

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Vale District Office
Malheur Resource Area

Finding of No Significant Impact

Bendire Complex Fire
Emergency Stabilization and Rehabilitation
Invasive Plant Management Plan
Environmental Assessment
DOI-BLM-OR-V000-2016-0027-EA

I. Introduction

The Bureau of Land Management (BLM), Malheur Field Office, Vale District has completed an Environmental Assessment (EA) No# DOI-BLM-OR-V000-2016-0027-EA, that analyzes the effects of alternatives to treat noxious weeds and invasive annual grasses by manual means and through herbicide applications on public lands impacted by the 2015 Bendire Complex fires. The EA is incorporated by reference in this Finding of No Significant Impact (FONSI).

Vale BLM currently controls noxious weeds under a District-wide 1989 *Integrated Weed Control Plan Environmental Assessment* (EA) that analyzed treatments using a range of methods including manual, mechanical, biological controls (mostly insects), and four herbicides (2,4-D, dicamba, glyphosate, and picloram). The District proposes to include three additional herbicides (clopyralid, chlorsulfuron and imazapic) as components of the Bendire Complex Fire Emergency Stabilization and Rehabilitation (ESR) project.

Use of the additional herbicides was analyzed in the 2010 *Vegetation Treatments Using Herbicides on BLM Lands in Oregon, Final Environmental Impact Statement* (2010 FEIS). The referenced EA tiers to the 2010 FEIS; which analyzed herbicide use on public lands in Oregon. The EA examines the environmental effects of the alternatives at a site-specific scale within the Bendire Complex ESR project area.

The Proposed Action would: (a) enable the selective treatment of targeted invasive annual grasses and noxious weeds; (b) allow the use of more effective herbicides at lower rates of application; and (c) counteract the negative landscape effects of the invasive annual grasses cheatgrass, medusahead rye, and ventenata, which are exacerbated by the Bendire Complex fires. Vale BLM has prepared this EA to analyze the proposed action and the no action alternatives.

Consistent with the EA and the analysis summarized below, the proposed action and no 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 either alternative is not required.

Summary of the Actions described in the Alternatives:

The No Action alternative would solely utilize the four herbicides currently authorized to treat only noxious weeds on the Vale District.

The Proposed Action would authorize aerial application of imazapic, as a pre-emergent, to treat invasive annual grasses (medusahead, cheatgrass and ventenata) in an emergency effort to stabilize soils and restore vegetation on the Bendire Complex Fire project area. It would also authorize the use of chlorsulfuron and clopyralid for use on broadleaved noxious weeds in the Bendire Complex Fire project area. Chlorsulfuron is very effective on hard-to-control weed species such as perennial pepperweed and white top found throughout the burned area. Clopyralid is effective on, and would provide better control for thistles, yellow starthistle and knapweeds. The risk of herbicide resistance is also greatly diminished with the use of new formulations allowing applicators to switch herbicides away from the historic practice of using the same less effective herbicides year after year.

These three new formulations are being proposed in addition to the four chemicals currently authorized and in use on the Vale District for the control of noxious weeds. Currently, the four approved herbicides (2,4-D, glyphosate, dicamba and picloram) may only be applied to County, State or Federally listed noxious weeds and provide poor control on certain weed species, notably whitetop and perennial pepperweed. The overall use of these four would decline under the Proposed Action, in part being replaced by the three additional herbicides that are more effective for certain noxious weeds.

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 alternatives follow.

I have considered the potential intensity and severity of the impacts anticipated from the implementation of a decision on this EA relative to each of the ten areas suggested for consideration by the Council on Environmental Quality (CEQ). With regard to each:

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 project area is set within and adjacent to approximately 54,000 acres of the Bendire Complex Fire area of 2015, northwestern Malheur County, and for some effects, the interspersed and adjacent private or other public lands within the Bendire project area. The alternatives describe site-specific actions directly affecting approximately 30,000 acres of public lands, and do not in and of itself have international, national, regional, or statewide importance.

The project is located in the North Fork Malheur and Bully Creek Geographic Management Areas on the Vale District and would have local impacts on the affected interests, lands and resources similar to, and within the scope of, those described and considered in the Southeastern Oregon Resource Management Plan/Final Environmental Impact Statement (SEORMP/FEIS, 2002). There would be no broad societal or regional impacts which were not considered in the Proposed SEORMP and Final Environmental Impact Statement. The actions described in the EA represent anticipated program actions which comply with the SEORMP/Record of Decision (SEORMP/ROD, 2002), implementing ESR actions within the scope and context of this document.

The Bendire Complex Fire burned through areas adjacent to and containing invasive annual grasses. These areas, without treatment, are at risk of conversion from sagebrush steppe to annual grasslands, threatening crucial habitat for Greater Sage-Grouse and other resources. Cultural and wildlife surveys have been conducted and any implemented projects will avoid and buffer designated areas as stated in the EA. The Proposed Action is to authorize continued manual weed treatments, along with applications of herbicide to noxious weeds to decrease those populations and to invasive annual grasses to reduce fuels and restore fire-affected ecosystems on approximately 30,000 acres of the project area. These treatments would be accomplished through a combination of service contracts and federally employed personnel.

The proposed action is set within the context of a comprehensive post-fire emergency stabilization and rehabilitation plan. Other actions covered by that plan include aerial seeding of native grass and forb species, sagebrush and bitterbrush plantings, rest from livestock use of the burned area, temporary fencing, erosion control materials, among others. These actions are considered in the cumulative effects section of the referenced EA.

Intensity

I have considered the potential intensity and severity of the impacts anticipated from implementation of a Decision on this EA, relative to each of the ten significance criteria described in CEQ regulations found at 40 C. F. R. §1508.27(b). With regard to each:

1. Would any of the alternatives have significant beneficial or adverse impacts (40 CFR 1508.27(b)(1))?

No

Rationale:

Alternative A - No Action: Under this alternative, there would be no application of herbicides other than the four currently authorized on the Vale District. Invasive annual grasses and other noxious weeds within the planning area would continue to expand in distribution and density under this management. The risk of decreasing fire return intervals would continue as invasive annual grasses increase. Management under the No Action Alternative would proceed under the current SEORMP, the 1985/87 Northwest Area Noxious Weed Control Program Final EIS and Supplement (USDI 1985,1987), the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS (2010 FEIS) and all other relevant policy direction. This alternative could

result in adverse impacts upon the project area as fuels continue to build and range conditions deteriorate.

Alternative 2 - The Proposed Action: Under this alternative, BLM would apply herbicides, including three new formulations, to invasive annual grasses and noxious weeds to inhibit emergence, prevent spread, and facilitate success of the ESR efforts through the project area. Application of the proposed herbicides, including the aerial application of imazapic for invasive annual grass control, would not only improve the success of the stabilization and restoration efforts (including existing seedings), it would help protect desirable vegetation that survived the fire.

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 referenced EA for a summary). Where the Risk Assessments identified a potential for an adverse effect, mitigation measures from the 2010 *Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS* were incorporated into the proposed alternative and would eliminate the potential for significant adverse effects. The Risk Assessments and the mitigation measures served as a primary information source for much of the analysis of effects.

The human health risk ratings are discussed for each herbicide in the *Human Health and Safety* section in the Oregon FEIS (pp. 343-355) and excerpted in the EA in Chapter 3 and the Appendices. That discussion shows none of the potential risks to human health are significant, and the proposed alternative would create less risk than the No Action Alternative.

The proposed 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 Proposed Action Alternative is expected to result in a beneficial effect.

2. Would any of the alternatives have significant adverse impacts on public health and safety (40 CFR 1508.27(b)(2))?

No

Rationale: Human health risk ratings are discussed for each herbicide in the *Human Health and Safety* section in Chapter 3 of the referenced EA. That discussion shows that none of the potential risks to human health are significant, and that the proposed alternative would create less risk than the No Action Alternative, even though the proposed alternative would result in more acres treated with herbicides. This is the same conclusion reached at the statewide level in the 2010 FEIS, which the EA tiers to. No aspect of the alternatives would have an effect on public health and safety beyond those analyzed in the 2010 *Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS* (page 100-101, 348-350, 353).

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 treatment areas that correspond with traditional plant collection planned by tribes for that year. In addition, Standard Operating Procedures and Mitigation Measures (see Appendix A of the referenced EA) are followed to prevent water (including groundwater), soil, and vegetation contamination.

3. Would any of the alternatives have significant adverse impacts on unique geographic characteristics (cultural or historic resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas (Areas of Critical Environmental Concern(ACEC), RNA, significant caves)) (40 CFR 1508.27 (b)(3)?

No

Rationale: The Bendire Fire burned through 200 acres of the Beaver Dam Wilderness Study Area, the North Ridge Bully Creek Area of Critical Environmental Concern Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA) and South Ridge Bully Creek RNA. There are approximately 300 acres of lands found to possess wilderness characteristics in Vale BLM's 2006-2012 inventory update within the project area.

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

4. Would any of the alternatives have highly controversial effects (40 CFR 1508.27(b)(4)?

No

Rationale: Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or No Action alternatives beyond those analyzed in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS.

This unsigned FONSI represents an opportunity for the public to review and provide comments on the alternatives considered in the Environmental Assessment.

5. Would any of the alternatives have highly uncertain effects or involve unique or unknown risks?

No

Rationale: The BLM concludes that there is very little uncertainty regarding the alternatives' effects, that there are no unique risks associated with the alternatives, and that there is a very

small chance that unknown risks associated with the alternatives will come to light. The BLM bases this conclusion on the following: (a) the actions were analyzed at the statewide level in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS; (b) the herbicides have been analyzed in the Risk Assessments, which examine wildland herbicide use and worker/public safety; (c) specialists familiar with Project Area 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 and wildlife species, wildlife habitat and associated species, livestock grazing management, Native American interests and uses, cultural resources, recreation, Areas of Critical Environmental Concern and Research Natural Areas, Wilderness Study Areas, lands with wilderness characteristics, social and economic values, and human health and safety.

6. Would any of the alternatives establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))?

No

Rationale: Use of the three additional proposed herbicides has occurred on BLM Districts in Oregon and other states (USDI, 2010), as well as on private lands in Oregon. The BLM implements ESR on BLM-administered lands on a regular and continuous basis following wildfire. Implementation is based on fire size, location, and threats to natural resources and public health and safety. No long-term commitment of resources causing significant impacts was noted in the EA or the 2010 Oregon FEIS. The alternatives conform to those analyzed under the SEORMP. Under the No Action or Proposed Action alternative, no precedence would be set for future actions as current management is already being implemented.

7. Are any of the alternatives related to other actions with potentially significant cumulative impacts (40 CFR 1508.27(b)(7))?

No

Rationale: The environmental analysis did not reveal any cumulative effects beyond those analyzed in the aforementioned environmental documents. The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions, and included analysis of reasonably foreseeable future actions identified in the project area. Project design elements were developed to avoid damage to Special Status Species habitat, retain or improve cover for Greater Sage-Grouse, maintain and improve water quality, avoid cultural resources, and reduce conflict with recreational uses. Project design elements would reduce effects related to loss of soil productivity and sedimentation of water sources to levels that are immeasurable at a watershed scale.

Based on the analysis contained within the various resource effects sections in Chapter 3 of the referenced EA, the Proposed Action and No Action Alternative would not have significant cumulative effects within the project area. With the application of mitigation measures and

Standard Operating Procedures, there are no adverse cumulative effects associated with the Proposed Action Alternative.

8. Would any of the alternatives have significant adverse impacts on scientific cultural or historic resources, including those listed or eligible for listing in the National Register of Historic Resources (40 CFR 1508.27(b)(8))?

No

Rationale: The Proposed Action or No Action alternative will not adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places. Based on previous and ongoing cultural surveys and through project design, no adverse impacts to cultural resources were identified or anticipated.

The potential to affect cultural resources 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.

9. Would any of the alternatives have significant adverse impacts on threatened or endangered species or their critical habitat (40 CFR 1508.27(b)(9))?

No

Rationale: There are no known threatened or endangered species or their habitat affected by the Proposed Action or No Action alternative. In the Federal Register notice dated October 2, 2015, the US Fish and Wildlife Service determined that "the listing of the Greater Sage-Grouse is not warranted at this time" (80 FR 191, p 59858-59942). The decision was based on the determination that "the primary threats to Greater Sage-Grouse have been ameliorated by conservation efforts implemented by Federal, State and private landowners." Effects to sage-grouse and their habitat are described in the EA.

10. Would any of the alternatives have effects that threaten to violate Federal, State, or local law or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))? *No*

Rationale: The EA demonstrates that the Proposed Action and No Action Alternatives comply with all Federal, State, and local environmental laws and other environmental requirements. The alternatives are in accordance with Federal, State, local laws and requirements. The Federal Land Policy and Management Act requires that any action that BLM implements must also conform to the current land use plan and other applicable plans and policies. The proposed and no action alternatives are in compliance with the Southeastern Oregon Resource Management Plan (2002), which provides management direction for the protection of the environment on public lands.

Finding

On the basis of the information contained in the EA, the consideration of the intensity factors described above, and all other information available to me, it is my determination that: (1) the Proposed action and the no action alternatives will not have significant environmental impacts beyond those already addressed in the SEOPRMP/FEIS (2002); (2) the Proposed Action and no action alternatives are in conformance with the SEORMP/ ROD; (3) there would be no adverse societal or region impacts and no adverse impacts to the affected interests; and (4) the environmental effects, together with the proposed project Design Features, against the tests of significance (described above and found at 40 CFR 1508.27) do not constitute a major federal action having a significant effect on the human environment. Therefore, an EIS or supplement of the existing EIS is not necessary and will not be prepared.

Unsigned
Thomas Patrick “Pat” Ryan
Field Manager
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Date