



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

April 19, 2010

Mr. Robert D. Williams
Field Supervisor
U.S. Fish and Wildlife Service
Nevada Fish and Wildlife Office
1340 Financial Boulevard, Suite 234
Reno, NV 89502

Subject: Final Environmental Impact Statement for the Southeastern Lincoln County
Habitat Conservation Plan, Lincoln County, Nevada (CEQ#20100077)

Dear Mr. Williams:

The U.S. Environmental Protection Agency (EPA or “the Agency”) 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 reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the U.S. Fish and Wildlife Service (“Service”) on February 18, 2009. We rated the DEIS as Environmental Concerns – Insufficient Information (EC-2), primarily because the document failed to sufficiently demonstrate how the proposed conservation measures will protect, conserve, and enhance desert tortoise and southwestern willow flycatcher (“Covered Species”) populations and their habitats. We asked for additional information describing how Section 7 consultations would be streamlined for U.S. Army Corps of Engineers 404 permits, why an alternative that conserves additional habitat was not considered, and how the conservation measures will address impacts to the Covered Species resulting from climate change.

Thank you for addressing many of the issues identified in our review of the DEIS. Additional information was provided that satisfies concerns the Agency had regarding proposed project conservation measures, the Section 7 consultation process, and why alternatives were not developed that included land acquisition.

EPA has no objection to the proposed project; however, we recommend that the Service include a comprehensive strategy in the Adaptive Management Plan (AMP) for dealing with potential climate change impacts on the Covered Species. Such a strategy will be crucial, because (as is indicated in the DEIS), “predictions for the geographic range of the

desert tortoise's listed population suggest a 3.5 to 4.0 degrees Celsius (6.3 to 7.2 degrees Fahrenheit) increase in annual mean temperature", with winter precipitation expected to decrease 5 to 20 percent. Considering the "germination of the tortoise's food plants is highly dependent on cool season rains," the AMP should address how this expected temperature increase and drop in winter precipitation will affect the desert tortoise and its food supply. Additionally, a key component of the conservation effort for the desert tortoise is to restore 5,120 acres of burned habitat by reseeding with native species over the 30-year permit term. The AMP should address how climate change may affect these reseeding restoration efforts.

We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at (415) 972-3521, or contact Jason Gerdes, the lead reviewer for this project. Jason can be reached at (415) 947-4221 or gerdes.jason@epa.gov.

Sincerely,

/s/

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

cc: Mary Grimm, U.S. Fish and Wildlife Service
David Castanon, U.S. Army Corps of Engineers
Brad Hardenbrook, Nevada Department of Wildlife
Clint Wertz, Planning Director, Lincoln County