



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

April 16, 2018

William Dunkelberger, Forest Supervisor
Humboldt-Toiyabe National Forest
Attn: Integrated Invasive Plant
Treatment EIS, 1200 Franklin Way
Sparks, Nevada 89431

Subject: Scoping Comments for the Humboldt-Toiyabe National Forest; Nevada; Humboldt-Toiyabe Integrated Invasive Plant Treatment Project.

Dear Mr. Dunkelberger:

The U.S. Environmental Protection Agency has reviewed the Forest Service's Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for the Humboldt-Toiyabe National Forest; Nevada; Humboldt-Toiyabe Integrated Invasive Plant Treatment 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.

EPA supports the Forest Service efforts to eradicate invasive plants and restore biological diversity and ecological integrity in the project area. We recommend the Forest Service consider a number of issues when preparing the DEIS, including: the range of alternatives to be evaluated; water quality; species of concern; adaptation to changing environmental conditions; use of herbicides; pollinator health; consultation with tribal governments, and environmental justice. These and other issues are discussed further in the attached detailed comments.

We appreciate the opportunity to review this NOI. When the DEIS is released for public review, please send one hard copy and 1 CDs to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3852 or munson.james@epa.gov.

Sincerely,

/s/

James Munson
Environmental Review Section

Enclosure: EPA's Detailed Comments
CC by email: James Winfrey, Forest Planner

U.S. EPA DETAILED COMMENTS ON THE NOTICE OF INTENT TO PREPARE A DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR HUMBOLDT-TOIYABE NATIONAL FOREST; NEVADA; HUMBOLDT-TOIYABE INTEGRATED INVASIVE PLANT TREATMENT PROJECT.

Purpose and Need

Ensure that the Draft Environmental Impact Statement (DEIS) for the proposed project clearly identifies the underlying purpose and need that is the basis for proposing the range of 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.

Range of Alternatives

We encourage the Forest Service to evaluate in detail all reasonable alternatives that fulfill the proposed action's purpose and need, including alternatives outside the legal jurisdiction of the Forest Service (40 CFR Section 1502.14(c)). The DEIS would benefit from a clear discussion of the reasons for the elimination of any alternatives which are not evaluated in detail.

A robust range of alternatives will include options for avoiding significant environmental impacts. The DEIS "must be analyzed in several contexts" (40 CFR 1508.27(a)), to clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Thresholds of significance are 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 would, ideally, be quantified to the greatest extent possible (e.g. acres of wetlands impacted; change in water quality).

Water Quality

The NOI describes removal of weeds using both manual and mechanical techniques, such as mowing and pulling. From the document, it is unclear if these areas would also be subject to herbicide application, such as aerial or by hand. The DEIS ought to include a plan to ensure that these activities avoid streams and areas prone to flooding.

EPA encourages the Forest Service to include an extensive evaluation of the impacts of herbicides on the affected environment. The evaluation should include a description of the type of herbicides, licenses required and methods to apply the chemical. The DEIS should include a description of application strategies to ensure herbicides do not enter Waters of the United States.

The DEIS must also provide information on CWA Section 303(d) impaired waters in the project area, if any. The document should describe existing restoration and enhancement efforts for those waters, how the proposed project will coordinate with on-going protection efforts, and any mitigation measures that will be implemented to avoid further degradation of impaired waters.

To fully characterize the potential impacts to aquatic resources, EPA recommends that the DEIS include the following:

- Provide a baseline assessment of the functions and values of the waters of the U.S. in the project area.

- Quantify (i.e., acreage) anticipated temporary and permanent impacts in waters of the U.S. in each identified water of the U.S. for each alternative comparatively.
- Include the estimated acreages of temporary and permanent impacts and specific actions for affected water bodies in a table to provide a visual comparison of each alternative.
- Describe specific avoidance and minimization measures and proposed best management practices (BMP) to reduce impacts to waters of the U.S.
- Describe the effects the project will have on specific functions and values and how the proposed mitigation will offset those impacts.

Cumulative Impacts

Cumulative impacts analyses examine “the impact of the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions” (40 CFR Part 1508.7). We recommend the DEIS include an extensive list of projects identified as part of the cumulative impacts analysis. EPA recommends that the following be incorporated into the DEIS:

- Identify cumulative impacts study areas relative to the resources of concern and a baseline from which impacts will be measured;
- Disclose the past, present, and reasonably foreseeable impacts on resources of concern from past, present and foreseeable activities and analyze the rate of loss and magnitude (size and relative importance) of impacts to resources;
- Incorporate other reasonably foreseeable projects planned in the area, as identified above;
- Address the incremental effects to environmental resources, specifically water and biological resources;
- Incorporate resources protected by any local conservation or resource area plans, affected city plans, and other restoration efforts in the project area.

Species of Concern

The DEIS would benefit from identification of all petitioned, listed threatened and endangered species and critical habitat that might occur within the project area. The DEIS would be strengthened by identifying and quantifying which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and describe in detail mitigation strategies to reduce impacts to these species. Emphasis could 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.

Include mitigation plans in the DEIS to reduce impacts to species of concern.

Adaptation to Changing Environmental Conditions

According to the National Climate Assessment,¹ increases in average temperatures are connected to changes in precipitation, the expansion of insect populations and invasive species. These factors contribute to increased plant stress and mortality which in turn, have led to impacts to people and ecosystems. These fluctuations are forcing extensive changes to forest types, landscapes, and the plant, animal, and human communities that depend on them.

Recommendation: The DEIS ought to include a comparison of estimated changes across all reasonable alternatives.

Herbicides Use

EPA encourages the Forest Service to include an extensive evaluation of the impacts of herbicides on the affected environment. The evaluation should include a description of the type of herbicides, licenses required and methods to apply the chemical. The DEIS needs to include a description of application strategies including which herbicides would be used where and on what species. Without more specific information about herbicide products would be used, we can't comment on whether the use rates or treatment areas or plants to be treated are appropriate. The NOI, it is not clear what level of infestation triggers herbicide application vs. manual or mechanical removal. We encourage specific criteria be identified for herbicide use in the DEIS.

Recommendations: The DEIS needs to give specific information on what herbicide use it plans to take in and around water. Not all herbicides have aquatic formulations and do are not appropriate for all aquatic environments and can likely kill plants if it goes into water.

The DEIS needs to describe where and when the use of aerial applications would be and which specific herbicides would be used, and if appropriate what kind of notification would be given to people in and near the project area. We recommend a map of these areas be provided.

Conversely, we recommend that what areas if known would likely receive ground applications. We also recommend a map or maps be added to describe these areas.

In addition to brand names of herbicides proposed we suggest the DEIS include exactly what products they are proposing (i.e., EPA Registration Numbers).

The DEIS ought to describe if any of the pesticide products proposed for use are Federal Restricted Use Pesticides (RUPs).

We recommend the DEIS include Best Practices for applicators and describe if the proposed are applicators properly trained and licensed/certified (acc. to either federal or state requirements).

Pollinator Health

EPA encourages the Forest Service to evaluate impacts from the project on pollinator health and to increase habitat quality and availability. The DEIS needs to evaluate impacts to pollinators, such as bumblebees, and what measures, if any, would be implemented during the initial action to mitigate such impacts.

¹ <http://nca2014.globalchange.gov/report>

Recommendation: The DEIS needs to incorporate BMPs into the proposed project, as appropriate, to support the health of all pollinators and their affected habitats.

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: 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.

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. This would potentially allow these populations a meaningful opportunity to participate in the decision-making process. Guidance² by CEQ clarifies the terms low-income and minority population and describes the factors to consider when evaluating disproportionately high and adverse human health effects.

Recommendation: Include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. If an assessment of the project’s impact on minority and low-income populations is appropriate, include a description of coordination with those affected populations.

²Environmental 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.