UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08

MAR 04 2013

Ref: 8EPR-N

Astrid Martinez, NRCS State Conservationist
Natural Resources Conservation Service
100 East B Street, 3rd Floor
PO Box 33124
Casper, WY 82602-5011

Re: Henrys Fork Salinity Control Project Plan and Draft EIS, Irrigation Improvements, January 2013
CEQ#: 20130002

Dear Ms. Martinez:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Natural Resources Conservation Service's (NRCS) Draft Environmental Impact Statement (DEIS) for the Henrys Fork Salinity Control Project Plan for Irrigation Improvements. Our review was conducted in accordance with the EPA's responsibilities under section 102 of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4332(2)(c), and Section 309 of the Clean Air Act (CAA), 42 U.S.C. § 7609. Section 309 of the Clean Air Act directs the EPA to review and comment in writing on the environmental impacts of any major federal agency action.

Background

The Henrys Fork project area was identified by the United States Department of Agriculture (USDA) as an area to be studied for possible salinity control and Environmental Quality Incentive Program (EQIP) funding to reduce salt loads entering the Colorado River. The Henrys Fork Watershed Area is located in the northeastern corner of Utah and southwestern corner of Wyoming. The project objective is to reduce salt loading through the Green River to the Colorado River from irrigated agriculture. Based on a 2009 U.S. Geological Survey study, approximately 20,800 tons of salt is delivered to the Colorado River system annually from irrigation activities associated with the Henrys Fork project area.

The DEIS analyzes the No Action alternative (Alternative A) and one action alternative (Alternative B). Alternative B is the recommended plan to implement irrigation system improvements on 14,906 acres through a voluntary process. The DEIS estimates that this alternative will improve irrigation systems on 70 percent of the irrigated acres through conversions of older (flood) surface irrigation systems to side roll, center pivot, and pod sprinkler

systems. A limited amount of on-farm delivery dirt ditches transporting irrigation water from the canal to the field will also be considered for improvements by converting them to buried pipe. In addition to reducing salinity from the Henrys Fork area, the improvements will also more efficiently use the 70,790 acre-feet of water currently being utilized for irrigation in the project area.

Lacking field by field on-site wetland determinations, wetland acreages in the project area were estimated based on U.S. Fish and Wildlife Service National Wetland Inventory (NWI) data, NRCS Soil Survey information, analysis of historical photography, and site visits conducted by an interdisciplinary team in 2010. Final estimates of wetland acreage include 2,232 acres of peat or fen wetlands (naturally occurring), 500 acres of wetlands on riverwash (naturally occurring), and 2,899 acres of upland mineral soil wetlands (irrigation induced), for a total of 5,631 acres.

Environmental Considerations

Although the purpose of the project is to improve water quality, the DEIS also discusses possible environmental consequences associated with the project. The EPA supports the salinity objective of the project, understanding that NRCS is exploring opportunities for mitigating potential environmental impacts.

Wetlands

Irrigation-induced wetland acreage is expected to decline by 800 acres as a result of implementing the project plan, which may also affect wetland-dependent species. The DEIS also states that there are possible minor impacts to the naturally occurring wetlands (a total of 2,732 acres) and the remaining 2,199 acres of irrigation-induced wetlands.

1) Project Prioritization

The EPA recommends that NRCS create a framework to prioritize potential irrigation projects based on the highest anticipated salinity load reduction while avoiding impacts to high value resources, and include details of the prioritization process in the Final EIS. At a minimum, this information could be presented similar to the level of detail included in the framework for potential mitigation considerations (see DEIS p. 78). This prioritization process would maximize salinity reduction for the amount of funding available by ensuring the projects with the greatest salinity reduction potential are funded first. We recommend that the priority framework preclude any projects which adversely affect high value wetlands such as the 2,232 acres of peat or fen wetlands in the area.

2) Environmental Evaluations

The EPA supports the proposed approach of conducting an Environmental Evaluation (EE) of each individual project to more accurately assess environmental effects. Several specific recommendations to consider in implementing this EE process include the following:

- In individual site evaluations, emphasize identification of "natural" (riverine and fen) wetland resources and avoidance of impacts to the maximum extent possible due to their rare, difficult-to-replace nature and the critical ecological functions and values they provide to this arid region;

- Apply Executive Order 11990 in accordance with your guidance when assessing and evaluating environmental impacts to natural and artificial wetlands during the EE process; and

- Consider and evaluate a broad range of site-specific designs for on-site improvements (including approved Best Management Practices for salinity load reduction such as filter strips, cover crops, and residue management, alone or in conjunction with proposed surface irrigation system improvements) for maximum protection and environmental benefit.

Additional Information for Final EIS Inclusion

Information has been included in the DEIS that has greatly improved the document, such as the effort to quantify wetland functional values at risk of being impacted by this project utilizing the Montana Wetland Assessment Method. Functional assessments assign functional units to wetland complexes in order to facilitate the replacement of wetland functions and values through mitigation. These category assessments can assist with prioritizing properties for irrigation improvements. This method along with field investigations will provide valuable information for establishing baseline conditions to measure, avoid and minimize potential impacts of the project.

For those areas where functional values are not well represented by the Montana Wetland Assessment Method, NRCS is currently in the planning stages with Trout Unlimited (TU) regarding on-stream improvement projects within the drainage. We encourage NRCS to include any notable information resulting from this collaboration in the Final EIS.

Additionally, the DEIS states that there are potential impacts to endangered and threatened species and essential fish habitat due to the projected average annual net depletions of water from the Upper Colorado River Basin as a result of more efficient irrigation systems. Although exact effects to instream flow are not known at this time, the DEIS projects a depletion of 1,372 acre-feet of water annually. The DEIS further notes that consultation with the USFWS on depletions will be occurring for this project to ensure that the current anticipated levels are not exceeded as outlined in the Colorado River Recovery Program. Documentation of recommendations resulting from USFWS consultations, and where possible a commitment to implementing them, will be a valuable addition to the Final EIS.

Other Considerations

The EPA supports the planning efforts of the NRCS and other cooperating partners to protect the Colorado River resource through the development of this salinity control project. The DEIS describes a number of on-going efforts to identify mitigation and replacement opportunities for wetland functional values potentially lost through irrigation improvements. Given the importance

of wetland resources in the arid west, the limited replacement opportunities identified to date are a concern. The EPA encourages continued efforts to identify and expand on mitigation possibilities. Recognizing the limited mitigation opportunities within the Henrys Fork watershed, we encourage efforts to seek partnerships and opportunities outside the basin as well. Two additional potential partnerships to consider (if not already in contact) are the Wyoming Water Development Office and the Nonpoint Source Program with the Wyoming Department of Environmental Quality.

The EPA's Rating

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, the EPA is rating this DEIS as Environmental Concerns – Adequate Information (EC-1). The "EC" rating indicates that the EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "1" rating indicates that the EPA believes the DEIS adequately sets forth the environmental impacts based on the information that is understood at this time, with the request that any new mitigation measures resulting from consultation with TU and/or USFWS will be incorporated into the document if available at the time of the Final EIS. A full description of the EPA's rating system is included as an enclosure.

We appreciate the opportunity to participate in the review of this project, and we're committed to working with you in the coming months. If we may provide further explanation of our comments during this stage of your planning process, please contact me at 303-312-6925, or your staff may contact Melanie Wasco, Lead NEPA Reviewer, at 303-312-6540.

Sincerely,

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosure: Ratings Criteria