



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

3/22/2010

Bart Prose
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-1729
Sacramento, CA 95825

Subject: Final Hatchery and Stocking Program EIS/EIR (CEQ # 20100034)

Dear Mr. Prose:

We appreciate the opportunity to review the subject Environmental Impact Statement (EIS) 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.

In our previous letter, dated December 2, 2009, we expressed concerns about the impact of groundwater pumping on rare alkali meadows near Fish Springs Hatchery and the Black Rock Rearing Ponds. EPA notes that the discussion of this issue has been improved with the addition of information from the 1991 Environmental Impact Report (EIR) and the 1991 agreement between the City of Los Angeles Department of Water and Power and the County of Inyo (page 4-52 to 4-55). However, EPA remains concerned that the FEIS may underestimate the impact of the water table depression, because it does not compare the current conditions to those of the 1970s, before groundwater pumping began.

We hope that this issue will continue to be evaluated by U.S. Fish and Wildlife Service (USFWS). As noted in the response to comments (page 1201), USFWS will "continue further communication, as necessary, to address their [the Big Pine Paiute Tribe's] concerns," which included concerns about the impacts of groundwater pumping. EPA recommends that USFWS add this commitment to its Record of Decision.

EPA remains concerned that the purpose of the project has been unnecessarily narrowed to support hatcheries. The response to comments clarified that the USFWS decision is limited to funding or not funding activities proposed by the Department of Fish and Game (DFG) pursuant to the Sport Fishing and Restoration Act (SFRA). Later, the response to comments mentions that hatcheries are a component in a program of "broader trout management." This suggests that elements of the broader trout management program could be considered reasonable alternatives to continued hatchery funding. Possible examples that appear to meet SFRA eligibility criteria (from the "Strategic Plan for Trout Management: A Plan for 2004 and Beyond") include activities that support the Threatened and Native Trout Management and Heritage Trout Management.

EPA continues to believe that a consistent approach to monitoring would better assess the impacts of hatchery discharges. By monitoring a consistent set of parameters, DFG would improve data for future decisions by Regional Water Quality Control Boards, the permitting

authority for hatcheries. EPA appreciates the clarification that sample data in the FEIS are derived from grab samples, and recommends composite sampling to further improve future data collection.

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 at (415) 972-3521, or contact Tom Kelly, the lead reviewer for this project. Tom can be reached at (415) 972-3852 or kelly.thomasp@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office
Communities and Ecosystems Division

cc: Jim Starr, California Department of Fish and Game