



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105**

July 11, 2005

Al Vazquez, District Ranger
Almanor Ranger District
P.O. Box 767
Chester, California 96020

Subject: Draft Environmental Impact Statement (DEIS) for the Creeks Forest Health Recovery Project, Plumas County, California (CEQ #20050200)

Dear Mr. Vazquez:

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.

The Forest Service proposes to develop a network of defensible fuel profile zones, establish group selection harvest units, and conduct area thinnings within the Creeks analysis area in the Lassen National Forest. These management activities were developed to implement and be consistent with the Lassen National Forest Land and Resource Management Plan, as amended by the Herger-Feinstein Quincy Library Group Forest Recovery Act, and the Sierra Nevada Forest Plan Amendment.

Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2). We have concerns about impacts to water and air quality, potential environmental justice impacts, and consultation with tribal governments. Please see the enclosed Detailed Comments for a description of these concerns and our recommendations. A *Summary of EPA Rating Definitions* is also enclosed.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CED-2). If you have any questions, please contact me or David P. Schmidt, the lead reviewer for this project. David can be reached at 415-972-3792 or schmidt.davidp@epa.gov.

Sincerely,

/S/

Nova Blazej, Acting Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures:

EPA's Detailed Comments
Summary of EPA Rating Definitions

cc: Gretchen Bennitt, Northern Sierra Air Quality Management District
W. James Wagoner, Butte County Air Quality Management District
Robert Schneider, Central Valley Regional Water Quality Control Board

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR THE CREEKS FOREST HEALTH RECOVERY PROJECT, JULY 11, 2005

Water Quality Impacts

The DEIS indicates that the overall result of project activities *would most likely be* a reduction in annual delivery of sediment to stream channels due to treatments of road crossings and surfaces (p. 177, emphasis added). The DEIS also indicates that the removal of channel crossings on several roads that are being decommissioned will result in a short-term increase of sediment in stream reaches below these crossings. The document does not provide a description of monitoring that will be performed to assess the long-term impacts to water quality from the project and the potential need for adaptive management based on monitoring results.

The DEIS states that appropriate Best Management Practices (BMPs) that protect water quality and soils would be implemented for the project. The document indicates that BMPs are described in *Water Quality Management for Forest Service System Lands in California, Best Management Practices* (USDA FS, 2000), and describes several specific measures that would be implemented to protect soil and water resources.

The referenced *Best Management Practices* document describes watershed management practices that include water quality monitoring (Practice 7-6, p. 94) and describes a BMP evaluation process (Section 15, p. 123) for evaluating the implementation and effectiveness of BMPs. However, the DEIS does not indicate how these evaluation tools will be applied to this project, and does not provide a description of the specific monitoring that will take place or the adaptive management practices that will be used.

Recommendation:

The FEIS should include a specific strategy for monitoring and adaptive management to assure impacts to water quality and other resources are evaluated and practices are modified as necessary to protect these resources. The FEIS should clarify the specific BMPs in the referenced *Best Management Practices* document that will be used. Specific information should be provided on the type of evaluation and monitoring planned, the responsible party, and the frequency and duration of monitoring activities. The FEIS should estimate the improvements to water quality that will result through the application of BMPs and adaptive management practices.

Air Quality Impacts

The DEIS indicates that the project area lies within both the Northern Sierra Air Quality Management District (AQMD) and the Butte County AQMD, and that a smoke management plan would be submitted to and approved by the involved agencies prior to any burning in the Creeks Project area. It indicates that several communities are proximate to the areas where pile

and prescribed burning is proposed to occur, and that by adhering to an approved smoke management plan, particulate matter emissions from pile or understory burning would not violate California Ambient Air Quality emission standards.

The DEIS does not address existing air quality conditions, anticipated emission levels, locations of the referenced communities, local weather patterns, and additional information to support the assertion of compliance with all applicable air regulations. The document also does not discuss potential health impacts to sensitive populations (i.e., sensitive receptors located at schools, medical centers, retirement complexes, etc.) that may exist in the affected communities.

Recommendation:

The FEIS should provide information on existing air quality conditions in the project area, airshed and prevailing wind directions throughout the year, and a description of modeling results that specify anticipated emission rates under the alternatives, including the large wildfire burns anticipated under the no-action alternative. Federal National Ambient Air Quality Standards (NAAQS) should be discussed, and compliance with NAAQS and state standards should be evaluated under both alternatives. Information should be provided on the potentially effected communities, their locations, and sensitive populations that may be impacted. Major components of the smoke management plan should be described, especially the public notice component of the plan, and mitigation measures proposed as necessary. The FEIS should estimate improvements to air quality through the application of mitigation measures.

Environmental Justice

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs Federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process.

The DEIS does not provide information on minority or low-income populations that may exist in the project area, potential impacts to these populations, and efforts to coordinate with them. The community of Jonesville and the Philbrook Lake home sites are cited as areas with a high threat of wildfire, and that smoke from intense, severe wildfires would create both nuisance and health concerns in these communities for considerable durations (p. 96). No information is provided on the populations living in these communities. Guidance by the Council on Environmental Quality (CEQ) clarifies the terms low-income and minority population, which includes Native American, and describes the factors to consider when evaluating disproportionately high and adverse human health effects (*Guidance for Federal Agencies on Key Terms in Executive Order 12898*, December 1997).

Recommendation:

The FEIS should describe where low-income and minority populations are located, the ethnic make-up of the minority populations, and the sources from which that information was obtained. An assessment of the project's impact on minority and low-income populations should be described and should reflect coordination with those affected populations. The FEIS should describe additional mitigation measures developed to reduce impacts to minority and low-income communities. The FEIS should also estimate the environmental benefits of those mitigation measures.

Consultation and Coordination with Indian Tribal Governments

Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. The Sierra Nevada Forest Plan Amendment (SNFPA) Final Supplemental Environmental Impact Statement (FSEIS) Record of Decision (ROD) states that the Forest Service will work with tribal governments to develop mutually acceptable protocols for government-to-government consultations, and that tribes will be consulted regarding sacred and ceremonial sites, tribal traditional use areas, and other issues of tribal concern.

The DEIS states that scoping was conducted to determine if interested public or tribal parties had specific knowledge or concerns for heritage resources that could be affected by project activities. Outside of the scoping process for this specific resource, there is no indication of communication or coordination with tribal governments, and no description of the government-to-government process specified in the SNFPA FSEIS ROD.

Recommendation:

The FEIS should describe the process and outcome of government-to-government consultation with the tribes in accordance with Executive Order 13175.