



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Phoenix District

Lower Sonoran Field Office

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Phoenix, Arizona 85027

[www.blm.gov/az/](http://www.blm.gov/az/)

In Reply Refer To:

2850 (AZP020)

DOI-BLM-AZ-P020-2016-0005-EA

### DECISION

#### **Herbicide Application at Three Western Area Power Administration Substations DOI-BLM-AZ-P020-2016-0005-EA**

#### **INTRODUCTION**

The Bureau of Land Management, Lower Sonoran and Yuma Field Offices have prepared the *Herbicide Application at Three Western Area Power Administration Substations Environmental Assessment* (EA) (DOI-BLM-AZ-P020-2016-0005-EA) to evaluate the potential impacts related to use of herbicides to control undesirable vegetation within and immediately surrounding three electrical substations.

One of the three substations, the Spook Hill Substation, is located in Mesa, Arizona on BLM land managed by the Lower Sonoran Field Office. The other two substations, the Sonora and Senator Wash Substations, are located on public land managed by the Yuma Field Office.

#### **BACKGROUND**

Western Area Power Administration (Western) operates and maintains three substations located on lands administered by the Bureau of Land Management (BLM) in Maricopa County, Arizona; Yuma County, Arizona; and Imperial County, California. Western must manage vegetation near and within substations to provide a safe and reliable supply of electricity and to prevent blackouts and wildfires, which can harm people, wildlife, habitat, and property. Western proposes to manage undesirable vegetation at substations using herbicides. Because these substations are on BLM lands, the BLM must decide whether to issue Pesticide Use Permits for the Proposed Action.

The BLM completed the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS) in 2007. The *Herbicide Application at Three Western Area Power Administration Substations Environmental Assessment* tiers to this PEIS and defines the parameters for use of herbicides within the three Western on BLM-managed lands.

**PUBLIC INVOLVEMENT**

The public was provided the opportunity to participate in this EA in compliance with 43 CFR 1610.2. Western and the BLM conducted public scoping for the Proposed Action to solicit input on the scope of the EA and to identify issues, concerns, and suggestions that should be considered in the environmental assessment. A scoping letter was issued on August 28, 2015, which started a 30-day scoping period for the Proposed Action (August 28 through September 30, 2015), and included information about the Proposed Action and instructions on how to provide comments. The letter was mailed and emailed to 48 entities including tribal, federal, state, and local agencies, property owners, and non-governmental organizations. The scoping letter was also posted on Western's website for public review. Only three responses were received and all suggestions were incorporated into the Proposed Action.

**DECISION**

After reviewing the analysis presented in the *Herbicide Application at Three Western Area Power Administration Substations* EA, making a Finding of No Significant Impact (FONSI), and carefully considering the comments and input received from the public, it is my decision to approve the Proposed Action as described in section 2.1 of the EA for the Spook Hill Substation. This decision does not include any authorizations for the Sonora or Senator Wash substations.

**RATIONALE**

Western is obligated, through several requirements under the industry standards, regulations, and recommendation documents listed in section 1.2 of the EA, to manage vegetation near transmission lines and within substations to provide a safe and reliable supply of electricity and to prevent blackouts and wildfires, which can harm people, wildlife, habitat, and property. The use of herbicide provides an effective tool for managing undesirable vegetation with minimal adverse impacts to protect electrical infrastructure and the service it provides to nearby communities.

**AUTHORITY**

This Decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. seq.) and the General and Title V of the Federal Land Management Policy Act of 1976 (FLPMA).

**APPEAL OF THE DECISION**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from receipt of this decision. The appellant has the burden of showing that the Decision appealed from is in error.

If you wish to file a petition pursuant to regulation at 43 CFR 3256.11 or 43 CFR 3200.5 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice

of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

1. The relative harm to parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether the public interest favors granting the stay.



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Leon Thomas, Jr.  
District Manager  
Phoenix District Office

1-27-16

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Date