



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

March 5, 2021

Michelle Ethun, Project Manager
BLM Central Yukon Field Office
Attention: Central Yukon Draft RMP/EIS
222 University Avenue
Fairbanks, AK 99709

Dear Ms. Ethun:

The U.S. Environmental Protection Agency has reviewed the Draft Resource Management Plan and Draft Environmental Impact Statement for the Central Yukon field office planning area, prepared by the Bureau of Land Management (CEQ No. 20200257; EPA Project Number 13-0025-BLM). Our review was conducted in accordance with EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. EPA previously provided scoping comments to the BLM in January 2014.

The BLM has prepared the Draft RMP/EIS to analyze proposed updates to the current management plans for 13.1 acres of BLM-managed land in central and northern Alaska. The new RMP would replace the previous Utility Corridor and Central Yukon RMPs. It will also provide a RMP for a portion of the lands currently covered by the Southwest Management Framework Plan as well as unplanned lands near Fairbanks.

The Draft EIS analyzes four action alternatives as well as the no action alternative, Alternative A, which would continue current management direction. Alternative B emphasizes the protection of resource values. Alternative C1 emphasizes a blend of resource protection and resource development. Alternative C2, the preferred alternative, emphasizes management to facilitate resource development, while retaining some protection for sensitive resources. Alternative D focuses on maximizing development potential.

Based on our review of the Draft EIS, our primary concerns include protection of water resources and reducing potential environmental justice impacts to communities. EPA is also concerned about the potential cumulative impacts of eliminating protections for sensitive resources identified as current or potential Areas of Potential Environmental Concern or eligible Wild and Scenic Rivers. The enclosed detailed comments and recommendations address these key issues, as well as additional concerns and recommendations for your consideration.

EPA appreciates the opportunity to review the Draft RMP and Draft EIS for the Central Yukon field office planning area, and hope that our comments are helpful as you prepare the final EIS. If you have

questions concerning our comments, please contact Molly Vaughan of my staff in Anchorage, at (907) 271-1215 or vaughan.molly@epa.gov, or you may contact me at (206) 553-1774 or chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

U.S. Environmental Protection Agency Detailed Comments for the Central Yukon Draft Resource Management Plan and Draft Environmental Impact Statement

Air Quality

General Conformity

Portions of the Fairbanks North Star Borough, including the City of Fairbanks, the City of North Pole, and Fort Wainwright, are in a designated, Federal non-attainment area for exceeding the National Ambient Air Quality Standard (NAAQS) for PM_{2.5} (fine particulate matter that is 2.5 micrometers in diameter or smaller) and a maintenance area for carbon monoxide (CO). Local sources, such as wood stoves, distillate oil, industrial operations and mobile emissions contribute to PM_{2.5} standard violations during stable weather events associated with extreme strong temperature inversions. We appreciate that the Draft EIS discloses the existing PM_{2.5} concerns in the Fairbanks area, and that a potential means to protect air quality by restricting activity that would contribute PM_{2.5} in the nonattainment area during the winter season is considered under Alternative B.

Since the Fairbanks North Star Borough area is designated as a Serious non-attainment area for 24-hour PM_{2.5} and a maintenance area for CO, the Clean Air Act requires a general conformity analysis be conducted for any project emissions occurring in an area designated as nonattainment or maintenance from the NAAQS. As part of the analysis, a determination should be made that the emissions (either direct or indirect) from a federal action will not exceed a *de minimus* threshold level (measured in tons per year) for the criteria pollutant of concern. If the determination indicates that the proposed project could contribute to the exceedance of the *de minimus* level, then a general conformity analysis is required to document how the federal action will affect implementation of the Alaska State Implementation Plan to reach attainment for PM_{2.5} or the CO Maintenance Plan.

Recommendations for the FEIS:

- Describe the general conformity requirements that would be applicable to future projects within the non-attainment and maintenance area; and
- Modify the proposed air quality actions under alternative B, C1, C2, and D to include compliance with general conformity requirements for PM_{2.5} and CO. For example, for Alternative C1/C2/D we recommend the following edit (modified text in bold): “activities would be authorized so long as they meet the PM_{2.5} **and CO** standards **and comply with general conformity requirements within the Fairbanks North Star Borough nonattainment/maintenance area.**”

Potential Mining Impacts

The Draft EIS discusses potential types of air emissions likely to be generated from construction and earth moving activities associated with potential locatable mineral development. Emissions described include particulate matter released during blasting, excavating, loading, and hauling, and combustion emissions from equipment operation, including criteria pollutants, hazardous air pollutants, and greenhouse gases. We note that ore processing may also result in hazardous air pollutant emissions. In addition, fugitive dust may contain metals, which are a deposition concern.

Recommendations for the FEIS:

- Disclose additional potential air pollutant emissions associated with locatable mineral development, including ore processing emissions and metals contained in fugitive dust; and
- If available, include an example emissions inventory for a representative mining project.

Air Quality Protection Measures

We support the inclusion of Standard Operating Procedure AIR-2, which defines requirements for air quality analysis and mitigation for future actions proposed in the planning area “[t]o prevent degradation of the lands and protect health.” We note that SOP AIR-2 is similar to Required Operating Procedure A-7 from the National Petroleum Reserve in Alaska Integrated Activity Plan, but it does not include all of the components from ROP A-7. In particular, elements regarding potential baseline monitoring, emissions inventory preparation, and emissions reduction plan development are not included. We appreciate the addition of element d) in SOP AIR-2, which outlines potential future monitoring requirements during operations.

Recommendations for the FEIS: Incorporate additional elements from NPR-A IAP ROP A-7 regarding baseline monitoring, emissions inventory preparation, and emissions reduction plan development. Modify text as appropriate to acknowledge the additional resource uses considered in this planning area as compared to the NPR-A (e.g., locatable minerals development).

Soils

Thaw-Sensitive Soils

The planning area contains both large expanses and small, dispersed occurrences of soils that are classified as thaw-sensitive, and the draft EIS states that “[t]he magnitude and scope of climate change effects on soil resources in the planning area are expected to be widespread, with potentially greater impacts than from all the other resource programs or permitted activities.” It will consequently be critical that future resource uses in the planning area minimize impacts to thaw-sensitive permafrost soil areas, in order to reduce potential cumulative effects to this sensitive resource. We support the inclusion of SOP SOI-11, which requires future activities to “[a]void disturbance of the vegetation mat and permafrost soil areas whenever feasible.” Providing additional specificity in this SOP would help to further emphasize the importance of protecting thaw-sensitive areas.

Recommendations for the FEIS: To enhance protection of thaw-sensitive areas:

- Separate requirements regarding disturbance of the vegetation mat and permafrost soils into two sub-topics of the SOP; and
- Provide additional details regarding methods that should be used to avoid disturbance. For example, include text similar to SOP Soils-25 from the Bering Sea Western Interior RMP.

Potential Locatable Minerals Mining Impacts

The analysis of impacts to soil resources describes impacts that would be anticipated from placer mining operations but does not include discussion of potential impacts to soil resources from a large locatable minerals mine. While impacts to soil resources from a locatable minerals mine would have many similarities to impacts described for placer mining, impacts would be of a greater magnitude and longer duration, as well as including additional concerns associated with mine site operations, mined material handling and storage, road construction, etc.

Recommendation for the FEIS: Include analysis of potential impacts to soil resources from a large-scale locatable minerals mining operation.

Water Resources

Characterization of Existing Surface Water Quality

As noted in the Analysis of the Management Situation, water quality data are not available for most of the water resources in the planning area. Although no waterbodies have been listed on the Clean Water Act Section 303(d) list, the draft EIS discloses that some waterways are degraded and identifies past and

ongoing activities that are known to degrade water quality (e.g., mining, rights-of-way, and off-highway vehicle use). The document further identifies the existence of “a declining trend in watershed condition on BLM-managed lands within the planning area due to authorization of surface-disturbing activities.” Some additional detail is provided in the AMS, including identification of two specific creeks where monitoring occurred downstream of active mining operations and found exceedances of State of Alaska Water Quality Standards for turbidity. It is not clear from the AMS how many other waterbodies have been identified as experiencing water quality degradation in the planning area.

Recommendations for the FEIS:

- Provide additional detail regarding the identification of waterbodies experiencing water quality degradation, including the locations where degradation was observed (include specific waterbody names if available), as well as details regarding the observed condition. It may be helpful to include this information in a table as well as identifying degraded waterbodies on a map;
- Discuss any site-specific mitigation that could be applied to improve conditions and prevent further degradation for the identified waterbodies; and
- Include additional discussion of the declining trend in watershed condition, including specific locations where this trend was observed, and authorized activities that have contributed in each location.

Groundwater Resources

The analysis of impacts to water resources focuses on surface water resources and does not address the existing condition of groundwater in the planning area or the potential impacts on groundwater resources. Surface uses have the potential to impact groundwater quality through processes such as groundwater/surface water interaction and aquifer recharge. Fluid minerals development and locatable minerals mining also generally include belowground activities and are therefore of particular concern for groundwater impacts.

Recommendations for the FEIS:

- Characterize the existing condition of groundwater in the planning area. We recognize that detailed water quality information may be unavailable for most locations, and therefore recommend a general discussion of aquifer characteristics where appropriate; and
- Analyze potential impacts to groundwater quality from future authorized uses.

Drinking Water Sources

The draft EIS and AMS identify waterbodies used for human water consumption as being of particular importance for water quality protection. The Nulato River is provided as an example of a waterbody used as a drinking water source. Identifying other waterbodies in the planning area that serve as sources of drinking water would provide critical information to help determine if any future authorized uses could degrade water quality and impact human health for communities relying upon these surface drinking water sources. Future authorized uses may also have the potential to impact groundwater quality, so identification of underground sources of drinking water currently utilized in the planning area would also provide useful information for reference when authorizing future activities.

Recommendation for the FEIS:

- Identify all surface water and groundwater sources of public drinking water supply in the planning area. Identify the location of drinking water sources on a map if possible; and
- Disclose potential impacts to drinking water resources.

Potential Locatable Minerals Mining Impacts

The analysis of impacts to water resources includes some discussion of potential impacts to water resources from placer mining but does not disclose the potential impacts of a large locatable minerals mine. Mining activities have the potential to impact surface and groundwater quality during construction, operations, closure, and post-closure.

Recommendation for the FEIS: Include an analysis of potential impacts to water resources from a large-scale locatable minerals mine.

Protection of Water Resources

Water Quality Goals and Objectives

Protection of water quality during future use of the planning area is a key concern for EPA. We support the goals listed in Table 2-2 for maintaining the health of water, fish, and riparian vegetation. We also support the objective of maintaining water quality and preventing listing of impaired streams on the Clean Water Act Section 303(d) list. We note that water quality impairments can result from the cumulative impacts of multiple sources of water quality degradation, therefore preventing contributions from BLM-authorized activities would be a more appropriate objective than preventing impairments “resulting solely from BLM-authorized activities.”

Recommendation for the FEIS: Revise the first objective for Table 2-2 to read: “Maintain water quality to prevent the listing of any Clean Water Act, Section 303d, impaired streams on BLM lands, resulting **in whole or in part** from BLM-authorized activities.”

Water Quality Actions and Stipulations:

Avoiding disturbance within proximity to water resources is critical to protecting water quality. Consequently, we support the more protective actions proposed under Alternative B in Table 2-2, including the protections for 100-year floodplains and lentic areas, as well as managing wetlands as ROW avoidance areas. Similarly, we support the fluid mineral leasing stipulation proposed under Alternative B in Table F.3.2 that would prohibit surface occupancy and use in perennial or intermittent streams, lakes, ponds, reservoirs, 100-year floodplains, wetlands, and riparian areas.

Recommendation for the FEIS: To the extent possible, incorporate additional water resource protection measures from Alternative B into the preferred alternative.

Travel Management and Off-Highway Vehicle Use

According to the draft EIS, “[s]oils in the planing area are characterized as thin, fragile, and prone to erosion.” As previously discussed, thaw-sensitive soils are also present throughout the planning area. OHV use in sensitive soil areas can cause soil erosion, resulting in degraded water quality and watershed condition. Map 3.8 Watershed Condition identifies watersheds as “functioning properly,” “functioning at risk,” or “impaired function” based upon the BLM’s Watershed Condition Model, which is an indicator for human influence on watersheds. We understand that the RMP will establish interim management prescriptions for OHV use, and a supplemental rule process will be conducted following the record of decision to develop a travel management plan for each Travel Management Area. We support reasonable restrictions on OHV use in watersheds that are already in degraded or impaired condition, including seasonal restrictions to reduce the potential for soil erosion.

Recommendation for the FEIS: During travel management planning, consider whether additional restrictions on OHV use are necessary to protect watershed condition in watersheds that are currently identified as “functioning at risk” or “impaired function” in Map 3.8.

Areas of Critical Environmental Concern

There are a total of 37 Areas of Critical Environmental Concern or Research Natural Areas considered for designation under Alternatives A and/or B. However, the preferred Alternative C2 proposes to designate only a portion of one ACEC at Toolik Lake, a reduction in total acreage of 99% from current management protection for sensitive resources in ACECs. Many of the areas that are currently managed as ACECs or proposed as ACECs under Alternative B would protect relevant and important values critical for watershed and aquatic resource health, including “soil,” “water,” “fish/riparian,” and “vegetation” resources. Without ACEC designation, many of these resources will be left unprotected from overlapping management protections. EPA is concerned about the potential cumulative impacts to watershed and aquatic resource health from eliminating nearly all existing ACEC protections.

Recommendations for the FEIS:

- Include additional analysis of how the cumulative impact of eliminating nearly all ACEC protections under the preferred alternative could impact watershed health or aquatic resources, including important subsistence fishery resources; and
- Include additional ACECs in the preferred alternative where appropriate to prevent cumulative degradation of sensitive resources.

Wild and Scenic Rivers

Eleven rivers in the planning area were found eligible for inclusion in the National Wild and Scenic River System, based on current management and existing conditions. Under Alternative B, these segments would be found “suitable” for inclusion in the NWSRS and would continue to be maintained to protect free-flowing condition, Outstandingly Remarkable Values, and adequate water quality. Under the remaining action alternatives, including the preferred Alternative C2, the BLM would determine all 11 river segments “not suitable for inclusion in the NWSRS” and would no longer manage them for protection of ORVs.

The basis for determining that the segments are “not suitable” is not clear from the draft EIS. Protection of the free-flowing nature, water quality, and other identified ORVs provides potential benefits for watershed condition as well as for subsistence use of the eligible river areas. While the draft EIS provides a discussion of overlapping protections under Alternatives C1, C2, and D for other resources that could result in the maintenance of some of the values that led to the identification of the rivers as “eligible,” the potential impacts of finding the segments “not suitable” are unclear. For example, it is not clear what portion of each river would be without relevant protections. Further, the level of detail is not sufficient to understand what the potential impacts would be on specific ORVs for the eligible segments.

Recommendations for the FEIS:

- Provide the specific basis for finding each of the 11 river segments “not suitable” under Alternatives C1, C2, and D;
- Provide additional analysis of the potential impacts of discontinuing management to protect ORVs, including what portion of the river segment would be without protection resulting from other management prescriptions, and what the resulting impacts on specific ORVs would be for each eligible segment;
- Include detailed analysis, in an appendix if appropriate, and summarize the results of the analysis in the body of the final EIS; and
- Consider whether any eligible rivers should be found “suitable” under the preferred alternative in the final EIS.

Environmental Justice

Identification of Environmental Justice Populations

Environmental Justice is a critical concern for resource management planning decisions and future actions within the Central Yukon planning area, given that 22 out of 30 communities in the planning area are identified as having minority populations, low-income populations, or both. While the methodologies used in the analysis did identify most communities as having potential environmental justice considerations, we note that some aspects of the analysis did not follow common NEPA analysis practices. For example, we disagree with the characterization that “[t]he meaningfully greater analysis is generally used to make sure that no areas of minority populations are omitted if the 50% threshold does not identify any environmental justice populations.” Rather, NEPA analyses commonly include a “meaningfully greater” analysis by comparing percent minority to a reference population, such as the state.

Recommendation for the FEIS: Review the 2016 *Promising Practices for EJ Methodologies in NEPA Reviews: Report of the Federal Interagency Working Group on Environmental Justice & NEPA Committee*¹ and determine whether any updates to the methodologies are appropriate for this analysis or future NEPA analyses for proposed actions in the planning area.

Meaningful Involvement

EPA appreciates that the draft EIS describes the efforts that have been taken to meaningfully involve affected communities in the resource management planning process to date, including holding public meetings during scoping and alternatives development stages. Residents of communities were also invited to nominate ACECs. The goal of meaningful involvement of potentially affected communities in the NEPA process is to enable community identified concerns or recommended mitigation measures to be incorporated in the analysis and decision-making process.

Recommendation for the FEIS: Disclose the results of meaningful involvement efforts, such as community identified impacts of concern, recommended means to address those concerns, or ACEC nominations.

Analysis of Potential Environmental Justice Impacts

The analysis of potential environmental justice impacts in the draft EIS identifies subsistence, social, and economic impacts as the primary impacts of concern to low-income and minority communities in the planning area. The discussion of potential subsistence impacts focuses on access to and availability of subsistence resources. It is unclear whether the potential for environmental contamination to impact residents of the communities or the subsistence resources they rely on has been considered. The potential for both contamination and perceived contamination of subsistence resources have been identified as environmental justice concerns in recent EISs for large-scale mineral development projects in Alaska.

Recommendation for the FEIS: Analyze and disclose the potential for contamination or perceived contamination of subsistence resources to impact use of those resources by environmental justice communities in the planning area.

Measures to Reduce Environmental Justice Impacts

The draft EIS identifies the preferred Alternative C2 as having fewer protections for subsistence resources than alternatives A, B, or C1. It is not clear from the document to what extent targeted protections in Alternative C2 address community-identified concerns or incorporate avoidance,

¹ <https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews>

minimization, or mitigation measures suggested by community members. EPA encourages decisions – and, where appropriate, measures and practices – that ensure that the significance and integrity of way-of-life activities will be maintained during the proposed activities. We find that these measures and practices are most implementable and beneficial when they are supported by robust, thorough, and deferential consultations.

Recommendation for the FEIS: Disclose the extent to which the preferred alternative addresses community-identified concerns and incorporates community-identified measures to reduce those concerns. Incorporate additional protective measures, such as establishment of ACECs, into the preferred alternative where appropriate to reduce impacts on key subsistence resources.

Adaptive Management

As stated in the draft EIS, “[t]he goals of the [Central Yukon Resource Management Plan] are to establish a structure for understanding conditions and trends across multiple scales, adapting to changes in conditions and trends, and facilitating informed decisions to sustain healthy, productive lands that support the BLM’s multiple-use mission over the life of the plan. The BLM proposes to fulfill these goals by sustaining landscape connectivity between major conservation units and monitoring representative ecological benchmarks.” Appendix G – Adaptive Management Framework describes the objectives and strategy for the use of the Benchmarks and identifies Benchmarks to be used under Alternatives B and C1. The Standard Operating Procedures in Appendix F define specific actions that would be taken in the Ecological Benchmark areas under these two alternatives. It is not clear from the draft EIS how the BLM would accomplish the adaptive management goals under the preferred Alternative C2.

Recommendation for the FEIS: Define the Ecological Benchmarks that would be used under Alternative C2 or provide a separate strategy for monitoring and adaptive management under this alternative. If Ecological Benchmarks are not included in the preferred alternative, state this clearly in Section 1.8 of the final EIS.