

United States            Forest            R-1  
Department of        Service  
Agriculture

Reply To: 1570 (215)

Date: April 30, 1997

Subject: St. Joe Weed Control Project, Appeal #97-01-00-0036  
IPNF

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Folger on behalf of the Inland Empire Public Lands Council and The Ecology Center protesting the St. Joe Deputy District Ranger's Record of Decision (ROD) for the St. Joe Weed Control Project on the St. Joe District of the Idaho Panhandle National Forests.

The Deputy District Ranger's decision adopts Alternative 2 implementing control of noxious weeds for 128 sites on about 2,225 acres. The decision will also allow treatment of new weed infestations on an additional 450 acres based on analysis of the site characteristics.

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.

#### SUMMARY

The Appellants allege violations of the National Environmental Policy Act.

The Appellants request a full remand of the ROD, and that the Forest write a new Environmental Impact Statement (EIS) correcting the identified deficiencies and violations of law, regulation, and policy, but preferably amend the Forest Plan to deal with the ongoing problem of noxious weeds.

An Informal Meeting was held, but no resolution was reached. No Interested Party comments were received.

#### FINDINGS

My recommendation is based upon the following evaluation:

##### Clarity of the Decision and Rationale

The relationship between the Forest Plan and the decision criteria is clearly demonstrated. The decision to be implemented is clearly stated and easily understood,

The Responsible Official considered public comments, including comments on non-chemical treatments, in the making his decision, but deemed them insignificant. I believe the rationale for dismissing non-chemical treatment issues as insignificant should have been more thoroughly analyzed.

It appears as though only the no-action alternative and proposed alternative were considered. It is clear that the selected alternative will accomplish the purpose and need, and the no-action alternative would not meet the purpose and need or be consistent with the State of Idaho weed control law. Therefore, basically only one alternative (the proposed) was feasible.

I conclude the ROD is understandable, but neither the ROD nor the Environmental

Impact Statement contain supporting documentation for limiting the range of alternatives to one viable alternative.

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

It is clearly disclosed in the ROD that the purpose and need for the proposal are developed from Forest Plan desired conditions.

The consequences of taking no action are clearly described in the EIS; in addition, taking no action is not consistent with State law for controlling noxious weeds.

I conclude the benefits and purpose of the proposal are supported.

#### Consistency of the Decision with Policy, Direction, and Supporting Information

The proposal is consistent with Forest Plan goals and direction. The Responsible Official did a good job of verifying Forest Plan direction as part of the analysis.

Although not directly stated, ecosystem management principles are addressed by the purpose and need. The ecosystem management process is described in the no-action alternative by addressing possible effects and is incorporated into the project design.

The proposal is consistent with Agency policy and direction and with "Forest Service Ethics and Course to the Future."

Study results are presented in the documentation describing the potential effects of the project and the implied risk.

I conclude the Responsible Official has complied with laws, regulations, and current Forest Service policy relative to noxious weeds.

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

No public involvement strategy was documented in the project file; however, it is obvious there was a public participation plan. The public was involved in the project, and the Coeur d'Alene Tribe was sent a scoping notice.

Issues were identified using scoping information. The relationship between comments received and issue development is not always clearly identified or explained. The process used to identify key issues is not clearly documented. Comments received were not attached to the Final EIS nor was there an appendix to the Final EIS.

Comments were evaluated but not responded to other than in the ROD. The documentation does not disclose how comments were considered in the decisionmaking process except for mitigation.

Although the content analysis process was not used, it appears that comments were reviewed by the interdisciplinary team. It is not clear whether analysis of comments was used by the Responsible Official, but the public involvement section of the ROD helps bridge the gap. Three comments concerned non-chemical weed control, but no alternative was developed in response.

I conclude public involvement efforts met minimum requirements, but could have been better utilized.

#### Requested Changes and Objections of the Appellant

The appeal is clearly written, easily understood, and clearly expresses the reasoning for the requested changes. However, Appellants' requested changes are generally outside the scope of the project or inconsistent with the purpose

and need for this project. Disagreements generally stem from a philosophical difference on management of National Forest System lands.

The Appellants' logic is generally clear but reflects a basic disagreement with the purpose and need for action, and in my opinion is not convincing.

My review concludes the Appellants fully understand the proposal, but have a different philosophy for management of Forest Service System lands.

#### RECOMMENDATION

I recommend the Deputy District Ranger's decision be reversed based on the inadequate range of alternatives. I also recommend the Appellants' requested relief for a new EIS be granted, but their request for amending the Forest Plan be denied.

/s/ Thomas Pettigrew, Jr.

THOMAS PETTIGREW, JR.  
Reviewing Officer  
Director, Engineering