
File Code: 1570
Date: August 28, 2020

Dear Ms. Gerke:

On behalf of the Lincoln National Forest, I would like to thank you for your involvement in the Smokey Bear North Habitat Improvement Project on the Smokey Bear Ranger District. This letter is in response to the objection you filed on the Final Environmental Assessment (EA) and draft Decision Notice (DN). I have read your objection, reviewed the project record and Final EA, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

The legal notice for the objection filing period was published on June 5, 2020. Your timely objection (20-03-08-0001-218) was received on July 14, 2020 and was considered pursuant to the regulations at 36 CFR 218. The regulations also allow for parties to meet in order to resolve issues. We met for an objection resolution meeting on August 25, 2020. We discussed your concerns related to the use of herbicides and possible effects. This letter, including direction to the Responsible Official to modify some herbicide treatments, is my written response to your objections.

You brought forward specific concerns that, for many reasons, including a legacy of healthy ecology for our children and grandchildren, herbicide should not be used. You stated that you prefer mechanical and manual means be used exclusively to thin trees and prevent re-growth of alligator junipers. You also contend that the incorporation of a one-quarter mile buffer is not enough and that wind will carry air-borne herbicide mist further than this. Finally, you stated that the Food and Drug Administration (FDA) has not approved the listed herbicides and their adjuvants, which is another reason not to use them. [Objection, pp. 2-3]

Under the Smokey Bear North Habitat Improvement Project's proposed action, herbicide use is limited to cut-stump treatment of alligator juniper (Herbicide Report, p. 18). For this treatment method, herbicide is immediately sprayed, painted, or squirted on the exposed cambium (living inner bark) of the stump after the tree or shrub is cut down (EA, pp. 18-19). To be effective the herbicide must be applied to the cambium within minutes after the trunk is cut. This method requires only a small amount of herbicide to be effective (EA, p. 19). Herbicide movement such as drift that results from cut stump treatments has a low probability of reaching or affecting non-target species lying beyond the immediate area surrounding the stump (EA, pp. 18-19).

Alligator juniper typically resprouts after being cut, which reduces the effectiveness of vegetative control by mechanical or manual methods (Herbicide Report, p. 3; EA, p. 13). Herbicide application is therefore intended to extend the life of the mechanical and manual treatment implemented and the timeframe before re-entry is required (EA, p. 7).

To address potential effects to human health and safety, the Forest considered risk assessments completed by the USDA (known as SERA Reports). Within the Forest Service Risk



Assessments, herbicides are typically analyzed by reviewing U.S. Environmental Protection Agency's (EPA) Reference Dose (RfD), or the dose that is not likely to contribute to adverse effects over an entire lifetime of exposure to the general population, including sensitive subgroups, and comparing to different exposure scenarios (Herbicide Report, p. 4; EA, p. 62). Sensitive subgroups of people are considered those with higher risk of exposure including children, women who are pregnant or may become pregnant, the elderly, or individuals with disease(s). Adverse human health effects are unlikely when the maximum estimated exposure from herbicide application is less than the RfD (EA, p. 64). With the possible exception of triclopyr applied by workers, this project avoids adverse human health effects since the expected exposures resulting from cut stump treatments fall below RfD benchmarks for the proposed herbicides as set by EPA. In the case of triclopyr applications, workers applying triclopyr will be protected specifically by avoiding high application rates and by implementing resource protection measures such as limiting their personal exposure (EA, p. 66). For all herbicides, herbicide application is limited to cut stump treatments, which helps limit chronic and acute risk of exposure to humans thereby preventing adverse effects to human health and safety because of the very directed application of herbicides (Herbicide Report, p. 18). Herbicide resource protection measures described in the proposed action go even further to help minimize, avoid, or mitigate adverse short-term effects on human health and safety associated with herbicide use (EA, p. 34). Adjuvants are added to herbicides to increase efficiency. They only pose a risk if they are used in excessive amounts, which is not the case in this project. The Forest Service is required by law to follow the label for their use (Herbicide Report, pp. 11-12).

The FDA does not evaluate risk to human health and to the environment from pesticides for this type of land management; this is the responsibility of the EPA. Only herbicide formulations that have been approved by EPA and registered for rangeland, forest land, or aquatic use will be applied (EA, p. 13). In addition, only herbicides that have had a U.S. Forest Service Risk Assessment completed to evaluate impacts to human health and the environment will be used (EA, p. 13). These requirements would ensure that all herbicides are meeting federally required standards prior to application.

The project proposes herbicide application in small quantities applied directly to the cut stumps of alligator juniper only. As a result of public comments, the District added a 1/4-mile buffer zone between National Forest land and private land during treatments to minimize the chance for effects outside of the immediate project area (EA, p. 6). Cut-stump treatments minimize the quantity of herbicide used and require direct application to the plant (EA, p. 41). Consequently, the chance for overspray is extremely limited and the likelihood of non-target species or riparian areas being affected is drastically reduced (EA, p. 41).

It is highly unlikely that there would be any measurable effects to private land adjacent to the project area, or any anticipated loss of biodiversity on USFS lands with the application method proposed, the chemicals selected, and the design features as demonstrated in the EA. Herbicides were proposed and analyzed with the intent of reducing the frequency of reentry for treatment within the project area. Alligator juniper typically resprouts from the stump in the following growing season, and herbicides have been used elsewhere to prevent this from occurring. Portions of the purpose and need could still be met without herbicide use but would likely result in the need for more frequent reentry to maintain treatments (EA, p. 24).

I have reviewed the project in light of the issues presented above. My review finds that the project is fully compliant with all applicable laws and the Lincoln National Forest Plan. However, based on my review and discussion with Forest and District staff, the objection review team, and you during our Objection Resolution Meeting, I am asking District Ranger Jodie Canfield to modify the decision in following ways:

- Remove proposed herbicide treatment from the decision on USFS lands south of the town of White Oaks (located at Section 1 of 7S 12E, Section 6 of 7S 13E) and northeast of town (located at Sections 20, 21, 28, 29 of 6S 13E) (See attached map).
- Adjust herbicide treatment in the decision along the USFS boundary north of White Oaks to include, in addition to prohibiting herbicide use within $\frac{1}{4}$ mile of private land, herbicides only applied directly by hand (i.e. paintbrush or similar tool) within an additional $\frac{1}{4}$ mile. This will result in a combination of mitigations for herbicide use $\frac{1}{2}$ mile from private land along the USFS border north of White Oaks.

Once the modifications regarding herbicide use is added to the Decision Notice, District Ranger Canfield may sign the final Decision Notice. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 CFR 218.11(b)(2)].

Sincerely,

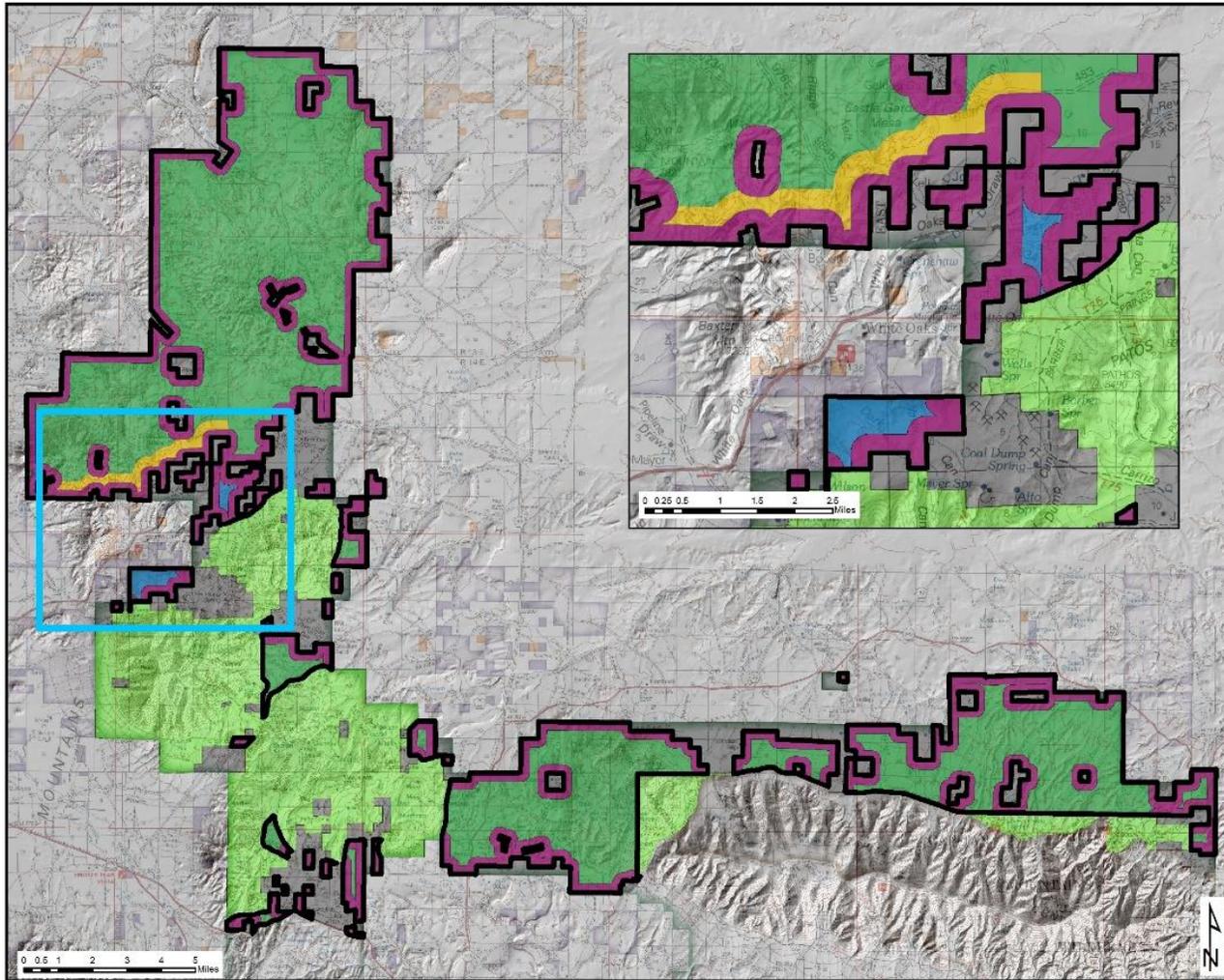
TRAVIS MOSELEY
Forest Supervisor

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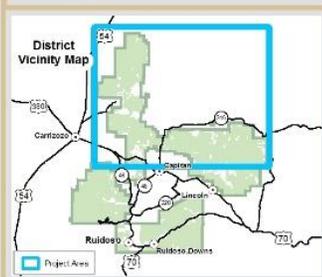
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**Smokey Bear North
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USDA  Date: 8/26/2020

