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OCT 17 2010

Ref: 8EPR-N

Eric J. Brunnemann, Superintendent
Badlands National Park
25216 Ben Reifel Road
P.O. Box 6
Interior, South Dakota 57750

RE: EPA Comments on Draft General Management Plan/Environmental Impact Statement, South Unit, Badlands National Park, CEQ # 20100326

Dear Superintendent Brunnemann:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4321, *et seq.*, and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the August 2010 Draft General Management Plan (GMP) and Environmental Impact Statement (DEIS) for the South Unit of Badlands National Park ("South Unit"). This DEIS was prepared by the National Park Service (NPS), in close consultation with the Oglala Sioux Tribe, to analyze potential environmental impacts associated with implementing the GMP for the South Unit over approximately the next 20 years. The GMP provides comprehensive guidance for perpetuating natural systems, preserving cultural resources, and providing opportunities for quality visitor experiences at the South Unit.

The South Unit, which consists of 133,300 acres and includes the Palmer Creek Unit, is approximately 65 miles southeast of Rapid City, South Dakota, and is located within the Pine Ridge Indian Reservation. In addition, most of the South Unit is located within the former U.S. Air Force Bombing Range, where a cleanup effort is ongoing by the U.S. Army Corps of Engineers and the Oglala Sioux Tribe. The South Unit is bordered by Buffalo Gap National Grassland, the Pine Ridge Indian Reservation, and private lands (primarily ranches and farms). Some of the region's most valued natural resources are found in the park, including table mesas, deep canyons, washes, ravines, and large areas of mixed grass prairie. In addition, the area is of great historical and spiritual significance to the Oglala Sioux. The South Unit is administered to provide for the care, maintenance, and preservation of prehistoric, historic, scientific, and scenic interests; to interpret the history of the Sioux Nation and Lakota people; and to develop facilities that will provide for public use and enjoyment.

The preferred alternative (Alternative D) focuses on restoration of natural ecosystems with expanded access and recreational opportunities for visitors, including interpretation of natural, cultural, and paleontological resources. Visitor activities would be focused in a developed front-country area that would provide a variety of services and amenities around the perimeter, while the interior of the South Unit would be managed as backcountry. Approximately 90% of the South Unit's lands would be designated as a Natural Area/Recreation Zone that would include primitive campgrounds, backcountry patrol/equestrian facilities, and access by unpaved pedestrian and horseback riding trails. Approximately 10% of the lands would be designated as a Development Zone to be located on the perimeter of the park. Development of orientation, education, and visitor service areas, as well as small parking areas, would occur here. Less than 1% of the lands would be designated as a Research Zone to be located in the north-central part of the Unit. Visitors would be able to access and view an active paleontological research quarry.

Specific resource management activities contemplated under the preferred alternative include restoration programs and reintroduction of native, threatened, and endangered species, and State species of concern. Bison would be reintroduced for demonstration purposes in the White River Visitor Center area, as well as in Range Unit 505 for creation of a bison preserve/reserve. The associated corrals and handling facilities would be developed. Existing grazing leases would be phased out or replaced by bison leases or a Tribal bison herd. Native and culturally significant plant species would be reintroduced. Specific visitor use/access activities are envisioned as follows: a living history Oglala Sioux village; guided tours led by Tribal members; cultural activities such as powwows and ceremonies; construction of two visitor contact stations and up to two entrance stations; permit system for unguided access to backcountry camping/hiking; and park perimeter development (including arts/crafts outlets, powwow grounds, equestrian grounds, trailheads, parking areas, exhibits, restrooms, and vehicle access). Existing two-track roads would continue to provide access to the South Unit and would be improved along the perimeter, as needed. There would not be any improved roads to the interior of the park other than the road to the research quarry. However, a backcountry ranger patrol station with equine facilities would be developed for park staff.

In a May 25, 2007 letter, EPA provided input during the scoping process for this project, and we appreciate that the NPS addressed several of our comments in the DEIS. As a result, our concerns with the August 2010 DEIS have been narrowed to these remaining issues: (1) air quality; (2) water resources; and (3) environmental justice. These concerns are the basis for the EPA rating discussed at the conclusion of this letter.

Air Quality

In addition to health-based standards to protect ambient air quality, the Clean Air Act requires special protection of visibility in the nation's large National Parks and Wilderness Areas (identified as mandatory Class I Federal areas) and establishes a national goal for "the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas which impairment results from man-made air pollution." Badlands National Park is

a mandatory Class I Federal area. EPA's Clean Air Act implementing regulations require states to submit State Implementation Plans that, among other things, demonstrate attainment of the National Ambient Air Quality Standards (NAAQS), as well as reasonable progress toward the national visibility goal. Actions by Federal Land Managers that lack adequate mitigation of air quality impacts could impede a state's ability to meet Clean Air Act requirements.

Data: EPA is concerned that no air quality data regarding existing conditions are provided in the DEIS, even though it appears such data is readily available from the South Dakota Department of Environment and Natural Resources (SDDENR) and/or the EPA AirExplorer site (http://www.epa.gov/airexplorer/) and VIEWS site for air quality related values (AQRVs) (http://views.cira.colostate.edu/web/). Given that this South Unit GMP will be in effect for 15-20 years, information regarding current conditions will be an important tool for monitoring the impacts of the various activities contemplated under the preferred alternative. While air quality mitigation measures would be used and it does not appear there would be any long-term air quality impacts associated with GMP activities, the DEIS notes that increased emissions of air pollutants in the region could result from future plans for several new coal-fired power plants, coal bed methane production, oil and gas production facilities, and railroads outside the park boundaries. Decision-makers will need to understand baseline conditions in an effort to ensure that South Unit development activities, when combined with air quality impacts from external sources, do not adversely impact the NAAQS or AQRVs such as visibility. At a minimum, the Final EIS should summarize existing air quality in and around the South Unit, including trending of air quality at Badlands National Park over the past several years, and should identify sensitive receptors (such as surrounding population centers and other Class I and Class II areas in the vicinity).

Prescribed Fire: It is unclear whether the preferred alternative includes prescribed burning activities. On p. 104 of the DEIS, there is a statement that no acres are treated with fire in the South Unit. However, on p. 22 there is a fire management discussion which notes that prescribed fire will be used, and on p. 190 there is reference to continued NPS prescribed burning efforts. The Final EIS should clarify whether prescribed burning is contemplated under the various alternatives. If, as it appears, prescribed burning is included, then EPA is concerned that there is no quantification of projected burn acreage, nor any assessment of potential air quality impacts.

If prescribed burning is contemplated under the preferred alternative, then we recommend that the Final EIS include: (1) discussion of appropriate smoke monitoring techniques and mitigation (including meteorological conditions favorable for mitigated prescribed fire smoke and alternatives to prescribed fire such as mechanical fuel reduction methods); (2) requirements for the incorporation of the Interagency Prescribed Fire Planning and Implementation Procedures Guide (July 2008) into site-specific burn plans that would be designed for each prescribed burn conducted under this GMP; (3) consultation with the SDDENR for any modeling, mitigation, or other measures required under State regulations or the State Implementation Plan to address Clean Air Act requirements; and (4) commitment to public notification of pending burns.

Dust: Air quality and AQRVs are negatively impacted by dust. Under the preferred alternative, existing two-track roads would be improved along the perimeter of the South Unit, as needed, to provide access to planned developments and visitor amenities such as trailheads, parking areas, rest areas, overlooks, and wayside exhibits. In addition, one improved road is planned into the interior of the park for visitor access to the research quarry. We appreciate that the DEIS notes that all alternatives would require mitigation measures such as dust abatement, speed limits on unpaved roads, avoidance of water resources, prevention of soil loss, and prompt revegetation and monitoring. Since dust can also severely impact vegetation along roadways, as well as contribute to water quality concerns associated with runoff of salts and sediments, we recommend that the monitoring plan include a schedule for five years post revegetation to ensure success and that detailed plans for dust control be required. Given the extremely arid environment of the region and the associated challenges with reclamation, EPA believes that reduction of surface disturbance will be the most effective means of reducing dust in the South Unit Area.

Water Resources

The DEIS notes that water quality and wetlands were not analyzed in detail because no adverse impacts would be expected as a result of the alternatives under consideration. Although surface water is scarce in the South Unit, mitigation measures and best management practices (BMPs) would be used to reduce the potential for water quality impacts. None of the development activities under any alternative would be built in wetlands or riparian areas.

Similar to our comments on air quality data, we are concerned that this DEIS for a 15-20 year plan does not provide baseline water quality and wetlands conditions. Although such areas may be sparsely located in the South Unit, baseline information will be an important tool for the decision-maker to assess impacts of the GMP development activities. A brief discussion and summary of the best available water quality monitoring data for the South Unit should be included in the Final EIS. These data should include *Escherichia coli*, nutrient concentrations, temperature, and turbidity, if they exist. Wetlands acreage, stream health information, where available, and a discussion of any Clean Water Act Section 303(d) impaired or threatened waterbody segments within, or downstream of, the project area also should be included. We recommend contacting the SDDENR to identify/validate any such Section 303(d) listed waterbodies potentially affected by the project. Should Section 303(d) listed waterbody segments occur within, or downstream of, the proposed project area, the Final EIS should describe how the proposed project might affect these waterbodies, particularly the water quality parameters causing the Section 303(d) listing.

EPA notes Executive Order (EO) 11990 - Protection of Wetlands (May 24, 1977) states in pertinent part: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal

activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b)This Order does not apply to the issuance by Federal agencies of permits, licenses or allocations to private parties for activities involving wetlands on non-Federal property." The Final EIS should document how EO 11990 will be carried out with regard to this project.

Several activities under the preferred alternative, including road improvements, facilities construction, and bison reintroduction, could impact water resources. We recommend establishing five year timelines for monitoring revegetation efforts, assessing erosion impacts from road construction, and monitoring breakdown of hydrophobic soils post prescribed burn. BMPs should be inspected and maintained frequently and should be adjusted in response to inspection findings. We support the use of adaptive management strategies and effectiveness monitoring to reduce the impacts of grazing on sensitive soils, wetlands, riparian areas, meadows, stream crossings, and critical habitat. Adaptive management strategies, such as decreased allowable use percentages, increased residual stubble height, exclusions and upland water developments, should be considered to protect streams, wetlands, riparian corridors, and fishery spawning areas from adverse impacts associated with grazing and the reintroduced bison herd. We also recommend protection of stream corridors through use of a minimum 100 foot buffer, particularly where grazing may contribute to pathogen, sediment, and/or temperature concerns. These strategies will be particularly important with regard to managing a bison herd as the sheer size of the animals would likely cause more significant erosion and stream bank impacts.

Environmental Justice

According to EO 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 11, 1994), each Federal agency is to make the achievement of environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations. These provisions apply fully to programs involving Native Americans. In the memorandum to heads of departments and agencies that accompanied EO 12898, the President specifically recognized the importance of procedures under NEPA for identifying and addressing environmental justice concerns. The memorandum states that "each Federal agency shall analyze the environmental effects, including human health, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA." The memorandum particularly emphasizes the importance of NEPA's public participation process.

The NPS is to be commended for extensive consultation with the Oglala Sioux Tribe on this project. As noted in the DEIS, the South Unit is located entirely in Shannon County, South Dakota. According to the data provided, over 94% of Shannon County residents identify themselves as being American Indian or Alaska Native Alone and over 45% of county residents are living below the poverty line. On p. 122 of the DEIS, it is noted that "the impact analysis

will consider if any disproportionate high or adverse impacts would occur" to the environmental justice populations in the study area. However, we believe that the NEPA document should more obviously disclose impacts in a detailed environmental justice section for each alternative, similar to how other impacts are presented (*e.g.*, vegetation, wildlife, archeological sites, etc.).

While we appreciate that the NPS worked closely with the Oglala Sioux Tribe in the preparation of this DEIS and economic impacts have been assessed, we recommend that the NEPA document also provide clear presentation of human health and social effects on environmental justice populations. All environmental impacts (including human health, economic and social effects) on minority and low-income communities that may result from implementation of this 15-20 year plan should be provided under each alternative in the final EIS. Even if there are little or no such effects, this analysis is necessary for full disclosure to ensure that the environmental justice populations will not be disproportionately impacted.

Emphasis should be placed on predicting the positive and negative direct, indirect, and cumulative air and water quality impacts of GMP activities on minority and low-income populations in and near the area. In addition, impacts to unique cultural aspects, subsistence hunting, and/or the social structure of the Tribe should be assessed and fully disclosed. Further, impacts to farming and ranching in the area should be assessed, including the adequacy of sustainable forage to maintain the planned bison herd and requirements for safety awareness signs where the public could come across these large animals. Lastly, it is unclear whether all individuals in the bison herd would be Brucellosis-free, and whether the planned bison corrals and handling facilities are intended to completely contain the bison from other leased cattle grazing lands within and outside of the South Unit. Even if the herd will be Brucellosis-free, minor or perceived effects may create economic impacts to the community. Given the concerns that have been raised in Yellowstone National Park regarding economic impacts from the risk of Brucellosis transmission between bison and cattle, these issues should be addressed in the Badlands South Unit Final EIS.

Although not strictly an environmental justice issue, it is unclear whether the DEIS includes all necessary concurrences from the Historic Preservation Officer(s) regarding your determinations that there would be no adverse effects on cultural or ethnographic resources as a result of implementing the preferred alternative. The Final EIS should include such documentation. The DEIS is inconsistent in descriptions related to the land size of the Pine Ridge Indian Reservation, as well as whether the South Unit is entirely or partially within the Reservation. If the South Unit is partly outside of Indian country, then the State Historic Preservation Officer should be consulted in addition to the Tribal Historic Preservation Officer. We recommend confirming boundary issues with the Bureau of Indian Affairs and clarifying descriptions in the Final EIS.

Additional Recommendations

Special Status Species: We note that the discussion on p. 128 appears incomplete. The "brief descriptions" for each special status species were omitted. In addition, the discussion does not

entirely reflect the information and requests contained in the U.S. Fish and Wildlife Service's December 11, 2008 comment letter. These discrepancies should be clarified in the Final EIS.

Nebraska National Forest Travel Management Plan: Although the South Unit GMP/DEIS does not specifically address travel management, it references the April 2010 Nebraska National Forest Travel Management Plan Record of Decision as it relates to cumulative impacts on vegetation and wildlife in the area. Please note that in a May 19, 2010 comment letter on the Nebraska National Forest Final EIS, EPA expressed concerns related to data omissions and inappropriate measurement of environmental impacts. As a result, your efforts at assessing cumulative impacts in the South Unit may be affected. We are attaching EPA's May 19, 2010 comment letter for your information.

EPA's Rating and Recommendation

Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, EPA is rating this Draft EIS as Environmental Concerns – Insufficient Information (EC-2). The "EC" rating indicates that EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" rating indicates that EPA has identified additional information, data, analyses, or discussion that should be included in the Final EIS. A full description of EPA's rating system is enclosed.

We hope that our comments regarding air quality, water resources, and environmental justice will assist you in further reducing the environmental impacts of this project. We appreciate the opportunity to review and comment on this Draft EIS. If we may provide further explanation of our comments, please contact me at 303-312-6004, or your staff may contact Amy Platt at 303-312-6449.

Sincerely,

Larry Svoboda
Director, NEPA Compliance and Review Program
Ecosystems Protection and Remediation

Enclosures

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.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAY 19 2010

Jane Darnell
Forests and Grasslands Supervisor
Nebraska National Forest
125 North Main Street
Chadron, NE 69337

Dear Ms. Darnell:

RE: Final Environmental Impact Statement for Travel Management on the Nebraska National Forest

The U.S. Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the Nebraska National Forest Travel Management Plan for the United States Department of Agriculture (USDA). Our review is provided pursuant to the National Environmental Policy Act (NEPA) 42 U.S.C. 4231, Council on Environmental Quality (CEQ) regulations 40 C.F.R. Parts1500-1508, and Section 309 of the Clean Air Act (CAA). The FEIS was assigned the CEQ number 20100136.

The Final EIS did not address EPA's concerns on the appropriate measurement of environmental impacts, rationale for the use of metrics in the selected alternative, or clarify why the impact of "off road use" was not tabulated in the summary. As stated in our previous comments, the impacts metric has an integral effect on the assessment of overall impacts. This continues to be a concern both regionally and nationally and we would like to work further with your agency to address it. In addition, the FEIS did not clarify how particular locations of off-road vehicle use were calculated and/or reconcile inconsistencies of impacts we identified across the alternatives.

Lastly, the FEIS did not include existing stream and sedimentation and water quality impacts (under Alternative 1) which could have been compared to *projected* water quality impacts under each of the additional alternatives and provided a better comparison. EPA continues to support avoiding and minimizing adverse impacts to water quality, wildlife, especially aquatic resources and their habitat. We suggest that waters be characterized for reference conditions, and that monitoring and mitigation plans be established and included in the Record of Decision (ROD).

EPA appreciates the opportunity to provide comments on the FEIS and we would like to continue working with the Forest Service as it implements the 2005 Travel Management Plan Rule. We believe that addressing our comments will aid in balancing the needs of all users of the Nebraska Forests lands as well as minimizing the impact of Off Highway Vehicles (OHVs).

RECYCLE
PAPER CONTAINS RECYCLED FIBERS

If you have questions please contact Ms. Amber Tucker, NEPA Reviewer, of my staff, at 913-551-7565 or tucker.amber@epa.gov, or Mr. Joe Cothern, NEPA Team Leader, at 913-551-7148 or cothern.joe@epa.gov.

Sincerely,

Ronald F. Hammerschmidt, Ph.D.
Director
Environmental Services Division