



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

January 9, 2002

David Arrasmith, Interdisciplinary Team Leader  
USDA Forest Service  
P.O. Box 11500  
Quincy, CA 95971-6025

Dear Mr. Arrasmith:

The U.S. Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the **Herger-Feinstein Quincy Library Group Forest Recovery Act** pilot project [CEQ #010371] which is being implemented on the Lassen, Plumas, and a portion of the Tahoe National Forests in California. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementation Regulations at 40 CFR 1500-1508, and EPA's authorities under Section 309 of the Clean Air Act.

EPA provided comments on the programmatic EIS for the Herger-Feinstein Quincy Library Group Forest Recovery Act (HFQLG) pilot project at both the Draft and Final stage. In our comment letter on the Draft EIS dated July 26, 1999 (attached), we assigned an EO-2 (Environmental Objections–Insufficient Information) rating to Alternative 2, which was drawn from the language of the HFQLG legislation. Our objections were based on potential water quality impacts related to road construction; impacts to old forest ecosystems; threats to the viability of the California spotted owl and Pacific fisher; increased habitat fragmentation; and the potential for noxious weed proliferation. The Forest Service subsequently released a Final EIS and issued a Record of Decision (ROD) which selected Alternative 2 with an owl mitigation measure drawn from the Sierra Nevada Forest Plan Amendment. EPA's comment letter on the Final EIS and ROD, dated November 18, 1999 (attached), outlined numerous outstanding issues associated with the Forest Service's NEPA documentation and its decision-making rationale.

The SDEIS now under review was prepared in response to an order of the United States District Court for the Eastern District of California involving the case California for Alternatives to Toxics v. Dombeck. In its opinion, the court ruled that the Forest Service's failure to include the environmental impacts of defensible fuel profiles zone (DFPZ) maintenance in the Final EIS for the HFQLG pilot project was a violation of NEPA. The

court ordered the Forest Service to supplement the programmatic HFQLG EIS to address the maintenance issue within 120 days of June 4, 2000, or risk enjoinder of further pilot project activity.

The SDEIS analyzes six alternatives for maintaining DFPZs, including “no action.” All six alternatives treat the implementation of Alternative 2, including the owl mitigation measure described in the HFQLG ROD, as a starting point for analysis. Under the “no action” alternative [Alternative A], it is assumed that “vegetation would be allowed to return naturally to pre-treatment conditions without the use of prescribed fire, herbicides, hand, or mechanical treatments.” The additional alternatives [Alternatives B-F] cover an array of maintenance options, such as mechanical treatments, prescribed fire, and herbicides, alone or in various combinations. Alternative E, which proposes to apply a variety of maintenance methods (including prescribed fire, herbicides, hand treatments, and mechanical treatments) based on local conditions and other factors, has been identified as the preferred alternative in the cover letter accompanying the SDEIS. Alternative E also assumes that site-specific effects associated with DFPZ maintenance will be analyzed in subsequent NEPA documents at the project level, which provides an additional opportunity for potentially adverse impacts to be avoided or minimized.

EPA is concerned about the limited scope of this analysis. In our view, the information on DFPZ maintenance which was absent in the programmatic EIS is directly relevant to the decision which was reached in the HFQLG ROD. This SDEIS avoids what we believe to be the critical issue at hand--the relative merit of constructing a DFPZ network, which will require both short- and long-term maintenance to be effective, as compared to other fuels management strategies that have the potential to be more effective, with fewer environmental impacts and maintenance requirements, and potentially lower costs. In order to address this broader issue, the Forest Service should broaden the scope of its analysis, or, at minimum, present the information it has developed regarding DFPZ maintenance in a different way. Rather than format the DFPZ maintenance information as a “stand alone” EIS which sets the stage for a “new” decision, as was done here, we suggest that the information be formatted as additional sections to be incorporated into the programmatic HFQLG EIS, which would provide an appropriate analytical framework to re-affirm the selection of Alternative 2, or select some other alternative, in a revised ROD.

Despite the additional information regarding maintenance options, EPA remains concerned about potential environmental impacts associated with the development of the DFPZ network. Our chief concerns continue to be water quality impacts related to road construction, increased habitat fragmentation, and the potential for noxious weed proliferation, as described in our previous comment letters. The use of herbicides to maintain DFPZs raises additional environmental concerns, but we believe these concerns can be addressed in project-specific analyses anticipated under Alternative E.

In light of the concerns raised above, EPA has assigned a rating of **EC-2 (Environmental Concerns--Insufficient Information)** to the SDEIS. For more information

about EPA's rating system, please see the enclosed "Summary of EPA Rating Definitions." EPA requests the opportunity to meet with the Forest Service to discuss the issues raised in this letter and other unresolved issues as described in our prior comment letters for this project. A member of my review staff will contact you to arrange this meeting.

We appreciate the opportunity to review this SDEIS. Please send a single copy of subsequent NEPA documents prepared for this project to this office at the same time such documents are officially filed with our Washington, D.C., office. If you have any questions about this letter, please contact me at the letterhead address. You may also contact Leonidas Payne of my staff, by phone (415-972-3847) or email (payne.leonidas@epa.gov).

Sincerely,

Lisa B. Hanf, Manager  
Federal Activities Office

Attachments: EPA comment letters, dated July 26, 1999 and November 18, 1999  
Ratings Summary  
Additional Comments

## Additional Comments

1. EPA recommends that the full text of the court's order be included as an appendix to the EIS.
2. In a letter dated September 20, 2001, the Forest Service requested that EPA participate as a cooperating agency in the development of this SDEIS. However, the document had already been sent to the printer at the time the request was made. In the future, EPA recommends that the Forest Service allow adequate time for EPA to consider such requests, and also to develop a mutually-agreeable Memorandum of Understanding outlining respective cooperating agency roles. Ideally, this should happen before a Notice of Intent to prepare an Environmental Impact Statement is published in the Federal Register.
3. As stated on Page 2 of the Summary, "No additional public comment was invited on the proposal to prepare this SDEIS." Although we recognize the desire to release a document in advance of the court-imposed deadline, we believe the document would have benefitted greatly from soliciting and considering agency and public comment on the scope of the analysis.
4. Should the Forest Service choose to broaden the scope of this EIS, EPA recommends that the "mitigated" version of Alternative 2 be treated as a separate and distinct alternative, thus responding to the significant procedural issue raised in our November 18, 1999 comment letter on the HFQLG Final EIS and ROD.
5. The Forest Service recently announced its intention to conduct a "broad review" of the Sierra Nevada Forest Plan Amendment (SNFPA) decision. Since the mitigation measure developed for Alternative 2 was drawn from the SNFPA, EPA recommends that further work on this EIS be coordinated with that review.