UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 28 2009

Edward Cole, Forest Supervisor
Sierra National Forest
1600 Tollhouse Road
Clovis, CA 93611

Subject: Sugar Pine Adaptive Management Project Draft Environmental Impact Statement (EIS), Madera and Mariposa counties, California [CEQ #20090235]

Dear Mr. Cole:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

EPA has rated this Draft EIS as EC-2 – Environmental Concerns - Insufficient Information (see enclosed "Summary of Rating Definitions and Follow-Up Action"). Our rating is based on our concerns regarding the potential impacts to water and air quality, and the need for additional information on and commitments to mitigation measures to minimize those potential impacts. Our detailed comments are enclosed.

We appreciate the opportunity to review this Draft EIS, and request a copy of the Final EIS when it is filed with our Washington, D.C. office. If you have any questions, please call me at (415) 972-3521, or have your staff contact Jeanne Geselbracht at (415) 972-3853.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

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Enclosures: EPA's Summary of Rating Definitions and Follow-Up Action
EPA's Detailed Comments

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U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

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EPA Detailed Comments – August, 2009

Roads and Watershed Resources

The Draft EIS (p. 150) states that road 6S90 is located in high erosion risks soils and that road maintenance and/or reconstruction treatments would be considered to reduce the possible adverse effects to water quality and wildlife habitat. However, the location of this road with respect to treatment units is not indicated, the potential maintenance and/or reconstruction treatments are not specified, and the impacts and success of measures to mitigate for these impacts are not assessed.

> **Recommendation:** The Final EIS should provide this information.

The Draft EIS (p. 150) states that all temporary roads will be closed and that any roads not needed should be decommissioned to enhance wildlife habitat and reduce road densities to a more desired level. However, the document does not indicate whether road decommissioning will actually occur.

> **Recommendation:** The Final EIS should identify all roads that would be decommissioned and describe how the ranger district will ensure road closures effectively preclude off-highway vehicle activity and associated impacts.

The Draft EIS (p. 110) identifies two streams in subwatershed 503.0010 which could be adversely affected by the proposed project. A road crossing one stream in unit T8 would potentially affect the stability of the channel, but the Draft EIS does not indicate how this will be avoided or mitigated. Proposed unit T11 is adjacent to another stream that is currently in poor condition. While the Draft EIS states that project design criteria have been developed to protect this channel from further degradation, it does not specify these criteria.

> **Recommendation:** The Final EIS should describe the measures that will be required to protect stability and improve watershed conditions in these areas of units T8 and T11.

Air Quality

The Draft EIS (p. 145) discusses Clean Air Act (CAA) attainment status for the San Joaquin Valley and Mountain Counties air basins. Some updating/corrections are needed in this section. The San Joaquin Valley air basin is currently classified as "serious" for the 1997 8-hour ozone standard. California has requested EPA reclassify the area to "extreme." On August 19, 2009, EPA proposed this reclassification. See 74 FR 43654. EPA expects to finalize the Valley's extreme classification by the end of 2009. In addition, the San Joaquin Valley has been reclassified as an attainment area for particulate matter smaller than 10 microns (PM10), and is currently in a maintenance

program. See 73 FR 66759, published November 12, 2008. The San Joaquin Valley is also designated non-attainment for the particulate matter smaller than 2.5 microns (PM2.5) standard.

> **Recommendation:** We recommend the Final EIS be updated with this information.

The proposed Sugar Pine project includes prescribed burning and logging activities that could result in air emissions of ozone precursors such as volatile organic compounds (VOC) and nitrogen oxides (NOx), as well as PM2.5 and PM10. In accordance with the CAA General Conformity requirements, in federal non-attainment and maintenance areas, a determination must be made that emissions will not exceed the applicable *de minimis* threshold levels, measured in tons per year, for criteria pollutants of concern. If emissions would exceed an applicable *de minimis* threshold, a conformity determination is required to document how the federal action will affect the State Implementation Plan (SIP). Table 34 of the Draft EIS (p. 148) indicates that the total tons of NOx that could be emitted by prescribed burning could exceed 10 tons. The *de minimis* threshold for NOx in extreme non-attainment areas is 10 tons per year. The time period for these estimated NOx emissions is unclear in the Draft EIS, and the document does not discuss whether or how the proposed project would conform with the SIP.

> **Recommendation:** The Final EIS should describe the CAA General Conformity requirements and discuss whether and how the proposed action would comply with the SIP and State and local air district regulations. If a General Conformity determination is necessary, we recommend it be included in the Final EIS.

The Draft EIS does not sufficiently analyze the potential effects of prescribed burning and commercial treatments on air quality within 100 kilometers of the project area, including Class 1 airsheds such as Yosemite, Sequoia, and Kings Canyon National Parks and the John Muir Wilderness.

> **Recommendation:** The Final EIS should discuss how emissions from the proposed project and alternatives would affect air quality, including visibility, within the impact area. Impacts to Class 1 airsheds within 100 kilometers should be assessed. The Final EIS should discuss specific measures that would be included in the burn plan and smoke management plan to minimize impacts to air quality.

The Draft EIS indicates prescribed burning could cause short-term impacts to sensitive areas, but does not identify sensitive areas that could be affected.

> **Recommendation:** The Final EIS should identify all sensitive areas that could be affected by prescribed burning, and specify measures that would be required to minimize those impacts. The Final EIS should also describe how to reduce exposure of firefighters to adverse smoke constituents such as carbon monoxide (CO), aldehydes, and particulates

while working prescribed fires. We recommend a commitment to specific measures to reduce smoke exposure of firefighters.

Adaptive Management

We understand that the proposed Sugar Pine project is one of two projects tiered to the Sierra Nevada Adaptive Management Project (SNAMP), which will be studied to determine the effects of management activities on four key areas: wildlife, fire and forest health, water quality and quantity, and public participation. It is unclear in the Draft EIS how the proposed project will be monitored for purposes of the SNAMP. It is also unclear how monitoring results from the Sugar Pine project treatments and other SNAMP projects will be used to provide direction for the Sierra Nevada Forest Plan Amendment (SNFPA).

> **Recommendation:** The Final EIS should describe in detail the overall framework of the SNAMP, discuss how the Sugar Pine project fits into that framework, specify the monitoring and data collection commitments for the Sugar Pine project, and discuss how results from these activities will be used for design development and decision making in the SNFPA and other future projects in the Sierra Nevada.

Tables and Maps

The Draft EIS (p. 110) indicates that Treatment Unit T-16 would have new road construction under the proposed action; however, Map 12 does not depict a new road in this unit. In addition, the Draft EIS (p. 150) states that 0.5 mile of temporary road would be constructed; however, Map 12 depicts no temporary roads. Furthermore, the roads on Map 12 are not labeled. Therefore, the locations of specific road impacts and improvements are not discernable from information in the document.

> **Recommendation:** Map 12 should be revised to show all new roads and all temporary roads proposed for this project. All roads on Map 12 should be labeled.

Most of the column headings in Table 7 (p. 44) do not indicate units, which makes this table difficult to interpret. Units should be added to column headings. Table 3 (p. 25) needs a key to explain what the placement of "E" in the matrix means. Map 7 in Appendix A needs a key to the legend.