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# **Decision Notice and Finding of No Significant Impact Environment Assessment for Integrated Treatment of Noxious or Invasive Weeds U.S. Forest Service Tonto National Forest Gila, Maricopa, Pinal, and Yavapai Counties, AZ**

## **Introduction**

In 2001, a public scoping letter was sent out by the Tonto National Forest (Tonto NF) to assess the magnitude of the invasive and noxious weed problem and to solicit comments and issues. The Tonto National Forest's program to manage noxious weeds began two years later, with the hire of a Noxious Weed Program Manager. Until 2003 only very limited inventory and mapping had been conducted on the Forest by the Arizona Department of Transportation Natural Resources Division, and no control or management of weed infestations was done outside of federal and state highway rights-of-way.

Invasive and noxious weed infestations are estimated to cover 514,361 acres of the Forest at this time. The great majority of these infestations (490,450 acres) are what is termed class "C" weeds, which have spread beyond our capability to eradicate them. A total of 739 different infestations make up the 490,450 acres. The management goal for C class weeds is to contain spread to present size and then decrease the population, if possible. A total of 21,732 acres (416 different infestation sites) are infested by class "B" weeds, which are of limited distribution in Arizona, common in some places in the state. Management goal for B class weeds is to contain their spread, decrease population size, then eliminate them. Nearly 2,179 acres (80 different sites) are infested by class "A" weeds, which are of limited distribution in Arizona, or unrecorded in the state. They pose a serious threat. The management goal is eradication.

The Forest's weed management program has grown from accomplishing treatment on 200 acres in 2003 to over 700 acres in 2011; however, control projects of the scale and type conducted by the Tonto NF have not been adequate to control the spread of invasive plants. Management tools have been limited to manual control, use of prescribed fire in areas smaller than 10 acres adjacent to forest roads, limited herbicide use in some recreation and administrative sites, and herbicide use along state and federal highways. Manual control is very expensive and completely ineffective at treating some invasive plants, such as those with extensive and deep root systems. Herbicide use in recreation and administrative sites can be accomplished on only a very limited basis under a "housekeeping" categorical exclusion. Herbicide use along highways that run through the Forest was authorized by a 2004 decision after an environmental analysis was conducted for use of herbicides along all federal and state highways that traverse all Arizona national forests. Tools that are currently not approved for use are: prescribed fire or torching in sites not adjacent to system roads, use of herbicides at sites that are not exempted by categorical exclusion, weed control using cultural and mechanical methods, and use of biocontrol agents.

An environmental assessment (EA) was prepared to evaluate the proposal. Two alternatives and the Proposed Action were analyzed in detail by an interdisciplinary team:

**Proposed Action.** The Forest Service proposes eradication, containment, and/or control of noxious weed and invasive plant species on parts of the Cave Creek, Globe, Mesa, Payson, Pleasant Valley, and Tonto Basin ranger districts. The Tonto NF is located within Gila, Maricopa, Pinal, and Yavapai Counties, and comprises a total of 2,872,876 acres. Known noxious weed infestations cover only a small percentage of the total National Forest acres, but unknown infestations may be found anywhere within the nearly 3 million acres of the Forest.

Proposed noxious weed treatment measures in this Environmental Assessment are contained in the Forest Service's broad strategy of Integrated Vegetation Management (*IVM, FSM 2080.2*), which is composed of five elements: prevention and detection, treatment of existing populations, monitoring, restoration, and coordination with the public and other management entities. Noxious weed treatment methods in this Integrated Vegetation Management approach include: manual, mechanical, prescribed burning, cultural, use of biological control agents, and use of herbicides.

**Alternative 1.** Under this alternative, the Forest's weed management program will be limited to manual weed removal, use of prescribed fire only in blocks of 10 acres or smaller adjacent to system roads, and along a portion of Highway 188, and use of herbicides and prescribed fire at the Pleasant Valley Ranger Station horse pasture. Prescribed burns greater than 10 acres in size and herbicides will not be used (although some "housekeeping" uses may be categorically excluded from documentation at administrative and recreation sites), and no mechanical, cultural, or biological weed control measures will be used.

**Alternative 2.** This alternative provides for use of all integrated vegetation management tools, as described under the proposed action, except the use of herbicides would be excluded. Mechanical, manual, prescribed burning and cultural control methods would be used to manage existing invasive plant populations and to control new infestations, as they occur.

Further description of alternatives can be found in chapter 2 of the EA. A copy of the final EA is available for public review at the Tonto National Forest Supervisor's Office at 2324 E. McDowell Road, Phoenix, Arizona 85006 and on the Tonto National Forest website:

<http://www.fs.usda.gov/projects/tonto/landmanagement/projects>.

## Decision

This Decision Notice documents my decision and reasons for this decision. The Integrated Treatment for Noxious and Invasive Weeds project purpose and need for action provides the focus and scope for the Proposed Action and alternatives. Given the purpose and need, I have reviewed the alternatives and carefully considered the public comments received on the draft EA, public feedback, the analysis disclosed in the EA, information contained in the project record, and management direction and policy considerations contributed collectively to determining the selected alternative.

Based upon my review of the Integrated Treatment for Noxious and Invasive Weeds EA, I have decided to implement the Proposed Action as described in the final EA. An adaptive management clause allows the Forest to take advantage of new information as it becomes available for improvement of planning and management. The Forest will respond to new infestations of

invasive weeds by completing site-specific reviews to determine impacts to proposed, threatened, endangered and sensitive plants, wildlife and fish, as well as the public, heritage resources, or plant species of significance to local tribes. New populations of invasive plants will be treated as they are found, as long as the conditions of this analysis and decision are met. Likewise, if a new or improved treatment product is available, the new product may be considered for use. Analyses will be done to determine if the effects of new treatments are similar to effects disclosed herein. As long as the new treatment activity fits within the range of effects analyzed and disclosed in this EA, no further NEPA analysis will be performed. If monitoring determines that control beyond the scope of this analysis becomes necessary, further analysis under NEPA will be conducted.

## Changes to the Final EA

In response to scoping comments, the proposed action was modified and analysis broadened to address some of the issues identified.

Besides grammatical and typographic errors, some items have been changed for the final EA. These include:

- The Tonto NF's invasive species list was increased considerably to include species such as yellow sweetclover, curvseed butterwort, and Russian thistle, and also other species that are not currently on the Forest but are very close to its boundaries. This was in response to input from the public and increased survey coverage of the Forest, since the environmental analysis was begun in 2001.
- Numerous mitigation measures were added during informal and formal consultation with the U.S. Fish and Wildlife Service (USFWS) office, including conservation measures for hedgehog cactus, Mexican spotted owl, Arizona cliffrose, and the southwestern willow flycatcher. These are fully described in the Biological Assessment and the USFWS-issued Biological Opinion.
- The request by a commenter to use species-specific management guidelines led to inclusion of a section on treatments discussed by individual weed species.
- The request to identify what led to infestations in the first place led to the section on vectors.
- Another suggestion was to increase the number of acres that could be treated annually with herbicide. This was increased from 5,000 to 9,000 acres. The analysis for this increased acreage falls within already-evaluated effects.
- A comment that aerial application should be included in the proposed action was considered. The need to begin implementation of invasive plant management quickly, and the possibility of controversy and delays in a decision that aerial spray application of herbicide would bring, led the team to defer this to a separate future analysis. Most infestations do not currently occupy large contiguous areas, thereby generally precluding aerial herbicide application. If future weed infestations are extensive enough to make aerial herbicide application a feasible control technique, an EIS would need to be completed.
- A comment on the potential for weed-burning projects to adversely affect air quality was addressed by mitigative measures that are required for any prescribed burn.
- Comments on the possibility for heavy equipment to bring in additional weeds and create unwanted ground disturbance are addressed through mitigation.

- Comments from a community in the Globe area were addressed by excluding herbicide use from a portion of the Forest surrounding that community.

### **Planned Activities for Selected Alternative**

The following activities are summarized descriptions. Complete descriptions can be found in chapter 2 of the EA.

There are six basic tools that were evaluated for control of noxious and invasive plants. These may be used across the entire Forest wherever noxious and invasive plants may occur. Treatment methods in this Integrated Vegetation Management approach include:

*Manual* – Hand pulling and using hand tools to selectively remove noxious weeds from native plant communities. These treatments are effective in controlling new infestations of many weeds; however, they are very labor-intensive and may be ineffective on some types of weeds such as deep-rooted species or ones with fibrous roots. This control method will be used on up to 400 acres each year.

*Mechanical* – Using motorized equipment to mow, clip, or till. Many mechanical treatments are expensive. This control method will be used on up to 500 acres each year.

*Prescribed Burning* – Burning is an inexpensive and often effective method to remove large quantities of seed of annual weeds. It can be used very effectively, in combination with other treatments, as an integral part of multi-year strategy, especially for annual weeds. This control method will be used on up to 2,000 acres each year.

*Cultural* – Seeding with plants that prevent infestation by invasive plants. Establishment of desirable plants is essential to preventing areas of bare ground created by construction or other activities from being vulnerable to infestation of weeds. Fertilizers or mycorrhizal inoculants may be included in some revegetation projects to increase establishment success. This method will be used on up to 2,000 acres each year.

*Biological* – Using grazing animals, approved insects, and pathogens to control weeds. Biological treatments are typically used when the objective is control and not eradication. The biological agent and the weed co-exist to the extent that spread of the weed is limited. Once biological control agents, such as insects or plant pathogens are released, they may cover a large number of acres, if there is a continuous infestation of their target weed plant. If grazing animals are used for biocontrol, impacts of the action will either be evaluated in a new analysis or authorized according to an existing grazing permit.

*Herbicidal* – Application of approved chemicals to noxious weeds. Herbicides would be used to treat up to 9,000 acres per year (about 0.3 percent of the National Forest). Actual acreage of treatment might be less, as it would be limited by funding each year. Annual weed management efforts will be coordinated with treatment efforts undertaken by other Federal, State and local governments, and Weed Management Areas. The majority of treatments will occur along roads and other travel corridors.

Twelve herbicides and carriers (or additives) are proposed for use: aminopyralid, chlorsulfuron, clopyralid, dicamba, glyphosate, imazapic, imazapyr, metsulfuron methyl, picloram, sethoxydim, sulfometuron methyl, and triclopyr. These herbicides have been approved for use on the three

northern forests (Coconino, Kaibab, and Prescott) in Arizona, and/or on rights-of-way on federal and state highways in all National Forests in Arizona.

## Monitoring of Resources

The Tonto National Forest will monitor implementation of the selected alternative. Resource specialists will be involved in monitoring of specific measures relating to their particular resource area. Monitoring items are listed below.

- Annual monitoring will be conducted by staff on the Tonto NF to verify that actions are taking place as described in this environmental document. Monitoring results will be input to the Forest Service’s corporate database “FACTS” (Forest Service ACTivity Tracking System), which serves as the database of record for Forest Service invasive plant control activities. Monitoring will include target species, treatment type, location, acres, timing of actions, and mitigation. Monitoring will occur prior to and during each prescribed fire and herbicide project, and will include weather information and site conditions. Post-treatment monitoring will assess treatment effectiveness and any impacts to non-target species.
- Monitoring of weed spread and/or suppression will be aided by analysis of an existing Forest Service database and GIS layer called National Resource Information System (NRIS) Terra Invasives. Before treating any population, the perimeter of the affected area will be mapped and infested acres will be calculated. This baseline measurement will be used to document the effectiveness of each type of treatment by comparing infested acreages in successive years. Yearly treatment summaries will be used to assess weed spread. By tracking infested areas, we will be able to gauge if our objectives are being met by each treatment.
- Monitoring reports will be part of all contracts and contractors shall be required to report on such items as: method used, name and amount of herbicide used, dates sprayed, and situation and weather conditions during herbicide application. This information will be included in the Forest’s annual reporting in the FACTS database.
- The Tonto NF will submit an annual report of herbicide treatments occurring within federally- listed species habitats to USFWS.
- The Tonto NF will resume collecting information at previously established Arizona cliffrose monitoring plots (or establish new monitoring plots) to include information about the presence and distribution of noxious weeds and cliffrose demographics, particularly those parameters that may be impacted by noxious weeds (e.g., reproduction, vigor, etc.).
- Mitigation measures for notification of the public and signing of herbicide-treated sites will be monitored by periodically contacting individuals or groups concerned with Multiple Chemical Sensitivity, those who have submitted comments on this proposal regarding MCS concerns, tribal representatives, and others who have expressed concern, to verify the notification program is working.
- Monitoring techniques for success of biocontrol agents will be developed with qualified professionals from USDA Animal and Plant Health Inspection Service (APHIS). Monitoring will determine establishment success and population trends of biocontrol agents, insect impact on target plants, and effects of these biocontrol agents on weed population and density.

- Effects on human health resulting from exposure to daily treatment operations, accidents, and long-term exposure will be monitored through documentation of project records, including worker and public health complaints. Risk to human health regarding use of herbicides has been evaluated in chapter 3 and in Risk Assessments listed in Appendix F.

## Public Involvement

This action was originally listed as a proposal on the Tonto National Forest Schedule of Proposed Actions in 2001, and updated periodically during the analysis. The public was invited to review and comment on the proposal throughout that period. The EA lists agencies and people consulted on pages 186 and 187.

The proposal was first provided to the public and other agencies for comment in a scoping letter on November 26, 2001, (Doc # 1 in project record). Comments from this original scoping were retained and included in the current analysis. They were also used to revise the proposed action and description of existing conditions. A revised public scoping letter was mailed to 858 individuals, organizations and agencies, and also to legislative representatives on May 25, 2004 (Doc # 5 in project record). A total of 16 comments were received from scoping in 2001 and 2004.

Talks have been given to various groups regarding the Tonto NF's proposal to use integrated vegetation management, including the Arizona Native Plant Society, Association of Four-Wheel-Drive Clubs, Arizona State Horseman's Association, Superstition Horseman's Association, Cave Creek Saddle Club, Trout Unlimited, Arizona Flycasters, Scottsdale Sportsman's Club, Arizona State University Wildlife Habitat and Ecological Restoration Club, Tonto Weed Management Area, Pleasant Valley Master Gardeners, Cave Creek Town Council, officials of the Town of Payson, the town of Star Valley, and the Gila County Board of Supervisors. The Tonto NF's Noxious Weed Program Manager also participates in meetings of Southwest Vegetation Management Association, Central Arizona Weed Management Area, Tonto Natural Resource Conservation District, the Southern Arizona Buffelgrass Coordination Center, and the Southeastern Arizona Weed Management Area (formerly known as the Sweet Resinbush/Pentzia Weed Management Group).

On October 3, 2005, a letter was mailed to the Tonto NF's tribal mailing list, requesting their input in identifying plant species having traditional cultural or religious significance, and/or areas being used by tribal members for plant harvesting or collecting, or which would have other significance that would merit special consideration during project design and implementation. Three tribes responded: Fort McDowell Yavapai Nation, Yavapai-Prescott Indian Tribe, and White Mountain Apache Tribe. Fort McDowell Yavapai Nation stated that they supported the project providing there were no impacts to acorns and piñon in the Forest. The Yavapai-Prescott Tribe was also supportive of the project, and requested more information on invasive plants and their locations. They are providing the Tonto NF a list of plants that are important to them for cultural purposes. The White Mountain Apache Tribe replied that the project posed no threat to their traditional cultural properties and/or religious sites. If a historical Apache site is located when planning a project, the project should cease until the proper authorities are notified.

In order to fully describe the proposed project and solicit input, we met with tribal members from the tribes' cultural resources offices on the following dates:

- March 1, 2006 – Yavapai-Prescott Indian Tribe
- June 21, 2006 – Four southern tribes: Tohono O’odham Nation, Salt River Pima-Maricopa Indian Community, Gila River Indian Community, and Ak-Chin Indian Community
- July 19, 2006 – Hopi Tribe

Using the comments from the public, other agencies, and tribes (see Issues section), the interdisciplinary team developed a list of issues to address.

Chapters 1 and 2 of the Environmental Assessment were made available for a 30-day comment period from July 4 to August 2, 2007. Newspaper notices were published in the *Mesa Tribune* and the *Payson Roundup*. Postcards were mailed to a mailing list of 754 members of the public. The project was presented to a community meeting in Star Valley and to the Gila County Board of Supervisors in Globe. Thirty-seven people commented. Issues raised included herbicide toxicity to humans and the environment, the need for a more complete analysis of herbicides proposed for use, the need to include prevention measures of transmission of weed propagules, need to include herbicide mitigation measures for aquatic areas, the potential for herbicide drift, request to include more detail on what plants will be controlled and how, request for definitions of invasive plant and noxious weed. One commenter did not want fire included as a tool. APHIS submitted information on biocontrol agents.

Due to the extended time that consultation with U.S. Fish and Wildlife Service took (2008 to 2012), the Tonto elected to provide the public with a second comment period. The entire draft EA was posted online and made available to those who needed paper copies. This comment period began March 2, 2012 and ended April 2, 2012. A legal notice was published in the *Capitol Times* and postcards mailed to a mailing list of 686 members of the public. Eight comments were received: five of the commenters had commented during the 2007 comment period, two were new and one was anonymous. Issues included herbicide toxicity to humans, potential for herbicides to affect non-target organisms, and improper use of livestock to control weeds in desert areas.

All comments submitted are part of the public record. They are included as Appendix L, along with summaries and responses from the Forest Service.

## Decision Rationale

I have decided to implement the Proposed Action, as modified in the revised Environmental Assessment, because it best meets the purpose and need for this action as determined from management direction and conditions on the ground, and because it responds well to key issues and public comments.

## Reason(s) for Not Selecting Other Alternatives

I did not select Alternative 1 (No Action) because management tools currently available are not keeping pace with spread of noxious weeds. The Forest needs the additional tools of an expanded prescribed burning or “torching” program, use of herbicides, mechanical and biocontrol methods for controlling spreading weed infestations.

I did not select Alternative 2 as it does not allow for one very important tool, namely, use of herbicides. Extensive use of mitigation measures will allow the Tonto National Forest to safely apply this tool when appropriate.

## Finding of No Significant Impact

I have determined through the EA that this is not a major federal action that will significantly affect the quality of the human environment; therefore, an Environmental Impact Statement is not needed. There were no significant, adverse, or controversial impacts to the human environment identified in this review. This determination is also based on the following findings and criteria listed below.

## Context

The significance of effects of my decision has been analyzed in several contexts. My decision is consistent with the requirements of the Forest Plan and contributes to meeting the goals of the Forest Plan. The analysis considers and discloses cumulative effects on the resources within the project area and associated resource areas. In addition, direct and indirect effects of the project area have been considered in this determination.

## Intensity

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. The EA considers and discloses both beneficial and adverse effects.
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety. There are extensive measures taken to protect employee and public health and the environment. These include Best Management Practices for use of herbicides and mitigation measures detailed in both the EA and the BAE.
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area, because heritage resources will be identified and protected prior to any ground-disturbing weed treatments. Given the chemical agents proposed for use and the mitigation measures required for their application, as discussed in the EA, the risks are insignificantly small.
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** While there is no known credible scientific controversy over the impacts of the proposed action, controversy exists in a small community in the town of Globe. This has been expressed at every scoping and comment period. A special effort has been made to understand the issues of this community and to accommodate their specific request by project design. During the 2012 comment period, they did not express objections to the proposed action, as revised.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain and do not involve unique or unknown risk. Human exposure risks have been evaluated in a series of Risk Assessments developed by Syracuse Environmental Research Associates under contract with the Forest Service, which are incorporated by reference. These Risk Assessments contain very detailed scientific data on herbicides proposed for use. All other Forests in Arizona and New Mexico currently have herbicide programs for treatment of noxious weeds. The Arizona Department of Transportation has been approved to use a longer list of herbicides on highways that traverse national forests in Arizona, since 2004. No ill effects to humans, wildlife, or non-target plants have been noted or reported from any of these ongoing programs. To summarize the Human Health section of the EA, the risk or probability of harm to humans from the proposed herbicides applications is not completely zero, but it is reasonable to expect that the human health impacts would be insignificantly small.
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because adaptive management will allow for new herbicides to be approved without further analysis, but only if their effects fall within the range of those already analyzed. The trend is that newer herbicides have fewer non-target impacts and lower ecotoxicity than older ones.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. Of the nearly 3 million acres of the Tonto NF, a maximum of 9,000 acres (less than a third of one percent) will be treated with herbicide in any one year. Amount of herbicide that will be applied, in comparison with amounts applied in surrounding communities, by homeowners, local parks, and private lands such as golf courses, is miniscule.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources, because Region 3 of the Forest Service has developed a specific Protocol with specific measures for the protection of heritage resources during treatments for noxious weeds. This Protocol, Appendix F of the *First Amended Programmatic Agreement Regarding Historic Property Protection and Responsibilities among the State Historic Preservation Officers of New Mexico, Arizona, Texas, and Oklahoma and the US Department of Agriculture Forest Service, Region 3*, has been incorporated into the EA as Appendix H.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the *Endangered Species Act of 1973*.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the *Endangered Species Act of 1973*, because formal consultation has been concluded with the U.S. Fish and

Wildlife Service, and mitigation measures incorporated that will protect the Southwestern willow flycatcher, Arizona hedgehog cactus, and Arizona cliffrose. The USFWS concurred with the Forest's determination of "not likely to adversely affect" the lesser long-nosed bat, woundfin, desert pupfish, Gila topminnow, Yuma clapper rail, razorback sucker, Gila chub, spikedace, loachminnow, Chiricahua leopard frog, and Mexican spotted owl, and their designated critical habitat.

10. **Whether the action threatens to violate Federal, State, or local law, or requirements imposed for the protection of the environment.** The action will not violate Federal, State, or local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. See the list in the section below.

## Findings Required by Other Laws and Regulations

The action is consistent with the Tonto National Forest Land Management Plan. Planned activities are consistent with management area direction, comply with Forest Plan standards, and contribute to Forest Plan goals and objectives. This action is also consistent with the following laws and policies:

The Forest Service is directed by the *Federal Land Policy and Management Act of 1976* to "take any action necessary to prevent unnecessary or undue degradation of the [public] lands. (*43 USC 1732, Section 302b*). Regulations for implementing the *National Forest Management Act of 1976* (*36 CFR Part 219.27 a.3*) provide direction for controlling noxious weeds.

*36 CFR 222.8* states that Forest officers "shall cooperate fully with State, county, and Federal officials in application and enforcement of all laws and regulations relating to ... noxious farm weeds."

*The Public Rangelands Improvement Act of 1978* established a national policy and commitment to "manage, maintain, and improve the condition of public rangelands" (*43 USC 1711, Section 2(b)(2)*).

*The Federal Noxious Weed Act of 1974* was updated in 1990 with the passage of the *Food, Agriculture Conservation and Trade Act*, commonly known as the *Farm Bill*. This Bill directed federal agencies to coordinate with state and local governments to contain and control undesirable plant species by entering into Memoranda of Understanding and other agreements where appropriate. The *Farm Bill* also directed federal agencies to develop policy direction; *Forest Service Manual 2080* was issued in November of 1995.

In 1998, the Forest Service issued a National Strategy for weed management entitled "**Stemming the Invasive Tide: Forest Service Strategy for Noxious and Nonnative Invasive Plant Management**" (U.S. Forest Service, 1998).

In February 1999, President Clinton signed *Executive Order 13112*, addressing invasive species. This order directs federal agencies to prevent introduction and spread of invasive species, to cooperate with a newly-created Invasive Species Council, and to produce and follow direction given in an Invasive Species Management Plan. Federal agencies are directed to conduct programs to detect and respond rapidly to and control populations of invasive species in a cost-effective and environmentally sound manner. Further, agencies are to monitor invasive species,

restore native plant communities, and promote public education regarding invasive species (Federal Regulation, 1999).

**The Federal Plant Protection Act and implementing regulations and policies**, require the Forest Service to cooperate with state, county, and other federal agencies in the application and enforcement of all laws and regulations relating to management and control of noxious weeds. Forest Service policy in *FSM 2259.03* states: “Forest officers should place noxious weed management emphasis on those areas where cooperative efforts are underway, such as organized weed control districts. Within budgetary constraints, the Forest Service shall control, to the extent practical, noxious farm weeds on all National Forest System lands. Efforts should be directed to those infestations where management actions will be the most effective in preventing or reducing the spread of noxious weeds considered to be the greatest threat to economic, environmental, social and other values.

**The Wilderness Act (Public Law 88-577)** mandates that wilderness be managed so its community of life is untrammelled by man, its primeval character is retained and its natural conditions are preserved. Forest Service policy direction is to maintain wilderness in such a manner that ecosystems are unaffected by human manipulation and influences, so that plants and animals develop and respond to natural forces (*FSM 2320.2*). *The Wilderness Act* and its implementing regulations (*36 CFR 293*) do not preclude the use of herbicides in wilderness to maintain the natural ecosystem, and the Manual anticipates such use by establishing approval standards at *FSM 2323.04c*. In order to preserve natural conditions and processes in wilderness, it may become necessary to remove invasive exotic vegetation. Herbicides are a potential tool for controlling invasive species and may represent the appropriate “minimum tool” for accomplishing this objective.

**Federal Clean Water Act, including the National Pollutant Discharge Elimination System permitting program and its implementing regulations by Arizona Department of Environmental Quality.** The requirement to obtain NPDES permits for point source discharges from pesticide applications to waters of the U.S. stems from a recent decision by the Sixth Circuit Court of Appeals, whose mandate went into effect February 2012.

My decision is also based upon consideration of the best available science. I have reviewed the project records, which shows thorough review of relevant scientific information, consideration of responsible opposing views, and acknowledgement of incomplete or unavailable scientific information, scientific uncertainty, and risk.

## Implementation

Implementation of the selected alternative will occur under the authority of this Decision Notice, subject to the appropriate appeal and implementation procedures cited below.

This project may be implemented as early as 50 days from publication of the decision in the *Arizona Capitol Times*, or on October 10, 2012.

## Administrative Review (Appeal) Opportunities

This decision is subject to administrative review (appeal) pursuant to *36 CFR Part 215*.

Individuals or organizations who provided comment or otherwise expressed interest in the proposed action during the comment period may appeal. Interest expressed or comments provided on this project prior to or after the close of the comment period do not have standing for appeal purposes. The appeal must be filed (regular mail, fax, email, hand-delivery, express delivery, or messenger service) with the appropriate Appeal Deciding Officer. Submit appeals to: Appeal Deciding Officer, Corbin Newman, Regional Forester, SW Regional Office 333 Broadway SE, Albuquerque, NM 87102. If hand delivered, the appeal must be received at the above address during business hours (Monday through Friday 8:00 am to 4:30 pm), excluding holidays. Electronic appeals may be submitted to: [appeals-southwestern-regional-office@fs.fed.us](mailto:appeals-southwestern-regional-office@fs.fed.us) (.doc, .rtf, or .txt formats only). The appeal must have an identifiable name attached or verification of identity will be required. Names and addresses of appellants will become part of the public record. A scanned signature may serve as verification on electronic appeals.

Appeals, including attachments, must be in writing, fully consistent with *36 CFR 215.14*, and filed (postmarked) within 45 days following the date this notice is published in the *Arizona Capitol Times*. This publication date is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframes provided by any other source.

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of the last appeal disposition.

## Contact

For additional information concerning this decision, contact: Patti Fenner, Noxious Weed Program Manager, Tonto National Forest, 2324 E. McDowell Road Phoenix, AZ 85006; Phone: 602-225-5386.

*Neil J. Bosworth*

*August 24, 2012*

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**Neil J. Bosworth**

Date

Forest Supervisor, Tonto National Forest

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