



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

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OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

February 15, 2019

Brandon Houck, District Ranger
Heppner Ranger District
117 South Main Street
Heppner, Oregon 97836

Dear Mr. Houck:

The U. S. Environmental Protection Agency has reviewed the U.S. Forest Service Notice of Intent to prepare an Environmental Impact Statement for the proposed Ellis Integrated Vegetation Management Project on Heppner and North Fork John Day Ranger Districts of the Umatilla National Forest in Morrow, Umatilla, and Grant Counties, Oregon (EPA Region 10 Project No. 18-0069-AFS). Our review was conducted in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

According to the Notice of Intent, the Forest Service is proposing to evaluate the potential environmental impacts of activities to improve wildlife habitat, restore resiliency against insects and wildfire, protect values at risk, provide timber products and enhance public and traditional land uses within the Heppner and North Fork John Day Ranger Districts. The project area would be about 114,834 acres, of which 110,208 acres would be public land. Activities would include commercial thinning, fuel treatments, burning, pruning, planting of native vegetation and placement of large wood in meadow streams. If implemented as proposed, the Forest Service believes that the project would enhance landscape resiliency by creating and maintaining heterogeneous vegetative conditions at both stand and landscape scales.

We support the overall purpose of the proposed action to restore the analysis area to a healthy ecosystem and resilient landscape and the decision to analyze the project potential impacts under NEPA. As the Notice of Intent does not identify specific resources and issues to address in EIS development, we offer the attached scoping comments to inform the Forest Service of topics and considerations that we believe will be important to address in the NEPA document.

Thank you for the opportunity to provide early comments on this project. If you have questions about our comments, please contact me at (206) 553-6322 or by electronic mail at mbabaliye.theogene@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Theogene Mbabaliye" followed by a stylized flourish.

Theogene Mbabaliye, NEPA Reviewer
Environmental Review and Sediment Management Unit

Enclosure: U.S. Environmental Protection Agency Scoping Comments on the Ellis Integrated Vegetation Management Project, Umatilla National Forest, Oregon

**EPA Scoping Comments on the Proposed
Ellis Integrated Vegetation Management Project
Umatilla National Forest, Oregon**

Range and Comparison of Alternatives

We recommend that the EIS include a range of reasonable alternatives that meet the stated purpose and need for the proposed action and are responsive to the issues identified during the scoping process. The Council on Environmental Quality recommends that all reasonable alternatives be considered, even if some of them could be outside the capability of the applicant or the jurisdiction of the lead agency. See the CEQ's 40 most asked questions concerning the National Environmental Policy Act regulations.¹ The environmental impacts of the proposal and alternatives should also be presented in a comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public. The potential impacts of each alternative should be quantified to the greatest extent possible. It would also be useful to list each alternative action and related impacts, then corresponding mitigation measures. The EPA encourages selection of reasonable alternatives that will minimize environmental degradation.

Environmental Effects

We recommend that the EIS include the environmental effects of the proposed project on natural resources and any necessary mitigation measures which would reduce or offset those effects. This would involve the delineation and description of the affected environment or analysis area, indication of the impacted resources therein, the nature of the impacts, and proposed mitigation measures to reduce those impacts. The following topics would be particularly helpful information to provide to decision makers and the public:

Impacts to water resources

Section 303(d) of the Clean Water Act requires the State of Oregon, and tribes with EPA-approved Water Quality Standards, to identify the surface water bodies that do not meet the approved WQS and to develop water quality restoration plans in order to improve water quality to meet the applicable beneficial uses and associated criteria for each impaired water body, a Total Maximum Daily Load or TMDL. As there are many waterways within the project area, it is possible that the proposed vegetation treatments could result in potentially adverse impacts to water quality and aquatic resources. Therefore, we recommend that the EIS disclose the waters in and around the project area which may be impacted by the treatments, the nature of the potential impacts, and the potential pollutants likely to affect water quality and the state WQS.

Please also note the anti-degradation provisions of the Clean Water Act prohibit degrading water quality within water bodies that are currently meeting WQS. Thus, we recommend the EIS indicate how the proposed action would meet the anti-degradation policy of the State of Oregon. See 40 CFR 131, as well as the Oregon WQS, for more information regarding beneficial uses, water quality criteria, and anti-degradation policies.²

Timber harvest and construction of roads accelerate erosion and can contribute significant amounts of sediment to streams, especially if work will be done in areas with steep slopes. Increased sediment delivery to a watershed may impact pool formation, simplify channel morphology, and can make streams shallower and slower. This may raise stream temperatures. We recommend that the EIS include

¹ <https://www.energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>

² <http://www.oregon.gov/deq/Filtered%20Library/IMDantideg.pdf>

an analysis to determine how the proposed treatments will impact sediment delivery, temperature and hydrology of nearby waterbodies.

Harvest activities can adversely affect the hydrologic function of a watershed. Vegetation removal, road construction and compaction of soils through harvest activities compromise the ability of a watershed to handle a storm or rain-on-snow. Since the proposed treatments could result in these impacts, we recommend the EIS include a discussion of the cumulative effects from this and other projects on the hydrological conditions of the watershed.

The proposed treatments may also impact waters which serve as sources of drinking water. Therefore, we recommend that the EIS for this project include information on the following:

- All source water areas in and around the analysis area;
- Potential impacts on the areas due to proposed activities;
- Contaminants of concern; and
- Measures to protect drinking water and source areas.

Impacts of roads and their use

Roads and their use contribute more sediment to streams than any other management activity and interrupt the subsurface flow of water, particularly where roads cut into steep slopes. In addition, they contribute to habitat fragmentation, wildlife disturbance, the introduction or exacerbation of noxious weeds, and increased fire danger from recreational activities. As a result, we recommend that the EIS include a description of how roads (new and existing) in the project area impact resources, provide the current number of road miles and density including an estimate of the amount of off-road vehicle usage. The document should also evaluate the change in road miles and density that will occur because of the project and predicted impacts to water quality.

Impacts to habitat, vegetation, and wildlife

Because implementation of the project in the Districts may generate impacts on wildlife species and habitat connectivity, we recommend that the EIS describe the current quality and potential capacity of habitat, its use by fish and wildlife on and near the proposed action, known fish and wildlife corridors, migration routes, and areas of seasonal fish and wildlife congregation. If fish and wildlife, aquatic, and terrestrial habitats will be significantly impacted because of the proposed action, then we recommend that the EIS include mitigation measures to minimize the habitat impacts.

Vegetation removal through thinning, fires, and access roads creates obstacles to animals migrating through the area such as deer. Cleared corridors and roads deter terrestrial animals from crossing due to lack of cover, reduced forage and browsing opportunities for species, changes in wildlife migration patterns, and occasional human activity in these areas. Opened areas also create edge effects which likely favor several bird and wildlife species. Thus, we recommend that the EIS include a discussion on:

- a) Effects on habitat fragmentation and the creation of edge effects favoring some species, including mitigation measures;
- b) Density of tree removal per acre, estimate how much dead and live timber is being left on site, specify whether vegetation removal would occur on steep slopes, in or near riparian areas, and where soil damage was particularly severe due to previous activities; and
- c) How thinning and other tree removal operations would support retention of forest structures (i.e., large snags, downed logs, large organic debris on forest floor) which are important for wildlife

migration, recruitment and dispersal, rearing and feeding.

Fuel reduction in the proposed project area via burning in place, and piling and burning could result in air, soil and water quality impacts. Burning wood releases physical and chemical components that impact both air and water quality, with the potential to exceed water and air quality standards. The heat associated with burning can have significant impacts on the soil quality in the burn area, destroy microfauna critical to soil functions, and change organic matter levels. These effects can be magnified if burning occurs on soils subject to previous land use impacts. Therefore, we recommend that the EIS describe what these impacts would be, and how they will be reduced and mitigated.

Noxious weeds and rare plants

Following vegetation removal, invasive species can also aggressively spread into newly opened areas. Due to that, we recommend that the EIS describe the status of noxious weed projects within the project area and weed monitoring and control features. These measures should be consistent with Executive Order 13112 on *Invasive Species*. We also recommend including Forest Service direction for noxious weed management, a description of current conditions, and best management practices that will be utilized to reduce the likelihood of introduction and spread of invasive species with the proposed management activities.

Because the activities may have impacts on native and rare plants, we recommend that the EIS include data on the general locations of rare plants and how these sites will be managed to minimize impacts on the plants.

The Endangered Species Act

The proposed vegetation treatments may impact federally endangered, threatened or candidate species listed under the ESA, critical habitat, and/or state sensitive species. Therefore, we recommend that the Forest Service identify listed species under the ESA and other sensitive species within the analysis area; describe their critical habitats; indicate impacts from the project; and discuss how this project will meet ESA requirements, including Section 7 consultations with the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration - Fisheries. Because waterbodies on or near the analysis area may be fish-supporting, the Districts will need to take a conservative approach towards using treatments near waterbodies and plan to reduce impacts to fish and other aquatic resources.

Air quality and emissions

We recommend that air quality protection be addressed in the EIS. Data on this topic may include the types of fuels used during the project activities, extent of traffic during activities, related volatile organic compounds and sulfur oxide nitrogen oxide emissions, as well as effects on air quality and human health. Dust particulates from ground disturbing activities and ongoing operation of the roadways are also important concerns, and we recommend that the EIS evaluate the project potential air quality impacts and detail mitigation measures necessary to reduce the impacts. This analysis should also address and disclose the project's potential effects on all criteria pollutants under the National Ambient Air Quality Standards; including ozone, visibility impairment, and air quality related values, to protect any affected Class I Airsheds. We note that the proposed treatments would involve fire and fuels treatments including pile, jackpot, and landscape burning. Because of that, we recommend that the EIS include a discussion regarding implementation of a smoke management program to avoid public health impacts and potential ambient air quality exceedances.

Landscape approach and cumulative effects

Because the proposed project impacts may extend to other private, state, and/or federally owned lands, we recommend that the EIS assess the effects of the proposed treatments using a landscape approach. Where resource impacts cross jurisdictional boundaries, a coordinated effort with the other landowners will increase the likelihood of minimizing the impacts. Therefore, we recommend that the EIS development process utilize a landscape approach in assessing cumulative effects and identifying assumptions with respect to adjacent non-national forest system lands, as well as the mechanisms for cooperating with other landowners to disclose the sum of individual effects of all projects on the local environment. Cumulative effects result from the impacts of the proposed action added to other past, present and reasonably foreseeable future projects in and outside the analysis area, including those by entities not affiliated with the Districts.

The EPA has issued guidance for commenting on the assessment of cumulative impacts in NEPA documents, which states that to assess the adequacy of the cumulative impacts assessment, there are five key areas to consider.³ We will assess whether the EIS's section on cumulative effects analysis:

- 1) Identifies resources, if any, that are being cumulatively impacted;
- 2) Determines the appropriate geographic (within natural ecological boundaries) area and the time over which the effects have occurred and will occur;
- 3) Looks at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
- 4) Describes a benchmark or baseline; and
- 5) Include scientifically defensible threshold levels.

We recommend that the NEPA analysis take these above steps to analyze and disclose cumulative impacts to identified resources of concern.

Consultation with Native American Tribes

We recommend that EIS development be conducted in consultation with all affected tribal governments, consistent with Executive Order 13175 (*Consultation and Coordination with Indian Tribal Governments*). We further recommend that the EIS discuss whether the proposed project would affect tribal natural and/or cultural resources and address concerns affected tribes might have in accordance with federal tribal trust responsibilities.

Public Participation and Environmental Justice

We recommend the Forest Service disclose the efforts the agency took to ensure effective public participation during this EIS development. In addition, if low income communities or communities of color will be impacted by the proposed project, we recommend that the EIS include information to disclose efforts taken to meet the federal government environmental justice requirements, consistent with Presidential Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*. One tool available to use in assessing environmental justice impacts is the EPA's EJSCREEN.⁴

Climate Adaptation

The EPA recommends that the EIS include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project and the project area, including any long-term

³ <https://www.epa.gov/sites/production/files/2014-08/documents/cumulative.pdf>

⁴ <https://www.epa.gov/ejscreen>

infrastructure. This could help inform the development of measures to improve the resilience of the proposed project. If projected changes could notably exacerbate the environmental impacts of the project, we recommend these impacts also be considered as part of the NEPA analysis.

Monitoring

Since the Districts have been treating vegetation in the analysis area for many years, we recommend that the EIS discuss the monitoring data collected to date and the relevance of the existing results to this proposed action. We also recommend that the proposed project include a monitoring program designed to assess impacts from the project, and the implementation and effectiveness of measures taken to mitigate impacts. It would helpful to include a description of the monitoring program in the EIS, how it would be used, and the likely extent to which it would be adequately implemented/funded.