



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

March 2, 2023

Rachel Smith, Forest Supervisor
c/o Lisa Bousfield, District Environmental Coordinator
U.S. Forest Service, Klamath National Forest
1711 South Main Street
Yreka, California 96097

Subject: EPA Comments on the Draft Environmental Assessment for the Antelope and Tennant Fire
Recovery Project, Siskiyou County, California

Dear Rachel Smith:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. The EPA also submitted scoping comments on June 17, 2022.

The U.S. Forest Service proposes large scale restoration across 117,000 acres in the Klamath National Forest in Siskiyou County, California to respond to conditions created by the Antelope and Tennant Fires in 2021. The Draft EA analyzes the potential environmental impacts that would result from implementing 12 types of activities on approximately 60,000 acres, including roadside hazard tree removal, prescribed fire, and restoration. Treatments are expected to occur for five to ten years. The EPA supports the objectives of the Antelope and Tennant Fire Recovery Project, and we recognize that both the timing of treatments and an efficient NEPA process are critical for efforts to be effective.

Following our review of the Draft EA, the EPA has identified additional analyses for the Forest Service to complete in order to disclose impacts of the project, best inform a potential Finding of No Significant Impact, and identify potential mitigation measures. The EPA recommends that the Final EA include comprehensive analysis of impacts to air quality, water resources, and biological resources, including an assessment of post-fire conditions. Please see our enclosed Detailed Comments for a description of recommendations.

The EPA appreciates the opportunity to review this Draft EA. When the Final EA and FONSI are available, please email the documents to samples.sarah@epa.gov. If you have any questions, please contact me at (415) 947-4161, or Sarah Samples, the lead reviewer for this project, at (415) 972-3961.

Sincerely,

for Jean Prijatel
Manager, Environmental Review Branch

Enclosure: EPA's Detailed Comments

cc (via email): Christine Jordan, U.S. Fish and Wildlife Service
Ben Minx, North Coast Regional Water Quality Control Board

EPA'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR THE ANTELOPE AND TENNANT RECOVERY PROJECT, SISKIYOU COUNTY, CALIFORNIA – MARCH 2, 2023

Site-Specific Analyses, Tiering, and Incorporation by Reference

The Draft EA states that the analysis tiers to the Klamath National Forest's Record of Decision for its 1995 Forest Plan and incorporates by reference the 1994 Final EIS and the updated 2010 Forest Plan (p. 45). These documents analyze and disclose impacts on a larger programmatic scale; however, the historical 1994 Final EIS also includes direction for site-specific analyses for future project level actions to assess impacts to certain resources, such as biological resources. Without site specific information for impacts to these resource areas, it is unclear whether the project would result in significant impacts, and more information is needed to support a Finding of No Significant Impact. Further, where tiering and incorporation by reference is warranted to streamline the NEPA process, the document does not summarize the applicable issues for this project as recommended in the Council of Environmental Quality NEPA Implementing regulations (40 CFR 1501.11(b)). Without a summary of the relevant areas of impact and prior analyses that are being relied upon to support disclosure and decision-making, it is unclear what impacts are anticipated.

Recommendations for the Final EA:

- Include site-specific, project level analyses for potential impacts to air quality, water resources, and biological resources, as described in the resource sections below, to further inform the disclosure of impacts and improve decision-making to support the FONSI.
- For any resource impacts the Forest Service does not analyze at the project-level in the Final EA and chooses to address through "incorporation by reference," include a summary of the potential impacts anticipated to each resource area. Ideally, all summary references should include the specific document and page numbers to assist the reader in retrieving the analyses (40 CFR 1501.12). Based on the design features listed in Appendix B, the summaries to provide in the Final EA include, but are not limited to, archaeology, botany, geology, non-native invasive species, range, recreation and scenery, and soils impacts.

Project Timeline

The Draft EA does not disclose a project timeline or implementation plan of treatment types; however, we understand that treatments may occur for five to ten years with immediate prioritization of roadside hazard tree removal and salvage for site preparation (L. Bousfield, personal communication, February 17, 2023). Due to the large size of the treatment area, an estimated timeline is important in assessing whether significant impacts would occur. This would provide a clearer framework for improved accountability, tracking, and decision-making. In addition, the Draft EA states there are twelve treatment types on page 3; however, pages 3-12 list fourteen treatment types.

Recommendations for the Final EA:

- Disclose the estimated project timeline and discuss the prioritization of treatment types.
- Ensure the number of proposed treatment types are consistent.

Tribal Consultation

The Draft EA states that the Forest Service consulted with the Klamath Tribes, Modoc Tribe of Oklahoma, Pitt River Tribe, and the Shasta Indian Nation by mailing scoping letters and states that no concerns were raised (p. 43). The Advisory Council on Historic Preservation (ACHP) considers consultation as "more

than simply notifying an Indian tribe about a planned undertaking.”¹ While consultation should begin with a formal letter, the ACHP advises that “[f]ace-to-face meetings or on-site visits may be the most practical way to conduct consultation.” As such, we encourage the Forest Service to further engage with these four tribes, as well as any other tribes that may have a historical connection and traditional practices within the project area. If the Forest Service needs assistance with identifying appropriate tribal contacts, EPA Region 9 is available to provide current tribal contact information if needed.

Recommendations for the Final EA:

- Further engage with the four tribes (and any additional tribes, as warranted) prior to the determination of a FONSI and summarize the results of expanded tribal consultation, identify the main concerns expressed by tribes (if any), and address how those concerns were considered in the project design, implementation schedule, and identification of mitigation measures.
- Consider the ACHP advice to consult through in person meetings or on-site visits.

Air Quality

Prescribed fire is a valuable tool that can have ecological benefits over other treatment techniques, yet it has the potential to cause periodic degradation of air quality and visibility and may present a human health risk. Potential air emissions associated with the proposed project activities also include air pollutants from gasoline and diesel equipment and vehicles traveling on paved and unpaved roads, including re-entrained dust. In addition to the health-based National Ambient Air Quality Standards that protect ambient air quality, the Clean Air Act provides Class I Areas special protection for air quality and air quality related values, including visibility. Although not disclosed in the Draft EA, the Lava Beds National Monument is Class I area near the project area. Additionally, there are nearby towns and Class II areas with sensitive resources, including the Lower Klamath and Tule Lake National Wildlife Refuges. It is unknown what measures are in place to avoid impacts to both Class I and II areas.

While the Draft EA includes references to similar project-level EIS air quality analyses (p. 45), we recommend including an Air Quality Section and an overview of site-specific impacts in the Draft EA, including the method the Forest Service will use to notify the public of these burns, as described below in more detail, and potential impacts to Class I and II areas. This is especially important given that the prescribed burns may occur on up to 35,000 acres (p. 14). We also recommend that the Forest Service implement best management practices as prescribed by the National Wildfire Coordination Group (NWCG) to reduce emissions from prescribed burns and other fuel treatments to the greatest possible extent.²

Recommendations for the Final EA:

- Include an air quality section to disclose different sources of air pollutants or emissions associated with the project activities and potential impacts.
- To the extent possible, conduct burns during favorable wind conditions to avoid smoke migrating in the direction of Class I and II areas.
- Implement BMPs as prescribed by the NWCG.

¹ Advisory Council on Historic Preservation. June 2021. Consultation with Indian Tribes in the Section 106 Review Process: The Handbook. Available at <https://www.achp.gov/sites/default/files/2021-06/ConsultationwithIndianTribesHandbook6-11-21Final.pdf>.

² National Wildfire Coordinating Group. May 2022. Standards for Prescribed Fire Planning and Implementation. Available at <https://www.nwcg.gov/sites/default/files/publications/pms484.pdf>.

Environmental Justice and Prescribed Burn Public Notification

The 1994 Final EIS did not include an environmental justice analysis and the Draft EA states that “there would be no disproportionate effects on minorities or low-income population[sic]” (p. 38); however, it is unclear how this determination was made. The Draft EA indicates there are a high proportion of lower income people living in the vicinity of the project area as compared to other areas of California.

Although not disclosed in the Draft EA, EJScreen also identifies that block groups 060930001001 and 060930002002 contain 53 percent and 69 percent of minorities, respectively, and over 22 percent of households in both block groups speak English less than very well.³

People of low socio-economic status may be at greater risk of experiencing a health effect due to wildfire smoke, including prescribed burns, and may experience more severe effects.⁴ Socio-economic status uses indicators such as educational attainment, median household income, percentage of the population in poverty, race/ethnicity, and location of residence. Epidemiologic studies of fine particle pollution using indicators of socio-economic status provide initial evidence that populations of low socio-economic status may have an increased risk of mortality due to short-term exposures. In addition, socio-economic status may contribute to differential exposures to wildfire smoke across communities. For example, access to air conditioning reduces infiltration of particle pollution indoors. Less access to air conditioning may lead to greater exposure to wildfire smoke, increased sensitivity to extreme heat and, as a result, health disparities across communities. People of color and impoverished children and adults bear a disproportionate burden of asthma and other respiratory diseases and therefore they may be at increased risk of health effects from wildfire smoke exposure. For example, EJScreen indicates that block groups 060930001001 and 060930002002 are in the 80th to 90th percentile for asthma prevalence among adults aged 18 or older. As a result, additional outreach activities and support may be required to properly communicate actions that people of low socio-economic status should take to reduce exposure to and protect themselves from wildfire smoke.

We appreciate the current efforts of the Forest Service to notify the public of burns, including focused emails and physical and in-person notifications. In our conversation with the Forest Service on February 17, 2023, we highlighted additional methods to notify the public of burns through the Klamath National Forest’s website and Facebook page.

Recommendations for the Final EA:

- Include additional supporting information to justify the conclusion from the Environmental Justice analysis (p. 38) that “there would be no disproportionate effects on minorities or low-income population[sic]”.
- Provide additional information about meaningful outreach with potentially affected communities. Discuss the public notification procedures for planned burns and ensure that each planned burned notifies and reaches communities that may not have access to the internet. Provide in-person, door-to-door notification as appropriate.
- Add burn notifications to the Klamath National Forest’s website and Facebook page and translate both sources to Lao and Spanish to notify linguistically isolated populations.

³ U.S. EPA. February 2023. EJScreen [Electronic Database]. Available at <https://ejscreen.epa.gov/mapper/>.

⁴ U.S. EPA. October 2022. Which Populations Experience Greater Risks of Adverse Health Effects Resulting from Wildfire Smoke Exposure? Available at <https://www.epa.gov/wildfire-smoke-course/which-populations-experience-greater-risks-adverse-health-effects-resulting>.

Pile Burning

Although pile burning is included in the proposed action to treat activity-generated fuels, it is unclear whether the Forest Service develops plans for pile burns, if there is a burn plan process already established for this project, and if pile burns would be subject to the same process that is utilized for prescribed fire treatments as described in the NWCG Standards for Prescribed Fire Planning and Implementation (May 2022).

The EPA also notes that it may be appropriate to utilize equipment such as air curtain burners to reduce smoke generation and promote full combustion of slash material. The reduction in emissions achieved from utilizing air curtain burners to process residual fuels can be considerable; according to a report prepared by the Forest Service scientists with the Rocky Mountain Field Station, Fire Sciences Laboratory, emissions from prescribed burns averages 36 pounds per ton of PM_{2.5}, emissions from pile burns 25.5 pounds per ton, and the emissions from an air curtain burner creates only 1.1 pound per ton.⁵

Recommendations for the Final EA:

- Include information about the pile burn plan process and if pile burns would be subject to the same process utilized for prescribed fire treatments as NWCG's recommended standards.
- Consider using air curtain burners to reduce emissions from pile burning. If possible, use models that create biochar to benefit ongoing revegetation and soil erosion control efforts.

Design Features

The design features for air quality include direction that "[f]ugitive dust emissions, dispersion, and transport would be minimized for commercial operations by treating unpaved haul routes with water or chemical dust suppressants" (p. 51). It is unclear why this design feature is confined to commercial operations. In addition, it does not appear there are any other design features related to air quality impacts; therefore, we recommend that the Forest Service consider additional measures to reduce air quality impacts.

Recommendations for the Final EA:

- Clarify if non-commercial operations would also treat for fugitive dust emissions.
- Consider including the following measures in Appendix B as project design features:

Fugitive Dust Control:

- Limit vehicle speeds to 15 miles per hour on unpaved roads (i.e., Maintenance Level 1).

Mobile and Stationary Source Controls:

- Reduce unnecessary idling from heavy equipment.
- Prohibit engine tampering to increase horsepower, except when meeting manufacturer's recommendations.
- Lease or buy newer, cleaner equipment using the best available emissions control technologies.
- Use lower-emitting engines and fuels, including electric, liquified gas, hydrogen fuel cells, and/or alternative diesel formulations, if feasible. Nonroad vehicles and equipment should meet or exceed the EPA Tier 4 exhaust emissions standards for heavy-duty nonroad compression-ignition engines (e.g., nonroad trucks, construction equipment, etc.).⁶

⁵ U.S. Forest Service. November 2005. The Use of Air Curtain Destructors for Fuel Reduction and Disposal. Available at <https://www.fs.usda.gov/t-d/pubs/html/05511303/05511303.html>.

⁶ See <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100OA05.pdf>.

Administrative Controls:

- Locate diesel engines, motors, and equipment staging areas as far as possible from residential areas and other sensitive receptors (e.g., schools, daycares, hospitals, senior centers, etc.).
- Prepare an inventory of all equipment prior to construction and identify the suitability of add-on emission controls for each piece of equipment before project implementation.⁷
- Identify where implementation of mitigation measures is rejected based on economic infeasibility.

Fuels:

- Disclose that the smoke management plan will be submitted to the appropriate Air Quality Management District and the Air Quality Management District will approve all burning activities prior to implementation.
- Prepare burn plans to outline preferable wind directions, wind speeds, and proper fuel moistures to ensure adequate smoke dispersal and limit potential effects to smoke sensitive receptors.

Water Resources

As noted above, the project does not include a water resources analysis and impacts to the watershed and water quality are unknown. The EPA is concerned that this information is not disclosed, including an overview of the post-fire watershed conditions, current Clean Water Act 303(d) listed waterbodies within the project area, and site-specific evaluation of the direct, indirect, and cumulative impacts. For example, the Antelope and Tennant Fires have the potential to comprise water quality for years to come due to greater rates of erosion, thus possibly increasing the downstream accumulation of sediment in waterbodies.⁸ In addition, the project area contains waterbodies within the Klamath River hydrological unit that are 303(d) listed.⁹

Similar projects, such as the Horse Creek Community Protection and Forest Restoration Project, used cumulative watershed effects models (e.g., equivalent roaded area, universal soil loss equation, and mass-wasting) and incorporated the impacts of recent fires to assess effects of past, present, and reasonably foreseeable activities and provide a picture of post-fire watershed conditions (Horse Creek Final EIS p. 164). We recommend that the Final EA address its water resources analysis with a similar approach.

Recommendations for the Final EA:

- Include a water resources section to disclose potential direct, indirect, and cumulative impacts of project activities.
- Ensure that the analysis of impacts to aquatic resources includes an overview of the post-fire watershed conditions, current Clean Water Act 303(d) listed waterbodies within the project area, and effects of past, present, and reasonably foreseeable activities.
- If specialist reports were or are prepared, similar to the preparation of a biological evaluation

⁷ Suitability of control devices is based on whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.

⁸ U.S. Geological Survey. June 2018 Water Quality after a Wildfire. Available at <https://www.usgs.gov/centers/california-water-science-center/science/water-quality-after-wildfire>.

⁹ California State Water Resources Control Board. May 2022. Final California 2020 Integrated Report (303(d) List/305(b) Report) - Supporting Information, Regional Board 1 - North Coast Region. Available at https://www.waterboards.ca.gov/water_issues/programs/tmdl/2020_2022state_ir_reports_revised_final/apx-b/00541.shtml.

as discussed above, we recommend attaching the report(s) as an appendix and summarizing the existing conditions and impact analysis in the Final EA to help to ensure a comprehensive picture of the project and its impacts for the public and the decision-makers.

Roads/Sediment

It is unclear if watersheds within the project area are already experiencing road-related impacts and if downstream impacts would result in measurable changes. Given the sensitive downstream resources and the existing issues with roads, sediment, and watershed health, we strongly encourage the Forest to pursue opportunities to reduce the number of new and temporary roads.

With 17 miles of existing and new temporary roads proposed for use (not including the landing areas), we encourage the Forest Service to directly consider road-related sediment impacts. Tools such as the Geomorphic Roads Assessment Inventory Package (GRAIP)'s GIS-based counterpart, GRAIP_Lite, can provide a helpful screen of potential road-related sediment.

Recommendations for the Final EA:

- Identify opportunities to reduce the total number of new and temporary roads associated with the proposed project.
- Include an analysis of road-related sediment (using a tool like GRAIP_Lite, for example) and identify measures to reduce road related sediment where impacts to sensitive areas are identified.

Impacts to Aquatic Resources and Clean Water Act Section 404 Permitting

The Draft EA proposes treatments for meadow and wetland restoration. Meadows provide hydrological and water quality functions by improving water quality in headwater streams and often support rare assemblages of aquatic invertebrates. To limit the impacts of vegetation and fuels management activities to hydrology and riparian vegetation, the Draft EA includes several design features (p. 56, 59). Due to the vulnerability of these ecosystems, other measures would be beneficial to further reduce impacts.

Recommendations for the Final EA: We recommend that design features in the Final EA be revised to include additional commitments to measures specific to meadows and wetlands.

- Conduct work in the dry season (June-October), if possible. Disclose the limited operating period(s).
- Remove logs from meadows using suitable techniques to minimize equipment operations in the sensitive area and minimize dragging the logs on the ground.¹⁰
- Monitor restoration to evaluate the success of management activities by including follow-up monitoring and assessments as a component of management plans.
- All measures listed on pages 8-9 of the Draft EA.

The Draft EA does not state if fill is part of the project and if Clean Water Act Section 404 permits would be required. The purpose of the Clean Water Act is to restore and maintain the chemical, physical and biological integrity of waters of the United States. These goals are achieved, in part, by controlling discharges of dredged or fill material pursuant to EPA's Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230), promulgated pursuant to Section 404(b)(1) of the CWA (Guidelines). Fundamental to the Guidelines is the principle that dredged or fill material should not be discharged into the aquatic ecosystem, unless it can be demonstrated that there is no less environmentally

¹⁰ U.S. Forest Service. April 2012. National Best Management Practices for Water Quality Management on National Forest System Lands. Available at https://www.fs.usda.gov/naturalresources/watershed/pubs/FS_National_Core_BMPs_April2012.pdf.

damaging practicable alternative that achieves the Applicant's project purpose. In addition, no discharge can be permitted if it will cause or contribute to significant degradation of waters.

Recommendations for the Final EA:

- Discuss the applicability of CWA Section 404 to the impact of meadows and wetlands.
- If applicable, discuss the permit requirements under this statute, identify the role of the Army Corps of Engineers in implementing these programs, describe the results of the CWA Section 404 impacts analysis, and include proposed mitigation.

Wildlife

The Scoping Outcome Summary states that the Forest Service would “include analysis and documentation of compliance with direction related to Threatened, Endangered, Proposed, Forest Service Sensitive, Survey and Manage, Migratory Bird, and Management Indicator Species.”¹¹ While the Draft EA states that the Forest Service prepared both a biological assessment and evaluation, the Draft EA did not disclose information from either document, and the Forest Service was unable to provide the documents to EPA during the public comment period. As such, the EPA was unable to review impacts to species and it is not clear how a FONSI will be supported even with the inclusion of design features.

Recommendation for the Final EA: Disclose the affected environment and potential impacts to wildlife habitat and movement from project activities, including cumulative impacts of any past, present, and future projects.

We recognize important design features in Appendix B for a variety of species (p. 60-63); however, Pacific marten is not included. We also find that an additional measure may be beneficial to further reduce impacts to migratory birds.

Recommendations for the Final EA:

- Disclose design features to reduce impacts to the Pacific marten.
- Follow a limited operating period for tree removal and any underburning in the meadow and riparian enhancement areas to protect nesting migratory birds.

Threatened and Endangered Species

Although the Draft EA states that the project would not significantly affect a threatened, endangered, or proposed or candidate species or their critical habitat, no information about the affected environment or potential impacts are disclosed to support this determination. We are concerned that this information was not available to the public during the comment period, particularly due to treatments occurring within Northern spotted owl critical habitat.¹² We also understand that the Forest Service prepared a site-specific biological assessment and consulted with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act (p. 36). As noted above, the Forest Service was unable to provide the EPA with the biological assessment during the review period; therefore, it is unclear if the design features included specific recommendations from the USFWS, especially those supporting recovery actions of the 2011 Revised Recovery Plan for the Northern spotted owl (Final EIS p. 4-63).

¹¹ See Scoping Outcome Summary p. 22.

¹² U.S. Fish and Wildlife Service. February 2023. Information for Planning and Consultation (IPaC) [Electronic Database]. Available at <https://ipac.ecosphere.fws.gov/location/index>.

Recommendations for the Final EA:

- Continue to coordinate with the USFWS regarding recommendations for threatened and endangered species management and disclose the affected environment and impacts to ESA-listed species from project activities, or append the biological assessment. Describe how cumulative impacts of any past, present, and future projects have been assessed and have contributed to the proposed project implementation. Include USFWS's recommendations from site visits and the biological assessment as specific design features in Appendix B.

Invasive Species

We appreciate the invasive species measures included in Appendix B (p. 52-53). Due to the project site's vulnerability to the spread of invasive species (Botanical Resources Short Form Report p. 5), other measures may be beneficial to further reduce the establishment of invasive species.

Recommendations for the Final EA: Consider including the following measures in Appendix B as project design features:

- Apply mulch on disturbed bare ground created during project implementation (e.g., temporary roads, landings, and other openings) to achieve 70 percent cover.
- Monitor within three years to identify non-native invasive plant infestations for actions involving ground disturbance or use of imported materials.
- Monitor treated infestations for a minimum of three years and re-treat as necessary to ensure infestation site is eradicated.

Additional Design Features

We appreciate the design features in Appendix B and recommend that the Forest Service consider additional measures to reduce impacts to resources not described above.

Recommendations for the Final EA: Consider including the following measures in Appendix B as project design features:

Recreation

- Limit the number of locations where mechanical equipment operations intersect with existing trail networks. Rehabilitate all ground disturbance once treatment activities are completed. Repair or re-construct marred or damaged trail segments, as necessary, to current Forest Service standards.
- Construct firelines for prescribed burning as close as possible to when burning is scheduled.
- Disguise intersections of constructed fireline with existing system routes (all roads and/or trails) by covering with duff and or down woody material for 50 feet from intersections until burning is scheduled to take place to prevent development of new unauthorized trails.
- Rehabilitate firelines for prescribed burning along their entire length as soon as possible after prescribed fire is applied to prevent development of new unauthorized trails.

Silviculture

- Place burn piles at least 15 feet away from the base of residual trees. (We note Watershed-3 addresses placement of burn piles away from residual trees but does not provide a distance.) If pile burning results in mortality in excess of Forest Plan standards, conduct with natural resource staff for salvage of dead and dying trees.
- Chip away from large legacy trees, where feasible.

- Retain snags, live decadent trees suitable for cavity nesting wildlife, mid- and large diameter trees currently in decline, and dead/down woody material to the extent possible.
- Limit landing sizes to the smallest size necessary to accommodate operations.
- Remove roadside hazard trees in accordance with the Hazard Tree Guidelines for Forest Service Facilities and Roads in the Pacific Southwest Region (USDA Forest Service, 2012). (Although this is noted in the Draft EA, it is not included in design features.) Do not remove hazard trees greater than 30 inches DBH if retention can improve wildlife habitat and is consistent with project fuels objectives.

Visual Resources

- When selecting burn pile locations, minimize visibility from private residences, recreation sites, trails, and nearby roads to reduce visual effects. Where feasible, place burn piles as far as treatment allows from designated recreation sites.