

US Fish and Wildlife Service Comments – Pebble Project Preliminary Draft EIS, Appendix E – Permits, Approvals, and Consultations Required

Agency	Comment No.	Section, Paragraph, and Page #	Cooperating Agency Comment (and Purpose of Comment)	Proposed Resolution (Additions or Deletion of Text)	Response
USFWS	1	Appendix E	<p>The Service recommends this appendix address laws and regulations related to the control and spread of noxious weeds, including the following:</p> <p>Executive Order 11987 (1977): Requires Federal agencies, to the extent permitted by law, to:</p> <ul style="list-style-type: none"> • Restrict the introduction of exotic species into the natural ecosystems on lands and waters owned or leased by the U.S.; • Encourage States, local governments, and private citizens to prevent the introduction of exotic species into natural ecosystems of the U.S.; and • Restrict the importation and introduction of exotic species into any natural U.S. ecosystems as a result of activities they undertake, fund, or authorize; and restrict the use of Federal funds, programs, or authorities to export native species for introduction into ecosystems outside the U.S., where they do not occur naturally. <p>Executive Order 13112 (1999): Intended to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.</p>		<p>Executive Order 13112 is described in Appendix E.</p> <p>NISA and EO 11987 are not applicable to the construction or operations phases of the proposed project.</p>

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			National Invasive Species Act (NISA): Intended to prevent invasive species from entering waters of the U.S. (marine and freshwater) through ballast water carried by ships. The NISA reauthorized and amended a previous measure, the Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990.		
USFWS	2		<p>We recommend adding clarification on the depth of the Service involvement under the Clean Water Act. Also, consider adding a summary of this information in Table E-1 as provided below:</p> <ul style="list-style-type: none"> • Clean Water Act (CWA, 33 U.S.C 1344): Section 1344(m) authorizes fish and wildlife comments from the Department of Interior to be made through the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service has extensive involvement with the Environmental Protection Agency under provisions of the CWA, section 404, which deals with discharge of dredge and fill. Section 404 of the CWA requires a permit to be obtained before dredged or fill material may be discharged into waters of the U.S. The basic premise is the U.S. Fish and Wildlife Service will provide recommendations on potential methods to avoid and minimize impacts to fish and wildlife, as well as provide recommendations for compensation that will be 		Text clarified

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			necessary for any remaining unavoidable impacts.		
USFWS	3		We recommend reflecting the dual involvement of both the Service and the NMFS under the Fish and Wildlife Coordination Act (FWCA). The FWCA requires consultation with the Service, the State wildlife resources agency, and, if applicable, the NMFS. State involvement may result in a separate report.		This is addressed under Section E1.14 Fish and Wildlife Coordination Act (1980). Additionally, a new row has been added to Table E-1 for the FWCA.
USFWS	4		The Service recommends clarifying the summary statement in Table E-1, Bald and Golden Eagle Protection Act. The Service works with permitting agencies and project proponents to develop mitigation measures to avoid and reduce impacts to eagles, and assists in developing methods for compensatory mitigation for impacts that are unavoidable. The Service may provide limited take permits of eagles or nests where avoidance and minimization measures have been incorporated into project design.		Text edited as suggested.