



United States
Department of
Agriculture

Forest
Service

Region 1

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File Code: 1570 (215)

Date: July 6, 2000

Route To:

Subject: Palouse Ranger District Noxious Weed Treatment Program DN,
Appeal #00-01-00-0097, Clearwater National Forest

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Michael Wood on behalf of Alliance for the Wild Rockies; The Ecology Center, Inc.; and Friends of the Clearwater protesting the Palouse Ranger District Noxious Weed Treatment Program Decision Notice (DN) signed by the Palouse District Ranger (Clearwater National Forest).

The District Ranger's decision adopts Alternative C, which integrates chemical, cultural, manual, and biological control methods at 470 specific treatment sites, in addition to activities designed to reduce the introduction and redistribution of weeds. Control activities will occur on approximately 4,770 acres over the next 10 years. The selected alternative includes implementation of an adaptive strategy for future treatment of noxious weeds as new infestations are discovered.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision are in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellants' objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellants allege violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Administrative Procedures Act (APA), the Clean Water Act (CWA), the Clearwater National Forest Plan, and the Forest Service Manual (FSM). The appellants request a remand of the DN. The appellants declined the offer for an informal disposition meeting.

ISSUE REVIEW

Issue 1. The EA fails to include an alternative that addresses the leading causes of noxious weed spread, and is therefore in violation of NEPA, the Forest Service Handbook, and Executive Order #13112.

The appellants contend that the Environmental Assessment (EA) considers a very limited range of prevention alternatives and fails to consider the most effective method of preventing noxious weeds – limiting new road construction, reconstruction, logging, and grazing on the District.

Response: The EA analyzed three alternatives in detail including a non-chemical weed control alternative. The EA also describes three additional alternatives that were dropped from detailed study,



one of which considered noxious weed control by limiting logging and road construction. As stated in the EA, “The intent of this EA is to address current weed infestations and provide the framework of weed treatment guidelines for future projects which may potentially contribute to weed spread. For this reason, limiting logging and road construction is a decision outside the scope of this EA” (EA, p. II-23).

Issue 2. The EA and DN violate NEPA by failing to adequately analyze connected, cumulative, and similar impacts.

The appellants contend that the impacts of various land-disturbing actions that the Palouse District carries on are fully connected in the NEPA sense; thus, the decision to limit the scope of the EA to exclude the weed-spreading nature of other land-disturbing activities is illegal. They also contend that the EA fails to disclose the degree to which follow up and further control would be necessary, the intensity of those treatments, and the environmental and economic impacts of those later actions. The appellants believe that although the EA claims that it is not a general management plan for the project area or a programmatic environmental assessment, it actually serves as an umbrella for future weed management projects on the District, and fails to analyze those on a more site-specific level.

Response: The EA describes the scope of the analysis for the Palouse Noxious Weed Control project on pages I-11 and I-12. The regulations at 40 CFR 1508.25 describe the scope as consisting “of the range of actions, alternatives, and impacts to be considered...” Connected actions are those actions that cannot proceed unless other actions are taken previously or simultaneously or are interdependent parts of a larger action and depend on the larger action for justification (40 CFR 1508.25). While land-disturbing activities may increase the risk of noxious weed invasion, the invasion is not automatically triggered. Noxious weed invasion may also occur independent of land-disturbing activities. These activities are not interdependent, nor is one action precluded if the other does not occur.

The EA discloses the environmental effects of the selected alternative, including cumulative effects of follow up treatment, on the various resources in Chapter IV. The DN (p. 10) and EA (p. II-12) describe the adaptive management strategy that will be used to treat those areas with new infestations that were not identified at the time of the decision. The DN and EA also describe the process that will be used to select the treatment method for new treatment sites. The Adaptive Strategy Flow Chart (EA, Appendix G) describes the process that will be used to determine treatment methods and timing following noxious weed surveys for each site. Site-specific recommendations for treatment of new infestations will be made and the proposed treatments will also be evaluated to determine if they fit within the scope of the EA relative to the issues analyzed.

Issue 3. The socio-economic analysis is incomplete.

The appellants contend that the decision-maker and concerned public do not have the needed information to determine whether the selected alternative maximizes long-term net public benefits in an environmentally sound manner. Specifically, the EA fails to discuss the amount of employment that a spray program will have, compared to the labor intensive mechanical and hand treatment methods.

Response: Providing employment for the local economy was not part of the purpose and need for the project. Costs of implementing the various weed treatment methods are displayed in response to comments made by the appellants (DN, Comment Appendix, pp. 8-9). The DN documents why

Alternative C is the most effective means of treating noxious weeds to meet the purpose and need for the project (DN, pp. 1-4).

Issue 4. The Finding of No Significant Impact is based upon incomplete analysis and renders the EA and FONSI inadequate.

The appellants contend that by limiting the scope of the analysis of the EA, the Forest Service failed to consider the most effective means of reducing or eliminating noxious weeds (stop road building and logging), failed to consider the cumulative impacts, and failed to adequately address the socio-economic costs of the project. They claim that the EA does not provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI).

Response: Please see my responses to Issues 1-3. The regulations at 40 CFR 1501.4c provide for the preparation of an EA to determine whether or not to prepare an EIS. As documented in the DN and FONSI, the District Ranger determined that this project is not a major federal action with significant effects on the quality of the human environment (DN, pp. 20-22). Based on review of the documentation, I concur with his determination.

RECOMMENDATION

I recommend the District Ranger's decision be affirmed and the appellants' requested relief be denied.

/s/ Gary A. Morrison

GARY A. MORRISON
Reviewing Officer
Director, Recreation, Minerals, Lands, Heritage
And Wilderness