



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

11/2/2009

Chris Knopp
Forest Supervisor
Apache-Sitgreaves National Forest
P.O. Box 640
Springerville, AZ 85938

Subject: Final Environmental Impact Statement (FEIS) for the Black River Exchange
(CEQ# 20090335)

Dear Mr. Knopp:

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

EPA previously reviewed the Draft Environmental Impact Statement (DEIS) for the Black River Exchange and provided comments on July 9, 2008. We rated the DEIS as Lack of Objections (LO) and agreed that the acquisition of the non-federal lands identified would add vital habitat for loach minnow, spikedace, and the Apache Trout, as well as wetlands and floodplains containing significant aquatic and riparian habitats associated with the mainstream of the West Fork of the Black River and the Blue River. However, we also offered a few recommendations for strengthening the FEIS. Unfortunately, the FEIS shows no record of our comment letter, which we have attached for your reference.

We note that some of our recommendations were adopted, such as maps illustrating the location of the five parcels to be exchanged and a listing of all documents referenced within the FEIS. Recommendations that were not incorporated were provided to improve clarity of the document, rather than to express environmental concerns. These recommendations included the need for a succinct and thorough discussion of the challenge and court order regarding the U.S. Forest Service Environmental Assessments and Finding of No Significant Impact, and a description of how the USFS subsequently addressed the outstanding issues in the EIS. We also recommended the FEIS incorporate the previous Environmental Assessments by reference.

It is concerning that the comment letter provided to USFS from our agency was not included in Appendix C, and we question whether there might be other comment letters that may have also been inadvertently missed. We hope that the Apache-Sitgreaves

National Forest will address recommendations from EPA regarding future NEPA actions.

We appreciate the opportunity to review this FEIS. If the Record of Decision is revised, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at 415-972-3846, or Tom Kelly, the lead reviewer for this project. Tom can be reached at 415-972-3856 or kelly.thomasp@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosure: EPA letter to USFS (Bruce Buttrey), dated July 9, 2008