



File Code: 1300/2060

Date:

OCT 21 2011

Mr. Erik Holst
6456 Mica Court
Pollock, CA 95726

Dear Mr. Holst:

You requested our review of the correctness of the information for the View 88 Fuels Reduction and Forest Health project (View 88 project) on the Amador Ranger District of the Eldorado National Forest. Your request was received on August 19, 2011, and on August 24, 2011, you declined to delay this request until the Notice of Appeal you filed pursuant to 36 CFR 215 was reviewed and the appeal procedures concluded. Therefore, August 24, 2011, is considered the received date of your request.

Your information correction request asserts the Forest Service did not comply with the U.S. Department of Agriculture's (USDA) Information Quality general requirements and specifically, you are challenging 6 areas of the record that you believe do not meet the requirements of the Data Quality Act of 2001.

The USDA implementing guidelines for the quality of information are applied by the Forest Service in reviewing information correction requests. The USDA implementing guidelines state that if the request for correction involves information on which public comment has been sought and the Forest Service has an existing process for addressing the request, the Forest Service will use that process. The View 88 Preliminary Environmental Assessment invited public comment by direct mailing to interested or affected parties as well as publishing a legal notice in the Forest newspaper of record. The information you are questioning was available during the National Environmental Policy Act (NEPA) public comment period.

In addition, the implementing guidelines specify that requests for correction will be dismissed for requests that have been the subject of prior complaints and have been resolved. In this case, a final decision was issued on your Notice of Appeal filed pursuant to 36 CFR 215. The appeal decision affirmed the View 88 project.

However, since your request for correction was accepted on August 24, 2011, and your Notice of Appeal was also being processed during that time, we have decided to respond to your request for correction. The USDA information quality guidelines describe three elements of data quality standards that USDA agencies are to follow in developing and reviewing information and disseminating it to the public—objectivity, utility, and integrity. In your information correction the elements of objectivity and utility only are cited. Therefore, these are the standards against which your individual points were reviewed. Your challenges and the Agency's responses are listed below.



Point 1: Challenged information regarding the Riparian Conservation Area (RCA) protection measures.

Response:

Slope, soil, and erosion issues relevant to the project are acknowledged and addressed through site-specific protection measures that were created for the View 88 project (*See EA*, pp. 14-16, 61-71, and Appendix B; Hydrology Report, pp. 19-23; Aquatic Resources BA/BE and MIS, section VI, pp. 20-37; Soil Report, pp. 2-22). Some of this information was enhanced between the Preliminary EA and the Final EA due to public comments on the project (EA, pp. 8-9)

The relevant specialist reports include references cited lists that show the literature that was reviewed by the specialists during the analysis of the View 88 project (Hydrology Report, pg. 30, Aquatic Resources BA/BE and MIS, pp. 40-42; Soil Report, pp. 22-23). The references cited include the Sierra Nevada Forest Plan Amendment FEIS and ROD, which discuss the Standards associated with protecting RCA resources. Tiering to, and following, these standards are a way for the Forest to ensure that resources are being protected, and that the project is maintaining appropriate informational utility.

You state that the analysis to determine RCA Protection Measures was without informational integrity; however, information integrity pertains to protection from unauthorized access or revision, and you fail to describe in sufficient detail how the integrity of the analysis is lacking. The panel found the specialist reports and the EA contain site-specific analysis and protection measures for slope, soil, and erosion issues, and that the analysis is supported by appropriate scientific references. Thus this information is consistent with the USDA guideline for objectivity of information.

Point 2: Challenged information regarding the Aspen stand enhancement activities.

Response:

The Purpose and Need section of the EA describes the existing conditions of aspen and adjacent meadows relative to desired conditions (EA, pp. 5-6; *See also* Hydrology Report, Table 1, pg. 5). Numerous specific design criteria, included to maintain or enhance resource values, are described in relevant sections (EA, pp. 10, 14, and 15-16). Environmental effects of aspen enhancement and post-treatment effects on meadow complexes are documented in all relevant sections (EA, pp. 44, 46, 48-49, 51, 77, 79-81, 98, 100, and 103). In addition, Equivalent Roded Acres (ERA) values are calculated for each of the affected HUC 7 watersheds (Hydrologist Report, table A5-a).

For a response to concerns about maps of the aspen stand treatments see response to point 5 below.

The panel found the EA adequately described the existing condition of meadow complexes and adequately analyzed the project's effects on meadow complexes, in compliance with USDA guidelines for information objectivity and utility.

Point 3: Challenged information regarding aquatic features, specifically meadows and springs.

Response:

The soils report describes 76 acres of Aquept, Xerumbrepts, which is a wet meadow soil and was based on field data (Soils Report, pp. 7 and 11). The Aquatic Report describes 65 acres of meadow from the forest corporate GIS data set (Section 7, Existing Environment for all Species, paragraph 3, pg. 17). The Hydrology Report discloses 9 meadows in proximity to the treatment units (same as the Aquatic Report) without any acre description (Hydrology Report, Aquatic Features, Table 1, pg. 5). The difference between 65 acres from the corporate GIS set, as stated in the Aquatics Report and the 76 acres of Aquept, Xerumbrepts, as stated in the soils report, is due to field based acres versus GIS acres, and the different context in which the information was being analyzed.

The panel found the View 88 project record appropriately addressed wetland acres in the context appropriate for each report and in compliance with USDA guidelines for information objectivity and utility. You state that the analysis to determine effects to aquatic features within the project area was without informational integrity; however, information integrity pertains to protection from unauthorized access or revision, and you fail to describe in sufficient detail how the integrity of the analysis is lacking.

Point 4: Challenged information regarding lack of specificity and discussion in the hydrology report, as it relates to discussion of the existing condition, desired condition, and actual amount of ephemeral stream channel and ephemeral RCA.

Response:

Figure 2 on page 4 of the Hydrology Report discloses watersheds affected by the project. Table 1 on page 4 provides a description of physical characteristics of the project area, which includes a brief description of Aquatic Features, Condition of aquatic features based on visual observations, existing beneficial uses of water, and 303(d) listed water bodies. Photographs of riparian areas associated with specific units are provided in figures 3 through 10 on pages 7-11. Figure 11 and 12 on page 12 provide a visual display of percent of units by aquatic features and number of aquatic features by type in the project area. Cumulative watershed effects (CWE) analysis quantifies the existing condition in terms of past and present disturbances, providing a graphical representation of the existing condition.

The Hydrology Report (pg. 3) and Appendix A of the Hydrologic Analysis and Information (pg. 13) provides information on the % units with no aquatic features (32%) and units containing only ephemeral and intermittent streams/channels (44%). Maps A1-a, A1-b, and A1-c (pages 2-4, Appendix A) show the exact location of perennial, intermittent and ephemeral stream courses relative to treatment units and in the project area. This map has a scale, and an estimate of the actual feet of stream could easily be determined.

Appendix A of the Hydrologic Analysis and Information (pg. 5) discusses the conditions of the project area watersheds affected by the Power Fire of 2004. This section discusses accelerated runoff, eroded slopes and channels. Page 17 discloses those watersheds at the HUC 7 level that are on the State 303(d) list and existing conditions related to this designation.

The Hydrology Report (pg. 3) discloses approximately 41 percent of the units contain ephemeral and/or intermittent streams and channels; most of which can be traced to a culvert outlets from highway 88. Figure 5 is a photograph of one of the ephemeral/intermittent streams associated with Highway 88.

The Hydrology Report (Cumulative Watershed Effects, pg. 25) discusses current or expected land disturbance. This section documents runoff from Highway 88 has created and or enhanced a number of ephemeral streams/channels, which is expected to continue. It is clear from this discussion that the cumulative effects of Highway 88 have been included and quantified in the Cumulative Watershed Effects Analysis.

The Hydrology Report acknowledges the ephemeral and intermittent streams/channels that were created or enhanced by runoff from the highway. An analysis of these features included a detailed inventory of Highway 88 culverts and the extent of channel formation associated with those culverts. The design criterion for the project includes measures to ensure that project activities do not exacerbate features created or enhanced by runoff from Highway 88. The width of the buffer zones adjacent to ephemeral channels that were created or enhanced by runoff from Highway 88 has no bearing on the amount of runoff reaching these channels from Highway 88. Fixing these Highway 88 culvert-created channels is beyond the scope of this project as described in the purpose and need on pages 2 through 6 of the EA. There are no meadows in Unit 90 – there are small meadows to the southwest of the Unit. Unit 50 was reduced in size from approximately 207 to 74 acres, thus removing one large dry meadow from the Unit.

The RCO analysis indicates that the desired conditions under the SNFPA ROD are being implemented. Based on the information in the Hydrologist Report and Appendix A the existing condition has been discussed in writing, through photographs, maps, and quantitatively in the CWE section. The actual amount of ephemeral stream channels are provided as a percentage of total streams affected by project units and on maps of the project area.

The panel found the analysis in the Hydrology Report was objective, consistent with USDA guidelines, and contained an appropriate level of discussion for an environmental assessment. You state that the hydrologic analysis to determine potential effects to aquatic features was conducted without informational integrity; however, information integrity pertains to protection from unauthorized access or revision, and you fail to describe in sufficient detail how the integrity of the analysis is lacking.

Point 5: Challenged information regarding maps as they pertain to a scale that does not allow the public to ascertain the exact location of the proposed harvest and fuels treatment units and the aspen stand enhancement treatments.

Response:

Throughout the record the Forest discusses the units that are proposed for aspen stand enhancement treatments and the associated protection measures [Preliminary Environmental Assessment (PEA) Comment Analysis, pp. 16-17; Hydrology Report, Table 3, pp. 19-22; Soil Report, pp. 20-21; EA, Appendix B, pp. 14-15]. These units can then be identified relative to Highway 88, and stream courses throughout the project area using the maps attached to the EA. More detailed maps for each unit can also be found with the harvest cards that are included in the project record.

The panel found the Forest provided the information that was requested by the public, and the information that was appropriate for the decisionmaker to make a well-informed decision about whether the project required an Environmental Impact Statement (EIS). This is consistent with the USDA guidelines for information objectivity and utility.

Point 6: Challenged information regarding mechanical treatments on slopes greater than 35 percent.**Response:**

In the PEA Comment Analysis (pg. 28) there is a requirement that a soil scientist would monitor activity on slopes greater than 35%. Relevant requirements for monitoring are addressed in the DN/FONSI on pages 1 and 2, and in the EA on pages 11 and 16:

“No ground-based equipment would be allowed on slopes greater than 35%, hand operations would be required in steeper areas except for units 14, 11, 15, 10, 16A, 7, 6, 5, 3, 2, 17B, 17C, and 99 where slopes up to 40% can be mechanically treated. Mechanical treatments on slopes greater than 35% on those units listed above require on-site monitoring by soil scientist” (EA, pg. 16). “All MBP monitoring protocols would be followed... [o]ther monitoring is found in the applicable resource design criteria [throughout the EA] (EA, pg. 11).

The Soil Report prescribes the use of Management Practice 86 (Eldorado National Forest Land and Resource Management Plan, pg. 4-100), Soil Support Services: “Tractor logging shall not be permitted on slopes greater than 35% or on soils having an erosion hazard rating greater than 8 unless such activities will have no significant adverse effects. Determination of the magnitude of the impacts and the permitted deviation from this direction will be made by the interdisciplinary team, which includes earth science skills.”

Appendix B of the EA, Protection Measures for Aquatic Features, contains a unit specific discussion of proposed treatments, protection measures, and rationale for the protection measures.

In regards to the concern about slope percentages and Erosion Hazard Ratings (EHR), in addition to the Eldorado National Forest Soil Survey, the Soil Report references the EHR worksheet (Soil Report, Appendix B) and the Standards and Guidelines from the Eldorado’s Forest Plan. The

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Forest also included the California Soil Survey Committee's Computation of Erosion Hazard Rating form in the project record.

The panel found the EA included appropriate discussions about mechanical treatments and the protection measures that would be used during implementation to inform the decisionmaker and ensure that there are no significant environmental effects. This was in compliance with the USDA guidelines for the objectivity of information.

Finding

We find that the Eldorado National Forest View 88 project record complies with the USDA Information Quality guidelines. No corrective action will be taken as a result of this information correction request.

Request for Reconsideration

If you disagree with the Agency finding, you may submit a Request for Reconsideration (RFR) within 45 days from the date of this letter. The RFR should reference this letter.

The USDA implementing guidelines state that if the RFR involves information on which public comment has been sought and the Forest Service has an existing process for handling requests for the reconsideration of the final rule or similar regulatory action, the Forest Service will use that process.

Additional guidance on how to submit an RFR may be found at the USDA Information Correction link:

http://www.ocio.usda.gov/qi_guide/correction.html

A request for reconsideration may be submitted via facsimile, mail, or email to:

USDA Forest Service
Information Quality Officer
1SW Yates Building
1400 Independence Ave SW
Washington, DC 20250-1143

Fax: 202-260-3245

E-mail: gvargas@fs.fed.us

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If you should have any administrative procedural questions, please contact George Vargas, Forest Service Information Quality Officer, at (202) 205-0444 or at gvargas@fs.fed.us

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Tooke". The signature is fluid and cursive, with the first name "Tony" and last name "Tooke" clearly distinguishable.

TONY TOOKE
Director for Ecosystem Management Coordination

cc: Linda J West, Gina Owens, Michael McGee, MaryBeth Hennessy, Arthur A Duggan