



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

October 18, 2006

Clay Gregory, Regional Director
Bureau of Indian Affairs
Pacific Region Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846

Subject: Final Environmental Impact Statement (FEIS) for Elk Valley
Rancheria, Martin Ranch Fee-to-Trust Transfer Project, Del Norte
County, California (CEQ # 20060394)

Dear Mr. Gregory:

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 Section 309 of the Clean Air Act.

As a cooperating agency for the project, EPA reviewed and provided comments on the preliminary draft environmental impact statement (DEIS) (letter dated May 11, 2005) and the public DEIS (letter dated November 28, 2005). We expressed concerns regarding hydrological alternations that could impact on- and offsite wetlands and encouraged an adaptive management approach to address uncertainties for the vegetated swale stormwater management system. We also encouraged the avoidance of fill in jurisdictional waters of the U.S. and recommended restoration of on-site wetlands.

The FEIS includes an adaptive management plan (Appendix X) and states that the project would span creek or drainage channels with inverted "U" culverts or clear span bridges (p. 4.3-4) thus avoiding fill in jurisdictional waters. The FEIS also states that the Tribe has committed to work cooperatively with the California Coastal Commission and other agencies to enhance on-site wetlands (p. 5-8). We appreciate the Bureau of Indian Affairs' (BIA) responsiveness to our concerns. We commend BIA and the Tribe for the mitigation measures included in the project that will reduce impacts to resources. We recommend all mitigation measures be included in the project Record of Decision (ROD).

We appreciate the opportunity to review this FEIS. When the Record of Decision is signed, please send one copy to the address above (mail code CED-2). If you have any questions,

please contact me or Karen Vitulano, the lead reviewer for this project. Karen can be reached at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

/s/

Duane James, Manager
Environmental Review Office
Communities and Ecosystems Division

cc: Dale Miller, Chairman, Elk Valley Rancheria
Ray Martell, EPA/Maintenance Manager, Elk Valley Rancheria
Mike Long, U.S. Fish and Wildlife Service