



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

November 26, 2013

Mr. Chad Lewis
EIS Project Manager
Bureau of Land Management
Mount Lewis Field Office
Battle Mountain District
50 Bastian Road
Battle Mountain, Nevada 89820

Subject: Draft Environmental Impact Statement for the 3 Bars Ecosystem and Landscape Restoration Project, Eureka County, Nevada (CEQ # 20130280)

Dear Mr. Lewis:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the 3 Bars Ecosystem and Landscape Restoration Project (3 Bars Project) pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA strongly supports the objectives of the 3 Bars Project. The land restoration treatments proposed should, when implemented in conjunction with the standard operating procedures outlined in Appendix C, help to achieve objectives—including to restore riparian, aspen, and sagebrush habitats, slow singleleaf pinyon pine and Utah juniper encroachment, and thin pinyon-juniper communities—identified by the BLM as central to the 3 Bars Project.

Based on our review of the subject DEIS, we have rated the Preferred Alternative and the document as LO-1, Lack of Objections – Adequate (see the enclosed “Summary of EPA Rating Definitions”). The EPA recognizes the need for the use of mechanical thinning and prescribed fire and wildfire to achieve long-term restoration objectives. We commend the BLM for committing, in the Preferred Alternative, to strong best management practices and soil and water conservation measures to protect sensitive resources during mechanical harvest and fire treatments. We would also like to acknowledge the description, in the DEIS, of the possible effects of climate change on the 3 Bars planning area. We recommend that the Final EIS and Record of Decision include a commitment to mitigate such effects, and to adapt management strategies accordingly, over the life of the 3 Bars Project.

We are also pleased with the riparian area restoration goals proposed in the 3Bars Project. These goals, including plans to “restore 31 miles of perennial streams, 17 miles of intermittent streams, and 40 springs that are within the riparian treatment zone” should aid efforts to protect sensitive riparian and aquatic species. We recommend, however, that the FEIS provide additional information on the potential interface between the stream restoration work planned for the 3Bars Project and Section 404 of the Clean Water Act (CWA); such restoration work could result in impacts to waters of the U.S. The DEIS states that no formal delineation of wetlands has been done for the project area, but that based on the USFS National Wetlands Inventory, the project area contains approximately 2,363 acres of wetlands.

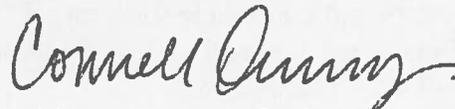
The FEIS should describe how jurisdictional waters will be identified over the life of the 3 Bars Project, and how the BLM will coordinate with the U.S. Army Corps of Engineers to ensure that any stream restoration activities comply with the permit requirements of Section 404 of the CWA.

We recognize the challenge the BLM faces by implementing a restoration plan that will rely heavily on prescribed burns and wildfire to achieve project objectives. Though the 3 Bars planning area has good air quality, and meets all federal ambient air quality standards, the fine particulate matter generated during wildland fire does present a human health risk. We recommend that the BLM implement BMPs and work with local and State of Nevada air quality officials to reduce emissions from prescribed burns and wildfires to the greatest possible extent. We also recommend that the BLM analyze and include a description, in the FEIS, of the potential for further reductions in air emissions, in proposed forest treatments, by lessening or eliminating pile burning of residual fuels in favor of biomass energy production.

We appreciate the opportunity to review this DEIS, and are available to discuss our comments. When the FEIS is released, please send one CD copy to this office (specify Mail Code CED-2). If you have any questions, please contact me at 415-972-3521, or contact Jason Gerdes, the lead reviewer for this project. Mr. Gerdes can be reached at 415-947-4221 or gerdes.jason@epa.gov.

Sincerely,

For



Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The 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 the environmental impact. EPA would like to work with the lead agency to 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 potentially 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 or 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 analysed 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 analysed in the draft EIS, which should be analysed 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 NEPA 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

STATE OF TEXAS

County of _____ State of Texas

Know all men by these presents

That _____ of the County of _____ State of Texas

do hereby certify that _____

is the true and correct copy of _____

as the same appears from the _____

of the _____
