



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

March 16, 2020

Tammy Randall-Parker, Forest Supervisor
c/o Janelle Walker, Project Leader
Mammoth Ranger District
Inyo National Forest
P.O. Box 148
Mammoth Lakes, California 93546

Subject: Notice of Intent to Prepare an Environmental Assessment for the Mammoth Mountain Ski Area Snowmaking and Woolly's Adventure Summit Projects, Inyo National Forest.

Dear Ms. Randall-Parker:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under § 309 of the Clean Air Act.

We note that the project proposes to expand and upgrade recreational opportunities in accordance with the 2019 Land Management Plan for the Inyo National Forest for Destination Recreation Management Areas. While the geographic area has historically been largely for ski areas, the Forest is expanding on summer opportunities for recreation. The project encapsulates three site specific actions to relocate snowmobile recreation, build a new lodge and add snow makers. The proposed project is located in Mammoth Ranger District, Nevada, approximately 47 miles northeast of Fallon, Nevada.

To assist in the scoping process for this project, we have identified several issues for your attention in the preparation of the Draft Environmental Assessment. These issues include: possible impacts to water, air, biological resources, habitat for species of concern and consultation with tribal governments.

We appreciate the opportunity to review this project and are available to discuss our comments. When the EA is released, please send one hard copy and one electronic copy, such as a thumb drive, to the address above (mail code: TIP-2). If you have any questions, please contact me at 415-972-3852 or Munson.James@epa.gov.

Sincerely,

James Munson
Environmental Review Branch

Enclosure: EPA's Detailed Comments

US EPA DETAILED COMMENTS ON THE NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL ASSESSMENT FOR THE MAMMOTH MOUNTAIN SKI AREA SNOWMAKING AND WOOLLY'S ADVENTURE SUMMIT PROJECTS, INYO NATIONAL FOREST, MARCH 16, 2020.

Purpose and Need

The EPA recommends that the Draft Environmental Assessment clearly identify the purpose and need to which the Forest Service is responding in proposing the alternatives (40 CFR 1502.13). The purpose of the proposed action is typically the specific objectives of the activity, while the need for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

Air Quality

Provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards (NAAQS), criteria pollutant nonattainment zones in the project area, and potential air quality impacts of proposed project activities, including indirect and cumulative impacts. Such an evaluation is helpful in demonstrating compliance with state and federal air quality regulations and disclosing the potential impacts from temporary or cumulative degradation of air quality.

The EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants:

- *Quantify Emissions* – Estimate emissions of criteria pollutants from the proposed project activities and discuss the timeframe for release of these emissions over the lifespan of the project. Describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.
- *Specify Emissions Sources* – Specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. Use this source-specific information to identify appropriate mitigation measures and areas in need of the greatest attention.
- *Construction Emissions Mitigation Plan* – The EPA recommends including commitments to air quality mitigation measures during construction and operational activities. In addition to measures necessary to meet all applicable local, state, and federal requirements, the EPA recommends that the following measures be included:

Fugitive Dust Source Controls

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 miles per hour.

Mobile and Stationary Source Controls

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies.
- Limit unnecessary idling and ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.

- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.

Administrative Controls

- Specify how impacts to sensitive receptors, such as children, the elderly, and the ill would be avoided. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners, as applicable.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emissions controls for each piece of equipment before groundbreaking.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

General Conformity

The EPA's General Conformity Rule, established under Section 176(c)(4) of the Clean Air Act, provides a specific process for ensuring federal actions will conform with State Implementation Plans to achieve NAAQS. Describe how the Forest Service will ensure that the proposed alternatives will comply with federal conformity requirements. Demonstrate conformity for all pollutants for which relevant air basins are in nonattainment or maintenance status, and whose construction or operational emissions would exceed the applicable *de minimis* levels. Conformity may be demonstrated by showing that the total direct and indirect emissions from the action are specifically identified and accounted for in the SIP.

Water Supply and Water Quality

Estimate the quantity of water that the potential project will require during snow making. Describe in detail the source of this water and potential effects on other water users. If groundwater will be primarily used, identify the potentially affected groundwater/aquifer and include a discussion of cumulative impacts to groundwater resources within the hydrographic area. Describe water supply reliability for the proposed project and discuss how existing and/or proposed sources may be affected due to trends in precipitation and groundwater recharge rates. Identify available technologies to minimize or recycle water and identify the presence of surface water bodies, including the presence of springs and rare wetlands.

In addition, address the potential effects of project waste-water discharges. Describe the potential environmental impacts of the water disposal methods, including potential impacts on groundwater, surface water, springs or wetlands, as applicable.

Biological Resources and Habitat

Identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. Quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these species. We recommend that emphasis be placed on the protection and recovery of species due to their status or potential status under the federal or state endangered species legislation.

The EPA recommends that the Forest Service consult with the U.S. Fish and Wildlife Service and, if required, prepare a Biological Opinion under Section 7 of the Endangered Species Act if there are

threatened or endangered species present. Provide a recent status update on this topic if these actions have been or will be undertaken. Analysis of impacts and mitigation on covered species should include:

- Baseline conditions of habitats and populations of the covered species.
- A clear description of how avoidance, mitigation and conservation measures will protect and encourage the recovery of the covered species and their habitats in the project area.
- Monitoring, reporting and adaptive management efforts to ensure species and habitat conservation effectiveness.

Discuss the potential impacts of construction, installation, and maintenance activities on habitat and species if any. Indicate in the DEA what measures will be taken to protect important wildlife habitat areas from potential adverse effects of proposed activities.

Invasive Species

Executive Order 13112 “Invasive Species” (February 3, 1999) mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. Executive Order 13112 also calls for the restoration of native plants and tree species. In the DEA, include an invasive plant management plan to monitor and control detrimental vegetation and transport of invasive species during construction and describe how the plan will conform with any invasive species management plans included in the land management plans for federal lands in the project area.

Hazardous Materials/Waste Management

We recommend that the DEA address the potential direct, indirect and cumulative impacts of waste generation, including hazardous waste, from snowmobile operation activities past and future locations if appropriate. Identify the projected waste types and volumes, and expected storage, disposal, and management. Identify the applicability of federal hazardous waste requirements. Discuss how the generation of hazardous waste would be minimized.

Cumulative Impacts

Cumulative impact analyses describe the threat to resources as a whole, presented from the perspective of the resource instead of from the individual project. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40 CFR §1508.7). Discussions of cumulative impacts are usually more effective when included in the larger discussions of environmental impacts from the action (the environmental consequences chapter), as opposed to locating cumulative impact analyses in a separate chapter.

Consultation with Tribal Governments

Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments” (November 6, 2000) was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian Tribes. In the DEA, describe the process and outcome of government-to-government consultation between the Forest Service and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative. As a general resource, the EPA recommends the document *Tribal Consultation: Best Practices in Historic Preservation*, published by the National Association of Tribal Historic Preservation Officers.¹

¹ See http://www.nathpo.org/PDF/Tribal_Consultation.pdf

National Historic Preservation Act and Executive Order 13007

Consultation for tribal cultural resources is required under Section 103 of the National Historic Preservation Act (NHPA). Historic properties under the NHPA are properties that are included in the National Register of Historic Places (NRHP) or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, to consult with the appropriate State Historic Preservation Office/Tribal Historic Preservation Office (SHPO/THPO). Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Executive Order 13007 “Indian Sacred Sites” (May 24, 1996) requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. It is also important to note that sacred sites may not be identified solely in consulting with tribes located within geographic proximity of the project. Tribes located outside of the project area may also have religiously significant ties to lands within the project area and should, therefore, be included in the consultation process.

The EPA recommends that the DEA address the existence of Indian sacred sites in the project area should any occur. Explain how the proposed action would address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the Forest Service would ensure that the proposed action would avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. Provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRHP eligible sites and development of a Cultural Resource Management Plan.