

FINDING OF NO SIGNIFICANT IMPACT
INTEGRATED INVASIVE PLANT MANAGEMENT ENVIRONMENTAL ASSESSMENT
VALE DISTRICT
BUREAU OF LAND MANAGEMENT
DOI-BLM-ORWA-V000-2011-0047-EA

I. INTRODUCTION

The Bureau of Land Management (BLM), Vale District, is proposing to expand and update its existing integrated noxious weed management program. The Vale District currently controls noxious weeds under a District-wide 1989 *Integrated Weed Control Plan Environmental Assessment (EA)* that analyzes treatments using a range of methods including manual, mechanical, biological controls (mostly insects), targeted grazing, and herbicides (2,4-D, dicamba, glyphosate, and picloram). The District proposes to expand this program by selecting the Revised Proposed Action Alternative in the EA, which would:

- Increase the kinds of plants controlled from noxious to all invasive plants; and,
- Increase the number of herbicides to be used District-wide from 4 to 17.

Use of the additional herbicides was previously analyzed in the 2010 *Vegetation Treatments Using Herbicides on BLM Lands in Oregon, Final Environmental Impact Statement (2010 FEIS)* and the 2016 *Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron Final Programmatic Environmental Impact Statement (2016 PEIS)* (USDI 2016a). This 2016 EA tiers to the 2010 FEIS and 2016 PEIS, and analyzes herbicide and non-herbicide invasive plant treatment methods applied in an integrated management approach. It examines the environmental effects of the proposal at a site-specific scale within the Vale District. The Decision Record that follows this EA will replace the one currently in place.

Consistent with the EA and the analysis summarized below, the Revised Proposed Action Alternative would not constitute a major Federal action that would have significant adverse impacts on the quality of the human environment. Therefore, preparation of an EIS for selection of this alternative is not required.

II. DETERMINATION OF SIGNIFICANCE

The Council on Environmental Quality's (CEQ) regulations provide that the significance of impacts must be determined in terms of both context and intensity (40 C. F. R. §1508. 27). An analysis of the context and intensity of the effects of the Revised Proposed Action Alternative follows.

- A. Context: In accordance with CEQ regulations found at 40 C. F. R. §1508. 27(a), the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant.

The alternatives describe site-specific actions directly affecting approximately 100,000 acres of invasive annual grasses and 3,000 acres of other invasive plants on BLM administered public lands on the Vale District annually. The BLM has determined that the context of the Revised Proposed Action Alternative is the approximately 5 million acres within the Vale District, the surrounding air shed, and, for some effects, the interspersed private or other public lands within the District. This does not in and of itself have international, national, regional, or statewide importance.

- B. Intensity: The following analyzes the intensity of the Revised Proposed Action Alternative utilizing the ten significance criteria described in CEQ regulations found at 40 C. F. R. §1508. 27(b):

1. Impacts that may be both beneficial and adverse.

The potential for herbicides to harm wildlife, fish, people, non-target plants, and other elements of the environment has been examined in detail in existing Risk Assessments (see Appendix C of the attached EA for a summary). Where the Risk Assessments identified a potential for an adverse effect, and existing Standard Operating Procedures did not eliminate that potential, mitigation measures from the 2010 *FEIS* and the 2016 *PEIS* and Project Design Features adopted as part of this analysis were incorporated into the Revised Proposed Action Alternative that would eliminate the potential for significant adverse effects. Standard Operating Procedures and Project Design Features also address potential effects of mechanical, manual, and biological methods as well as prescribed fire. The Risk Assessments, Standard Operating Procedures, and mitigation measures served as a primary information source for much of the analysis of effects.

In addition to the foregoing, the EA demonstrates that the Revised Proposed Action Alternative would reduce noxious weed spread in the Vale District by 475,000 acres over a 15-year period when compared with the No Action Alternative. Additionally, the Revised Proposed Action Alternative provides treatment options to control medusahead rye and other invasive annual grasses, and therefore would facilitate protection and rehabilitation of plant communities overrun or threatened by these grasses. Control of medusahead rye and other invasive annual grasses will also benefit Greater Sage-Grouse and other wildlife whose survival is dependent on native plant habitat. Given the adverse effects of invasive plants identified within the EA, the Revised Proposed Action Alternative is expected to result in a beneficial effect.

2. The degree to which the Revised Proposed Action Alternative will affect public health or safety.

The EA demonstrates that the Revised Proposed Action Alternative would have no negative effect on public health or safety. Appropriate training and work practices dictated by Federal and State Occupational Safety and Health Administration rules, together with Standard Operating Procedures and mitigation measures, address worker and public safety associated with invasive plant treatments. The herbicides included in the Revised Proposed Action Alternative have been examined by the BLM and Forest Service through Risk Assessments. The Risk Assessment-modeled scenarios, including direct exposure as well as subsistence-level ingestion of contaminated fruit and water, were deemed no risk for most of the herbicides under most scenarios. “No risk” means exposure modeling scenarios resulted in dosages less than one-tenth of the lowest observable effect level identified during testing or simulations based on existing research.¹ Where the Assessments found risks above the lowest observable effect level, mitigation measures are identified to ensure that human exposures remain below the modeled scenarios. Mitigation measures include using lower herbicide application rates where feasible, prohibiting broadcast spraying in some situations, and posting warning signs in large application areas and high public use areas.

Human health risk ratings are discussed for each herbicide in the *Human Health and Safety* section in Chapter 3 of the attached EA. That discussion shows that none of the potential risks to human health are significant.

Project design features addressed in the EA to prevent risk of harm to tribal members also include meeting with interested local tribes to review treatment plans each spring, and posting signs in appropriate treatment areas. In addition, Standard Operating Procedures and Mitigation Measures (see Appendix A of the attached EA) are followed to prevent water (including groundwater), soil, and vegetation contamination.

The EA demonstrates that there would be no negative health or safety effect to low income or minority populations, or on the residents of towns or Class 1 air sheds.

¹ The lowest observable effect may have been eye irritation, rash, or any other toxic effect. *The Human Health and Safety* section notes such effects are virtually all reversible when the exposure is eliminated.

3. The anticipated severity of the impacts to unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, Wild and Scenic Rivers, or ecologically critical areas.

There are no prime or unique farmlands located in the Vale District. Potential adverse impacts to recreation areas (including park lands), riparian areas, wetlands, designated wilderness areas, Areas of Critical Environmental Concern/Research Natural Areas, designated and suitable Wild and Scenic Rivers, and Wilderness Study Areas, and cultural resources, have been analyzed in Chapter 3 of the attached EA and were found to be insignificant.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

Controversy is defined as disagreement within the scientific community about the nature of the effects (40 C.F.R. 1508.27(b)(4)). The EPA requires pre-market multiple toxicity, persistence and environmental fate tests prior to registration of herbicide products. The toxicity tests include mammals, fish, plants, and other taxa. All of the herbicides proposed for use in this EA are registered with the EPA. In addition, this analysis relies on BLM or Forest Service-prepared Risk Assessments for each of these herbicides. Risk Assessments are analytical examinations of the potential for adverse effects given modeled and described exposures and doses, and includes an up-to-date review of the best available scientific literature. These herbicides are extensively studied and there is enough information available for the decision-maker to understand the potential for environmental effects. The environmental effects described in this EA are not highly controversial.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The BLM concludes that there is very little uncertainty regarding the Revised Proposed Action Alternative's effects, that there are no unique risks associated with the Revised Proposed Action Alternative, and that there is a very small chance that unknown risks associated with the Revised Proposed Action Alternative will come to light. The BLM bases this conclusion on the following: (a) the Revised Proposed Action Alternative was analyzed at the statewide level in the 2010 *Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS* or nationally in the 2016 *Vegetation Treatments Using Aminopyralid, Fluroxypyr, and Rimsulfuron*; (b) the herbicides have been analyzed in the Risk Assessments, which examine wildland herbicide use and worker/public safety; (c) specialists familiar with District resources prepared the EA analysis; and (d) the EA utilizes sound science in assessing the potential impacts on soils, biological soil crusts, water quality, riparian areas, wetlands, aquatic habitat, Special Status aquatic species, native vegetation, invasive plants, Special Status plants, wildlife, Special Status wildlife species, livestock grazing management, Native American interests and uses, cultural resources, recreation, visual resources, Areas of Critical Environmental Concern and Research Natural Areas, Wild and Scenic Rivers, Wilderness, Wilderness Study Areas, lands with wilderness characteristics, social and economic values, and human health and safety.

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 Revised Proposed Action Alternative does not establish a precedent for actions with potentially significant effects, nor does it represent a decision in principle about future consideration. The Revised Proposed Action Alternative only applies to invasive plant management within the Vale District. Each of the other BLM districts in Oregon has conducted or will conduct an independent NEPA analysis to determine appropriate site-specific invasive plant management within that district. No national or other precedent would be created by implementing the Revised Proposed Action Alternative.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

Based on the analysis contained within the various resource effects sections in Chapter 3 of the attached EA, the Revised Proposed Action Alternative would not have significant cumulative effects; there are no adverse cumulative effects associated with the Revised Proposed Action Alternative.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in 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 Revised Proposed Action Alternative would be implemented within areas used historically by Native Americans, and which contain known and unknown Native American religious and sacred sites, and important ceremonial and subsistence plant collecting sites. The potential to affect these sites was analyzed in Chapter 3 of the EA. The analysis concludes that cultural site surveys, the incorporation of appropriate project design features, mitigation measures, monitoring, and annual review of treatment plans with interested tribes will prevent the loss or destruction of significant cultural or historical resources. Additionally, the Revised Proposed Action Alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or that are eligible for listing in the National Register of Historic Places.

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.*

There are nine federally listed species documented or suspected on the Vale District.

The Revised Proposed Action Alternative could potentially affect the threatened Middle Columbia and Snake River steelhead and their designated critical habitats and habitat, as well as the threatened Snake River Chinook salmon spring / summer run and the fall run and their designated critical habitats and essential fish habitat. The effects from invasive plant control actions on these species were analyzed in the Aquatic Restoration Biological Assessment II (ARBA II) and were provided Endangered Species Act coverage under the National Marine Fisheries Service's Aquatic Restoration Biological Opinion (ARBO II, NMFS 2013). In ARBO II, a *Likely to Adversely Affect* determination was made for each of these species and their critical habitat. Project design criteria for invasive plant control outlined in NMFS's ARBO II were fully incorporated into Project Design Features of this EA and the extent of take authorized in ARBO II correlates to the extent of treated areas outlined in the Project Design Criteria of ARBO II (i.e. less than, or equal to, 10 percent of the acres in a riparian reserve within a 6th field HUC watershed/year).

There are two federally listed resident fish, the bull trout (threatened) and the Lahontan cutthroat trout (threatened), on the District. The effects to these species from invasive plant control actions were analyzed in the Aquatic Restoration Biological Assessment II (ARBA II) and were provided Endangered Species Act coverage under the U.S. Fish and Wildlife Service's Aquatic Restoration Biological Opinion (ARBO II, USDI 2013a). In the ARBO II, a *Likely to Adversely Affect* determination was made for bull trout and its critical habitat, and Lahontan cutthroat (no designated critical habitat). Project design criteria for invasive plant control outlined in U.S. Fish and Wildlife Service's ARBO II were fully incorporated into Project Design Features of this EA and the extent of take authorized in ARBO II correlates to the extent of treated areas outlined in the Project Design Criteria of ARBO II (i.e. less than, or equal to, 10 percent of the acres in a riparian reserve within a 6th field HUC watershed/year).

There are three federally listed plants, the Spalding's catchfly (threatened), the Howell's spectacular thelypody (threatened), and the McFarlane's four-o'clock (threatened) that could potentially be affected by the Revised Proposed Action Alternative. These species are also addressed in ARBO II with a *Not Likely to Adversely Affect* determination. The Revised Proposed Action Alternative was determined not likely to jeopardize the continued existence of these species. Project design criteria for invasive plant control outlined in the U.S. Fish and Wildlife Service's ARBO II were fully incorporated into Project Design Features of this EA. For federally listed plants, if a

known site of a listed plant is within 0.25-mile of treatment site, or if suitable or potential habitat may be affected by a treatment, then Conservation Measures listed in Appendix A of the EA would apply.

ARBO II provides consultation coverage for all treatments included in the Revised Proposed Action, except for aerial application of herbicides and the use of fluroxypyr, fluridone, hexazinone, or rimsulfuron (four of the 17 herbicides proposed for use under the Revised Proposed Action). However, all other herbicide treatments included in ARBO II are consistent with those included in the Revised Proposed Action. If aerial application or use of these four herbicides needed to occur in areas where treatments may have the potential to affect listed species or habitat, additional consultation with NMFS would occur (see EA *Special Status Plants and Fish and Other Aquatic Species*).

There are two listed terrestrial animals, the yellow-billed cuckoo (threatened) and the Canada lynx (threatened). The last recorded observations of the yellow-billed cuckoo on the Vale District were in the 1940s. Although Canada lynx have been known to pass through the District, they are assumed an occasional visitor to the area. Not much is known about their populations. As there is no credible possibility for adverse effects to these species, formal consultation on the yellow-billed cuckoo and Canada lynx was not initiated.

10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.

The EA demonstrates that the Revised Proposed Action Alternative complies with all Federal, State, and local environmental laws and other environmental requirements, including, without limitation, the Clean Water Act, Clean Air Act, and Endangered Species Act. Additionally, the Federal Land Policy and Management Act requires that any action that BLM implements must also conform with the current land use plan and other applicable plans and policies. The Revised Proposed Action Alternative conforms with the management direction contained in the Southeastern Oregon Resource Management Plan (2002), Baker Resource Management Plan (1989), associated records of decision (see EA Chapter 1). It also conforms with Executive orders and various U. S. Department of the Interior policies regarding the use of herbicides and the management of invasive plants; and the constraints and requirements adopted in the Records of Decision for the 2010 FEIS and the 2016 PEIS.

III. FINDING

The potential impacts associated with the use of herbicides to treat noxious weeds and other invasive plants were previously evaluated in the 2010 FEIS and the 2016 PEIS. The impacts of herbicide use described for the Revised Proposed Action Alternative analyzed in the attached EA generally fall within the range of those analyzed in these analyses. In view of this, and on the basis of (1) the analysis contained in the attached EA addressing manual, mechanical, biological, prescribed fire, herbicide application and competitive seeding or plantings (2) the consideration of context and intensity factors described above, and (3) all other available information, my determination is that the Revised Proposed Action Alternative would not constitute a major Federal action which would have significant adverse impacts on the quality of the human environment. Therefore, an EIS for the selected alternative is unnecessary and will not be prepared.

An unsigned FONSI is issued during the EA comment period.
The FONSI will be signed after the EA comment period and issued with the Decision Record.

Donald Gonzalez, District Manager
Vale District

Date