



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

May 14, 2008

Reply To
Attn Of: ETPA-088

Ref: 05-046-BIA

Gerald Hendrickson
Regional Environmental Protection Specialist, NW Regional Office
Bureau of Indian Affairs
911 Northeast 11th Avenue
Portland, OR 97232

Dear Mr. Hendrickson:

The U.S. Environmental Protection Agency has reviewed the draft **Cascade Locks Resort and Casino Project Draft Environmental Impact Statement (EIS)** [CEQ #20080044] in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we evaluate the document's adequacy in meeting NEPA requirements.

The proposed project would transfer approximately 25 acres of land within the City of Cascade Locks, Oregon from fee to trust for the Confederated Tribes of Warm Springs Reservation of Oregon (Tribe). The Tribe would develop a resort and casino on the land to improve the tribe's long term economic conditions and support its self-sufficiency. The Proposed Project would consist of resort and casino facilities, parking facilities, and a maintenance building. To provide adequate vehicular access the Proposed Project would include a new interchange on I-84 and improvements to local roads.

We appreciate the opportunity to review sections of the EIS as it was being developed and the manner in which our concerns were addressed in the draft EIS. However, we have concerns that the EIS does not adequately address potential air quality impacts and that the I-84 bridge improvements "may affect" and are "likely to adversely affect" fish in Herman Creek. Consequently, we have assigned a rating of EC-2 (Environmental Concerns – Insufficient Information) to the draft EIS. This rating and a summary of our comments will be published in the *Federal Register*. A copy of the rating system used in conducting our review is enclosed for your reference. Our concerns and recommendations are highlighted in detail in the enclosed attachment.

If you would like to discuss these comments in detail, please feel free to contact me at (206) 553-1601 or Mike Letourneau at (206) 553-6382.

Sincerely,

/s/

Christine Reichgott, Manager
NEPA Review Unit

Enclosures

cc: P. Mairose, SWCAA

Cascade Locks Resort and Casino Project Draft Environmental Impact Statement

Air Quality

The EIS states that the proposed project will result in an additional 10,000 trips per day on I-84 east of Cascade Locks. In addition, the EIS states that "it is expected that impacts to visibility, haze, atmospheric deposition, or other air quality-related values within the study area would continue to decline." The EIS makes this conclusion based on an emission trends air quality analysis conducted for the Columbia Gorge. However, dispersion modeling is a more appropriate method for determining visibility impacts. A recent dispersion modeling study for visibility for the Columbia Gorge was performed by Southwest Clean Air Agency^a which predicts that visibility trends through 2018 in the Columbia Gorge will remain relatively constant not decline.

Recommendation:

The EIS needs to discuss the Southwest Clean Air Agency dispersion modeling study and whether the dispersion modeling study predictions incorporate direct and indirect emissions associated with the proposed project. If the study predictions do not include emissions from the proposed project, the dispersion modeling needs to be rerun incorporating the predicted project related emissions and the modeling results discussed in the EIS. In addition, if the dispersion modeling results indicate that the proposed project will result in increases to visibility impacts, the EIS needs to discuss how those impacts will be mitigated.

The EIS statement that the project would "not affect the predominantly downward trend over the study period" is based on a screening model. Screening models focus on potential National Ambient Air Quality Standards (NAAQS) exceedances, not on actual changes in air quality below NAAQS thresholds. Consequently, the screening model results could misrepresent the magnitude of degradation of local air quality over current air quality levels.

Recommendation:

The EIS needs to more accurately report the estimated change in air quality resulting from the increased traffic from the proposed project. Local scale dispersion modeling should be employed to accurately estimate air quality impacts, in particular, those impacts below NAAQS thresholds.

The mitigation section of the EIS references earthmoving activities, however, it does not provide any estimates of diesel emissions associated with these activities. Air toxics and particulates associated with diesel emissions from construction activities and mobile sources, could pose significant human health impacts. However, the EIS does not evaluate the potential human health impacts associated with the construction, operation and maintenance of the project or sensitive receptor locations within the project impact area.

^a *Final Report Modeling Analyses Conducted For The Columbia River Gorge National Scenic Area Air Quality Study*, Southwest Clean Air Agency, August 2007.

http://www.swcleanair.org/gorgedata/Columbia_River_Gorge_Modeling_Final_Report_082807.pdf

Recommendation:

The EIS needs to estimate air toxic impacts from the proposed project. In particular the EIS needs to estimate the emissions from diesel sources from the construction, operation and maintenance of the proposed project. In addition, the EIS should disclose the human health effects of air toxics and particulate matter from mobile sources (e.g., National Air Toxics Assessment), and identify any sensitive receptor locations in the impact area associated with the proposed project.

The EIS needs to discuss how diesel emissions from the proposed project will be mitigated. In particular, the EIS should discuss if the following mitigation measures will be used in the project impact area: 1. Ultra Low Sulfur Diesel (ULSD) fuel or blends of biodiesel in off-road construction equipment with engine ratings of 60 horsepower or greater; 2. Engine retrofit technology such as diesel oxidation catalysts and diesel particulate filters; or 3. Limiting engine idling times to 3 minutes.

Impacts to Fish Species

The Biological Assessment submitted to the National Marine Fisheries Service (NNMFS) determined that construction associated with the I-84 bridge improvements “may affect” and are “likely to adversely affect” fish in Herman Creek due to construction in riparian areas and the active stream channel. Increases in turbidity, sediment load and water pollutants could adversely affect juvenile fish species during construction. While the EIS states that construction activities for the proposed project will not affect the three Endangered Species Act (ESA) listed Evolutionary Significant Units (ESU) or bull trout, it does not state which species will be adversely affected.

Recommendation:

The EIS should list all species that may be adversely affected by construction activities for the proposed project and the estimated number of individuals that may be taken as a result of the proposed project.