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

July 7, 2005

James M. Pena
Plumas National Forest Supervisor
P.O. Box 11500
157 Lawrence St.
Quincy, CA 95971

Subject: Draft Environmental Impact Statement (DEIS) for the Empire Vegetation Management Project (CEQ# 050192)

Dear Mr. Pena:

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. We support the decision to prepare an EIS for this project in light of scoping comments received. However, based on our review of the DEIS, EPA has rated the preferred alternative as EC-2, Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions"). Our detailed comments are enclosed.

The proposed project is designed to fulfill the management direction in the National Forest Management Plan, as amended by the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project (Quincy Pilot Project) and the Sierra Nevada Forest Plan Amendment Supplemental Final EIS and Record of Decision (SNFPA ROD). EPA has expressed environmental objections throughout the development of the Quincy Pilot Project largely as a result of its potential for environmental impacts associated with the development of the Defensible Fuel Profile Zones network, water quality impacts related to road construction, increased habitat fragmentation, and the potential for noxious weed proliferation. On March 15, 2004, EPA also raised environmental objections to the SNFPA ROD due to the deferral of analysis of water quality impacts from the road system to project-level analyses and due to the lack of a commitment to mitigate for impacts to old growth forest and wildlife.

Many of our previous concerns remain, as this project-specific document does not ensure that plan activities will not have a cumulative negative effect on water or air quality. Although the DEIS states that the Forest Service is complying with provisions of the Clean Air Act and the Clean Water Act, there is no further information that supports this conclusion. In addition,

future actions necessary for the maintenance of fuel treatment areas and desired conditions are not described in detail and more information is needed to ensure that monitoring and adaptive management will successfully respond to environmental impacts as a result of project implementation.

While additional information is necessary in the Final EIS to fully assess the environmental impacts of the proposed project, EPA commends the Forest Service for including two additional alternatives as a result of scoping comments, Alternatives E and F. Based on the information provided in the DEIS, EPA recommends the consideration of Alternative E as the preferred alternative because this alternative avoids additional impacts to hydrology and soils, as well as wildlife and fisheries.

When the Final EIS is released for public review, please send two copies to the address above (mail code: CMD-2). If you have any questions or would like a copy of our comments on the Quincy Pilot Project or SNFPA, please contact me or Summer Allen, the lead reviewer for this project, at 415-972-3847 or allen.summer@epa.gov.

Sincerely,

/S/
Nova Blazej, Acting Manager
Environmental Review Office
Cross Media Division

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

EPA DETAILED COMMENTS FOR THE DRAFT EIS FOR EMPIRE VEGETATION MANAGEMENT PROJECT, JULY 8, 2005

Air and Water Quality

The Draft Environmental Impact Statement (DEIS) does not include information on project impacts to air quality or water quality in the project area. The document states that project activities will not contribute to a cumulative negative impact to water quality, but does not justify this conclusion. The document does not justify the riparian buffer zones that have been incorporated and does not discuss other mitigation measures that may be necessary to mitigate potential cumulative impacts. In addition, the "Fire, Fuels, and Air Quality" section does not include an analysis of impacts to air quality nor does the document identify the attainment status of the associated air district. Prescribed fires and mechanical harvesting can have a significant impact on air quality and should be evaluated.

Air Quality Recommendations:
While the project is located in an area that is in attainment status for all National Ambient Air Quality Standards, the Final EIS should demonstrate – through the inclusion of air quality analyses – that plan activities will not have a significant direct, indirect or cumulative impact on air quality, as stated in the DEIS. If significant air quality impacts will result from the proposed project, the Final EIS should identify and commit to measures to avoid and minimize impacts to air quality to the greatest extent feasible.

The Final EIS should include a description of the type of work and machinery that will be used for new road construction, reconstruction, decommissioning, and closure. The Final EIS should estimate emissions from road construction and propose mitigation as necessary. Potential mitigation measures may include commitments to use low-sulfur fuels, maintain well-tuned construction equipment, minimize stock-piling of soil, and restrictions on construction during high-wind days. The Final EIS should estimate emissions reductions through the implementation of mitigation measures.

The Final EIS should estimate emissions from prescribed fires and mechanical harvesting and should describe the mitigation measures that will be used to reduce air quality impacts as much as feasible. The Final EIS should also estimate emissions reductions that will be achieved through the implementation of mitigation measures.

Water Quality Recommendations:
The Final EIS should identify specific mitigation measures to reduce erosion and sedimentation impacts from new, temporary, and reconstructed roads. The Final EIS should estimate the environmental benefits that will result through the

implementation of these mitigation measures and discuss the monitoring program that will ensure that these mitigation measures provide long-term environmental benefits.

The FEIS should identify the basis of the chosen riparian buffers (p.g. 25) and should document why the chosen buffers are sufficiently protective of water quality from erosion and sedimentation.

The Final EIS should include additional information on the Best Management Practices (BMPs) that will assure compliance with the Clean Water Act. In particular, a short summary regarding funding, implementation schedules, and adaptive management should be included for each of the following BMPs: 7-6: Water Quality Monitoring; 6-2: Consideration of Water Quality in Formulating Fire Prescriptions; 2-7: Control of Road Drainage; and 2-2: Erosion Control Plan, as these measures will determine the extent of environmental impacts as a result of the project.

Harvest Methods and Species Impacts

We appreciate the inclusion of Alternatives E and F to address concerns regarding impacts to habitat. We note that Alternative E would have fewer impacts on suitable habitat for the California Spotted Owl, nesting habitat for goshawk, less risk of detrimental soil compaction, and fewer impacts to overall forest interior habitat. However, the preference of each harvest method, such as aerial yarding, is not justified through economical or technological feasibility. In addition, there is no rationale for the percent canopy cover associated with the proposed action.

We are concerned that the proposed action includes group selection and individual tree selection in planning areas 3G, 7G, and 8G, which are watersheds that are at, or exceed, the threshold of concern (p.g. 35). Planning areas 3G and 7G include a Protected Activity Center for the California Spotted Owl and 7G includes spotted owl habitat. Alternative E avoids management activities in these areas and provides the most contiguous acres and largest average size habitat blocks. This is important in that the Northern Goshawk numbers are declining due to habitat reductions and loss of territories from timber harvest (p.g. 101).

Recommendations:
EPA recommends the consideration of Alternative E as the preferred alternative, as the environmental impacts associated with it are reduced, while still helping move the Fire Regime Condition Class to a less dangerous class.

The decision to use a particular logging system harvest method should be justified based on economic or technologic feasibility, as aerial yarding may be less environmentally damaging.

The FEIS should include an explanation of the amount of desired percent canopy cover and the studies on which this assumption relies.

If the proposed action is implemented, we recommend the inclusion of mitigation measures that will avoid activities in planning areas 3G, 7G, and 8G, to reduce impacts to watersheds that meet or exceed the threshold of concern. The Final EIS should specify these mitigation measures and should estimate the environmental benefits that will result through the implementation of these mitigation measures.

Monitoring

The purpose of this pilot project is to provide feedback on the viability of Forest Service actions relative to the SNFPA ROD and the Quincy Pilot Project. Extensive monitoring will be required to provide this feedback and may require a commitment of significant funds. While monitoring of fuel conditions is proposed as part of the project, the identification of sufficient funding sources for this monitoring is not disclosed.

Recommendations:
Where feasible, the Final EIS should disclose funding sources for monitoring and specific guidelines for timely collection of this data for use in planning future projects. The Final EIS should also address how adaptive management will be used to respond to Defensible Fuel Profile Zones Maintenance Monitoring results (p.g. F-7).

Additional Information

It is not clear why only four sensitive species are discussed in detail in the DEIS. In addition, while we understand that additional information from the Biological Assessment/Biological Evaluation (BA/BE) for the project is incorporated by reference, Appendix F (Standard Management Requirements and Monitoring Plan) does not include a detailed summary of this document.

Relevant Community Wildfire Protection Plans (Plans) by which communities have designated their Wildland Urban Interfaces (WUIs) and locations of fuel reduction projects are not included as part of the cumulative impacts analysis to air and water quality and habitat. Results from the tribal consultation are not included.

Recommendation:
Describe why only four sensitive species are discussed in detail in the DEIS. As necessary, expand this discussion in the Final EIS.

A more detailed summary of the BA/BE should be included in the Final EIS to support Appendix F.

The Final EIS should identify a proposed fuel reduction and harvest unit priority and implementation schedule. Fuel treatments within the WUI boundaries and Fire Condition Class 3 areas should be considered for priority implementation. The Final EIS should also identify any relevant Community Wildfire Protection Plans and the evaluation of these in the cumulative impacts analysis.

Relevant results from the tribal consultation should be included in the Final EIS.