



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

September 2, 2010

Mr. Scott Aiken
Division of Natural Resources Chief
Bureau of Indian Affairs, Northwest Region
911 NE 11th Avenue
Portland, Oregon 97232

Re: U.S. Environmental Protection Agency (EPA) comments for the Cascade Locks Resort and Casino Project (Project) Final Environmental Impact Statement (FEIS).
EPA Region 10 Project Number: 05-046-BIA

Dear Mr. Aiken:

EPA has reviewed the above referenced FEIS and we are submitting comments in accordance with our responsibilities under NEPA and Section 309 of the Clean Air Act (CAA).

In our May 14, 2008 comment letter on the DEIS, we expressed concerns about impacts to air quality and fish species. The FEIS was responsive to some of our comments, including our recommendation to review and discuss a then contemporary dispersion modeling study for visibility for the Columbia Gorge as well as our recommendation to disclose the number of individual fish which may be taken as a result of the project.

Regarding our recommendation to consider a regional visibility study for the Columbia Gorge, we appreciate your inclusion of additional information in the FEIS. Summarizing key findings from the "Columbia River Gorge Air Study and Strategy" and linking these findings to your conclusion that emissions resulting from the Project "...would be a very small contributor to visibility and other air quality impacts within the Gorge" (FEIS, N-92) was responsive to our comment. We respect your conclusion that rerunning the Southwest Clean Air Agency's regional dispersion model with direct and indirect emissions from the Project would not revise your conclusion.

The FEIS was not responsive to our recommendations for local scale dispersion modeling. We recommended and continue to believe that, "Local scale dispersion modeling should be employed to accurately estimate air quality impacts; in particular, those impacts below NAAQS thresholds." (EPA, 2008). Your response on page N-93 of the FEIS does not address this recommendation.

Local scale dispersion modeling is especially important for determining potential impacts to sensitive receptors. In our DEIS comments we recommended that the FEIS, "...identify any sensitive receptor locations in the impact area associated with the proposed project." (EPA, 2008). We appreciate your disclosure that there, "...are no sensitive receptors such as schools, hospitals, or

nursing homes immediately adjacent to the proposed project site.” (FEIS, N-93), but we note that not being immediately adjacent does not necessarily mean outside of the impact area. Local scale dispersion modeling would be required to determine the impact area and potential impacts to sensitive receptors.

We also recommended that the FEIS, “discuss how diesel emission from the proposed project will be mitigated.” (EPA, 2008). We specifically recommended ultra low sulfur diesel (ULSD), engine retrofit technology and limiting idling times to 3 minutes. The FEIS was partially responsive and we appreciate that, “The construction contractor will implement measures to minimize dust, limit engine idling times, and use ultra low sulfur diesel fuel at the construction site.” (FEIS, xxvii). We note that ULSD is now required by law and disagree with your conclusion that, “Retrofits with diesel oxidation catalysts and diesel particulate filters are not feasible on older construction equipment,...”(FEIS, N-94). Diesel retrofits are engine specific and diesel oxidation catalysts have been retrofitted on thousands of diesel equipment and vehicles. Furthermore, requiring newer equipment avoids this potential limitation.

We recommend that the selected alternative commit to a full suite of air quality construction mitigation measures to avoid and minimize construction-related emissions to the greatest extent possible. See the Clean Construction USA website at <http://www.epa.gov/otaq/diesel/construction/> for many examples of construction mitigation measures, case studies, and examples of institutional arrangements for implementing this mitigation.

With regard to impacts to fish species, we recommended that the FEIS, “...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.” By including the National Marine Fisheries Service’s Biological Opinion in the FEIS you have been responsive to this recommendation.

Thank you for this opportunity to comment and if you have any questions or concerns please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov .

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit