



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

September 23, 2003

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

Subject: Draft Supplemental Environmental Impact Statement (DSEIS) for the Sierra Nevada Forest Plan Amendment (SNFPA) [CEQ #030263]

Rating: Environmental Objections -- Insufficient Information (EO-2)

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 have rated the preferred alternative in the DSEIS as Environmental Objections - Insufficient Information (EO-2). The proposed increase in mechanical treatments, less prescriptive grazing management for wet meadows, and continued deferral of roads issues will result in greater adverse impacts to water quality than the previous ROD. The forest management direction set forth by the SNFPA is far-reaching because of the geographic scope and important natural resources that are at stake. We acknowledge the vital need to address the risk of catastrophic fire and support actions to do so. However, we believe the preferred alternative will set a precedent for future actions that collectively could result in significant impacts to water quality.

We request the Forest Service provide additional information in the Final Supplemental EIS (FSEIS) that fully discloses the water quality and aquatic effects of roads; the status, management, avoidance and mitigation of these impacts, and the costs of the Forest Service transportation system associated with Alternative S2. The Sierra Nevada Ecosystem Project (SNEP) report and 1998 Sierra Nevada Science Review clearly identified roads as a major cause of water quality problems and adverse impacts to aquatic ecosystems which should be addressed as soon as possible.

We have also included several recommendations to disclose information needed by the public and decision makers, as required under NEPA. While we recognize the challenge of presenting and synthesizing a tremendous amount of information and input from over a decade, it is important that the Forest Service clearly explain the evolution of the management approach now being proposed. The FSEIS should more clearly describe the scientific basis for the current management direction under purpose and need, address inconsistencies in the alternatives analysis, and reaffirm the Forest Service's commitment under the previous ROD to develop a multi-agency body to collaboratively address and resolve management issues.

We appreciate the opportunity to review this DSEIS and are committed to working with the Forest Service to resolve outstanding issues. When the FSEIS is released for public review, please send two copies to the address above (mail code: CMD-2). EPA's rating and a summary of our comments will be published in the *Federal Register*. Please see the enclosed Rating Factors for a description of EPA's rating system. Questions regarding this letter should be directed to Laura Fujii, the lead reviewer for this project at (415) 972-3852 or fujii.laura@epa.gov, or Lisa Hanf, the NEPA Review Coordinator for EPA Region 9, at 415-972-3854 or hanf.lisa@epa.gov.

Sincerely,

/s/ by Tai-Ming Chang for

Enrique Manzanilla, Director
Cross Media Division

Enclosures:

Summary of EPA Rating Definitions
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

The Draft Supplemental EIS (DSEIS) analyzes options for revising the decision made in the January 2001 Record of Decision for the Sierra Nevada Forest Plan Amendment (SNFPA). The proposed action, Alternative S2, was developed in response to changed circumstances and new information identified in the year-long review of the SNFPA Record of Decision (ROD).

This new alternative significantly changes the forest management practices that were adopted in the previous ROD and eliminates spotted owl mitigation measures adopted in the Herger-Feinstein Quincy Library Group Forest Recovery Act Project (Quincy Pilot Project) ROD. The S2 alternative has been identified as the Forest Service's preferred alternative.

EPA has been a participant in the Sierra Nevada Framework, the development of the SNFPA EIS, and the review of the SNFPA Record of Decision. Our concerns and objections have been raised in our comments in these forums and in our comments on the SNFPA Environmental Impact Statement (EIS) and the Quincy Pilot Project EIS. These comments are incorporated by reference.

Water Quality Issues

As the designated water quality management agency under the Clean Water Act Section 208 Management Agency Agreement, the Forest Service is required to implement Best Management Practices and other measures to achieve full compliance with all applicable State water quality standards. The 2002 Clean Water Act Section 303(d) list identifies over 50 streams impaired by excessive sediment, nutrients or pathogens associated with roads, silvicultural activities and/or grazing throughout the Sierra Nevada.

The DSEIS continues to defer the full environmental analysis and management decision associated with the Forest Service transportation system in the Sierra Nevada region. The rationale for this deferral is not stated. Sufficient information is not provided to determine the potential impacts (i.e., increased sediment loads, in-stream habitat modifications, increased run-off) on impaired streams from new roads, landings and other land disturbances associated with increased mechanical harvesting. Sufficient information is also not provided to ensure that the proposed changes to forest practices will not likely increase sedimentation, further degrading existing poor water quality conditions.

The Aquatic/Riparian Standards and Guidelines (S&Gs) for Alternative S2 are less protective of water quality and riparian resources than the SNFPA ROD (Modified Alternative 8) in the following ways (Appendix A, pps. 251 - 265):

- S2 does not require project-specific cumulative watershed effect analysis to be conducted.
- S2 does not require assessment of road, trails, off-highway vehicle trails and staging areas, developed recreation sites, dispersed campgrounds, special use permits, grazing permits and day use sites during landscape analysis which includes identifying conditions that degrade water quality or habitat for aquatic and riparian-dependant species.

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- S2 allows site-specific waivers for livestock exclusions from standing water and saturated soils, wet meadows and associated streams and springs associated with Yosemite Toad habitats. These waivers may have a detrimental effect on riparian habitat and water quality.
- S2 changes the protections for willow fly-catcher habitat, particularly during late season grazing which could increase riparian and water quality impacts.

The preferred alternative proposes full implementation of the Quincy Pilot Project, eliminating restrictions on fuel treatments within California spotted owl habitat and expanding the use of group selection harvesting. EPA objected to full implementation as outlined in our Quincy Pilot Project Draft EIS comment letter (July 26, 1999), which is incorporated by reference. We are especially concerned because the DSEIS does not describe the Region 5 Forest Service commitment to decommission three miles of existing road for each mile of new construction in the Quincy Pilot Project area (December 17, 1999 letter from US Forest Service to Region 9 EPA, attached).

Recommendations:

The Final Supplemental EIS (FSEIS) should include a focused analysis 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 with Alternative S2. We recommend the FSEIS address the water quality and aquatic effects of roads and the status, management, avoidance and mitigation of impacts, needs and costs of the Forest Service transportation system. We note that the Transportation Rule Sections 7712.1 and 7712.11 (2000 draft) provided strong support for incorporating a transportation analysis into “ecosystem plans” such as the Sierra Nevada Forest Plan Amendment.

The FSEIS should provide a more detailed analysis of the potential impacts associated with the above S&G changes on water quality, aquatic and riparian ecosystem health, and watershed functions and address where potential violations of State water quality standards could occur.

The FSEIS should evaluate and propose road decommissioning targets for the Sierra Nevada similar to the decommissioning ratio commitment (i.e., three miles of road decommissioning for every new mile of new road construction) made for the Quincy Pilot Project outlined in correspondence between US Forest Service and EPA.

NEPA Issues

1. EPA has been an active participant in the Sierra Nevada Forest Plan Amendment (SNFPA) planning process and supports its long-term goals. Efforts to reach a consensus on how to address fire and fuels with minimal impacts to old forest habitat, old forest dependent species, and aquatic ecosystems while also addressing the needs of local communities of the Sierra Nevada have been ongoing since 1993. The January 2001 SNFPA Record of Decision (ROD) was the culmination of this long public planning process, underwent peer review, and represents a broadly supported consensus agreement. Forest Service Chief Bosworth affirmed the SNFPA ROD in October 2001 and dismissed over 200 appeals.

The DSEIS does not clearly explain the rationale for the approach described in Alternative S2. Although addressing catastrophic wildfires across the landscape is a key objective, the DSEIS does not fully explain why existing guidance (e.g., National Fire Plan, California State Fire Plan, existing standards and guidelines in Modified Alternative 8 (S1)) does not sufficiently address the fire and fuels issue. The DSEIS also states that proposed management actions would likely increase habitat fragmentation, reduce connectivity, and hinder the accretion of old growth (pps. 188-189). The impacts of these management actions appear inconsistent with the underlying SNFPA purpose and need to address fuels, restore old forest habitat, and prevent listings of old forest-dependent species.

Recommendations:

The FSEIS should more clearly describe the rationale for the management direction described in Alternative S2 versus Modified Alternative 8 (S1). We recommend the FSEIS clearly explain: 1) why existing plans and standards and guidelines are not sufficient to meet fire and fuels management requirements, and 2) why the impacts to water quality and sensitive resources are warranted from both a scientific and management perspective. For example, the FSEIS should summarize and reference scientific and management evidence that supports Alternative S2. Specifically, the document should provide a summary of the final recommendations of the Sierra Nevada Science Review; comparative costs of the alternatives, including mitigation costs; and the information that supports the need for increased mechanical treatments to ensure modification of wildfire behavior on a landscape scale. Also, the results of viability analyses for old forest-dependent species should be reported in the FSEIS.

Proposed management changes are based upon recommendations of the SNFPA Management Review and would change the SNFPA ROD and Quincy Pilot Project ROD. To ensure the public and decision makers fully understand the context of the proposed action, we recommend the FSEIS include a summary of the SNFPA Management Review and the Quincy Pilot Project ROD.

2. The DSEIS is also inconsistent in its application of alternative selection criteria and does not analyze alternatives at a comparable level of treatment. For example, the analysis of the second action alternative, S3, is not at the same level of detail as S1, no action (implementation of Modified Alternative 8 SNFPA ROD) or S2, the preferred alternative. Furthermore, the analysis of alternatives F2-F8 is conducted through reference to the FEIS and does not appear to include an updated analysis based on the purpose and need and new information which triggered this review. These procedural problems hinder the document's ability to support a decision under NEPA.

Recommendation:

The FSEIS should include a comparative analysis of all the alternatives, with each alternative analyzed at the same level of detail.

3. Alternatives were discussed during the management review that included implementation of the proposed action with a smaller diameter limit on tree removal and a less stringent limit (versus elimination of restrictions) on group selection treatments in the Quincy Pilot Project area (p. 66, DSEIS). These alternatives are eliminated from detailed analysis because they do not respond to the purpose and need.

Recommendation:

The FSEIS should describe in detail how these alternatives are not responsive to the new purpose and need.

General Comments

1. The SNFPA ROD included a commitment to develop a multi-agency body to collaboratively address and resolve management issues (p. 16, SNFPA ROD). EPA is concerned that this commitment has not been implemented. EPA strongly supports the creation of a federal advisory committee, pursuant to the Federal Advisory Committee Act, and an executive managers committee to help guide the implementation of the SNFPA decision.

Recommendations:

We urge the Forest Service to work with the major stakeholder agencies to reinvigorate the broader Sierra Framework, develop a team to discuss and resolve collaboratively ongoing environmental concerns, and, to the degree possible, develop a collaborative decision-making structure to ensure that various agency priorities are reflected in decisions which affect the broad range of resources in the Sierra Nevada.

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We also recommend integration into the proposed alternative, as described and committed to in the January 2001 SNFPA ROD, a public participation component to ensure full public participation and the opportunity to comment on the scope and nature of tiered project-specific actions proposed in the future.