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To: USDA Forest Service
George Vargas, Data Quality Official
Mail Stop 1143
1400 Independence Ave. SW
Washington D.C. 20250-1143
Filed electronically: gvargas@fs.fed.us

RE: Complaint Regarding Quality of Information: Specialists' Reports, Environmental Assessment, Decision Notice, and Finding of No Significant Impact for the View 88 Fuels Reduction and Forest Health Project; Amador Ranger District, Eldorado National Forest, Pacific Southwest Region.

Mr. Vargas;

I am hereby submitting this Information Quality Complaint ("Complaint") pursuant to the Data Quality Act of 2000, the Office of Management and Budget ("OMB") Guidelines for Ensuring and Maximizing the Quality, Utility, and Integrity of Information disseminated by Federal Agencies ("OMB Guidelines"),

DESCRIPTION OF CHALLENGED INFORMATION THAT THE USDA FOREST SERVICE DISSEMINATED TO THE PUBLIC

The challenged information was developed by USDA Forest Service personnel for the purposes of fulfilling the requirements of NEPA and NFMA in order to proceed with the View 88 Fuels Reduction and Forest Health Project on the Amador Ranger District of the Eldorado National Forest (Pacific Southwest Region). This information was provided to the public upon request after being noted in the Schedule of Proposed Actions (SOPA) and was displayed on the official website of the Eldorado National Forest¹.

THE CHALLENGED INFORMATION DOES NOT COMPLY WITH THE USDA INFORMATION QUALITY ACTIVITIES GENERAL REQUIREMENTS

Objectivity

US Department of Agriculture guidelines for dissemination of information to the public by its agencies and offices state that "*USDA agencies and offices will strive to ensure that the information they disseminate is substantively accurate, reliable, and unbiased and presented in an accurate, clear, complete, and unbiased manner.*"²

Utility

US Department of Agriculture guidelines for dissemination of information to the public by its agencies and offices state that

- "*USDA agencies and offices will assess the usefulness of the information they disseminate to its intended users, including the public.*"
- "*When transparency of information is relevant for assessing the information's usefulness from the public's perspective, USDA agencies and offices will ensure that transparency is addressed in their review of the information prior to its dissemination.*"

¹ Ref: <http://www.fs.fed.us/r5/eldorado/projects/view88/index.shtml>

² Ref: http://www.ocio.usda.gov/qi_guide/index.html

CHALLENGED INFORMATION

1) Challenged Information Regarding the Riparian Conservation Area (RCA) Protection Measures

Along with other Sierran forests, the Eldorado is required to comply with the Sierra Nevada Forest Plan Amendment (SNFPA). The SNFPA contains an Aquatic Management Strategy (AMS) that states "*The fundamental principle of the AMS is to retain, restore, and protect the processes and landforms that provide habitat for aquatic and riparian-dependent organisms, and produce and deliver high-quality waters for which the national forests were established.*"

The SNFPA also establishes RCAs for various stream types³. RCAs "*...are land allocations that are managed to maintain or restore the structure and function of aquatic, riparian and meadow ecosystems. The intent of management direction for RCAs is to (1) preserve, enhance, and restore habitat for riparian- and aquatic-dependent species; (2) ensure that water quality is maintained or restored; (3) enhance habitat conservation for species associated with the transition zone between upslope and riparian areas; and (4) provide greater connectivity within the watershed.*"

In evaluating new projects, the SNFPA mandates that site-specific project-level analyses be conducted to determine the scope of activities that can occur within RCAs.

The RCA Protection Measures listed in the Soils Report, the Hydrology Report, the Aquatic Species Biological Assessment/Biological Evaluation, and the Environmental Assessment are not slope or soil specific despite the fact that issues with high-gradient streams are noted in the Aquatic Species Biological Assessment and Biological Evaluation for the View 88 Fuels Reduction Project (aka Aquatics Report) and problematic soils such as granitics and cryic volcanics⁴ (pages 8 and 10 respectively) and issues related to erosion due to Highway 88 (page 14) are noted in the Soil Report. Furthermore, the project hydrologist's notes document instances of channel erosion starting at culvert outlets on Highway 88 that extend up to 500 feet downstream of the highway. And, although there is some anecdotal justification for the "buffer zone" widths, there is no mention of a scientific basis for the various Protection Measures⁵.

I contend that the analysis to determine RCA Protection Measures was without informational integrity and performed with the sole purpose of accommodating fuels reduction activities in the RCA despite the Sierra Nevada Forest Plan Amendment mandates noted above.

2) Challenged Information Regarding the Aspen Stand Enhancement Activities

Aspen stand enhancement activities include the removal of all conifers less than 30 inches in diameter within 100 feet on north side of the aspen and 150 feet on the east, west, and south sides of aspen clumps. Since the aspen stands are closely associated with meadow complexes, these treatments which amount to mini clear-cuts, have the potential to adversely affect associated meadows particularly if the meadows are not in proper functioning condition and are susceptible to degradation (e.g., existing erosion, erosive soils, headcuts, sparse vegetation, degraded stream channels, etc.). The specialists' reports and the

³ Ref. Table II.C.1 of the Sierra Nevada Forest Plan Amendment; SNFP, page A-52

⁴ Granitics occupy 13 percent of the project area; granitics have low fertility. Cryic volcanic soils occupy 50 percent (2,639 acres) of the project soils; they have a high negative response to canopy openings (ref: Soil Report).

⁵ In 2008 Forest and then project hydrologist, Ms. Kimberly Morales presented the View 88 ID Team with a series of Protection Measures that were slope variant. The slope/buffer width breakout was supported by published peer-reviewed articles.

Environmental Assessment for the View 88 Fuels Reduction and Forest Health Project fail to fully acknowledge degraded existing conditions in and adjacent to meadow complexes where aspen stand enhancement activities will occur and the fail to fully acknowledge the potential adverse post-treatment effects to these complexes.

Furthermore, Shepperd, Rogers, Burton, and Bartos (2006) note that the aspen association in the upper montane area of the central Sierra Nevada had soils with the highest Available Water Holding Capacity (AWC)⁶ of any forested associations; Potter (1998) in Rogers, Shepperd, and Bartos (2007) correlates aspen stands with slope. Similarly Bartos and Shepperd (2006, page 4) note "*Such factors as elevation, topography, and soils are all an integral part of the aspen ecosystem.*" And, research related to successful aspen stand enhancement with minimal effect to water quality and macroinvertebrate assemblages on the Lassen National Forest included equipment buffer zones along streams that varied depending on slope and ground cover (Tate 2007). Thus, aspen stand enhancement activities should be correlated to soil type, water holding capacity, and slope as well as erosion potential using the best available science. Such discussions are lacking in the View 88 Project specialists' reports.

Regarding mapping of these activities, neither the Environmental Assessment for the View 88 Fuels Reduction and Forest Health Project nor the Aquatics & Hydrology Reports include maps of the aspen stand treatments; however, the 2008 solicitation for tree marking in the View 88 Fuels Reduction and Forest Health Project Area does delineate where the aspen stand treatments will be occurring. Thus, the public was unable to determine the full range of potential effects to aquatic features prior to the completion of the final Environmental Assessment. Not providing the public with information that was provided to potential contractors gives the distinct impression of failing to disclose facts about the project to that would adversely affect the project⁷.

I contend that the failure to consider readily available scientific information related the proposed activities and the failure to provide readily available maps of the aspen stand improvement areas to the public was intentional and done with the purpose of accommodating activities cited in the Proposed Action in meadow RCAs despite the Sierra Nevada Forest Plan Amendment mandates noted above.

3) Challenged Information Regarding Aquatic Features

On page 7, the Soil Report states "*There is 76 acres of wetland mapped within the project area*" basically referring to meadows and springs. However, the Aquatics Report acknowledges 65 acres of mapped meadow within the project and the Hydrology Report only acknowledges that there are 9 meadows (page 5). Thus, not only is there inconsistency between the specialist reports, it appears that approximately 10 acres of wetland within the project area were not analyzed for site-specific Protection Measures to protect RCA integrity.

I contend that the analysis to determine effects to aquatic features within the project area was without informational integrity and performed with the sole purpose of accommodating fuels reduction activities in the RCA despite the Sierra Nevada Forest Plan Amendment mandates noted above. Additionally, the failure to provide consistency across the spectrum of the specialist reports and

⁶ AWC is defined as the capacity of soils to hold water.

⁷ Comments on the Preliminary Environmental Assessment for this project included providing the public with maps of the aspen stand enhancement areas; this comment was apparently ignored.

the seeming contradictions in the amount of wetland/meadow within and immediately adjacent to project units, renders the information provided useless to its intended users, including the public.

4) Challenged Information Regarding Lack of Specificity and Discussion in the Hydrology Report

The Hydrology Report lacks specificity and discussion of the existing condition, desired condition, and actual amount of ephemeral stream channel and ephemeral RCA. Instead of noting miles of ephemeral channel the report merely states that there are 57 ephemeral streams and channels; perennial and intermittent stream channels as well as meadows and wetlands are treated in a similar manner. Ignored is the fact that there are 4.3 miles of ephemeral stream channel that, given a 150 foot RCA, would translate out to approximately 78 acres of ephemeral RCA.

The Hydrology Report also notes that the "majority" of ephemeral stream channels can be traced back to Highway 88, but lacks discussion on the effects of high energy flows deriving from the highway, euphemistically and misleadingly referring to the highway as "enhancing" the ephemeral streams⁸. Lacking too is a thorough discussion of the effects to off-site channels and riparian areas downslope of the treatment units due to a combination of highway and ephemeral channel runoff.

Furthermore, although the Environmental Assessment (page 75) and the Aquatics Report (pages 20 and 21) acknowledges that small headwater streams such as the 4.3 miles of ephemeral channel in the View 88 Units have the potential to contribute to the presence/absence of downstream vertebrates, there is no acknowledgement of that fact in the Hydrology Report or the Riparian Conservation Objective Consistency Analysis.

Additionally, the Aquatics Report refers to adverse effects to pool habitats, yet there is no acknowledgement of that fact in the Hydrology Report or the Riparian Conservation Objective Consistency Analysis.

As noted in the SNFPA, "*The fundamental principle of the AMS is to retain, restore, and protect the processes and landforms that provide habitat for aquatic and riparian-dependent organisms, and produce and deliver high-quality waters for which the national forests were established.*" Given the lack of discussion and specificity noted above in the Hydrology Report and the Riparian Conservation Objective Consistency Analysis, these reports do not adequately address the fundamental goal of the SNFPA AMS, nor do they meet the criteria established for Evaluating New Projects (SNFPA ROD page A-8).

Furthermore, more often than not, rather than cite specific numbers when the actual number may tend to cast a negative perspective on existing project riparian condition, the Hydrology Report, merely states, "*the majority of aquatic features*" (page 2), "*the majority of these streams*" (page 3), "*many of the ephemeral and intermittent streams/channels were created or enhanced by the runoff from Highway 88*" (page 5), or "*most of the units*" (page 15).

I contend that the hydrologic analysis to determine potential effects to aquatic features lacked objectivity, was conducted without informational integrity, and was performed with the sole purpose of accommodating fuels reduction activities

⁸ The project hydrologist's notes obtained under the Freedom of Information Act indicate instances of channel erosion starting at culvert outlets from Highway 88 that extend up to 500 feet downstream of the discharge point.

in the RCA despite the Sierra Nevada Forest Plan Amendment mandates noted above. Additionally, the failure to provide site-specific information regarding all project aquatic features renders the information provided useless to its intended users, including the public.

5) Challenged Information Regarding Maps

The View 88 Project Area which includes approximately 2,153 acres stretches for approximately 23 miles along Highway 88. The maps provided in the Environmental Assessment for the View 88 Fuels Reduction and Forest Health Project cover this area in three sheets and are at a scale that does not allow the public to ascertain the exact location of the proposed harvest and fuels treatment units. And as previously noted, the maps do not include the locations of the aspen stand enhancement treatments. Again, the failure to disclose such information is inconsistent with NEPA.

I contend that site-specific maps of a usable scale to determine project unit locations were intentionally omitted to reduce or eliminate public review and comment regarding the proposed project activities. As such, the failure to provide such maps violates the USDA requirements regarding objectivity and utility.

6) Challenged Information Regarding Mechanical Treatments on Slopes Greater Than 35 Percent

The EA (page 16) Soil Report (page 21) allows for mechanical treatments on slopes greater than 35 percent in units 2, 3, 5, 6, 7, 10, 11, 14, 15, 16A, 17B, 17C, and 99⁹. Two of these units, Units 5 and 6 are at or near Forest Plan threshold values for disturbance (Soil Report page 21); Unit 16 has a pre-activity disturbance level that exceeds Forest Plan Standards and Guidelines (Soil Report page 13). Volcanic soils dominate all of these units with volcanic cryic soils being the predominate volcanic soil type. Volcanic cryic soils tend to be problematic due to their high response to canopy openings. More specifically, volcanic cryic soils are slow to revegetate.

Table 2 of the Soil Report provides a Summary of soil properties in the project area. This table gives the "Erosion Hazard Rating (EHR) Project" for these soils on a 35 percent slope as moderate. However, in contrast, the "Erosion Hazard Rating (EHR) From Soil Survey" on slopes greater than 30 percent is high; specific citations/references are lacking in both cases¹⁰.

Nowhere in the Soil Report where mechanical treatments on slopes greater than 35 percent are allowed is there a unit-specific discussion of soil type, aquatic features, drainage features from Highway 88, existing erosion, and/or existing vegetation that explains how such treatments would be consistent with AMS Goal 7¹¹. Furthermore, there the Soil Report does not provide adequate justification

⁹ Breakout of Units 16A, 17B, and 17C not delineated on maps; only the parent unit is shown.

¹⁰ Note: Table 2 lists granitic soils which include the Chaix, Piliken, and Lumberly soil series as having a low EHR on slopes less than 30 percent and a moderate EHR on slopes greater than 30 percent. In contrast, the Soil Survey of El Dorado Area, California (USDA 1974) states that Chaix soils have a high erosion hazard (page 15). And although an explanation is provided of the values provided in Table 2, no citations or scientific references are mentioned other than a general reference to the "ENF Soil Survey" which is not listed in the "Reference" section of the report. Based on the explanations provided, and in view of the information provided in the Soil Survey of El Dorado Area, the EHR Project appears to be the specialist's opinion of the erosion potential, whereas the EHR from the Soil Survey appears to possibly some scientific basis but it is not cited. This violates the Data Quality Act which sets Federal Agency requirements related to objectivity, best available science, and analytic results.

¹¹ SNFPA Page A-6: "Maintain and restore soils with favorable infiltration characteristics and diverse vegetative cover to absorb and filter precipitation and to sustain favorable conditions of stream flows."

as to why mechanical treatments on slopes greater than 35 percent are necessary in units at or exceeding Forest Plan Standards and Guidelines for disturbance.

In units where mechanical treatments will be allowed on slopes greater than 35 percent, the failure to provide site-specific overlapping information with regard to slope, soil type, EHR, and whether or not the unit has exceeded Forest Plan Standards and Guidelines for soil disturbance demonstrates a lack of objectivity in the soil analysis. Furthermore, given the EHR contradictions between the project Soil Report and Soil Survey of the El Dorado Area produced by the USDA Soil Conservation Service and Forest Service, I contend that the information provided is not substantively accurate, reliable, or unbiased and presented in an accurate, clear, complete, and unbiased manner that would allow other agencies or the public to determine the full environmental effects of the Proposed Action.

Explanation of the Effect of the Alleged Error

The National Environmental Policy Act of 1969 (NEPA) is the cornerstone of our Nation's environmental laws and was enacted to ensure that information on the environmental effects of any Federal, or federally funded, action is available to public officials and citizens before decisions are made and before actions are taken.

An Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) is a concise public document that provides sufficient evidence and analysis for determining whether the proposing agency should issue a Finding of No Significant Environmental Impact (FONSI) or prepare an Environmental Impact Statement (EIS). The purpose of the EA is to determine the environment effects of the potential alternatives, address unresolved environmental issues, and provide a basis for a decision. The EA process provides a forum to address both regulatory (e.g., Clean Water Act, NEPA, NFMA, and Forest Plans) and public concerns and, based on public comment and other input, to determine if significant environmental impacts were overlooked in the Agency analysis.

In order for the public to determine if a proposed project has significant environmental impacts, they must be able to determine the project location and where specific activities will occur within the project area. As noted above, the maps provided in the Specialists' Reports and the Environmental Assessment for the View 88 Fuels Reduction and Forest Health Project are not at a scale and do not provide sufficient information to determine project unit locations or aspen stand enhancement locations.

I contend the failure to present site-specific metrics and data that are readily available through GIS queries indicates a reluctance on the part of the Eldorado National Forest to disclose all the potential effects of the proposed action. I also contend, as noted in Items 1-6 above, the lack of informational integrity and objectivity in the presentation of information in the specialists' reports and the EA prevents a thorough assessment of the environmental effects of the proposed project by other agencies and the public. As a result significant impacts resulting from the implementation of the project may easily have been overlooked.

RECOMMENDATION AND JUSTIFICATION FOR HOW THE INFORMATION SHOULD BE CORRECTED

Based on the information provided above, I respectfully request that the USDA Forest Service rescind the Decision Notice, and Finding of No Significant Impact for the View 88 Fuels Reduction and Forest Health Project and re-issue the Environmental Assessment in draft form subject to rigorous peer review in order to allow public involvement as stipulated by the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA).

CONCLUSION

In addition to the "Recommendation and Justification for How the Information Should be Corrected" and based on the discussion above, I respectfully request that the USDA Forest

Service remove the Final View 88 Fuels Reduction and Forest Health Project Environmental Assessment – dated June 2011 – from official publication and cease further online and printed distribution of this document. Since the challenged document is “influential” information, we urge USDA Forest Service reviewers of this complaint to employ the more rigorous standard of review called for in the SNFPA¹² mandates. Regardless of the review standard employed, it should exhibit the qualities of integrity, objectivity, reliability and utility required by the Data Quality Act as implemented by the USDA Guidelines.

Pursuant to the USDA Guidelines, I look forward to your response to this Complaint within 60 days. Thank you in advance for your prompt attention to this matter.

Sincerely,



References

Bartos, Dale L and Shepperd, Wayne D. 2006. Summary of Aspen Summit Meeting December 18-19, 2006. Salt Lake City, Utah

Shepperd, Wayne D; Rogers, Paul C; Burton, David. 2007. Aspen in the Sierra Nevada: Regional Conservation of a Continental Species. *Natural Areas Journal* 27(2), 183-193.

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Tate, Kenneth W. 2007. Progress Report May 2003 through June 2008 for the Long-Term Environmental Effects of Conifer Removal to Achieve Aspen Stand Release in Near-Stream Areas Within the Northern Sierras. Submitted to: USDA Forest Service, Pacific Southwest Region, Lassen National Forest.

USDA 1974. Soil Survey of El Dorado Area, California. USDA Soil Conservation Service and Forest Service. In Cooperation with University of California, Agricultural Experiment Station. US Department of Agriculture. Washington, DC.

USDA Forest Service. 2004. Sierra Nevada Forest Plan Amendment Final Supplemental Environmental Impact Statement, Record of Decision. USDA Forest Service, Pacific Southwest Region. Vallejo, California.

¹² The SNFPA (page A-9) states “A project will be peer reviewed if it proposes ground-disturbing activities in more than 25 percent of the RCA...” Given the amount of ground-disturbing activities allowed in the RCAs proposed by the Environmental Assessment for the View 88 Fuels Reduction and Forest Health Project, a peer review would be required.