



June 12, 2026

*Submitted Electronically via CARA*

USDA Forest Service

Attention: Objections Reviewing Officer

Gaslight Building, Suite 700

626 East Wisconsin Avenue

Milwaukee, WI 53202-4616

**RE: Objection to the 2025 Non-Native Invasive Plant Control Project Wayne National Forest, Draft Decision Notice and Finding of No Significant Impact**

**I. INTRODUCTION**

The Ohio Environmental Council (OEC) hereby objects to the Wayne National Forest's Draft Decision Notice (DDN) and Finding of No Significant Impact (FONSI) for the 2025 Non-Native Invasive Plant Control Project (the Project).<sup>1</sup> The Project authorizes the treatment of non-native invasive plant species across the Wayne National Forest using manual, mechanical, biological, and chemical control methods, including the use of multiple herbicides to control invasive plant species throughout the Forest.<sup>2</sup>

OEC submitted timely comments during the public comment period regarding several aspects of the Project's proposed herbicide program, including the authorization of future herbicides without additional environmental review, the potential for herbicide transport through runoff and leaching, the adequacy of the proposed riparian buffers, and potential impacts to aquatic species and water resources.<sup>3</sup> OEC appreciates the Forest Service's decision to remove the proposal that would have allowed future herbicides to be approved under the Project without additional NEPA review.<sup>4</sup> However, several concerns raised in OEC's comments remain unresolved.

OEC notes that its concerns regarding herbicide transport and aquatic impacts are limited to foliar application and ground-based broadcast spraying methods. As reflected in OEC's prior comment, these concerns do not extend to more localized treatment methods, such as individual stump applications, that do not present the same potential for runoff, leaching, and off-site transport.<sup>5</sup>

Specifically, OEC objects because the Project record does not adequately explain (A) how the runoff and herbicide transport risks identified in the Project analysis, including the Project's reliance on mitigation measures such as the proposed 100-foot riparian buffer, support the conclusion that herbicide use under the Project will not result in significant impacts to water

---

<sup>1</sup> Draft Decision Notice and Finding of No Significant Impact for the 2025 Non-Native Invasive Plant Control Project (DDN & FONSI) (Apr. 2026).

<sup>2</sup> DDN & FONSI at 1.

<sup>3</sup> OEC Comment Letter (Apr. 2, 2026).

<sup>4</sup> DDN & FONSI at 1 (stating that any future herbicides will undergo separate NEPA review); App. A, Responses to Comments 7-2 and 7-3.

<sup>5</sup> OEC Comment Letter at 1.

resources; and (B) how the Forest Service reconciled its findings regarding runoff potential and herbicide transport with its conclusion that herbicide use under the Project will not result in significant impacts to aquatic species and aquatic resources. These objections are based on issues raised in OEC's prior comments and on the Forest Service's responses to those comments.

**A. THE FOREST SERVICE HAS NOT ADEQUATELY EXPLAINED WHY IDENTIFIED RUNOFF RISKS WILL NOT RESULT IN SIGNIFICANT IMPACTS TO WATER RESOURCES**

In its comments on the Project, OEC raised concerns regarding several authorized herbicides that exhibit characteristics associated with mobility, runoff, and off-site transport, including fluroxypyr, clopyralid, and aminopyralid.<sup>6</sup> OEC cited scientific literature regarding these herbicides and requested additional analysis regarding the potential for herbicide transport into aquatic systems.<sup>7</sup>

In response, the Forest Service explained that the Soils and Watershed Report evaluates pesticide runoff potential based on factors such as slope, soil characteristics, herbicide persistence, mobility, and water solubility.<sup>8</sup> The Forest Service further explained that it identified areas with shallow water tables and elevated potential for herbicide transport and that treatment in those areas would be limited to aquatic-approved herbicides.<sup>9</sup>

The Soils and Watershed Report acknowledges that herbicides may move through runoff and leaching pathways and identifies slope as the primary factor influencing pesticide runoff potential on the Wayne National Forest.<sup>10</sup> The Soils and Watershed Report further concludes that approximately 84 percent of soils within the Project area fall within the highest runoff-potential category.<sup>11</sup>

These concerns are particularly significant with respect to fluroxypyr, clopyralid, and aminopyralid. As discussed in OEC's comment, fluroxypyr is toxic to fish and aquatic organisms and has been documented to move off-site through surface runoff.<sup>12</sup> OEC's comment further identified clopyralid as having long residence times in water and high transport potential, and aminopyralid as having a high potential to reach surface waters and aquatic sediments through runoff following application.<sup>13</sup> Given the Project's findings regarding steep slopes and widespread high runoff potential across much of the Project area, the Forest Service's response does not adequately explain why the runoff and transport pathways associated with fluroxypyr, clopyralid, and aminopyralid, particularly when applied through foliar application or ground-

---

<sup>6</sup> OEC Comment Letter at 1–2.

<sup>7</sup> *Id.*

<sup>8</sup> DDN & FONSI Appendix A, Response to Comment 7-5; Environmental Assessment at 24–25.

<sup>9</sup> DDN & FONSI, Appendix A, Response to Comment 7-5; Soils and Watershed Report at 24, 30.

<sup>10</sup> Soils and Watershed Report at 14.

<sup>11</sup> DDN & FONSI at 21; Soils and Watershed Report at 14.

<sup>12</sup> OEC Comment Letter at 1.

<sup>13</sup> *Id.*

based broadcast spraying, would not result in herbicide movement into adjacent aquatic systems, or why any such transport would be insufficient to affect water resources.<sup>14</sup>

The Forest Service's response also relies in part on the riparian buffer protections established under the Forest Plan guideline GFW-ARR-1 and asserts that slope, soil conditions, herbicide characteristics, and other site-specific factors were considered in evaluating runoff risk.<sup>15</sup> The response further states that site conditions will be evaluated when selecting treatments for individual sites.<sup>16</sup> However, while the Forest Service acknowledges that runoff risk and herbicide transport may vary based on site conditions, the response does not explain how those considerations support the conclusion that the Project's riparian buffer is sufficient throughout a Project area where the Soils and Watershed Report identifies widespread high runoff potential.<sup>17</sup> Nor does the record explain why the runoff risks associated with fluroxypyr, clopyralid, and aminopyralid are adequately addressed by the proposed buffer and related mitigation measures. While future site-specific review may inform treatment decisions, the response does not explain how those future evaluations support the conclusion that the runoff and transport risks associated with fluroxypyr, clopyralid, and aminopyralid have been adequately addressed.

### **Requested Resolution**

OEC requests that the Forest Service provide additional analysis and explanation regarding why the mitigation measures identified in the Project record are sufficient to address runoff risks associated with fluroxypyr, clopyralid, and aminopyralid and support the conclusion that herbicide use under the Project will not result in significant impacts to water resources and aquatic habitats. Alternatively, if the Forest Service cannot adequately demonstrate that those risks have been addressed, the Forest Service should remove fluroxypyr, clopyralid, and aminopyralid from the list of herbicides authorized for foliar application and ground-based broadcast spraying under the Project.

### **B. THE FOREST SERVICE HAS NOT ADEQUATELY ADDRESSED INDIRECT AQUATIC EXPOSURE PATHWAYS**

In its comments on the Project, OEC raised concerns regarding the potential impacts of herbicide use on aquatic organisms, including freshwater mussels, and specifically raised concerns that herbicides could reach aquatic environments through runoff, leaching, and off-site transport from treated areas.<sup>18</sup> OEC cited scientific literature demonstrating adverse effects associated with herbicide exposure and requested additional analysis regarding the potential for herbicides to reach aquatic systems.<sup>19</sup>

---

<sup>14</sup> Soils & Watershed Report at 14, 32–34.

<sup>15</sup> DDN & FONSI Appendix A, Response to Comments 7-4 and 7-5.

<sup>16</sup> DDN & FONSI Appendix A, Response to Comment 7-5.

<sup>17</sup> DDN & FONSI Appendix A, Response to Comment 7-5; Soils and Watershed Report at 32–34.

<sup>18</sup> OEC Comment Letter at 2–5.

<sup>19</sup> *Id.*

In response, the Forest Service explained that the Biological Assessment and Biological Evaluation considered aquatic species and stated that only aquatic-approved herbicides would be used in non-running water and that running water would not be treated.<sup>20</sup>

While OEC appreciates the Forest Service's efforts to minimize direct herbicide application to aquatic resources, the response does not fully address the concern raised in OEC's comments. OEC's comments were not limited to the direct application of herbicides to water.<sup>21</sup> Rather, OEC raised concerns regarding the potential for herbicides to reach aquatic environments through indirect exposure pathways, including runoff, leaching, and transport from treated areas into adjacent aquatic systems.<sup>22</sup>

The Forest Service acknowledges elsewhere in the record that herbicide movement through runoff may occur and identifies areas with elevated runoff potential.<sup>23</sup> The record further recognizes the potential for herbicide-related effects on water quality and aquatic resources.<sup>24</sup> However, the response does not adequately explain why those indirect exposure pathways are not expected to result in impacts to aquatic organisms or why the proposed mitigation measures are sufficient to protect sensitive aquatic species, including freshwater mussels. As a result, the record does not clearly explain how the Forest Service reconciled its findings regarding runoff potential and herbicide transport with its conclusion that herbicide use will not result in significant impacts to aquatic species and aquatic resources.<sup>25</sup>

### **Requested Resolution**

OEC requests that the Forest Service provide additional analysis and explanation regarding how indirect exposure pathways identified in the Project record support the conclusion that herbicide use under the Project will not result in significant impacts to aquatic species and aquatic resources. Alternatively, if the Forest Service cannot adequately demonstrate that herbicide transport through runoff, leaching, and other indirect exposure pathways has been sufficiently evaluated and addressed, the Forest Service should not authorize foliar application and ground-based broadcast spraying under the Project until that analysis has been completed.

## **II. CONCLUSION**

OEC appreciates the Forest Service's decision to remove the proposal that would have allowed future herbicides to be authorized under the Project without additional environmental review. However, OEC remains concerned that the Project record does not adequately explain how runoff and herbicide transport risks identified in the Project analysis support the conclusion that herbicide use will not result in significant impacts to water resources or how the Forest Service reconciled its findings regarding runoff potential and herbicide transport with its conclusion that

---

<sup>20</sup> DDN & FONSI, Appendix A, Responses to Comments 7-4 and 7-6; Biological Assessment at 40–41 (discussing impacts to aquatic species and use of aquatic-approved herbicides within stream corridors); Biological Evaluation at 22–23.

<sup>21</sup> OEC Comment Letter at 1–5.

<sup>22</sup> *Id.*

<sup>23</sup> DDN & FONSI at 7; Appendix A, Response to Comment 7-5; Soils and Watershed Report at 14, 32–34.

<sup>24</sup> *Id.*

<sup>25</sup> DDN & FONSI at 5; App. A, Responses to Comments 7-4 and 7-6.



herbicide use under the Project will not result in significant impacts to aquatic species and aquatic resources.

For the reasons described above, OEC respectfully requests that the Reviewing Officer remand the Draft Decision Notice and Finding of No Significant Impact and direct the Forest Service to provide additional analysis and explanation regarding herbicide runoff, herbicide transport, and potential impacts to water resources and aquatic species. OEC further requests that, if the Forest Service cannot adequately demonstrate that the identified runoff and transport risks have been addressed, it remove fluroxypyr, clopyralid, and aminopyralid from authorization for foliar application and ground-based broadcast spraying under the Project and refrain from authorizing foliar application and ground-based broadcast spraying until the necessary analysis has been completed and those risks have been adequately addressed.

Sincerely,

*/s/ Nathan Johnson*  
Attorney for Land & Water  
Ohio Environmental Council  
556 East Town Street  
Columbus, Ohio 43215  
(614) 487-7506  
[njohnson@theoec.org](mailto:njohnson@theoec.org)