFWS until they concur with the findings of the BA.

Recommendation:

- In a dedicated section of the Final EIS include all correspondence between BLM and USFWS. This should include concurrence from USFWS on the findings made in the BA submitted by BLM. All recommendations made by the USFWS regarding impacts to threatened and endangered species or migratory birds needs to be incorporated into the Final EIS.

Cultural Resources; Page 5-5:

Pursuant to Section 106 of the National Historic Preservation Act, the BLM is required to consider the effects of its undertakings on properties listed in or eligible for the National Register of Historic Places. Due to potential impacts to cultural, historical, and archeological resources, BLM needs concurrence from the New Mexico State Historic Preservation Officer (SHPO) on the findings made in the DEIS.

Recommendation:

- In a dedicated section of the Final EIS include all correspondence between BLM and the New Mexico SHPO. The correspondence needs to include concurrence from the SHPO on the findings made in the DEIS. All recommendations made by the SHPO regarding cultural, historical, or archeological resources need to be incorporated into the Final EIS.