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Organization: United States EPA Region 8
Title:
Comments: To: Allen, Anastasia -FS, VERNAL, UT; Christensen, Lars - FSCc: FS-Comments Intermtn Ashley ForestPlanRevision; Strobel, Philip; Razzazian, Christopher; Hahn, NolanSubject: [External Email]Draft EIS for the Ashley Forest Plan Revision - EPA CommentsDate: Tuesday, February 15, 2022 3:42:08 PMAttachments: 20210176.pdfIf this message comes from an unexpected sender or references a vague/unexpected topic;Use caution before clicking links or opening attachments.Please send any concerns or suspicious messages to: Spam.Abuse@usda.govDear Ms. Allen,We appreciate the opportunity to review and provide feedback on the Ashley Draft EIS and Forest Plan Revision. You will find our comments enclosed in the letter attached to this email. Due to Covid, we are transmitting our letter electronically. If you have any questions regarding our comments,please do not hesitate to reach out to me.Sincerely,Matt HubnerMatt Hubner (he/him/his)NEPA BranchU.S. EPA, Region 8, 8ORA-N1595 Wynkoop StreetDenver, CO 80202-1129p: (303) 312-6500 / f: (303) 312-720United States Environmental Protection AgencyRegion 82/15/2022Ref: 8ORA-NSusan Eickhoff, Forest SupervisorAshley National Forest355 North Vernal AvenueVernal, Utah 84078-1703Dear Supervisor Eickhoff:The U.S. Environmental Protection Agency Region 8 reviewed the U.S. Forest Service's Draft Revised Land Management Plan (Forest Plan) and associated Draft Environmental Impact Statement (EIS), CEQ No. 20210176, for the Ashley National Forest (Forest). Our comments below are provided pursuant to our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.The Forest encompasses approximately 1.4 million acres of National Forest System land in northeastern Utah and southwestern Wyoming. The USFS is revising the 1986 Forest Plan because conditions, science, and policy have changed since that Forest Plan was approved. The alternatives in the Draft EIS are: Alternative A, the No-Action Alternative; Alternative B, the Draft Forest Plan and proposed action; Alternative C, a passive management alternative that emphasizes preservation of the natural setting to move toward desired conditions through natural processes; and Alternative D, which emphasizes active management of Forest resources and potential shared funding and cooperation with partners to achieve higher-end vegetation treatments and harvests.The EPA supports many of the protections included in the Draft Forest Plan but has concerns that it does not include specific requirements (i.e., standards or guidelines) to protect air or aquatic resources. This creates uncertainty as to whether, how and to what degree air quality, air quality related values, watersheds, and water quality will be protected and restored in the future. Our enclosed comments offer recommendations on measures to protect air resources, riparian and aquatic ecosystems, and water and watershed resources, as well as areas for clarification or further discussion in the EIS.The EPA appreciates your consideration of these comments on the Draft Forest Plan and EIS. If further explanation of these comments is desired, please contact me at (303) 312-6704 or strobel.philip@epa.gov, or Matt Hubner, lead reviewer for this project, at (303) 312-6500 or hubner.matt@epa.gov.Enclosure - EPA's Detailed Comments on the Ashley Draft Forest Plan and EISAir QualityThe Draft EIS does not clearly identify existing sources of air emissions on the Forest and does not evaluate whether there is development on the Forest that has been approved, but not yet constructed. For clarity, we recommend the Draft EIS identify existing and approved but unconstructed oil and gas wells and facilities on the Forest and summarize the analysis that was prepared for the Forest's South Unit EIS. We further recommend discussing other activities such as the Uinta Basin Railway, and mines (existing, approved or proposed) and including those sources as part of the environmental consequences of the Alternatives.To better characterize existing air quality using monitoring data, we recommend presenting the results of the monitoring data in a table or figure as a trendline. This will allow the reader to understand the conclusions presented regarding air quality, and Air Quality Related Values (AQRVs) such as visibility and deposition.The information recommended below will be useful to inform desired conditions, guidelines, standards, and objectives that the Draft Forest Plan (Alternative B, Appendix E) establishes. These metrics help ensure that actions taken by the Forest align with the broad management direction that the Draft Forest Plan establishes and that they are effective.Desired ConditionsFW-DC-AQ-01 - Much of the pollution that impacts air quality on the Forest originates outside the Forest. It therefore may not be within Forest's power to provide compliance with the National Ambient Air Quality

Standards (NAAQS) and State Implementation Plans. There are sensitive members of the population that may be impacted by air quality at pollution levels below the NAAQS. As such, we recommend a desired condition for air quality that is generally clean and free of pollution originating within the Forest and that natural air emissions dominate the pollutant regime. We further recommend this desired condition express that the Forest works with all nearby partners (federal, state, municipal and private) to minimize the impacts of pollutant transport affecting the Forest.FW-DC-AQ-02 - We recommend removing the qualifier regarding short term impacts from wildland fire. The occurrence of wildfire and prescribed fire may be a desired condition. However, we recommend that the desired condition for air quality be crafted such that it is desired that there are minimal impacts to air quality from fire. This will help guide the Forest as it plans, conducts, and responds to fire events.FW-DC-AQ-03 - We recommend this desired condition regarding nitrogen and sulfur deposition being "below published critical loads or levels for targeted resources" on the Forest be expanded such that it is one that fosters a diverse fully functioning ecosystem that is not negatively affected by nitrogen and sulfur deposition. We recommend the critical loads be identified as guidelines or standards (as identified in the USFS Target Load Strategy) by which the Forest can determine if the desired condition is being met. This would provide clarity to the direction of the desired condition.FW-DC-AQ-04 - This desired condition does not explain what historic time-period is being referred to in order to define wildland fire occurrence. We recommend that the natural fire regime be the desired condition because historic fire regimes may have been anthropogenically suppressed as compared to natural conditions.GuidelinesThere is only one guideline proposed (FW-GL-AQ) in support of the desired conditions. We support the overarching guideline to not impede progress toward Federal and State air quality goals, but the two bullets expanding on this guideline do not seem to directly relate to future Forest decisions. They imply that new projects triggering permitting will receive control and operational requirements through the state or federal regulatory process. The reference to the determination and application of Best Available Control Technology (BACT) and Best Available Retrofit Technology (BART) are not within the Forest's authority and therefore provide no direction for the Forest as it implements this guideline to support the desired conditions.We recommend the FL-GL-AQ guideline define how the Forest will determine if a management action or project requesting Forest approval will determine potential air quality impacts. We recommend the guideline state that activities generating emissions will be identified, and emissions will be calculated using an emissions inventory. For projects with the potential to cause a substantial increase in emissions, as well as those that would materially contribute to potential adverse cumulative air quality impacts, additional analysis, such as air quality modeling, may be required to determine the potential for exceedances of the NAAQS or AQRV thresholds. If it is found that an action may create exceedances of standards (i.e. NAAQS), guidelines, or prevent the Forest from achieving desired conditions, we recommend the Forest implement emission reduction strategies to reduce the impact to acceptable levels, or not approve the action. Emission reduction strategies may include, but are not limited to, cleaner equipment, cleaner fuel, zero emitting equipment, add-on control technologies, and reducing the pace or scope of the action. Establishment of these protocols will better define actions in the guideline to achieve the desired conditions.The Draft Forest Plan does not currently include guidelines for AQRVs included in the desired conditions. We recommend guidelines be included for visibility and deposition to inform whether desired conditions are being met. For visibility, guidelines could include Regional Haze Reasonable Progress metrics as well as metrics developed by the Federal Land Managers (FLAG 2010). We recommend including the following guidelines based on FLAG 2010:[bull] The Forest will include mitigation for projects that may contribute 0.5 deciview reduction in visibility to prevent visibility degradation.[bull] The Forest will apply mitigation or disallow projects that would contributing 1.0 deciview or more and thereby cause visibility impairment.[bull] If a project would exceed the nitrogen and sulfur Deposition Analysis Threshold (DAT), the Forest will conduct additional analyses to understand the relevance of the impact, including but not limited to whether the area is exceeding or projected to be exceeding critical loads. The Forest will apply mitigation or project modifications to prevent exceedances of the DAT and Critical Loads.The Draft EIS indicates the current management practices address fugitive dust. Due to uncertainties from future actions, such as development of a new leasing plan and variabilities due climate change, we recommend establishing a guideline in the Draft Forest Plan for fugitive dust resulting from unpaved roads and heavy machinery and earth moving activities to achieve desired conditions that fugitive dust does not create safety, health, or nuisance conditions, or significantly impact attainment of the NAAQS or AQRVs guidelines.Lastly, we recommend the addition of a guideline or management approach to

reduce greenhouse gas emissions from authorized activities on the Forest to the lowest practical levels.StandardsIn addition to the proposed guideline, we recommend that the Draft Forest Plan consider including air quality standards. While the exceedance of a NAAQS can be used as a guideline, the projected violation of a NAAQS, can be captured as a Forest Plan standard. We recommend a standard that projects should not be approved if they are projected to violate or contribute to a violation of a NAAQS. The standard can utilize the currently proposed language from FW-DC-AQ-01 that ambient air quality across the Forest complies with Federal and State standards and air quality management plans.ObjectivesWe recommend adding an objective that the Forest's oil and gas leasing analysis will include analyses of air quality impacts, including greenhouse gas emissions, resulting from existing and potential future oil and gas development over the life of the Forest Plan.Watershed, Aquatic and Riparian EcosystemsWe appreciate the Draft EIS and Forest Plan identifying that the Forest "likely contains the highest percentage of fens for national forests in the intermountain region." The EIS acknowledges the unique and irreplaceable nature of the nearly 13,000 acres of potential fen habitat. Additionally, the plan highlights other important and valuable surface and groundwater aquatic features in the Forest watersheds and riparian zones and measures to protect them. The following recommendations are intended to provide clarity in the Forest Plan and aid decision makers when the Plan is used.Watershed and Groundwater-Dependent EcosystemsDesired ConditionsFW-DC-WA-03 - This desired condition seeks to ensure streams, seeps, and wetlands are resilient to disturbance and predicted drier climates. It is unclear in the following objectives and guidelines how these features will be made more resilient to climate change. We appreciate this desired condition and recommend that steps to outline general protections of these features be clearly defined in guidance or objectives.ObjectivesFW-OB-WA-01 - The goal of this objective to improve the condition class of at least two priority watersheds every 10 years is noteworthy. Because the life of this Forest Plan is approximately 15 years, we recommend that the Forest consider adding language, should resources be available, that overlapping the start of additional watershed restoration begin prior to the end of the 10 years for the preceding two restoration efforts. This could be beneficial should conditions significantly change over the life of the plan or efforts in a nearby watershed may beneficially affect an ongoing watershed improvement project.Riparian Management Zones (RMZ)Desired ConditionsFW-DC-RMZ-03 - Table 2 identifies RMZ widths. Our review of the Draft EIS and Forest Plan indicates that neither this section, nor any other section in the Draft EIS documents, identify setback distances for no surface occupancy (NSO) around sensitive riparian zones. As outlined in our scoping comments, we recommend that NSO setback distances be established for activities, especially fluid minerals development, near RMZs and other sensitive water and groundwater features as part of the desired conditions.GuidelinesFW-GL-RMZ-01 - We appreciate that this guideline identifies pesticides to be used in RMZs only as necessary. We recommend this guideline incorporate language that the Forest will use an existing or any forthcoming pest management plan to select the appropriate pesticide to target specific vegetation and will ensure that the label instructions are followed. This will provide additional measures to ensure the least amount indirect impacts in water features associated with RMZs.Cultural and Historic ResourcesGoalsFW-GO-CHR-01 - This goal identifies that the Forest will meet regularly with the Wyoming State Historic Preservation Officer (SHPO) and the Utah SHPO regarding the preservation, protection, and management of cultural resources on the Forest. Though FW-GO-CHR-03 identifies collaboration with Native American tribes, the goals do not identify consultation with Tribal Historic Preservation Officers (THPO). We recommend consultation with THPOs be included in FW-GO-CHR-01.Monitoring and Adaptive ManagementWe appreciate the inclusion of a framework for monitoring effectiveness of the Forest Plan. Given the large scale of this Plan and the rapidly changing conditions in the Forest associated with insects, disease, fire and drought, a detailed monitoring plan is critical to the success of this project. The Draft Forest Plan indicates that a monitoring guide is being developed and may be included with final project materials. It is unclear if this means that the monitoring guide will be included with the Final EIS. We recommend including the monitoring guide, or at a minimum a draft of the guide, with the Final EIS. Providing additional information on the monitoring protocol during the NEPA process will be useful to allow stakeholders to understand more about the monitoring program and for the Forest to obtain feedback on the guide.The monitoring section of the Draft Forest Plan and throughout the Draft EIS identify that adaptive management (AM) will be used based on monitoring observations to make decisions or changes to meet desired conditions. We recommend that when AM is incorporated as part of planning a detailed AM program or strategy be developed. We recommend, at a minimum, a draft AM strategy or framework be included

with the Final EIS or ROD. Interagency coordination, public participation along with structured timeframes and milestones are integral features of an effective AM program. We recommend the AM program include evaluation of ongoing effectiveness Forest Plan management objectives and establish quick reaction to newly discovered concerns. We provide the following examples: (1) We recommend the Forest consider increasing monitoring frequency to act in a more-timely manner if results indicate a Forest Plan management component is not resulting in progress towards desired conditions. For example, but not limited to, if unanticipated impacts are found in aquatic resources, it may be necessary to require larger riparian buffers, reduction in treatments in or around wetlands, or changes to grazing management practices. Also, (2) we recommend incorporating additional monitoring requirements, such as instream water quality sampling, that could be included into the monitoring and adaptive management process to further facilitate timely responses and adaptation to avoid or mitigate impacts from Forest Plan management activities. (3) Air quality is another area where targeted monitoring and decision-making triggers can be incorporated into the adaptive management process as described in the air comments above. (4) Finally, adaptive management relies on a well-defined and rigorously applied monitoring program. Federal budgets for monitoring have fluctuated over time. We recommend the Final EIS discuss the process that will be applied if monitoring budgets fall short of the need for the Forest Plan. Typically, lack of monitoring would automatically trigger more environmentally conservative management activities.Climate ChangeThe USFS 2012 Planning Rule developed a planning process that ensures the Forest Plan will be responsive and can adapt to the challenges of climate change. We acknowledge and appreciate the Draft EIS and Forest Plan's current climate analyses and inclusion of a climate adaptation goals. The Council on Environmental Quality encourages the Forest to use the Final Guidance for Federal Departments and Agencies on the Consideration of Greenhouse Gas (GHG) Emissions and the Effects of Climate Change in NEPA Reviews (August 1, 2016) in its analysis of the GHG emissions and climate impacts on the planning area. This guidance provides a reasonable approach for the Forest to outline the framework for analysis regarding GHG emissions, opportunities to reduce those emissions, climate impacts on the planning area and climate change adaptation strategies.Consistent with Executive Order 14008, we encourage the Forest to: include goals, desired conditions, objectives, guidelines and management actions to provide for diverse, healthy ecosystems that are resilient to climate stressors; require effective mitigation and encourage voluntary mitigation to offset the adverse impacts of projects or actions; reduce greenhouse gas emissions from authorized activities to the lowest practical levels; identify and protect areas of potential climate refugia; reduce barriers to plant migration; use pollinator-friendly plant species in restoration and revegetation projects; and design facilities to mitigate potential structural impacts associated with extreme weather events.We also recommend discussing actions to improve the forest's ability to adapt to changing environmental conditions, such as selecting resilient native species for replanting. This should anticipate the effects rising temperatures may have on soil moisture levels, seeds/seedlings growth, the vulnerability of specific species under projected climate conditions in the short and longer term, and any anticipated shift of forest species to more suitable range elevations. Lastly, as USFS considers the wilderness evaluation process, timber suitability, and areas open to livestock grazing and energy and mineral development, such as the Flaming Gorge National Recreation Area, we recommend considering whether conservation commitments are needed to achieve the goal in Section 216 of E.O. 14008, of conserving 30 percent of the nation's lands and waters by 2030.Environmental Justice (EJ)?Section 219 of E.O. 14008 identifies that "Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities[hellip]" We recommend that the Final EIS and Forest Plan further evaluate and establish desired conditions and related guidelines or objectives for EJ in the Forest Plan, where possible, to achieve the goals of the E.O. For example, the air quality comments above discuss populations that may be sensitive to air quality conditions below NAAQS. Page 205 of the Draft EIS identifies that EJ communities may disproportionally have health impacts, such as asthma due to air quality conditions. Incorporating desired conditions in the Forest Plan to protect disadvantaged communities and applying them when it comes to Forest management or development such as future minerals and energy leasing analyses would be beneficial for those communities on or in the vicinity of the Forest already impacted by ambient air quality pollution or acute changes in air quality. For instance, the Forest could incorporate protocols to identify and directly reach out to communities with residents that may not receive customary notifications of

prescribed fire activities or proposed development.Additionally, an adaptive management strategy based on the proposed monitoring program would incorporate measures to address Forest changes or management activities that impact EJ communities. This would help the Forest identify changes to management approaches or develop Forest Plan amendments to better serve the impacted communities.