



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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February 16, 2016

Ref: 8EPR-N

Kirsten Kaiser, District Ranger
Three Rivers Ranger District
Kootenai National Forest
12858 US Highway 2
Troy, Montana 59935

RE: Draft Environmental Impact Statement for the Lower Yaak, O'Brien and Sheep Project,
CEQ # 20150366

Dear Ms. Kaiser:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Department of Agriculture Forest Service (USFS) Draft Environmental Impact Statement (EIS) for the Lower Yaak, O'Brien and Sheep Project. The EPA provides these comments to assist with development of the USFS's EIS and in accordance with our authorities and responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act(CAA).

Project Description

The USFS is proposing various timber harvest and associated fuels treatments, prescribed burning, access management, recreation improvements and watershed work. The project area is approximately 67,500 acres in the immediate vicinity of Troy, Montana. It is located along the Kootenai River with the Arbo, Kilbrennan, Koot, China and O'Brien being the main associated watersheds. Approximately 52% of the project area is within the wildland urban interface (WUI). Due to fire exclusion, suppression and past management practices, stands both inside and outside of the WUI have increased fuel loadings and ladder fuels that are in need of treatment. The recently completed 2015 Kootenai Forest Land Management Plan provides for the overarching direction for management activities on the Kootenai National Forest. The alternatives identified and analyzed in the Draft EIS include the following:

- Alternative 1 – No Action
- Alternative 2 – Modified Proposed Action (scoped in September of 2014 and modified based on public comment and additional field review) proposes 2,090 acres of regeneration harvest, 652 acres of intermediate harvest, and 385 acres of a combination of intermediate and regeneration harvest designed to move the stands toward the desired vegetative condition; 45 miles of road reconstruction, 0.2 miles of temporary road construction, and 0.7 miles of new construction; and fuels treatment including prescribed burning, mechanical piling and grinding on approximately 1,716 acres.
- Alternative 3 – Preferred Alternative proposes 2,061 acres of regeneration harvest, 623 acres of intermediate harvest, and 385 acres of a combination of intermediate and regeneration harvest to

move stands towards the desired vegetative condition; the same harvest related road work as Alternative 2 minus 0.3 miles of reconstruction; and fuels treatment including prescribed burning, mechanical piling and grinding on approximately 1,744 acres.

- Alternative 4 proposes 1,569 acres of regeneration harvest, 652 acres of intermediate harvest, and 385 acres of a combination of intermediate and regeneration harvest designed to move the stands towards the desired vegetative condition, the same harvest related road work as Alternative 2; and fuels treatment including prescribed burning, mechanical piling and grinding on approximately 1,731 acres.

The EPA's Comments and Recommendations

We appreciated the opportunity to provide scoping comments for this project in our November 5, 2014 letter. The Draft EIS provides detailed analysis of air and water resource conditions and potential project impacts. Our remaining comments and recommendations are intended to further inform the decision to be made and the public's understanding of potential impacts to public health and the environment. Based on our review of the Draft EIS, our comments focus on the following four issues: (1) water resources, (2) project design features, mitigation and monitoring, (3) impacts of prescribed fire, and (4) climate change and greenhouse gases (GHGs). These issues serve as the basis for the EPA's EC-1 rating discussed at the conclusion of this letter.

1) Water Resources

The EPA considers water resource protection one of the most important issues addressed through the NEPA analysis for vegetation management activities. As outlined in the Draft EIS, most treatments contemplated under the action alternatives (e.g., harvest, prescribed fire, and road construction) have the potential to impact aquatic resources, including surface and ground waters, wetlands, streams, riparian areas and their supporting hydrology.

Water Quality: The Draft EIS identifies that the Kootenai River is the only stream in the project area that is currently on the Clean Water Act (CWA) Section 303(d) list, and that the reason it is on the list is due to hydrological changes caused by the construction and operation of the Libby Dam. First, we recommend ensuring that the 2014 Montana Department of Environmental Quality (MDEQ) CWA 303(d) list was used for this analysis. If not, we recommend that the Final EIS be updated to include such information. In addition, although the Draft EIS notes that the Libby Dam is outside of the USFS's jurisdiction, we recommend disclosing the pollutants causing the Kootenai River impairment and whether a Total Maximum Daily Load (TMDL) has been developed for the impaired water. If a TMDL has been developed for any impaired waters in the area of potential impacts, pollutant loads should comply with the TMDL allocations for point and nonpoint sources.

Where new loads or changes in the relationships between point and nonpoint source loads are created, we recommend that the USFS work with MDEQ to revise TMDL documents and develop new allocation scenarios that ensure attainment of water quality standards. Where TMDL analyses for impaired waterbodies within or downstream of the project area still need to be developed, we recommend that proposed activities in the drainages of CWA impaired or threatened waterbodies be either carefully managed to prevent any worsening of the impairment or avoided altogether where such impacts cannot be prevented. Finally, we recommend the Final EIS disclose any impaired waterbodies downstream of

the project area that may be impacted by project activities. A map identifying the location of all impaired stream segments within and downstream of the project will be a valuable addition to the Final EIS.

Soil Disturbance: The Draft EIS identifies that Alternative 3, the Preferred Alternative, was designed to address concerns regarding detrimental soil disturbances (DSD). This was done by either dropping proposed timber harvest units with soil conditions that could not be rehabilitated post-harvest to less than 15% DSD values, or converting them to fuels reduction “F units.” We appreciate and support this proactive approach to soil disturbance impacts that the USFS has taken within the Preferred Alternative, particularly given the connection to potential water quality impacts that may result from accelerated surface erosion and sediment delivery. If the USFS has not already done so, we also recommend requiring a minimum 100 foot setback from slopes greater than 30% to minimize soil disturbance.

Public Drinking Water Supply Sources: The Montana Department of Environmental Quality (MDEQ) has conducted source water assessments for groundwater and surface water sources of public drinking water supplies. The EPA recommends that Final EIS include a map, appropriate for public dissemination, showing the generalized locations of all source water assessment and protection areas associated with public drinking water supplies. Maps may be available from MDEQ or the EPA upon request. Please note that more specific maps, available from the MDEQ, should be utilized by the USFS when locating project activities. Please contact the MDEQ Source Water Protection Program Manager, Joe Meek, at 406-444-4806 or jmeek@mt.gov for more information. We also recommend the Final EIS include a discussion of potential project impacts, design criteria and mitigation options for protecting these high value drinking water resources from potential project impacts.

2) Project Design Features, Mitigation and Monitoring

The EPA compliments the USFS on the detailed information provided in the Design Features and Unit-Specific Design Feature Table in Chapter 2 (pages 75-82), the Best Management Practices (BMPs) included in Appendix B, and the Monitoring Plan included in Appendix G. The clear and thorough compilations of these measures to avoid or minimize potential impacts to resources from this project outlined in the Draft EIS greatly assist the reader in understanding the layers of protection committed to by the USFS.

3) Impacts of Prescribed Fire

The preferred alternative includes fuel treatment consisting of prescription burning, mechanical piling and grinding on approximately 1,744 acres. We support prescribed fire design criteria through the incorporation of the Interagency Prescribed Fire Planning and Implementation Procedures Guide (November 2013). The guide provides consistent interagency guidance, promotes common terms and definitions, and provides standardized procedures for the planning and implementation of prescribed fire. As we were not able to find reference to the guide in the Draft EIS, we recommend including it in the Final EIS.

4) Climate Change and Greenhouse Gases

The EPA appreciates the extensive discussion about climate change, adaptive management and impact to the ecosystems in the project area. We also appreciate that the DEIS identifies how climate-induced

changes in disturbance regimes such as fire, insect outbreaks, and non-native invasive species are likely to affect forest vegetation sooner and more dramatically than incremental changes in temperature and precipitation associated with long-term trends. To enhance the analysis, the EPA offers the following recommendations below concerning the conclusion that proposed actions would be localized and infinitesimal in relation to the role the world's forests play in ameliorating climate change and indistinguishable from the effects of not taking the action (page 233). Even though diverse individual sources of emissions each make relatively small additions to global atmospheric GHG concentration, they result in large, cumulative impacts. Project impacts should not be compared to a global scenario.

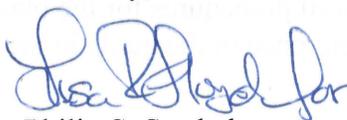
We recommend including practicable changes to the preferred alternative to make it more resilient to anticipated climate change. If the USFS has not already considered it, we suggest considering climate adaptation measures based on how future climate scenarios may impact the project. The National Climate Assessment (NCA), released by the U.S. Global Change Resource Program (<http://nca2014.globalchange.gov>), contains scenarios for regions and sectors, including forests. Using NCA or other peer-reviewed climate scenarios to inform alternatives analysis and possible changes to the proposal can improve resilience and preparedness for climate change. The FEIS should estimate potential emissions from prescribed burns. Including future climate scenarios in the FEIS would assist in determining whether the environmental impacts of the alternatives would be exacerbated by climate change and if additional mitigation measures should developed.

The EPA's Rating

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed project, the EPA is rating the Draft EIS Preferred Alternative 3 as Environmental Concerns – Adequate (EC-1). The "EC" rating indicates that the EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. The "1" rating means that the Draft EIS adequately sets forth the environmental impacts of the project alternatives. A description of the EPA's rating system can be found at: <http://www2.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate your consideration of our comments at this stage of the process. These comments are intended to help ensure a thorough assessment of the project's environmental impacts, adequate public disclosure, and an informed decision-making process. If we may provide further explanation of our comments, please contact me at 303-312-6704, or your staff may contact David Fronczak, at 303-312-6096.

Sincerely,



Philip S. Strobel
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation