HQ

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

October 15, 2007

Rob Jeffers
Project Lead, Modoc National Forest
800 West 12th Street
Alturas, California 96101

Subject: Draft Environmental Impact Statement for the Sage Steppe Ecosystem Restoration Strategy, Modoc National Forest, Modoc County, California (CEQ #20070370)

Dear Mr. Jeffers:

The 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.

EPA is supportive of the proposed efforts to restore the sage steppe ecosystem and we encourage the Forest Service to include the monitoring and adjustment approach outlined in the Draft Environmental Impact Statement (DEIS) in its preferred alternative. We have general concerns about the scope of this DEIS and how this DEIS relates to future, subsequent site-specific environmental analysis. Specifically, our concerns are based on a need to analyze and provide mitigation for site-specific impacts related to proposed activities, such as the impacts from temporary roads and equipment used in mechanical restoration on soil and water quality. Clarification is needed regarding how future environmental analyses will address these and other issues. Alternatively, the Final EIS should include an expanded impact analysis discussion.

We also have specific concerns about endangered species and impacts to water quality, wetlands, and air quality. EPA has rated all of the alternatives in this document EC-2, *Environmental Concerns, Insufficient Information*. Please see the attached *Rating Factors* for a description of our rating system.

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 Carolyn Mulvihill of my staff at 415-947-3554 or mulvihill.carolyn@epa.gov.

Sincerely,

Nova Blazej, Manager
Environmental Review Office

Enclosures:
Summary of EPA Rating Definitions
EPA's Detailed Comments

EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SAGE STEPPE ECOSYSTEM RESTORATION STRATEGY, OCTOBER 15, 2007

Scope of Analysis

The Draft Environmental Impact Statement (DEIS) for the Sage Steppe Ecosystem Restoration Strategy states that additional site-specific environmental analysis, beyond the analysis included in this DEIS, would be required prior to implementation of restoration treatments. The DEIS does not clearly describe, however, what the future process for National Environmental Policy Act (NEPA) compliance documentation will be. It is unclear what, if any, specific implementation activities are included as covered activities by this DEIS or what future activities will require additional NEPA documentation. Anticipated environmental impacts require further discussion, analysis, and proposed mitigation, either in subsequent environmental documents or in the Final Environmental Impact Statement (FEIS). Examples include the impacts of temporary roads and equipment used in mechanical restoration on soil and water quality, and the possible air quality impacts of fire treatment on local populations.

Recommendations:

- Clarify what future actions will require additional environmental analysis for NEPA compliance and what actions will proceed as "covered" actions following completion of this FEIS and Record of Decision.
- Include an estimate of the type of documentation (EIS, Environmental Assessment, etc) as well as the timeframe for completion of future site-specific analyses.
- Future site-specific analysis should include discussions of impacts and specific mitigation strategies to minimize those impacts. Alternatively, the FEIS for this project should include expanded discussion, analyses, and proposed mitigation for environmental impacts to multiple resource areas, such as impacts to resources from temporary roads.

Monitoring and Adjustment Approach – Adaptive Management

The DEIS states that Alternatives C, D, and E would incorporate a monitoring and adjustment approach to understand the impact of different restoration methods and adjust the pace and methods of restoration as appropriate based on the results of this monitoring. EPA supports this approach and believes that it should be integrated into the preferred alternative. The decisions on pace of restoration and balance of fire versus mechanical restoration in the chosen alternative should be based on site-specific criteria and should be adjusted based on observed results of initial treatments. The FEIS should provide specific examples of the types of adjustments that would be made based on monitoring. EPA also supports the use of site-specific strategies, such as avoiding fire treatment in areas that are at high risk of impacts from invasive plants and in special wildlife habitat areas to insure that sagebrush-obligate species, such as the sage grouse, have sufficient habitat.

EPA also encourages the Forest Service and Bureau of Land Management to increase the rest periods from grazing or prohibit grazing permanently in sensitive areas to ensure that newly established grass and forb species can successfully establish and deter the introduction of invasive species.

Recommendations:

- Include the monitoring and adjustment approach as an element in the preferred alternative and base decisions on pace and type of restoration treatment on site-specific criteria and monitoring results.
- Use site-specific strategies, particularly in special wildlife habitat areas and other sensitive areas, to maximize restoration success.
- Increase rest periods from grazing or prohibit grazing permanently in sensitive areas. Identify timeframes for rest periods in the FEIS.
- Include specific examples in the FEIS of adjustments that would be made based on monitoring.

Endangered Species

The DEIS references a 1996 Programmatic Biological Opinion (BO) issued by the US Fish and Wildlife Service (USFWS) regarding the Modoc National Forest grazing program on the Lost River, Modoc, and shortnose suckers. It is unclear whether this BO covers all the anticipated impacts of the restoration strategy on the three listed fish species that have the potential to be impacted by the proposed project. The DEIS also did not state whether Endangered Species Act (ESA) Section 7 consultation with the USFWS will be conducted as a part of site-specific environmental analysis.

Recommendations:

- Confirm in the FEIS whether the Programmatic BO covers all impacts of the proposed restoration activities. Include commitments to specific management prescriptions applicable to these activities.
- Discuss in the FEIS whether ESA Section 7 consultation will be conducted, and if so, when in the restoration process this consultation will take place.

Water Quality Impacts

Site-specific impacts to water quality from the proposed restoration treatments are not disclosed in the DEIS. These impacts must be described, either in future site-specific environmental documents, or in the FEIS. This discussion should include the potential for restoration treatments to increase sediment loads and erosion, modify in-stream habitat, and increase run-off. Cumulative watershed effects should also be analyzed for each watershed where restoration activities will take place. Avoidance and mitigation strategies for all identified impacts must be included.

Recommendations:

- List in the FEIS which best management practices (BMPs) will be used to avoid, minimize, and mitigate water quality impacts. Even if future site-specific analyses are intended to address this, the FEIS can still outline measures that are meant to be included in future studies. Include the following:
    - Buffer zones around streams and other water bodies where no treatment will take place.
    - Grazing exclusion zones in riparian areas to protect critical habitat and water quality.
    - Staging of restoration treatments, especially in watersheds where water bodies are already impaired, to mitigate cumulative impacts that may result.
- Include analysis of site-specific impacts to water quality in the FEIS, or commit to including this discussion in future documentation of environmental impact analysis.
- Identify avoidance and mitigation strategies for all identified impacts.
- Include analysis of cumulative watershed effects and avoidance and mitigation strategies in the FEIS, or commit to including this discussion in future environmental documents.

Wetlands

The DEIS states that restoration activities would have no effect on wetlands. However the extent of the potential restoration footprint and the number of rivers and streams in the area indicate that a Clean Water Act Section 404 permit may be required.

Recommendation:

- Clarify whether a Clean Water Act Section 404 permit is required for the proposed restoration activities.
- Identify what specific measures will be implemented to avoid impacts to wetland areas.

Air Quality

The DEIS states that emissions of particulate matter less than ten microns in diameter (PM_{10}) and less than 2.5 microns in diameter ($PM_{2.5}$) from prescribed burning activities would increase the likelihood that the annual volume of emissions could place the airshed outside of its current air quality attainment status for National Ambient Air Quality Standards (NAAQS). The DEIS does not include quantitative information on current emissions and estimates of the amount of emissions that would put the airshed out of attainment with NAAQS. Additionally, the DEIS does not discuss monitoring. Thus, the FEIS should include a discussion of what emission monitoring will be conducted during prescribed burning and what adjustments will be made to burning plans if

exceedances of air quality standards are detected. Site-specific air quality analysis should include estimates of impacts on local populations, such as distance of planned burns from residences, sensitive receptors such as schools and hospitals, and other development.

Recommendation:

- Include quantitative information in the FEIS about current PM_{10} and $PM_{2.5}$ emissions in the Analysis Area and estimates of emissions that would lead to exceedances of air quality standards.
- Include in the FEIS a discussion of planned emissions monitoring during prescribed burning and adjustments to burning plans if exceedances of air quality standards are detected.
- Include in the FEIS an analysis of site-specific air quality impacts and mitigation strategies, or clearly identify how and when this information will be analyzed in future environmental documents.