

United States  
Department of  
Agriculture

Forest  
Service

R-1

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Reply To: 1570 (215)

Date: September 29, 1997

Subject: Noxious Weed Projects, Appeal #97-01-00-0104  
Bitterroot NF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Jim Dayton on behalf of Wilderness Resource Center, Women's Voices for the Earth, and himself protesting the Bitterroot National Forest Supervisor's Decision Notice (DN) for Noxious Weed Prevention Projects.

The Forest Supervisor has selected Alternative B which will implement chemical weed control on 17 sites, in total of 37 acres, to prevent the spread of exotic weed infestations.

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 and interested party comments, has been thoroughly reviewed.

#### APPEAL SUMMARY

The Appellants allege violations of the National Environmental Policy Act, the National Forest Management Act, the Administrative Procedures Act, the Clean Water Act, the Americans with Disabilities Act, the Management Plan for the Selway-Bitterroot Wilderness, the Bitterroot Forest Plan, and the Forest Service Manual.

The Appellants request the decision be remanded, a new Environmental Assessment (EA) be written correcting the deficiencies noted in this appeal; a program of manual weed control be implemented, and consultation with chemically-sensitive individuals be implemented.

An informal meeting was held on September 11, but no resolution was reached. Interested party comments were received from Abbe Russell and Larry Evans.

#### FINDINGS

My recommendation is based upon the following evaluation:

Clarity

The decision is stated early in the document. Information is provided to understand the process and rationale used in making the decision. The explanation of the project in the DN could have been improved, however, by carrying forward the five issues and concerns discussed in the EA.

Critical mitigation and design criteria are discussed in the introduction to the FONSI. The maps in the EA are adequate but there are no maps in the DN; it would have been helpful to the reader to have included at least a vicinity map in the DN. Also, the decision document could have been improved by a stronger tie with the purpose and need statement in the EA.

I find the Forest Supervisor made a rational decision that is adequately stated in the decision document.

#### Purpose of the Proposal and Comprehension of Benefits

The purpose and benefits of the project are stated in terms of meeting legal obligations and the Forest Plan goals and objectives. Although the DN contained a brief description of the purpose and need of the project, a more detailed summary of the purpose and need would have made the project more understandable to the reader.

The no action alternative was discussed in the DN but the effects of increased weed distribution on environmental resources could have been elaborated.

Decision criteria, such as effectiveness of control, safety to humans and resources, etc., are identified, but a lengthier discussion of each would have been appropriate, as would a comparison of alternatives based on the decision criteria. The relationship between the decision criteria and the selected alternative is documented, however.

I conclude the decision document supports the need for and benefits of the proposed project.

#### Consistency With Policy, Direction, and Supporting Information

The project is consistent with the Forest Plan goals, standards and objectives, the Selway Bitterroot Wilderness General Management Direction, and with law and regulation. Ecosystem management principles, specifically grassland ecosystem health, are incorporated in the EA and ecological health is discussed in the DN.

The EA clearly describes Forest Plan direction as the basis of the purpose and need for the project. The project is consistent with management guidelines for riparian habitat conservation area strategies in PACFISH and INFISH.

The statements in the FONSI are clear and are supported by effects analyses in the EA. The FONSI considers impacts to the ecosystem and to local communities in terms of context and intensity. Mitigation measures are clearly identified in the DN.

I find the project complies with all legal and regulatory requirements, as well as Forest Service policy.

#### Effectiveness of Public Participation Activities and Use of Comments

There was no formal public involvement strategy. Scoping consisted of publication of legal notices and mailings of the EA and DN. Both the Tribe and the State were notified. There were four written responses to scoping, all of which supported some level of chemical treatment.

The public response did not generate new issues, so the issues generated by the project ID team members were used. The action alternative was responsive to public input in general, although some specific comments were considered to be outside the scope of the project. The Responsible Official met with one of the commentors to further understand that person's concerns.

I find the public involvement efforts were adequate considering the size of the project.

#### RECOMMENDATION

I recommend the Forest Supervisor's decision be affirmed and the Appellants' requested relief be denied.

/s/ ELIZABETH L. HORN

ELIZABETH L. HORN  
Appeal Reviewing Officer  
Director, Public and Governmental Relations