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File Code: 1570-1/2080
Date: FEB 2 3 2006

Arthur Firstenberg
P.O. Box 6216
Santa Fe, NM 85702

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

RE: Appeal #06-03-00-0019-A215, Invasive Plant Control Project, Carson and Santa Fe National Forests

Dear Mr. Firstenberg:

This is my review decision on the appeal filed regarding the Record of Decision (ROD) and Final Environmental Impact Statement (FEIS) on the above-referenced project. This project provides for use of biological controls; controlled grazing; herbicides; and manual, mechanical, and prescribed fire in an integrated noxious weed treatment strategy for approximately 7,300 acres, on the Carson and Santa Fe National Forests. The decision uses adaptive management in implementation; and treatments will be monitored, evaluated, and modified as needed to improve effectiveness of future treatments and/or reduce potential for adverse effects. The Santa Fe National Forest also has a non-significant Forest Plan amendment as part of this decision. The amendment will allow herbicide use within municipal watersheds, in areas of human habitation, and on soils with low regeneration potential while maintaining limitations listed in the mitigation of effects.

BACKGROUND

Carson National Forest Supervisor Martin Chavez and Santa Fe National Forest Supervisor Gilbert Zepeda made a decision on September 12, 2005, for the Invasive Plant Control Project. This decision was published on November 24, 2005. The two Forest Supervisors are identified as the Responsible Officials, whose combined decision is subject to administrative review under 36 CFR 215 appeal regulations.

Pursuant to 36 CFR 215.17, attempts were made by both Forests to seek informal resolution of the appeals. The record indicates that informal resolution was not reached on the appeals.

My review of these appeals has been conducted in accordance with 36 CFR 215.18, and I have decided to consolidate your five appeals for the purposes of this review (215.8). I have reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. My review decision incorporates the appeal record.

Attachment "A"

APPEAL REVIEWING OFFICER'S RECOMMENDATION

The Appeal Reviewing Officer found that: a) the actions are necessary to control invasive species, and the purpose and need are clearly described; and b) the selected alternative, which includes the use of herbicides, appears to be the most efficient and effective means to control invasive weeds and should accomplish the purpose and need of the project.

Appendix 3: Herbicides: Characteristics, Effects and Risk Assessments in the EIS is well done and should be utilized in the development of future invasive species control projects.

However, the decision is not consistent with policy and direction related to evaluation and documentation of environmental cumulative effects and Management Indicator Species direction. Also, the New Mexico Environment Department's concern about the use of picloram in municipal watersheds is not addressed. Therefore, the Appeal Reviewing Officer recommended that the decision be reversed for further analysis.

APPEAL DECISION

Based on the Appeal Reviewing Officer's recommendation and technical review of the appeal and record, I am reversing the Responsible Officials' decision on the Invasive Plant Control Project. Further analysis is needed to address the Management Indicator Species population trend for ptarmigan. The disclosure of cumulative effects needs to be strengthened with specific attention to wildlife species. In addition, the concern from the New Mexico Environment Department, which implements the Clean Water Act regarding the use of picloram in the municipal watersheds, needs to be addressed.

This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR §215.18(c)]. A copy of this letter will be posted on the internet, Carson and Santa Fe National Forests' appeal listings by date, at http://www.fs.fed.us/r3/appeals/forest_carson/forest_carson_index.htm and at http://www.fs.fed.us/r3/appeals/forest_santafe/forest_santafe_index.htm

Sincerely,

Lucia M. Turner

LUCIA M. TURNER
Appeal Deciding Officer,
Deputy Regional Forester

Enclosure (ARO memo)

cc: Gilbert Zepeda, Martin D Chavez, Allen Fowler, Audrey Kuykendall, David M Stewart, Gene Onken, Berwyn Brown, Constance J Smith, Mailroom R3 Carson, Mailroom R3 Santa Fe, Kendall Clark