



United States  
Department of  
Agriculture

Forest  
Service

Region 1

Federal Building  
P.O. Box 7669  
Missoula, MT 59807

File Code: 1570 (215)  
#97-01-00-0052

Date: May 23, 1997

Jim Dayton, Director  
Wilderness Resource Center  
Box 7332  
Missoula, MT

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dear Mr. Dayton:

This is my decision on disposition of the appeal you filed on behalf of the Wilderness Resource Center protesting the Missoula District Ranger's Decision Notice (DN) for Noxious Weed Control Projects on the Missoula Ranger District of the Lolo National Forest.

The District Ranger's decision adopts Alternative C modified. Implementation of this decision will provide for an integrated pest management approach to weed management using a combination of prevention, biological management, physical control, and ground-based herbicide treatment on a maximum of 20 weed sites in a 283-acre area and includes follow-up weed control on these sites. This decision also allows authorization of organized volunteers to conduct weed pulling on specific sites.

#### DECISION

After careful consideration of the Appeal Reviewing Officer's recommendation, I affirm the District Ranger's decision to implement Alternative C modified. Your requested relief is denied. However, by copy of this letter, I am instructing the Forest Supervisor to ensure this project is not implemented until the monitoring intentions are clearly Identified and the question of how and when the public will be informed of the herbicide application schedule is clarified.

The Responsible Official is to mail these additions to the Appellants, the Interested Parties, and those that commented on the Environmental Assessment, in a timely manner, prior to project implementation. In, addition, a copy shall be attached to the DN in the project file.

My review of your appeal was conducted pursuant to, and in accordance with, 36 CFR 215.17 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. I have thoroughly reviewed the appeal record, including the recommendation of the Appeal Reviewing Officer (copy enclosed) regarding the formal disposition of your appeal. My decision hereby incorporates by reference the entire appeal record.



## APPEAL SUMMARY

You allege this decision violates the Americans with Disabilities Act and misinterprets the Rattlesnake National Recreation Area and Wilderness Limits of Acceptable Change Management Plan.

Your central objections relate to grazing for weed control, manual weed control affects on chemically sensitive individuals, and cumulative effects.

You request that the decision be stayed permanently and a program of manual control and prevention methods be implemented.

An Informal Meeting was held, but no resolution was reached. Interested Party comments were received from Tony Tweedale, Gail Gutsche, and Larry Evans.

## APPEAL REVIEWING OFFICER RECOMMENDATION

The Appeal Reviewing Officer recommends the District Ranger's decision be affirmed and your requested relief be denied.

## FINDINGS

Following is my evaluation of the objections raised in your appeal and your requested changes.

### Scope of Decision

Decisions made in Forest Plans are subject to administrative review under 36 CFR 217 and are not subject to review in project or activity decisions [36 CFR 215.8(a)(1)]. These decisions are considered to be beyond the scope of the project-level decision, and the opportunity to challenge these decisions has been exhausted.

Similarly, Appellants may not request review of activities that are not "connected" to the project decision being challenged or ask that additional decisions be made that are not "ripe" for decision. Under NEPA, the Responsible Official has the discretion to propose actions and determine which actions warrant a decision and those that do not.

I have determined your objections are within the scope of the decision.

### Scope of Decision Documentation

Your objections correspond closely to comments you raised in scoping and during the comment period. Because of your early participation in the pre-decisional process, the District Ranger was able to analyze these concerns by incorporating them into the environmental analysis and consider them in making the decision.

Appeal Regulations at 36 CFR 215 allow for expanded opportunities for public involvement in Forest Service decisionmaking. The public is best served by mutual efforts to resolve differences during the decisionmaking process rather than after a decision is made.

Procedural Determination

I have thoroughly reviewed your arguments and the information referenced in the District Ranger's May 12, 1997, Transmittal Letter (copy enclosed). The Transmittal Letter provides specific page references to discussions in the Environmental Assessment (EA), the DN, and project file which bear upon your objections. The objections you raise in your appeal are similar to the comments you made on the EA. The project file indicates your objections were either addressed as environmental issues in the EA or are discussed in the DN. I specifically incorporate in this decision the references and citations contained in the Transmittal Letter. Based upon a review of the references and citations provided by the District Ranger, I find the objections you raised were adequately considered in the EA/DN and the District Ranger made a reasoned decision concerning those issues. I find the District Ranger has complied with all laws, regulations and policy.

My decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

Sincerely,

/S/ KATHLEEN A. MCALLISTER

KATHLEEN A. MCALLISTER  
Appeal Deciding Officer  
Deputy Regional Forester

Enclosures (2)