

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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April 16, 2012

Karen L. Hayden, Feather River District Ranger
c/o Feather River Ranger District of the Plumas NF
On Top Hazardous Fuels Reduction Project
875 Mitchell Avenue
Oroville, CA 95965

Subject: Draft Environmental Impact Statement for the On Top Hazardous Fuel Reduction Project, Butte and Plumas Counties, California (CEQ# 20120043).

Dear Ms. Hayden:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (EIS) for the On Top Hazardous Fuel Reduction Project. Our review and comments are 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.

EPA acknowledges the importance of the Project's goals to improve forest health and decrease fuels along important access roads to allow better access to fire suppression activities during fire events. We support the use of prescribed underburning as an important measure necessary to reduce the risk of fire, promote biodiversity, and restore natural ecological processes within the forest. We recognize the ecological significance of the Plumas National Forest and support the inclusion of the resource protection measures and Best Management Practices (BMPs) described in the DEIS.

The proposed project is part of the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project (HFQLG) and includes construction of defensible fuel profile zones (DFPZs) and tree harvest using group selection silvicultural methods in the Plumas National Forest. EPA previously expressed environmental objections to the HFQLG in our letter dated 7/26/99. We raised concerns regarding water quality impacts from road construction, increased habitat fragmentation, and the potential for noxious weed proliferation. We continue to have these concerns in relation to the cumulative effects of the On Top Hazardous Fuel Reduction Project (Project) and other HFQLG projects in the Plumas National Forest.

We are rating the Project as Environmental Concerns - Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). EPA is concerned that the Preferred Alternative will allow timber harvesting activities in riparian areas that are susceptible to significant adverse effects from the existing extensive road network and past timber harvest activities and other timber harvest activities in the Plumas National Forest. We are also concerned about the public health impacts of air emissions. In addition, we note that both action Alternatives would cause average canopy levels to fall below minimum suitable habitat levels for forest carnivores, impacting the established forest carnivore network, as well as below the minimum suitable foraging levels for the California spotted owl and northern goshawk, both Federal Species of Concern. Our enclosed detailed comments provide additional information regarding these and other concerns.

We appreciate the opportunity to review the DEIS. When the FEIS is released, please send one hard copy and two electronic copies to the address above (mail code: **CED-2**). If you have any questions, please contact me at (415) 972-3521, or have your staff contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3800 or munson.james@epa.gov.

Sincerely,

/s/

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosures: Summary of EPA Rating Definitions
EPA Detailed Comments

cc:

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DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE ON TOP HAZARDOUS FUEL REDUCTION PROJECT, BUTTE AND PLUMAS COUNTIES, CALIFORNIA (CEQ# 20120043)

Purpose and Need

The purpose and need for this project is to establish a Defensible Fuel Profile Zone (DFPZ) and to improve forest health and diversity, thereby restoring watershed health and local economic stability. The Healthy Forest Restoration Act (HFRA) encourages development of Community Wildfire Protection Plans (CWPPs) under which communities designate their Wildland Urban-Interface (WUI) as well as the locations where fuel reduction projects may take place. The Draft Environmental Impact Statement (DEIS) does not provide a sufficient summary of the actions being taken by the communities and Forest Service to ensure that their respective fire protection efforts are consistent, complementary, and fully integrated. We understand that the drive for this project comes, in part, from a commitment to implement the Herger-Feinstein Quincy Library Group Forest Recovery (HFQLG) Act pilot project. EPA is concerned that, with the HFQLG pilot ending in September 2012, monitoring of the impacts of the project may not be conducted. Furthermore, the DEIS fails to summarize the overall impacts/success of the HFQLG pilot project to date.

Recommendations:

- We recommend that the FEIS and the ROD provide a summary of HFQLG projects and the status and results of effectiveness monitoring. We recommend that this summary include a list of HFQLG projects approved and implemented. The summary should also include the number of acres logged by specific prescriptions, and current data on the effectiveness of DFPZ and fuel management prescriptions in reducing fire intensity, increasing community and fire fighter safety, providing significant economic benefits for local communities, and moving the forest towards a more fire-resilient heterogeneous forest.
- The FEIS should include a summary of the CWPPs for the relevant communities and describe actions being taken by the communities and Forest Service to ensure that their respective fire protection efforts are consistent, complementary, and fully integrated. For example, explain whether local housing and fire safety ordinances are consistent with the effort to reduce and minimize excessive fuels.

Alternatives Analysis

The DEIS describes four action Alternatives: Alternative B Option 1, Alternative B Option 2, Alternative C Option 1 and Alternative C Option 2. The DEIS identifies Alternative B as the preferred proposed alternative, but fails to specify which Option (p. i). Each Option includes differentiating harvest options/methods and resource locations. Thus, watersheds/riparian resources, soils, and wildlife habitat would be impacted differently depending on which option is chosen.

Recommendation:

- The FEIS should identify which alternative and option comprise the preferred action alternative.

- The EPA suggests that the preferred alternative be modified to include preservation of trees that exhibit mature fire resistant characteristics, regardless of tree diameter.

Water Quality

EPA is concerned with the potential for increased erosion and sedimentation at stream crossings to cause adverse effects to water quality in the project area (Page 149).

Recommendations:

- The EPA recommends that the FEIS include a commitment to specific BMPs that will help to reduce water quality impairment.
- The FEIS should include a description of stream crossings such as culverts, bridges and low water crossings that could be impacted by the Project, and include their current condition, i.e. flow capacity, fish passage, and ability to handle increased sediment without clogging. The FEIS should also commit to a plan to mitigate these problem areas prior to conducting activities that could further constrict waterways.
- We recommend that fuel hazard reduction and restoration projects in the Plumas Forest include systematic monitoring, data collection, and analysis necessary to estimate fine sediment and nutrient load contributions to potentially affected streams, such as the Feather River.

Air Quality

Conformity

The general conformity rule, under the Clean Air Act, ensures that Federal projects conform to applicable SIPs so that they do not interfere with strategies employed to attain National Ambient Air Quality Standards (NAAQSs). The rule applies to Federal projects in areas designated as nonattainment or maintenance areas for criteria pollutants for which EPA has established NAAQS, and whose direct and indirect construction and operational emissions exceed the applicable de minimis levels.

The DEIS, on page 234, states that, "A conformity determination is needed for areas in nonattainment for criteria pollutants. However the conformity rule published by the EPA on April 5, 2010 included a Presumption of Conformity for prescribed fires conducted in compliance with a state Smoke Management Program (SMP) (p. 17,264, EPA 2010)." The SMPs are written to account for the smoke emissions produced by the prescribed fires. The assumption of presumed conformity to the State Implementation Plans (SIPs) would, therefore, apply to only the prescribed fire portions of this project. Other activities in this project, such as the logging and road construction, are not included as part of the SMP and would be subject to the general conformity requirements.

Recommendation:

- The Forest Service should determine which aspects of the project comply with EPA's Interim Air Quality Policy on Wildland and Prescribed Fires (<http://www.epa.gov/ttn/oarpg/t1/memoranda/firefnl.pdf>) and are included as part of the

applicable EPA approved SMP. All other aspects of the project should be evaluated for general conformity applicability to determine whether a full conformity analysis needs to be conducted.

- The applicable EPA approved SMPs should be included as part of the FEIS.

Cumulative Air Impacts

The number of days to accomplish prescribed burning would compete with other burning nearby in the project area, yet the Draft EIS does not mention any specific projects that would contribute to cumulative air impacts.

Recommendation:

- The FEIS should identify all the projects that could cumulatively result in decreased air quality in the basin (Plumas and Butte Counties), and discuss options for minimizing cumulative air emissions through scheduling or other measures.

Emissions Other than Smoke

The Draft EIS states, “a secondary source of impacts on air quality would be from dust and internal combustion engine emissions during project activities”, and that dust from hauling will be minimized “by including standard dust abatement requirements in sale and project contracts.”

Recommendation:

The FEIS should include an assessment of emissions from road construction activities and mechanized equipment, and an Operations Emissions Mitigation Plan for fugitive dust and diesel particulate matter, and adopt this plan in the Record of Decision (ROD). We recommend that the following measures be included in order to reduce impacts associated with emission of particulate matter and other toxics, particularly in areas where the public or Forest Service staff may be exposed:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or other dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer’s specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. The California Air Resources Board has a number of mobile source anti-idling requirements which could be employed. See their website at: <http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>.

- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.
- If practicable, lease new, clean equipment meeting the most stringent of applicable federal or state standards.

Administrative controls:

- Identify, in the Final EIS, all commitments to reduce construction and operations emissions, and specify air quality improvements that would result from adopting specific air quality measures.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public).

Climate Change

Current research indicates that climate change could impact the amount, timing, and intensity of rain and storm events; increase the length and severity of the fire season; modify the rate and distribution of harmful timber insects and diseases; and aggravate already stressed water supplies. A significant change in the weather patterns could have important implications for how we manage our forests.

Recommendation:

- We recommend that the FEIS include a more detailed description of climate change and its implications for successful reforestation. For example, describe and evaluate projected climate change impacts on the frequency of high intensity storms, magnitude of rain events, severity and frequency of insect outbreaks, droughts, fire seasons, and the effects of these events on the success of reforestation efforts.
- Describe how the Forest Service will adaptively manage resources affected by the proposed project in the context of climate change.

Species of Concern

The DEIS list numerous species that are present in the project area; however, it is not clear what the impacts of project specific actions, such as allowing a minimum of 40% canopy (p. 104), will be on individual species, such as the California Spotted Owl.

Recommendation:

- The EPA encourages the Forest Service to include in the FEIS a complete review of species that would be affected by the project alternatives. The results of consultation with the United States Fish and Wildlife Service, if appropriate, regarding threatened or endangered species or critical habitat should be included.

- Provide a more detailed description of harvest prescriptions that would be used in areas that support or are adjacent to species of concern or their habitat. For example, describe the least disruptive method for removing trees in spotted owl habitat.
- Avoid logging in sensitive areas supporting species of concern and/or their habitat.

The Plumas National Forest is part of a corridor network providing habitat connectivity between Tahoe, Plumas and Lassen National Forests. EPA is concerned that the preferred alternative would significantly impact this network. According to the DEIS, all four action alternatives would cause canopy cover in many DFPZ and Group Selection units within the forest carnivore network to no longer meet the criteria for suitable habitat. The DEIS indicates the existence of substantial cumulative effects on forest carnivores, including impacts from other proposed HFQLG projects, yet states, “there is a level of uncertainty as to how past projects, ongoing projects, and effects of natural occurring events synergistically affect species habitat long-term” (p. 100). We note that the study referenced on page 96 of the DEIS that states, “none of the targeted carnivore species were detected” was conducted over 18 years ago.

Recommendation:

- The FEIS should provide updated information regarding the presence or absence of carnivore species in the Project area.
- The FEIS should include a detailed description of the projected direct, indirect, and cumulative impacts to forest carnivores and their habitat.
- The FEIS should include measures and a commitment to minimize loss of suitable habitat to the American marten, Pacific fisher, and other forest carnivores

Closure and Restoration of Roads and Landings

The project design in Alternative B calls for the decommissioning of 6 miles of unnecessary roads; however, the DEIS provides insufficient information regarding the decommissioning of fuel breaks and skid trails. In addition, the preferred alternative would include construction of 168 roadside landings (Table S-1). Each landing would consist of “approximately 0.75 acres,” (p. 29), resulting in an approximate cumulative clear cut of 126 acres. The DEIS does not address plans for decommissioning of these landings after the project objects have been met.

Recommendation:

- We recommend the FEIS provide a list and map of the roads, landings and trails proposed for decommissioning, as well as a detailed closure and restoration plan for the proposed temporary roads and landings. This plan should include specific information on the extent to which these roads and landings would be recontoured, replanted with appropriate vegetation, monitored, and closed to off-highway vehicle use. We recommend the FEIS include a specific post-harvest schedule for closure of the temporary roads and landings.
- We recommend scarifying the surface of roads, landings, and trails selected for decommissioning to break up compacted soils, seeding such areas with native vegetation, and blocking vehicle traffic with rocks and/or barricades.

Cumulative Impact Analysis

The HFQLG Pilot Project is designed to test and demonstrate the effectiveness of certain fuels and vegetation management activities in meeting ecologic, economic, and fuel-reduction objectives consistent with protection of ecosystems, watersheds, and other forest resources. A number of HFQLG projects are already underway or completed in the Feather River Ranger District, including the Sugarberry, Watdog, Slapjack, Upper Slate, Lower Slate and Concow projects. The EPA is concerned about the potential cumulative impacts on water quality and habitats resulting from construction and maintenance of DFPZs, road construction, increased habitat fragmentation, and noxious weed proliferation.

Recommendation:

The FEIS should provide a cumulative impact analysis of the On Top Fuels Reduction Project within the context of the HFQLG Pilot Project. This should include a summary of the HFQLG pilot project monitoring reports for all pilot projects in the Plumas National Forest, including any adverse impacts and the proximity of each pilot to the proposed project, and discuss the cumulative impacts of DFPZ construction and maintenance, road construction, and timber harvests over the entire HFQLG Pilot Project area.

Noxious Weeds

Table 3.10-3 on page 186 identifies the noxious weed species bull thistle, Dalmatian toadflax, hairy whitetop and Klamathweed as common within the project area; however, little information is given regarding mitigation measures to reduce the spread of noxious weeds.

Recommendation:

The FEIS should include a commitment to the following preventive measures:

- Clean all off-road logging and construction equipment prior to entering the project area to remove dirt, plant parts and material that may carry weed seeds.
- Include equipment cleaning in the timber sale contract.
- Use certified weed-free seeds and plants for revegetation and erosion control.
- Require equipment to avoid weed infested areas.
- Monitor all weed treatments for effectiveness.