



REGION 9

SAN FRANCISCO, CA 94105

February 21, 2025

Kristen Lark
Mad River District Ranger
U.S. Forest Service, Six Rivers National Forest
741 State Highway 36
Bridgeville, California 95526

Subject: EPA Scoping Comments for the South Fork Mountain Vegetation Management Project, Trinity and Humboldt Counties, California

Dear Kristen Lark:

The U.S. Environmental Protection Agency has reviewed the U.S. Forest Service's notice to initiate a Draft Environmental Assessment for the above-referenced project. The EPA's comments are provided pursuant to the National Environmental Policy Act and our NEPA review authority under Section 309 of the Clean Air Act.

The primary purpose of this proposed project is to improve fire resiliency in rural American communities by developing a strategic fuel management zone along a critical ridgeline on the Six Rivers and Shasta-Trinity National Forest boundary. The project will provide defensible space along main roads to expedite safe evacuations and improve wildland firefighter response, safety, and suppression during wildfires. The landscape encompasses 1,641,661 acres, of which 67 percent is administered by the Six Rivers and Shasta-Trinity National Forests. The project planning area encompasses 7,856 acres. This landscape is deemed in critical need of hazardous fuels reduction.

The EPA appreciates the opportunity to provide scoping comments and look forward to continued participation in the NEPA process. If you have any questions, please contact me at (415) 972-3569 or serata.rebecca@epa.gov.

Sincerely,

Rebecca Serata
Environmental Review Section 1

ENCLOSURE: EPA's Detailed Comments

General Comments

Alternatives

The EPA encourages the Forest Service to include alternatives that avoid, minimize, and mitigate for significant impacts to water, air, wildlife, and other resources (NEPA, 42 U.S.C. Section 4331(a)). We also recommend that the Draft EA:

- Describe the thresholds of significance considering context and intensity of the action and its effects (NEPA, 42 U.S.C. Section 4332(C)(iv)).
- Present the direct and indirect environmental impacts of the proposed action and the alternatives in comparative form based on affected environment and environmental consequences information.
- Identify and evaluate a reasonable range alternatives responsive to issues identified during scoping and raised during Tribal consultation and conversations with communities (NEPA, 42 U.S.C. Section 4331(b)(4) and (b)(5)). Briefly discuss reasons for elimination of any alternative.

Cumulative Impacts

Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. Considering all actions within and in proximity to the project area helps decision makers and the public to understand more clearly what the cumulative impacts on environmental resources are likely to be. The EPA recommends that the Draft EA:

- Describe the potential cumulative impacts associated with the proposed project and past, present, and reasonably foreseeable actions within and in proximity to the analysis area, including those outside of the Forest Service's jurisdiction.
- Identify any reasonably foreseeable significant environmental effects, including any reasonably foreseeable future actions within the project vicinity, such as ongoing or planned forestry projects (NEPA, 42 U.S.C. Section 4332 (C)(i), (C)(ii), and Section 4336(b)(1)).

Project Duration and Implementation

The project documents do not address the timeframe of this project. An indefinite timeframe could result in project implementation over multiple decades in which it can be expected that drought, intense precipitation events, fires, insects, and new invasive species will continue to alter the landscape and may thereby alter Forest Service management priorities. Over the past decade alone there have been changes in wildlife species' status and an ongoing improvement in the science to support resource management decisions that inform how the Forest Service manages its resources. Therefore, the EPA recommends that the Draft EA:

- Disclose the estimated project timeline.
- If an unspecified end date is retained, define circumstances to conduct an interdisciplinary review to determine if new information or changed circumstances relating to the proposed action are within the scope and range of effects considered in the original analysis. At the conclusion of this future review, we suggest issuing a Supplemental Information Report to determine whether a correction, supplement, or revision is needed, and if not, the reasons why, as identified in the Forest Service's NEPA handbook (Forest Service Handbook 1909.15, Section 18).

Concurrent and Integrated NEPA and Consultation

The EPA advises concurrently integrating NEPA and other applicable federal environmental laws as much as possible (NEPA, 42 U.S.C. Section 4332(C)), including, but not limited to: Endangered Species Act, National Historic Preservation Act, Clean Water Act, and Clean Air Act. We recommend ensuring that information from any applicable federal environmental law is integrated into the Draft EA, including any best management practices, resource protection measures, or permitting requirements.

Water Quality

Waterbodies

Section 303(d) of the Clean Water Act requires that states, territories, and authorized Tribes identify waterbodies that do not meet water quality standards and to develop, with EPA approval, Total Maximum Daily Loads for waters identified as impaired to meet established water quality criteria and associated beneficial uses. Because surface water quality degradation is one of the EPA's primary concerns with the proposed project, understanding the setting for the project is important for preparing an impact analysis. The EPA recommends that the Draft EA:

- Identify water bodies likely to be impacted by the project, the nature of the potential impacts, and the specific discharges and pollutants likely to impact those waters. Include a map to illustrate where these waterbodies are within the project area.
- Disclose information regarding relevant TMDL allocations for any impaired waters listed on the latest state Clean Water Act Section 303(d) list or Integrated Report, along with the water quality standards and pollutants of concern.
- As Clean Water Act anti-degradation provisions also apply, demonstrate that the proposed action will comply with anti-degradation provisions of the Clean Water Act that prevent deterioration of water quality within waterbodies that currently meet water quality standards.
- Where TMDL analyses for impaired waterbodies within or downstream of the project area still needed to be developed, ensure that proposed treatments are carefully managed to prevent any worsening of the impairment, or avoided altogether where such impacts cannot be prevented.

Roads and Skid Trails

It is unclear from the Public Scoping document if roads or skid trails would be needed for any mechanical removal of trees. Roads can contribute more sediment to streams than any other management activity, and can interrupt the subsurface flow of water, particularly where they cut into steep slopes. In addition, roads have been shown to produce elevated volumes of chronic surface sediment runoff from the road surface. Roads and their use can also contribute to habitat fragmentation, wildlife disturbance, and the introduction or exacerbation of noxious weeds. As such, the EPA recommends that the Draft EA:

- Disclose if roads and skid trails would be needed under the proposed action.
- Include a map showing project area waters and identifying the existing road networks as well as a discussion of foreseeable construction, maintenance, and decommissioning activities by alternative.
- If temporary roads/skid trails would be created to facilitate the removal of biomass or hazard trees, disclose these actions as project activities, and describe the anticipated number and location of newly created temporary roads segments and landing areas, as well as providing the size of landing areas.
- To reduce adverse impacts to watersheds, focus on the use of existing system roads to minimize road construction impacts on previously unimpacted areas to the maximum extent practicable.

- For temporary roads and landings that must be constructed, discuss design criteria and best management practices that will be followed to prevent negative effects to soil and water resources.

Our general recommendations to protect aquatic resources from road and skid trail impacts include:

- Locate roads and skid trails away from streams and riparian areas.
- Locate roads and skid trails away from steep slopes, landslide prone areas, and erosive soils.
- Minimize the number of stream crossings.
- Construct unavoidable stream crossings during periods of low flow to avoid fish spawning and incubation periods, and/or dewater relevant stream segments prior to construction.
- Provide adequate drainage and erosion control to avoid routing sediment to streams.
- Use bottomless or textured bottom culverts if possible.
- Design features to allow for natural drainage patterns.
- Consider decommissioning or rehabilitation at an equal or greater rate than new construction to prevent increases in overall watershed impacts.
- Develop a monitoring plan and schedule to assess the effectiveness of road decommissioning after project completion.

Clean Water Act Section 404 Applicability

The protection, improvement and restoration of wetlands and riparian areas are a high priority because they increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. It is unclear if this project would impact wetlands, including fens or meadows. To limit the impacts of vegetation and fuels management activities to hydrology and riparian vegetation, the EPA recommends that the Draft EA address specific management requirements or design features to protect wetlands, including:

- Avoid impacts to fens and meadows where feasible.
- Remove logs from meadows or fens using suitable techniques to minimize equipment operations in the sensitive area and minimize dragging the logs on the ground.¹
- Conduct work in the dry season (June-October), if possible.
- Monitor restoration to evaluate the success of management activities by including follow-up monitoring and assessments as a component of management plans.
- Confirm with the U.S. Army Corps of Engineers if any jurisdictional waters would require a CWA Section 404 permit for discharge of dredged or fill materials into waters of the U.S., including wetlands and “special aquatic sites.” If a permit is required, describe the impacts under individual or nationwide permits authorizing the discharge of fill or dredge materials to waters of the U.S.

Air Quality

Proposed activities have the potential to impact local air quality due to fugitive dust and direct emissions. Examples of potential air emissions associated with the proposed project activities include air pollutants from conducting prescribed burning, gasoline and diesel emissions from equipment used in the planned activity, emissions from idling equipment, emissions from vehicles traveling on paved and unpaved roads, and re-entrained dust. As such, the EPA recommends that the Draft EA:

- Characterize existing background air quality, including identification of:
 - Class I areas, which are afforded special protections under the Clean Air Act.

¹ U.S. Forest Service. (2012, April). *National Best Management Practices for Water Quality Management on National Forest System Lands*. https://www.fs.usda.gov/naturalresources/watershed/pubs/FS_National_Core_BMPs_April2012.pdf

- Sensitive receptors in the vicinity (such as population centers, nonattainment areas, and Class II areas with sensitive resources).
- Airshed classifications and monitored baseline conditions (design values) for each criteria pollutant.
- Any regional concerns in the area (e.g., ozone, PM_{2.5}, seasonal wildfire smoke).
- Discuss the National Ambient Air Quality Standards in the project area, quantitatively summarize NAAQS emissions for each alternative, and compare to NAAQS regulatory thresholds.
- Analyze reasonable and practicable mitigation measures to reduce project-related emissions. Typical mitigation measures include fugitive dust control measures, mobile and stationary source controls, and administrative controls. Ensure the Draft EA includes a comprehensive list of all best management practices and mitigation measures to be implemented as part of the project.
- Coordinate with the California Department of Fish and Wildlife regarding regulatory requirements and controls.
- Clearly disclose how the public would be notified of prescribed burns and provide translation services as needed.

Adaptive Forest Management

Discuss actions to improve forest adaptation to changing environmental conditions, such as selecting resilient native species for replanting. This should anticipate the effects rising temperatures may have on seeds/seedlings growth, the vulnerability of specific species under projected climate conditions in the short and longer term, and any anticipated shift of forest species to more suitable range elevations.

Community Impacts

Public Engagement

Due to the impacts that project activities may have on local communities, the EPA recommends that the Forest Service provide opportunities in the NEPA process for early and effective involvement. The EPA recommends that during the NEPA process the Forest Service:

- Provide early and frequent outreach and engagement opportunities to collect and incorporate community feedback throughout the NEPA process. This may include, but is not limited to:
 - Addressing technology barriers that may prohibit participation from affected communities.
 - Ensuring that meetings are scheduled at a time and location that is accessible for community participants, including scheduling meetings after work hours and on weekends as appropriate.
 - Providing ample notice of meetings and commenting opportunities so that community members have sufficient time to prepare and participate.
 - Promoting engagement opportunities within appropriate outlets used by affected communities, such as newspapers, radio, and social media.
 - Ensuring that all project-related information is conveyed using plain language so that community members of varied reading proficiencies can readily understand the project-related information.
- Review and consider community feedback provided during the NEPA process.

The EPA recommends that the Draft EA:

- Document actions taken by the Forest Service to provide opportunities for meaningful public engagement.
- Disclose any community concerns, even those outside the jurisdiction of the Forest Service.

- Describe how community feedback is reflected in the Forest Service's NEPA decision-making process.

We also recommend that the Draft EA:

- Identify and describe any unique conditions of the potentially affected nearby communities that may be affected by the proposed action, including:
 - Human health vulnerabilities (e.g., heightened disease susceptibility, health disparities).
 - Socioeconomic vulnerabilities (e.g., reliance on a particular resource that may be affected by the proposed action, disruptions to community mobility and access as a result of infrastructure development).
 - Cultural vulnerabilities (e.g., traditional cultural properties and resources).

Biological Resources

Special Status Species

The EPA suggests working closely with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to determine potential impacts of the project on species listed under the Endangered Species Act or Forest Service sensitive species. To effectively address special status species, the EPA recommends that the Draft EA:

- Identify and quantify which species and/or critical habitat might be directly, indirectly, or cumulatively affected by each alternative.
- Summarize the USFWS's biological assessment/opinion and include all USFWS recommendations from the biological assessment/opinion.
- Demonstrate that the preferred alternative is consistent with the USFWS's biological assessment/opinion and Forest Service's biological evaluation.
- Discuss mitigation measures to minimize impacts to special status species and indicate how they would be implemented and enforced.
- Include detailed information about California spotted owl monitoring to support a FONSI. Without this information, it will not be clear if there is potential for significant impacts.
- Describe how and with what resources the Forest Service will conduct monitoring to ensure that the project achieves desired forest resiliency outcomes, while also successfully protecting California spotted owl habitat and minimizing impacts.

Migratory Birds

To address conformance with the Migratory Bird Treaty Act and potential impacts to migratory birds within the plan boundary, the EPA recommends that the Draft EA:

- Include protective measures approved by Forest Service biologists.
- Ensure that ground disturbing activities must occur within 14 days of clearance surveys.

Invasive Species

We encourage the Forest Service to promote integrated weed management, prioritizing management techniques that focus on non-chemical treatments first. Early recognition and control of new invasive species infestations is critical to stop the spread of the infestation and avoid wider future use of herbicides, which could have indirect impacts on biodiversity, water quality, and aquatic resources. The EPA recommends that the Draft EA:

- Include measures that are consistent with E.O. 13112 *Invasive Species* and E.O. 13751 *Safeguarding the Nation from the Impacts of Invasive Species* and any existing Forest Service direction for noxious weed management.
- Discusses measures that would be implemented to reduce the likelihood of introduction and spread of invasive species within the proposed project area, such as native seed mix for reclamation.

Cultural Resources

Consultation with Tribal Governments

It is important that formal government-to-government consultation under Section 106 of the National Historic Preservation Act take place early to ensure that issues of tribal concerns and interests are adequately addressed in the Draft EA. The EPA recommends that the Draft EA:

- Summarize the results of tribal consultation and identify the main concerns expressed by tribes (if any), and how those concerns were addressed. Please note that the Advisory Council on Historic Preservation (ACHP) considers consultation as “more than simply notifying an Indian tribe about a planned undertaking” and that “[f]ace-to-face meetings or on-site visits may be the most practical way to conduct consultation.”² We encourage the Forest Service to adhere the ACHP’s guidance.
- Discuss how the Forest Service would avoid or minimize or mitigate adverse effects on the physical integrity, accessibility, or use of cultural resources or archaeological sites, including traditional cultural properties, throughout the project area.
- Utilize the Section 106 review process to ensure that the requirements of Executive Order 13007 *Indian Sacred Sites* (May 24, 1996) are fulfilled.³

The National Association of Tribal Historic Preservation Officers’ *Tribal Consultation: Best Practices in Historic Preservation*⁴ and the ACHP’s *Consultation with Indian Tribes in the Section 106 Review Process: The Handbook* guidance documents may serve as useful resources.

Indigenous Knowledge

Since indigenous knowledge is often unique and specific to a Tribe and may exist in a variety of forms, consultation and collaboration with Tribes is critical to ensuring that indigenous knowledge is considered and applied in the NEPA process. The EPA recommends that the Draft EA:

- Identify, include, and integrate indigenous knowledge into the analysis, as appropriate. Such anthropological work can include the collection of local and traditional knowledge concerning the affected environment, anticipated impacts from the project, and traditional hunting and land use patterns in the area.

² Advisory Council on Historic Preservation. (2021, June). *Consultation with Indian Tribes in the Section 106 Review Process: The Handbook*. <https://www.achp.gov/sites/default/files/2021-06/ConsultationwithIndianTribesHandbook6-11-21Final.pdf>

³ It is important to note that a sacred site may not meet the NRHP criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site. It is also important to note that sacred sites may not be identified solely in consulting with tribes located within geographic proximity of the project. Tribes located outside the direct impact area the plan area may also have religiously significant ties to lands within the plan area and should be included in the consultation process.

⁴ National Association of Tribal Historic Preservation Officers. (2005, May). *Tribal Consultation: Best Practices in Historic Preservation*. http://www.nathpo.org/PDF/Tribal_Consultation.pdf