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

March 15, 2004

Jack A. Blackwell, Regional Forester
USDA Forest Service
Pacific Southwest Region [R5]
1323 Club Drive
Vallejo, CA 94592

Subject: Final Supplemental Environmental Impact Statement (FSEIS) and Record of Decision (ROD) for the Sierra Nevada Forest Plan Amendment (SNFPA) [CEQ #030263]

Dear Mr. Blackwell:

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. Our detailed comments are enclosed.

We rated the preferred alternative in the Draft SEIS as Environmental Objections - Insufficient Information (EO-2). EPA expressed objections to the proposed increase in mechanical treatments, less prescriptive grazing management for wet meadows, and deferral of roads issues. EPA has been a participant in the Sierra Nevada Framework, the development of the Sierra Nevada Forest Plan Amendment (SNFPA) Environmental Impact Statement (EIS), the review of the 2001 SNFPA Record of Decision (ROD), and the Herger-Feinstein Quincy Library Pilot Project EIS.

The FSEIS was not responsive to many of the environmental issues raised in our comment letter on the DSEIS. While we support the vital need to address the risk of catastrophic fire, EPA continues to object to the project as proposed and recommends that thorough analyses of impacts to water quality and air quality be completed prior to future project-specific actions. We understand that the Forest Service intends to expedite implementation of these actions. Therefore, the analysis of site-specific impacts and identification of appropriate mitigation is critical, and should reflect the Forest Service's stated commitment to adaptive management.

The forest management direction set forth by the new SNFPA ROD will guide activities on 11 National Forests. The selected alternative (S2) changes the forest management practices that were adopted in the original ROD without a clear technical and scientific rationale. Also, the FSEIS alters or removes several protective measures related to water quality that had been included in the DSEIS. Therefore, to minimize impacts to habitat and water quality, future project-specific environmental reviews will need to address the technical and scientific gaps in the FSEIS and incorporate specific mitigation and avoidance practices. Please consider these gaps in determining the level of NEPA analysis required for specific projects. We also urge the Forest Service to solicit stakeholder input and collaboratively address and resolve management issues in the Sierra Nevada forests at the project level.

We appreciate the opportunity to review this FSEIS and are committed to working with the Forest Service to resolve any outstanding issues. We attended the Interagency Team Meeting that the Forest Service convened on March 5, and will plan on attending future meetings regarding implementation and adaptive management. Questions regarding this letter should be directed to Summer Allen, the lead reviewer for this project at (415) 972-3847 or allen.summer@epa.gov, or Lisa Hanf, the NEPA Review Coordinator for EPA Region 9, at 415-972-3854 or hanf.lisa@epa.gov.

Sincerely,

Enrique Manzanilla, Director
Cross Media Division

MI# 003196
Enclosures:
Detailed Comments

cc:
Kathleen S. Morse, IDT Leader, USDA Forest Service
Analysis Team, SNFPA DSEIS, Salt Lake City
David Peters, Quincy Pilot Project, USDA Forest Service
Jacob Martin, Section 7 Consultation, US Fish and Wildlife Service

Water Quality Issues

Alternative S2 will result in increased sedimentation and degraded water quality and is of significant interest to EPA given that there are over 50 streams in the Sierra Nevada forests listed as impaired under Section 303(d) of the Clean Water Act. The Sierra Nevada Ecosystem Project report and 1998 Sierra Nevada Science Review identified roads as a cause of water quality problems in the Sierra Nevada forests. New roads, landings, and other land disturbances associated with increased mechanical harvesting will have potential adverse impacts to impaired streams from increased sediment loads, in-stream habitat modifications, and increased run-off.

The FSEIS does not address EPA's previous comment that the Aquatic/Riparian Standards and Guidelines for Alternative S2 are less protective of water quality and riparian resources than the original SNFPA ROD (see Appendix A, pgs. 251 - 265). In addition, the FSEIS has removed requirements related to aquatic condition assessments, natural variability assessments, cumulative watershed effects analyses, state mandates for 303(d) listed waters, soil quality standards, willow flycatcher surveys, grazing restrictions, and restrictions for fuels treatments in Protected Activity Centers and Critical Aquatic Refuges. The FSEIS notes that some of the new Standards and Guidelines are now addressed by existing legislation. However, as discussed at the March 5 Interagency Team meeting, it is unclear whether this provides more or less protection to natural resources throughout the Sierra Nevada forests.

Recommendations:

Project-specific NEPA documents should include focused analyses of impacts to water quality, key watershed functions, and aquatic ecosystems that could result from increased fuels treatment activity and associated new and reconstructed roads. The documents that tier from this FSEIS and ROD for specific projects should include monitoring plans, and adaptive management for habitat and species impacts. These monitoring plans can be used to avoid and reduce adverse impacts to water quality. In particular, cause-and-effect studies of grazing impacts to wet meadows should be conducted periodically and used to guide future management plans in these areas.

The project-specific analyses should address roads and motorized access issues throughout the Framework planning area. The "optimal" transportation system should be defined in the context of evolving resource protection goals and diverse recreational opportunities. They should include specific closure or decommissioning targets for roads and motorized trails that are no longer necessary or are associated with water quality impacts in the Sierra Nevada. Special attention should be given to reduce road densities across the landscape to address habitat fragmentation.

General Comments

The FSEIS states that the proposed management actions would increase habitat fragmentation and reduce connectivity (pgs. 273-274). Furthermore, by allowing cutting of larger trees (up to 30 dbh), the health and quantity of old growth stands may diminish in the future. The purpose and need of the proposed action is to adjust management direction to better achieve the goals of the original SNFPA (FSEIS, pg. 26). However, the potential adverse impacts of the proposed management actions are not consistent with the goals of restoring old forest habitat and preventing listings of old forest-dependent species. In addition, the preferred alternative proposes full implementation of the Quincy Pilot Project, which would eliminate restrictions on fuel treatments within California spotted owl habitat, and expand the use of group selection harvesting.

The FSEIS reduces standards and guidelines related to roads, habitat surveys, and actions on Protected Activity Centers (PACs) compared to both the DSEIS and the 2001 ROD. These changes may be less protective of species such as the California spotted owl and the Great Gray Owl. The U.S. Fish and Wildlife Service (FWS) did not concur on the determination in the Biological Assessment that the proposed action "is not likely to adversely affect" several species and required that project-specific analyses evaluate effects on the species of concern. In addition, the FWS requested interagency strategic planning, immediate implementation of organized species monitoring strategies, and defined conservation goals and monitoring strategies.

The 2001 ROD noted that implementation of the decision is dependent on successful working relationships and administrative arrangements with other Federal, State, and local agencies and Tribal governments and partnerships with local interest groups and individuals (pg. 15). It included a commitment to develop a multi-agency body to collaboratively address and resolve management issues (pg. 16). In light of the substantial concerns related to the environmental impacts of the proposed project, an executive managers committee would help guide the project level implementation of the SNFPA decision.

Recommendations:

We recommend that future project-specific actions include commitments to monitor and mitigate impacts to old growth and related species. These analyses should also include recommendations from the FWS regarding surveys or mitigation measures to reduce impacts to protected species and habitat and any new information related to the sustainability of a particular species. As discussed at the March 5 Interagency Team meeting, the Forest Service should clarify how recommendations in the Biological Opinion will be incorporated into project-specific actions. The rationale for using measures that are different from the 2001 ROD in order to avoid catastrophic fires should be addressed on a site-specific level.

EPA recommends the Forest Service continue to work with the major stakeholder agencies to resolve ongoing environmental concerns expressed in comments received on the SDEIS, especially in relation to the establishment of Total Maximum Daily Loads (TMDLs) for the 303(d) listed waters and the ongoing consultation process with the Fish and Wildlife Service. EPA supports the creation of an executive managers committee or other forums to ensure that various agency and stakeholder priorities are reflected in decisions affecting the forests of the Sierra Nevada.