

May 21, 2019

## **U.S. EPA COMMENTS**

SUBJECT: Feedback on the Preliminary Draft Land and Resource Management Plan (Forest Plan) for the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests

FROM: Melissa McCoy, U.S. EPA R8 NEPA Project Lead

TO: Samantha Staley, Forest Planner, U.S. Forest Service

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### **(1) Watershed Resources, Including Wetlands**

The EPA supports the USFS' measures to protect and enhance water resources, including wetlands, riparian areas and aquatic ecosystems through the Forest Plan. We offer the following suggestions for your consideration as the USFS continues to work on the Forest Plan:

- For FW-DC-RMGD-30 (p. 15), substitute “appropriate periodic and/or permanent hydrologic connectivity” with “appropriate hydroperiod for the given ecotype”.
- Regarding FW-DC-RMGD-31 (p. 15), aggradation and degradation are aspects of sediment transport that ultimately lead to the dynamic equilibrium of streams; therefore, instead of having a desired condition of a stream system that neither aggrades nor degrades, consider focusing on appropriate dimension, pattern and profile for the respective stream type.
- For FW-DC-RMGD-32 (p. 15), substitute “normal patterns of recharge, flow and discharge” with, e.g., “historically appropriate or natural patterns of recharge, flow and discharge”.
- Include protection for springs in the definition of the riparian management zone (RMZ) in FW-DC-RMGD-34 (p. 15). In addition, since it appears inconsistent with RMZs extending 100 feet from the edge of wetlands, consider removing the option for an RMZ that only goes to “the extent of the seasonally saturated soil”.
- Include one or more standards or guidelines for mitigating unavoidable impacts to wetlands, consistent with EO 11990, *Protection of Wetlands* and the U.S. Army Corps of Engineers' (USACE) Rule for Mitigation for Losses of Aquatic Resources.
- Include protection for ephemeral streams similar to that included in the 2007 Proposed Plan, which stated, “Mechanical ground disturbance should be avoided in or immediately adjacent to ephemeral drainage features that flow in response to local storm events or snow melt.”
- Include protection for the geomorphic floodplain. We note it was included in the “water influence zone” in the 2007 Proposed Plan. We appreciate why the USFS may not wish to include it in its definition of the RMZ; however, the floodplain is the area within which a stream functions to maintain its dynamic equilibrium; therefore, without protection, other goals of the Forest Plan may be hindered. Avoidance of actions in the floodplain to the extent practicable and minimization of potential harm by actions that require location in a floodplain are also required by Executive Order 11988, *Floodplain Management*.
- In Figure 2, ensure that the depicted RMZ extends 100 feet from the riparian wetland within its boundaries. As currently displayed, it is not consistent with the definition in FW-DC-RMGD-34 (p. 15).
- Regarding FW-DC-RMGD-36 (p. 17), consider providing, in this or a separate standard, more

specificity on the vegetation management activities that would be allowed in the RMZ.

- Include a standard or guideline for situations where a Clean Water Act (CWA) total maximum daily load (TMDL) has been established for impaired waters in an area of potential impacts. We recommend that the measure require that pollutant loads comply with the TMDL allocations for point and nonpoint sources, or if new loads or changes in the relationships between point and nonpoint source loads are created, that USFS will work with CDPHE to revise TMDL documents and develop new allocation scenarios that ensure attainment of water quality standards. Where TMDL analyses for impaired water bodies within or downstream of a planning area still need to be developed, we recommend that proposed activities in the drainages of CWA impaired or threatened water bodies be either carefully managed to prevent any worsening of the impairment or avoided altogether where such impacts cannot be prevented.
- For soil-related standards and guidelines (p. 32), express in a form that doesn't restrict each measure's applicability to solely vegetation management activities, and in addition to landslide-prone areas, avoid or minimize ground-disturbing activities in areas with fragile or highly erosive soils (FW-GDL-SOIL-128).
- As stated in the preliminary draft plan, the acreage of lands "suited for timber production" has been increased by over two-fold compared to the 2007 Proposed Plan. This is a significant difference that could have substantial implications for forest watersheds; therefore, we recommend explaining all the bases for and reasons behind this change. Related to this:
  - Consider whether timber production from slopes up to 40% could increase the risk for landslides, and thereby not be in an area "suited for timber production" due to potentially causing irreversible damage.
  - Consider avoiding timber production from areas with fragile or highly erosive soils.
  - Consider whether areas with biological soil crusts and difficult to replace ecosystems such as bristlecone pine-dominated landscapes may not be suited for timber production.
  - Consider whether and/or explain how desired conditions other than those related to the areas listed on p. 175, including watershed conditions, are compatible with timber production.
- For purposes of determining the amount of timber that can be produced by the GMUG NFs, explain why the sustained yield limit (SYL), which does not consider other multiple uses of the forests, was substituted for the long-term sustained yield capacity (LTSYC) in the 2007 Proposed Plan, which did ensure consistency with other desired conditions and multiple-use objectives.
- Regarding FW-GDL-SOIL-129 (p. 32), provide more clarity on the timing of this requirement (e.g., post-construction?) and the meaning of "sufficient" and "site potential".

### Monitoring

In the monitoring plan in Chapter 4, we recommend including monitoring for the status and trend of conditions in priority watersheds, as well as identification of specific adaptive management actions for this monitoring question and monitoring questions on soil function and aquatic and riparian ecosystem integrity. This may be important for achieving the watershed-related objective in Table 9 (p. 143). As part of this, we recommend including metrics to assess water quality data gaps to provide a baseline for future monitoring of impacts. We also recommend monitoring the effectiveness of road closures, revegetation, and BMPs in protecting aquatic resources. We are available to assist the USFS in further developing the monitoring plan if desired.

### Fen Wetlands

We recommend that fen wetlands receive special protection in the Forest Plan. Fens are special aquatic sites that may be locally abundant but are geographically rare. Fen wetlands provide important

hydrological and water quality functions by improving water quality in headwater streams and may support rare assemblages of aquatic invertebrates. They also provide critical ecological functions such as providing base flows to streams during late summer and/or drought periods. The EPA recognizes fen-type wetlands as ecologically critical in that they provide local and regional biodiversity. Fen communities are very sensitive to hydrologic alterations and restoration is extremely challenging or not possible once function has been impaired. Due to the slow rate of accumulation of peat in fens, these ecosystems are generally considered to be irreplaceable. In line with this, the U.S. Fish and Wildlife Service (USFWS) designated fen wetlands a Resource Category 1 in the USFWS Peatland Mitigation Policy. The mitigation goal of USFWS Resource Category 1 is no loss of habitat values and the Peatland Mitigation Policy places the protection and avoidance of fen wetlands as a priority during CWA Section 404 reviews. Further underlining the uniqueness and importance of fen wetlands in Colorado, the USACE revoked the use of Nationwide Permits in peatlands/fen-type wetlands to protect this unique wetland type. In the EPA's view, these wetland ecosystems are, for all practical purposes, non-renewable and irreplaceable.

Specifically, for FW-STND-RMGD-34 (p.15), we recommend including in the definition of an RMZ a greater zone for fens than that afforded to other wetlands. Because fens must remain saturated (to create anoxic conditions and prevent breakdown of organic matter), any activities that disturb the groundwater flow around fens can have substantial impacts to the wetlands. Activities that have the potential to sever the flow of shallow ground water (like digging upgradient of the fen) can essentially cut off the water supply to the fen. While a 500-foot zone, as designated in the 2007 Proposed Plan, is likely unnecessary, and we decline at this time to provide a "catch-all" setback for activities around fens, we believe that a setback, or protective zone, of more than 100 feet would be a more effective default setback to protect fen wetland hydrology. With site-specific analysis, it may be possible to allow activity within 100 feet of a fen without impacting hydrology, but we anticipate that there often are time or resource limitations that prevent such analyses. Regarding FW-DC-RMGD-32 (p. 15), we recommend expressly referring to fens and including a statement that the organic substrate shall remain intact and undisturbed.

## **(2) Air Quality and Air Quality-Related Values**

The EPA supports the desired conditions for air quality proposed for the GMUG NFs' Forest Plan. We offer the following suggestions for your consideration as the USFS continues to work on the Forest Plan:

### Desired conditions

- For FW-DC-AQ-05 (p. 9), in addition to not exceeding critical loads in Class I Wilderness Areas, include the desired condition that air quality-related values (AQRVs) return to levels below the critical load threshold at Class I Wilderness Areas where they are currently exceeding or are estimated to be exceeding the critical load (e.g., at Maroon Bells-Snowmass).
- Include in one or more of the desired conditions language that air quality impacts from mineral extraction activities will be minimized, comply with the national ambient air quality standards (NAAQS), and/or not cause a significant change in air quality or AQRVs.

### Objectives

- Modify the language of FW-OBJ-AQ-07 (p. 9) to state, e.g., "...that is able to detect compliance with or validate no exceedances of AQRV goals and thresholds, including critical loads for deposition, reasonable progress toward regional haze goals for visibility, and acid neutralizing capacity for sensitive lakes."
- Include an objective (or standard) on engaging the interagency technical workgroup on any oil

and gas development projects that may contribute to exceedance of critical loads for deposition or acid neutralizing capacity for sensitive lakes as well as projects that may inhibit reasonable progress toward regional haze goals for visibility.

#### Guidelines and Standards

- For FW-GDL-AQ-11 (p. 10), include any NEPA projects that could contribute to exceedances of critical loads (vs. only large-scale projects), and apply the guideline to selected Class II areas.
- Related to FW-STND-DTRL-146 (p. 34), modify to state “at least” one half-mile, and expand, for reasons related to safety and air quality in addition to scenery, to the national recreation trails and national historic trail on the forests.

#### Monitoring

In the monitoring plan in Chapter 4, we recommend including monitoring in Class I areas and selected Class II areas and identifying the parameters to be monitored. This would be consistent with objective FW-OBJ-AQ-07.

### **(3) Energy and Mineral Resources**

We recommend including standards or guidelines to minimize water quality impacts from future projects that may disturb mining waste and workings. We also recommend identifying priority areas for remediation, if necessary.

To assist in reaching ecological reclamation goals, we recommend adding to FW-STND-ENMI-164 (p. 36) a requirement for either 1) establishing baseline conditions through pre-project reconnaissance and using this information to inform the approach to reclamation, or 2) using a reference-based approach to establish performance standards for the demonstration of reclamation success. In addition, we recommend modifying the language directly below the title “Leasable Minerals and Energy Resources including Oil and Gas, Coal, Geothermal, and Others” (p. 37) to require incorporation of Forest Plan directions to the extent feasible at the *planning stage* of leasable minerals development and implementation of such directions at the development stage.

### **(4) Environmental Justice**

We recommend including in the Forest Plan mitigation measures to reduce any disproportionate impacts on environmental justice communities. We also recommend involving the affected communities in developing the measures. The EPA recognizes the need for early involvement of the local communities and supports the meaningful participation of community representatives in the NEPA process.

### **(5) Ski Areas**

We recommend working with the USFWS to ensure that guidelines HU G2 and HU G11 are consistent with objective HU O4 (pp. 129-131). Specifically, while objective HU O4 is to provide for lynx habitat needs and connectivity when developing new or expanding existing recreation sites or ski areas, HU G2 limits protecting lynx foraging habitat to where doing so is “consistent with the (newly developed or expanded) ski area’s operational needs” and HU G11 only requires consideration of locating access roads and lift termini to maintain and provide lynx security habitat. These guidelines may not allow for achieving the overlying objective.

Finally, where the Preliminary Draft Forest Plan differs from the 2007 Proposed Plan or the 1991 Amended Forest Plan, we recommend the EIS identify those differences and assess the environmental effects of those changes, some of which are identified in our comments above. We appreciate the opportunity to review the Preliminary Draft Forest Plan for the GMUG NFs and hope our recommendations help the Forest Service while working toward a Draft Forest Plan. If you have any questions, please contact me at (303) 312-6155 or [mccoy.melissa@epa.gov](mailto:mccoy.melissa@epa.gov).