



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 10, 2010

Scott Conroy, Forest Supervisor:
C/O Steven R Johnson, Project Lead
Ashland Ranger Station
645 Washington St.
Ashland, Oregon 97520-1402

Re: U.S. Environmental Protection Agency (EPA) comments for the Rogue River-Siskiyou National Forest (Forest) Mt. Ashland Ski Area Expansion (Expansion) Draft Supplemental Environmental Impact Statement (DSEIS). EPA Project Number: 99-078-AFS.

Dear Mr. Conroy and Mr. Johnson:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-1 (Environmental Concerns – Adequate) rating to the DSEIS. A copy of the EPA rating system is enclosed.

We understand that the primary driver to develop this DSEIS was the need to analyze and correct specific violations identified by the Ninth Circuit Court of Appeals. We believe that the document succeeds in that regard. We also understand that this supplemental process is designed to allow the latest and most complete information and analysis to include the 2004 final EIS (FEIS) concurrent and integrated with the 2009 supplemental information and analysis (DSEIS, Abstract). Our enclosed comments update our October 25, 2004 letter on the FEIS and represent our perspective on the concurrent and integrated FEIS and DSEIS.

In EPA's October 25, 2004 letter we stated that we continued to prefer Alternative 3 because it would, "...reduce the potential for adverse effects to resources of concern." The DSEIS has not eliminated or reduced our concern about potential adverse effects. For example, we believe that expanding the Mt. Ashland Ski Area would result in conversion of mature and old growth forests (FEIS, IV-120) and disturbance and loss of wildlife habitat (including that of the Pacific Fisher (DSEIS, II-2-26)).

Our primary environmental concern with the project is the potential for accelerated detrimental sediment production to Ashland Creek. We believe that, without adequate implementation of Watershed Restoration Projects, Design Constraints, Best Management Practices (BMPs), and Mitigation Measures, ski area expansion activities could result in sediment production higher than the natural background rates. According to the FEIS, increases in sediment delivery from proposed actions to Ashland Creek over baseline rates is estimated to be 5.3 cubic yards in the first year, 1.2 cubic yards in the second year and .62 yards in the third year (IV-28). We note that these estimates are based on three important assumptions:

- 1) All disturbances are assumed to occur in the same year; however, under actual construction scheduling this would be unlikely to happen;
- 2) All first year values assume that there are no Mitigation Measures in place, when in fact, most Mitigation Measures would be implemented before, during or immediately after construction, and
- 3) Second and third year values assume lower vegetation cover than would be described for soil cover under "thresholds", established under the Monitoring Plan (see Section G, 9, Chapter II). (FEIS, IV – 23)

The FEIS's sediment production estimates and assumptions show that, without appropriate mitigation and monitoring, the proposed action would result in potentially significant adverse impacts to aquatic ecosystems and the City of Ashland's municipal water supply.

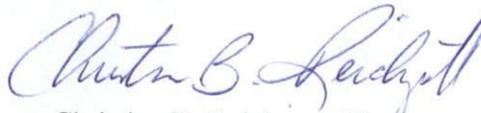
Recommendation

To ensure that aquatic ecosystems and the City of Ashland's municipal water supply are adequately protected we recommend that the Forest develop and disclose a detailed adaptive management framework.

While EPA does not believe that either the 2004 Record of Decision's (ROD) "Process for Change During Implementation" or ROD Attachment C's "Effectiveness Evaluation" section adequately addresses adaptive management for sediment, Attachment C's description of monitoring for "Sediment Transport" appears to be an effective monitoring method for gathering information on a sediment related performance metric. For Sediment Transport monitoring to be effectively used, we believe that monitoring results should be linked with clear and specific decision thresholds and management responses. For a useful example see "Table I.I-1 The IFP implementation framework".¹ While the content in this table is different from what is needed for the Mt. Ashland Ski Area Expansion, the columns are an effective method of expressing key adaptive management framework elements. These key elements include: (i) specific objective (e.g., maintain sediment production at natural background rates), (ii) performance metrics, (iii) Triggers (If...), (iv) Management Response (Then...).

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

Sincerely,



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

¹ http://www.idl.idaho.gov/eis/idaho_forestry_program_doc/SecI_I_AdaptiveManagement_011209.pdf.

**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 U.S. 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

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

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

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.