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**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**

**ERADICATION AND CONTROL OF INVASIVE PLANTS**

**U.S. FOREST SERVICE**

**ELDORADO NATIONAL FOREST**

**ALPINE, AMADOR, EL DORADO AND PLACER COUNTIES, CALIFORNIA**

**DECISION**

Based upon my review of the Environmental Assessment (EA), I have decided to implement Alternative 2 of the Eradication and Control of Invasive Plants project, as described on pages 9 through 36 of the EA. Alternative 2 will apply integrated prescriptions to eradicate or control a portion of the 2,610 acres of priority invasive plant infestations on the Eldorado National Forest. The number of infested acres treated each year will depend upon available funding, but will generally be in the range of 300 to 600 acres. Treatment methods will combine the use of herbicides with manual, mechanical and cultural control methods over several years, and will include re-vegetation measures where needed to lower the potential for re-invasion of invasive plants. Alternative 2 also provides for Early Detection and Rapid Response by allowing for eradication or control of new or previously undiscovered invasive plant infestations using the range of methods described in Alternative 2. The effectiveness of each treatment will be evaluated annually and, using adaptive management, methods will be adjusted to improve treatment effectiveness.

**DECISION RATIONALE**

Invasive plants are spreading at an alarming rate in California, and current inventories on the Eldorado National Forest show approximately 2,610 acres infested by 32 invasive plant species that are a priority for eradication or control due to their invasiveness and ecological impacts. I have selected Alternative 2 because it addresses the serious environmental and economic consequences that result from the spread of invasive plants. I am aware that the spread of invasive plants has resulted in the displacement of native plant species, impacts to wildlife habitats, alteration of natural fire regimes, reduced forage production, and impacts to recreation and scenic beauty. Alternative 2 addresses these concerns by:

- Increasing the extent and effectiveness of invasive plant treatments, relative to past efforts, by using integrated prescriptions that combine the use of manual, mechanical, cultural and chemical control measures.

- Reducing costs by eradicating new infestations early, before they have spread across large acreages.
- Reducing impacts to other resources caused by treatment delays or ineffective treatments that result in needless invasive plant establishment and spread.

The ENF has prepared an Invasive Plant Management Strategy that provides a comprehensive approach for all aspects of invasive plant management, including prevention of invasive plant introductions, inventories, coordination among agencies and ownerships, public education, and control and restoration. Thirty-two species of invasive plants are identified as a priority for eradication or control in the Forest Strategy, based upon 1) the California Department of Food and Agriculture (CDFA) Pest Rating; 2) the California Invasive Plant Council (Cal-IPC) Rating and Scores for Ecological Impact/Invasiveness in wildlands; and 3) Lists provided by El Dorado, Amador and Placer County Weed Management Areas (WMAs). The mapped infestations of these priority species occupy 2,610 acres of NFS lands. Alternative 2 analyzes the actions required to eradicate or control these priority invasive plant infestations as outlined in the Forest Invasive Plant Management Strategy.

Currently, most priority invasive species found on the Forest cover less than five acres, making eradication of many high priority infestations from Eldorado National Forest lands a reasonable goal. The risk of delaying treatment of these infested sites is that small infestations will spread to where the costs of treatments and potential damages increase and they become large infested areas that are too difficult to eradicate with existing control measures. Alternative 2 implements integrated treatment methods, to eradicate those species that are currently limited in their distribution and abundance on the Forest and are highly invasive species with severe or substantial ecological impacts. For more widespread infestations, a portion of the identified occurrences would be treated each year, focusing control on the leading edge and on reducing the area coverage over time. Treatment strategies apply Project Design Features that avoid or minimize potential effects on sensitive resources.

Alternative 2 utilizes the principles described in “Ecologically-Based Invasive Plant Management” ([www.EBIPM.org](http://www.EBIPM.org)) by considering the biology of particular species and particular site conditions when designing the appropriate treatment. An Integrated Pest Management (IPM) control approach employs a combination of treatment methods including manual, mechanical, and chemical (herbicide) methods. Successful treatments often require multiple years of treatments, and sometimes require multiple treatments per year, involving a combination of methods. The treatments are tailored depending on:

- Target invasive plant species and its biology (e.g. mode of reproduction)
- Population size and density
- Site type (e.g. disturbed roadside, riparian, upland)
- Prior treatments and their effectiveness

Alternative 2 recognizes the fact that, despite their initial efficacy, herbicides can have some undesirable longer-term consequences by potentially making a site more susceptible to reinvasion, and potentially shifting species composition and reducing diversity of native plant communities as less herbicide-tolerant species are replaced by more herbicide-tolerant species.



To minimize such unintended consequences, only targeted chemical treatment methods are proposed in Alternative 2, and secondary invasion from invasive plants is addressed using restoration and reclamation. The feedback from the monitoring during annual implementation will provide information on treatment efficacy and allow for treatment adjustments to be made based on monitoring results. In addition, the order of preference for treatment methods would begin with manual methods, such as hand pulling and clipping, and would proceed to herbicide applications only after determining that other treatment methods would not be effective or practical for the needed control at a particular site. By using this conservative, Integrated Pest Management approach, unintended consequences are avoided.

The adaptive management approach, described as “Early Detection/Rapid Response” (EDRR), is an essential component of Alternative 2 and, coupled with prevention guidelines and an annually-updated inventory, will allow the Eldorado National Forest to maintain a greater portion of the forest in an invasive plant-free condition. EDRR is a necessary component of the Forest’s treatment program because, 1) the precise location of individual target plants, including those mapped in the current inventory, is subject to change; and 2) newly discovered infestations may grow substantially during the time it takes to prepare NEPA documentation.

The intent of the EDRR approach is to treat new infestations when they are small so that the likelihood of adverse effects from treatment are minimized, and the invasive plants will do less ecological damage. The precise location or timing of the treatment may be unpredictable; however, the project design features in Alternative 2 are designed to minimize or eliminate adverse effects that could occur, and these design features will keep effects within those disclosed for the current inventory. The Annual Implementation Process, detailed in Appendix D of the Environmental Assessment, provides further transparency related to the selection of treatment methods and provides precautions to ensure that effects associated with EDRR treatments are within the scope of those disclosed in the project analysis. The Annual Implementation Process institutes a review of the treatment sites and methods proposed each year in order to ensure that existing design features are properly applied to all sites. If treatments proposed at newly identified EDRR sites would result in effects or conditions not analyzed or addressed in the project environmental analysis, those treatments will be deferred to a future NEPA analysis.

An alternative that would avoid the use of herbicides was considered, based upon comments received during public scoping. This alternative was eliminated from detailed study because it failed to meet the purpose and need of the project. Manual treatments cannot keep pace with the growth of the larger infested sites, and certain invasive plant species or infestations cannot be effectively treated with methods other than herbicides. The Eradication and Control of Invasive Plants EA documents the environmental analysis and conclusions upon which this decision is based. I have considered the environmental effects of the action and believe that the potential for adverse effects is minor in relation to the ecological damage that would result from no action.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Eldorado National Forest Schedule of Proposed Actions in 2008, and updated periodically during the analysis. People were invited to learn about, review and comment on the proposal through a number of meetings, presentations

and an open house held in 2008. A more detailed proposal was developed and interested individuals, non-profit groups, permit holders, adjacent landowners, and government agencies including tribal governments, were invited to review and comment on the proposal through a project scoping notice that was mailed to individuals and reported in the Mountain Democrat newspaper on February 6, 2012. The EA lists agencies and people consulted on pages 121-122, and the response to input and comment in Appendix G.

In response to the Scoping Notice comments were received from 19 individuals, organizations or groups. A collaborative meeting was held with Public Employees for Environmental Responsibility in May 2012, and discussions were held with the Pacific Crest Trail Association and with members of the California Native Plant Society. These discussions led to minor changes and refinements to the Proposed Action and associated design features, which are described in Appendix G of the Environmental Assessment.

## FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

After carefully considering the EA and supporting documents, I have determined that Alternative 2 will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared. In finding that the Eradication and Control of Invasive Plants Project has no significant impact, I considered the project's effects, both in context and in intensity. Taking both into consideration, I have determined that there are no significant impacts based upon the following:

### CONTEXT

The geographic area in which effects would occur is the Eldorado National Forest, however indirect and cumulative benefits extend beyond the treated National Forest System lands. Project treatments will help to avoid or reduce the spread of invasive plants from National Forest System lands onto adjoining non-Federal lands, and Alternative 2 will allow the Forest to treat new infestations when they are small so that the likelihood of adverse effects from treatment are minimized, and the invasive plants will do less ecological damage. The selected alternative allows for treatments to occur annually, but monitoring of treatment effects and treatment effectiveness will provide for adapting to new findings and results.

### INTENSITY

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



1. **Impacts both beneficial and adverse.** Consideration of the intensity of environmental effects has not been biased by the beneficial effects of the action. All analyses prepared in support of this document considered both beneficial and adverse effects of the proposed action; however, beneficial effects were not used to offset or compensate for adverse effects in the analyses. The impacts associated with Alternative 2 have been considered separately from the Alternative's beneficial effects, and the adverse impacts are not significant. (See EA pages 49-121)
2. **The degree to which the proposed action affects public health or safety.** The Human Health Risk Assessment completed for this project describes in detail the potential for adverse health effects in workers and members of the public from the use of the proposed herbicides. The risk assessment examines the potential health effects on all groups of people who might be exposed to any of the herbicides proposed for use. The analysis indicates there will be no significant effects on public health and safety. All appropriate laws, policies, and regulations governing the use of pesticides, as required by the U.S. Environmental Protection Agency, the California Department of Pesticide Regulation (DPR), and the Forest Service Policy pertaining to pesticide-use, would be followed, and all Forest Service personnel in charge of projects involving pesticide application would be Qualified Applicator Certified by DPR. All contract applicators would be appropriately licensed by the state. Coordination with the appropriate County Agricultural Commissioner would occur, and all required licenses and permits would be obtained prior to any pesticide application. Public notification through posting of signs through posting of signs at treatment areas and access points to treatment areas prior to use of herbicides, is included in the project design. Following laws and regulations regarding pesticide use and applying stringent project design features, reduces potential hazards to workers and the public to acceptable levels in Alternative 2. (See EA pages 110-121)
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.** The Environmental Assessment has analyzed the potential for impacts to unique characteristics and determined there will be no significant effects on unique characteristics or ecologically critical areas because the project design features included in the Proposed Action avoid impacts to these sites or characteristics. Design features have been developed to avoid impacts to cultural resources and to ecologically critical areas such as wet meadows and aquatic habitats. The Annual Implementation Process, including Design Features 13, 17 and 30 specific to Botanical SIAs, RNAs, Pacific Crest National Scenic Trail and Wilderness areas, would ensure invasive plant treatments are implemented in a manner that would not negatively impact the unique features for which these areas were designated. In addition, this project complies with the provisions set forth within the "Programmatic Agreement among the USDA, Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California." (Sierra PA) of 1996. (See EA pages 30-36, 106-107)



4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. The proposed project follows the management direction in the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service 1989), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). Potential adverse effects have been minimized to the point where there are few effects to draw controversy. Public involvement efforts did not reveal any significant controversies regarding environmental effects of this proposal. (See EA Appendix G)
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. The proposed project follows the management direction in the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service 1989), as amended by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004). It implements management requirements designed to reduce the potential for adverse effects. Local expertise in implementation of these types of projects minimizes the chance of highly uncertain effects or effects which involve unique or unknown risks. Proposed activities are routine in nature, employing standard practices and protection measures, and their effects are generally well known.
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 any future decisions would require a site-specific analysis to consider all relevant scientific and site-specific information available at that time. The proposed activities are in accordance with the best available science at this time regarding treatments to control the spread of invasive plants and address the risk to native vegetation. (See EA pages 49-62)
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. A cumulative effects analysis was completed for each resource area and no resource analysis found that implementation of the selected alternative would result in significant adverse cumulative effects. To avoid the potential for additive impacts associated with herbicide treatments, project design feature #42 ensures that herbicide treatments will not be implemented under the Eradication and Control of Invasive Plant Species project, in any year in locations where such treatments would spatially overlap herbicide treatments being implemented under a prior project decision (prior project decisions are listed in Appendix H). (See EA page 35)
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.** It was determined that there would be no effect to cultural resources from implementing this project, and the Proposed Action does not adversely



affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Activities associated with Alternative 2 will comply with the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations 36 CFR 800 and Forest Service Manual 2360. (See EA page 106) The action will not cause loss or destruction of significant scientific, cultural, or historical resources because the treatment methods are either non-ground disturbing, entail minimal disturbance, or located in areas with previous disturbance (such as road corridors). Alternative 2 complies with the provisions set forth within the "Programmatic Agreement among the USDA, Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California." (Sierra PA) of 1996. Where treatment activities may involve ground disturbance greater than one cubic meter, they will be assessed during the Annual Implementation Process and the Forest Archaeologist will review project locations to determine if any cultural resources could be affected. If a treatment area is determined to have a potential effect, alternative treatment methods will be selected. For these reasons the project will cause no loss or destruction of significant scientific, cultural, or historical resources. (See EA page 106-107)

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.** Biological Assessments determined that the project will not affect species designated or proposed as threatened or endangered, and will not adversely modify Critical Habitat for these species. The Layne' butterweed, the valley elderberry longhorn beetle, and the California red-legged frog will not be affected by activities proposed in Alternative 2, nor will there be adverse effects on designated Critical Habitat for the California red –legged frog, since design features establish treatment buffers that provide protection to occupied sites and critical habitat.

On April 25, 2013, the U.S. Fish and Wildlife Service (USFWS) issued a proposed rule to list the Sierra Nevada yellow-legged frog as endangered and the Yosemite toad as threatened under the Endangered Species Act (ESA). The Biological Evaluation prepared for this project concluded that Alternative 2 will have no effect upon either the Sierra Nevada yellow-legged frog or the Yosemite toad because known treatment areas are not in proximity to occupied habitats. However, if new invasive plant infestations are detected within 500 feet of Sierra Nevada yellow-legged frog or Yosemite toad occurrences and are proposed for herbicide treatments under EDRR procedures, the aquatic biologist will review these sites and confer or consult with the U.S. Fish and Wildlife Service prior to implementing treatments that may affect either species or its designated critical habitat. (See EA pages 89 and 90)

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, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Eldorado National Forest Land and Resource Management Plan (USDA Forest Service



1989), as amended by the Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Eldorado National Forest Land Management Plan. The project was designed in conformance with the Eldorado National Forest Land and Resource Management Plan as modified by the 2004 Sierra Nevada Forest Plan Amendment (USDA Forest Service 2004, Record of Decision p. 36, 54-55). It was also designed in conformance with the following agency guidance and direction for preventing, controlling, and eliminating priority infestations of invasive species on NFS lands: Executive Order 13112, Forest Service Manual 2900, National and Regional Strategy documents, and the Eldorado National Forest's Invasive Plant Management Strategy.

**National Environmental Policy Act of 1969.** The NEPA and the Council on Environmental Quality (CEQ) implementing regulations, require that Federal agencies provide decision makers with a detailed accounting of the likely environmental effects of a proposed action and inform the public of, and allow it to comment on, such effects. The Eradication and Control of Invasive Plants Project EA meets the CEQ regulations requiring public scoping and a thorough analysis of issues, alternatives and effects.

**National Historic Preservation Act (NHPA) of 1966.** Section 106 of the NHPA of 1966 requires federal agencies to consider the potential effects of an action on historic, architectural, or archaeological resources that are eligible for inclusion on the National Register of Historic Places and to afford the President's Advisory Council on Historic Preservation an opportunity to comment. Section 110 of the Act requires federal agencies to identify, evaluate, inventory, and protect National Register of Historic Places resources on properties they control. Potential impacts to archaeological and historic resources have been evaluated in compliance with Section 106 of the NHPA. Alternative 2 complies with the provisions set forth within the "Programmatic Agreement among the USDA, Forest Service, Pacific Southwest Region, California State Historic Preservation Officer, and Advisory Council on Historic Preservation Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the National Forests of the Sierra Nevada, California." (Sierra PA) of 1996.

**Clean Water Act.** Federal agencies are required by the Clean Water Act to cooperate with State agencies in preventing, reducing, and eliminating pollution in concert with programs for managing water resources. This project meets this through incorporation of Best Management Practices listed in Appendix A of the Environmental Assessment.

**Clean Air Act of 1970.** The Clean Air Act of 1970 and its amendments provide for the protection and enhancement of the nation's air resources. No exceeding of the federal and state ambient air quality standards is expected to result from the proposed action. This project is consistent with the Clean Air Act.



**Endangered Species Act (ESA) of 1973.** The Endangered Species Act of 1973 (16 USC 1531 et seq.) requires that any action authorized by a federal agency not be likely to jeopardize the continued existence of a threatened or endangered species, or result in the destruction or adverse modification of the critical habitat of such species. Section 7 of the ESA, as amended, requires the responsible federal agency to consult with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) concerning endangered and threatened species under their jurisdiction. The Biological Assessments prepared for the Eradication and Control of Invasive Species EA finds that Alternative 2 will not affect the Layne's butterweed, the Valley elderberry longhorn beetle, or the California red-legged frog or its designated critical habitat. The Biological Assessment for Aquatic also finds that Alternative 2 not affect the Sierra Nevada yellow-legged frog or the Yosemite toad (species proposed for listing as endangered or threatened), nor is it likely to result in the destruction or adverse modification of their proposed critical habitat. Based on this finding, no consultation is required with the the USFWS for these species.

### ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. The appeal must be filed (regular mail, fax, email, hand-delivery) with the Appeal Deciding Officer: Randy Moore, Regional Forester, USDA Forest Service, Regional Office R5, 1323 Club Drive Vallejo, CA 94592, fax: (707) 562-9229.

The office business hours for those submitting hand-delivered appeals are: 8:00 to 4:00, Monday through Friday, excluding holidays. Electronic appeals must be submitted in a format such as an email message, plain text (.txt), rich text format (.rtf), or Word (.doc) to [appeals-pacificsouthwest-regional-office@fs.fed.us](mailto:appeals-pacificsouthwest-regional-office@fs.fed.us). In cases where no identifiable name is attached to an electronic message, a verification of identity will be required. A scanned signature is one way to provide verification.

Appeals, including attachments, must be filed within 45 days from the publication date of this notice in the Mountain Democrat, the newspaper of record. Attachments received after the 45 day appeal period will not be considered. The publication date in the mountain Democrat newspaper of record is the exclusive means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Individuals or organizations who submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must meet the appeal content requirements at 36 CFR 215.14.

### IMPLEMENTATION DATE

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: Dawn Lipton, Team Leader, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667, (530) 621-5218.



KATHRYN D. HARDY

Forest Supervisor



Date

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