



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX**

75 Hawthorne Street  
San Francisco, CA 94105

August 15, 2016

Ms. Annette Fredette  
4FRI Planning Coordinator  
Coconino National Forest  
1824 South Thompson Street  
Flagstaff, Arizona 86001

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the Four Forest Restoration Initiative Rim Country Project, Coconino, Gila, Navajo, and Yavapai Counties, Arizona

Dear Ms. Fredette:

The U.S. Environmental Protection Agency has reviewed the Forest Service's Notice of Intent to prepare an Environmental Impact Statement for the Four Forest Restoration Initiative Rim Country Project. Our review and comments are provided pursuant to NEPA, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The EPA strongly supports the objectives of the Four Forest Restoration Initiative. We praised the Forest Service for its dedication to public outreach and collaboration during the earlier 4FRI NEPA process, and the efforts made to incorporate the best available science into the Draft EIS. In particular, I appreciate that the 4FRI team took me on a site visit of the planning area during the scoping process, and worked with me and EPA Region VIII's Richard Graham to include information in the DEIS on the potential for smoke from prescribed fire treatments to contain radioactive substances. We subsequently reviewed the 4FRI DEIS and provided comments to the Forest Service on May 16, 2013.

We recommend that the Forest Service consider a number of issues when preparing the 4FRI Rim Country EIS, including: the range of alternatives to be evaluated; the regulatory framework surrounding the proposed action; air quality; environmental justice; and climate change. These issues are discussed further in the attached Detailed Comments.

We appreciate the opportunity to review this scoping notice and are available to discuss our comments. When the EIS prepared for this proposed action is released for public review, please send one hard copy and one CD to the address above (mail code: ENF-4-2). If you have questions, please contact me at (415) 947-4221 or [gerdes.jason@epa.gov](mailto:gerdes.jason@epa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Jason Gerdes".

Jason Gerdes  
Environmental Review Section

Enclosures: EPA's Detailed Comments

**U.S. EPA Detailed Comments on the Notice of Intent to Prepare an Environmental Impact Statement for the 4FRI Rim Country Project, Coconino, Gila, Navajo, and Yavapai Counties, AZ – August 15, 2016**

**Statement of Purpose and Need**

The Environmental Impact Statement (EIS) prepared for this proposed action should clearly identify the underlying purpose and need to which the Forest Service is responding in proposing the alternatives (40 CFR 1502.13). The *purpose* of the proposed action is typically the specific objectives of the activity, while the *need* for the proposed action may be to eliminate a broader underlying problem or take advantage of an opportunity.

*Recommendation:*

The purpose and need should be a clear, objective statement of the rationale for the proposed project.

**Alternatives Analysis**

All reasonable alternatives that fulfill the proposed action's purpose and need should be evaluated in detail, including alternatives outside the legal jurisdiction of the Forest Service (40 CFR Section 1502.14(c)). The EIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

A robust range of alternatives will include options for avoiding significant environmental impacts. The EIS should clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance should be determined by considering the context and intensity of an action and its effects (40 CFR 1508.27).

The environmental impacts of the proposed action and alternatives should be presented in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public (40 CFR 1502.14). The potential environmental impacts of each alternative should be quantified to the greatest extent possible (e.g. acres of wetlands impacted; change in water quality).

**Regulatory Framework**

The EIS prepared for the proposed action should include a comprehensive description of the regulatory context of the project. This section should include a description of any permits and/or modifications to those permits that the proposed action will require (e.g. National Pollutant Discharge Elimination System permits for discharges to Waters of the United States).

**Biological Resources, Habitat and Wildlife**

The EIS should identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. The document should identify and quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to these species; emphasis should be placed on the protection and recovery of species due to their status or potential status under the federal or state Endangered Species Act.

*Recommendations:*

Identify all petitioned and listed threatened and endangered species and critical habitat that might occur within the project area. Identify and quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative.

Discuss how the proposed action would comply with ESA requirements, including any Section 7 consultation efforts with the U.S. Fish and Wildlife Service. Any relevant documents associated with the ESA Section 7 consultation process, including Biological Assessments and Biological Opinions, should be summarized and included in an appendix in the EIS.

**Air Quality**

The EIS should provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed action (including cumulative and indirect impacts). Such an evaluation is necessary to assure compliance with State and Federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality.

The EIS should describe and estimate air emissions from potential construction, operation and maintenance activities, as well as proposed mitigation measures to minimize those emissions. The EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics).

*Recommendations:*

- *Existing Conditions* – The EIS should provide a detailed discussion of ambient air conditions, National Ambient Air Quality Standards, and criteria pollutant nonattainment areas in the vicinity of the project.
- *Quantify Emissions* – The document should estimate emissions of criteria pollutants from the proposed project and discuss the timeframe for release of these emissions over the lifespan of the project. The document should describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions.
- *Specify Emission Sources* – The document should specify the emission sources by pollutant from mobile sources, stationary sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.
- *Construction Emissions Mitigation Plan* – Include, in the EIS, a list of all mitigation measures to be implemented as part of a construction emissions mitigation plan. In addition to measures necessary to meet all applicable local, state, and federal requirements, we recommend that the following measures be included:

#### Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing and phase grading operations where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage and limit speeds to 15 miles per hour. Limit speed of earth-moving equipment to 10 mph.

#### Mobile and Stationary Source Controls:

- Minimize use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies.
- Limit unnecessary idling and ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. The California Air Resources Board has a number of mobile source anti-idling requirements which should be employed (<http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm>).
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations.

#### Administrative controls:

- Specify the means by which impacts to sensitive receptors, such as children, the elderly, and the infirm, would be avoided. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.
- Prepare an inventory of all equipment prior to construction.
- Develop a construction traffic and parking management plan that minimizes traffic interference and maintains traffic flow.
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

### **Climate Change**

On August 5, 2016, the Council on Environmental Quality issued final guidance on considering greenhouse gas (GHG) emissions and climate change in NEPA reviews. Fundamental to this guidance are the recommendations that when addressing climate change, agencies should consider: (1) The potential effects of a proposed action on climate change as indicated by assessing GHG emissions (e.g., to include, where applicable, carbon sequestration); and, (2) The effects of climate change on a proposed action and its environmental impacts.

The CEQ final guidance also includes a section regarding biogenic GHG emissions from land management actions, including actions, such as prescribed burning and fuel load reductions, proposed in the 4FRI Rim Country Project. The guidance states that in addressing biogenic GHG emissions, resource management agencies should include a comparison of estimated net GHG emissions and carbon stock changes that are projected to occur with and without implementation of proposed land or resource management actions; additionally, this analysis should take into account the GHG emissions, carbon

sequestration potential, and the changes in carbon stocks that are relevant to decision making in light of the proposed actions and timeframes under consideration.<sup>1</sup>

*Recommendations:*

The EIS should include an estimate of the GHG emissions associated with the proposed action, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions.

The NEPA analysis should address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. The EIS should make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts.

The EIS should include a comparison of net GHG emissions and carbon stock changes that are anticipated to occur, with and without implementation of the proposed vegetation management actions.

### **Coordination with Tribal Governments**

Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

*Recommendation:*

The EIS should describe the process and outcome of government-to-government consultation between the Forest Service and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

### *National Historic Preservation Act and Executive Order 13007*

Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act (NHPA). Historic properties under the NHPA are properties that are included in the National Register of Historic Places (NRHP) or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO). Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that Federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Executive Order 13007, “Indian Sacred Sites” (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity, accessibility, or use of sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

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<sup>1</sup> See <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance>

*Recommendation:*

The EIS should address the existence of Indian sacred sites in the project areas. It should address Executive Order 13007, distinguish it from Section 106 of the NHPA, and discuss how the Service will avoid adversely affecting the physical integrity, accessibility, or use of sacred sites, if they exist. The EIS should provide a summary of all coordination with Tribes and with the SHPO/THPO, including identification of NRHP eligible sites, and development of a Cultural Resource Management Plan.

**Environmental Justice**

Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” (February 11, 1994), and the “Memorandum of Understanding on Environmental Justice and Executive Order 12898,” released on August 4, 2011, direct federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process. Guidance<sup>2</sup> by CEQ clarifies the terms low-income and minority population (which includes American Indians) and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

*Recommendation:*

The EIS should include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, the EIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the project’s impact on minority and low-income populations should reflect coordination with those affected populations.

**Coordination with Land Use Planning Activities**

The EIS should discuss how the proposed action would support or conflict with the objectives of federal, state, tribal or local land use plans, policies and controls in the project area. The term “land use plans” includes all types of formally adopted documents for land use planning, conservation, zoning and related regulatory requirements. Proposed plans not yet developed should also be addressed if they have been formally proposed by the appropriate government body in a written form (CEQ’s Forty Questions, #23b).

**Invasive Species**

Executive Order 13112, “Invasive Species” (February 3, 1999), mandates that federal agencies take actions to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause. Executive Order 13112 also calls for the restoration of native plants and tree species. If the proposed project will entail new

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<sup>2</sup>Environmental Justice Guidance under the National Environmental Policy Act, Appendix A (Guidance for Federal Agencies on Key Terms in Executive Order 12898), CEQ, December 10, 1997.

landscaping, the EIS should describe how the project will meet the requirements of Executive Order 13112.

***Recommendation:***

The EIS should include an invasive plant management plan to monitor and control noxious weeds.

