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

April 19, 2006

James Pena, Forest Supervisor
159 Lawrence Street
P.O. Box 11500
Quincy, CA 95971-6025

Subject: Draft Environmental Impact Statement for Slapjack Project, Butte and Yuba Counties, California (CEQ# 20060053)

Dear Mr. Pena,

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the above project. Our review and comments are 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. Thank you for the informal EPA-specific extension to the comment period for this DEIS (communication between Laura Fujii and Susan Joyce, Planning, Feather River Ranger District, April 4, 2006).

Based on our review, we have rated the proposed Phase 1 of the Kings River Project as Environmental Concerns – Insufficient Information (EC-2). A *Summary of EPA Rating Definitions* is enclosed. We are concerned with the cumulative watershed effects of the project, the use of herbicides within the Wildland Urban Interface, and potential impacts to late-successional forest species.

We commend the proposed road and restoration projects, especially the closure and decommissioning of roads and restoration projects that will reduce sediment sources and benefit fish and aquatic systems. We recommend consideration of Alternative F or G which eliminate group selection harvests in watersheds that exceed the Threshold of Concern for cumulative watershed effects.

We appreciate the opportunity to review this DEIS. We are available to discuss our comments. When the Final EIS is released for public review, please send one copy to the above address (mail code: CED-2). If you have any questions, please call me at 415-972-3988 or Laura Fujii, of my staff, at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,
/s/
Duane James, Manager
Environmental Review Office
Communities and Ecosystems Division

Enclosures:
Summary of EPA Rating Definitions
Detailed Comments

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SLAPJACK PROJECT, APRIL 19, 2006.

Cumulative Watershed Effects

Avoid additional adverse Cumulative Watershed Effects. Eleven subwatersheds in the Slapjack Project area exceed the Threshold of Concern (TOC) for the level of disturbance that a watershed can tolerate without incurring a cumulative watershed effect (CWE) response. A CWE response has the potential to adversely affect water quality to the extent that the water source is no longer available for established beneficial uses (e.g., municipal and domestic water supplies, hydropower generation, cold freshwater habitat).

Five of the subwatersheds exceed their TOC by 130%. The proposed action, combined with future foreseeable private timber harvests, would increase the level of disturbance to 146% to 170% of the TOC. These subwatersheds, totaling 7271.3 acres, pose a risk of affecting downstream beneficial uses in the South Fork Feather River upstream of Ponderosa Reservoir, and Lake Merle Collins and the Yuba River downstream of Englebright Reservoir (pps. 3-116 to 3-117). In addition, eight other subwatersheds are approaching the TOC (p. xvi).

Recommendations:

The Final EIS (FEIS) should include a detailed description and evaluation of the need for forest management treatment within these highly disturbed subwatersheds. For example:

- Describe whether existing beneficial uses of these watersheds are already adversely affected under pre-project conditions,
- Describe the ability to modify the Defensible Fuel Profile Zone (DFPZ) design to avoid additional disturbance,
- Evaluate less disturbing logging methods, such as endlining off existing roads, helicopter logging, and limiting the number of harvest landings; and
- Describe mitigation measures to minimize impacts of unavoidable disturbance.

We urge the Forest Service to consider Alternative F or G which eliminate 19 group selection harvests in watersheds over the TOC. Although the proposed Slapjack Project activities would contribute only 1% of the total CWE risk (p. 3-129), Alternative F and G represent an opportunity to avoid additional adverse effects in these already highly disturbed sensitive watersheds.

The DEIS states that most of the CWE risk is due to the existing highly disturbed landscape and future foreseeable disturbance from private timber operations (p. 3-129). We encourage the Forest Service to work with private landowners to implement improvements on adjacent private lands to reduce adverse CWE (e.g., road maintenance, culvert replacements, streamside restoration projects). The FEIS should describe these efforts, if any.

The DEIS states there would likely be minimal or no risk to domestic and municipal water supplies, agricultural uses, hydropower generation, and water contact recreation (p. 3-117). However, the five highly disturbed watersheds drain into reservoirs, lakes, and streams. The FEIS should include more detailed information on the location of domestic, municipal and agricultural water diversions; hydropower generation, and water contact recreation. Evaluate the amount of potential direct and cumulative sedimentation and water quality effects at these locations from the proposed Slapjack Project activities and reasonably foreseeable actions.

Provide a more detailed cumulative impact analysis of Slapjack Project, within the context of the HFQLG Pilot Project. The Slapjack Project is part of the Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project (HFQLG Pilot Project). The HFQLG Act EIS and SEIS provided programmatic guidance for DFPZ construction and maintenance. EPA expressed concerns with the HFQLG Pilot Project due to concerns with the cumulative impacts of DFPZ maintenance, water quality impacts from road construction, increased habitat fragmentation, and the potential for noxious weed proliferation.

Recommendation:
The FEIS should include a more detailed evaluation of the cumulative impacts of DFPZ construction and maintenance, road construction, and timber harvests over the entire HFQLG Pilot Project area. Of specific interest are potential cumulative impacts to water quality, habitat fragmentation, and noxious weed proliferation.

Close and decommission problem roads as soon as possible. We commend the Forest Service for the closure of 7 miles of roads, decommissioning of 19 miles of road, and habitat restoration projects to improve fish passage, stream conditions, and California spotted owl habitat. These projects have the potential to reduce existing adverse water quality and habitat impacts from sedimentation, erosion, and wildfire.

Recommendations:
Given the highly disturbed watersheds, we urge closure and decommissioning of the roads as soon as possible, instead of waiting until completion of project (p. 3-165) or for completion of the Off-Highway Vehicle (OHV) designation process (p. 6-168). At a minimum, we recommend closure and decommissioning of roads that are unlikely to be designated in the OHV network or are causing significant impacts. The FEIS should describe and commit to the schedule for road closure and decommissioning.

The FEIS should provide information on road and restoration work being done by local communities and on private land within or adjacent to the Slapjack Project area. Describe how these projects are integrated or complement the Slapjack Project objectives.

Herbicide Use

Evaluate impacts on soil microorganisms, children, workers, sensitive species and species diversity. The Slapjack Project proposes to use herbicide to control brush re-growth in the constructed DFPZs and for control of noxious weeds.

> *Recommendations:*
> The FEIS should evaluate in more detail the impacts of herbicide use on soil microorganisms, children, workers, sensitive species and species diversity. We recommend both the parent and breakdown products be included in the water quality and drift monitoring plans.
>
> The FEIS should state the EPA Registration Number of any products anticipated to be used for the project. The pesticides used must be registered with EPA and the California Department of Pesticide Regulation and used according to the label directions and Federal and State pesticide laws (Executive Order 12088).
>
> Since the regulatory status of chemicals can constantly change, a review of the current status of all herbicides considered for use should be conducted prior to each application season.

Use of imazapyr. The Proposed Action, Alternative B, proposes short-term maintenance of 1,954 acres (out of 5,612 acres) of DFPZ using the herbicide imazapyr. The Forest Service has identified Alternative D, which would not apply herbicide for DFPZ short-term maintenance, as the Agency Preferred Alternative (letter from James Pena, Forest Supervisor, March 2, 2006).

> *Recommendations:*
> EPA supports the decision not to use herbicides to control brush re-growth on 1,954 acres of the DFPZ, especially given the proximity to rural communities. Imazapyr is toxic to non-target species of grasses and trees and must be applied to dry ground. In addition, the DEIS states that not much information is available on the potential effects of imazapyr on amphibian species; thus, it is not possible to assess the full risks of application at this time (p. 3-223).
>
> The DEIS references the HFQLG Final Supplemental EIS review of the application and effects of imazapyr (p. 3-220). We recommend the FEIS include a summary of this information in an appendix.

Use of triclopyr BEE. The Slapjack Project proposes to use the herbicide triclopyr BEE (Garlon 4) to control noxious weeds. There may be limited use in close proximity to intermittent stream channels (p. 3-119), 500 feet of a 550-foot perennial channel to treat 2.9 acres in a Riparian Habitat Conservation Area (RHCA), and other riparian areas along roads (p. 3-125).

The triclopyr ester (TBEE) in triclopyr BEE/Garlon 4 may be chronically toxic to fish and aquatic invertebrates at low levels and has a higher propensity to adhere to soil and sediment which can then be delivered into sensitive aquatic ecosystems through erosion. Although the risk of exposure to triclopyr may be low due to proposed buffer zones and limited operating periods, EPA is concerned with use of this herbicide due to potential human health and environmental impacts.

Recommendations:
We recommend the Forest Service reconsider the use of triclopyr BEE, especially within the RHCA or near perennial or intermittent stream channels. Where feasible, we recommend use of hand pulling or other non-chemical methods. If this is not feasible, we recommend use of a different herbicide such as glyphosate which is not as toxic to fish and aquatic invertebrates, and extra-wide no treatment buffer zones.

Under federal law, when products are mixed, the most restrictive label must be followed. The FEIS should state whether the proposed products would be mixed with others. Also, please note that the Garlon 4 label contains the following Environmental Hazard Statement, "Do not apply directly to water, to areas where surface water is present." Garlon 4 is registered and Federally allowed uses include "noncrop areas" and control of unspecified broadleaved weeds.

Impacts to Late-Successional Forest Species

Avoid and minimize adverse impacts to late-successional forest species. EPA commends the Forest Service for developing the forest carnivore network that would eventually provide continuous habitat corridors between the Plumas, Tahoe, and Lassen National Forests (p. 3-244). However, we are concerned with the potential impacts to late-successional forest species in light of the existing high road density, need for additional suitable habitat and canopy cover of 50%, and the cumulative effects of habitat alteration from other HFQLG projects.

The Slapjack Project, in conjunction with the other proposed HFQLG projects, could reduce 123,500 acres of stands with more than 50% canopy cover to 40% canopy cover during the HFQLG Pilot Project period (p. 3-237). Group and Individual tree selection harvests would also create 1-2 acres openings across the landscape. It is our understanding that the habitat preferences of late-successional forest species is a minimum canopy cover of 50%. Implementation of any of the action alternatives could affect 1,597 acres of potential Pacific fisher denning and resting habitat to below suitability and 1,828 acres of foraging and travel habitat (p. 3-245). The Slapjack Project would also propose treatment in 1,987 acres of California spotted owl Home Range Core Areas (HRCAs) (p. 3-234).

Recommendations:
We recommend reconsideration of the 50% canopy cover retention alternative, especially for locations critical for late-successional forest species. The FEIS should provide specific information that demonstrates that the 40% canopy cover

objective is essential to achieve project goals and would not result in significant reductions in suitable habitat for late-successional forest species.

General Comments

Evaluate effects of group selection and recreation on noxious weed spread. The Slapjack Project proposes 219 acres of group selection harvest (p. vi) in an area with increasing OHV use (p. 3-132). The DEIS does not appear to evaluate the establishment and treatment of noxious weeds in the group selection units or the cumulative effects on noxious weed spread from other activities such as OHV recreation.

Recommendation:
The FEIS should evaluate the establishment and treatment of noxious weeds in the group selection units. Expand the noxious weed evaluation to describe the cumulative effects on noxious weed spread from other activities, such as OHV recreation. We recommend describing mitigation measures to counter the spread of noxious weeds via recreational activities.

Provide internet access or CD ROM of referenced reports. The DEIS refers to a number of reports and memoranda that are incorporated by reference. Although a CD containing these reports was theoretically distributed with the DEIS, such a CD was never received. Nor were these reports available upon the Forest Service's publications website.

Recommendation:
We recommend the FEIS include key reports, such as the Hydrology Report and Fire and Fuels Report, as appendices. At a minimum, all the referenced reports should be made available on the Forest Service's publications website.