

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
IDAHO FALLS DISTRICT
CHALLIS AND SALMON FIELD OFFICES**

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

Proposed Action: Integrated Weed Control Program

EA No.: ID-330-2008-EA-30

Contact Person: Leigh Redick

Location of Action: Public lands within the Challis and Salmon Field Offices (Custer and Lemhi counties)

Finding of No Significant Impact (FONSI)

Implementing regulations for National Environmental Policy Act (NEPA) (40CFR 1508.27) provide criteria for determining the significance of effects. “Significant”, as used in NEPA requires consideration of both context and intensity. The bold and italicized text is repeated from 40CFR 1508.27 for completeness and an explanation follows for relevance to the proposed Integrated Weed Control Program.

(a) Context. This requirement means that 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 local rather than in the world as a whole. Both short-and-long-term effects are relevant (40 CFR 1508.27):

The disclosure of effects in the Environmental Assessment (EA) found the alternatives analyzed limited to the local area (Custer and Lemhi counties) in context. The Challis Field Office (CFO) manages approximately 794,000 acres of public land, and the Salmon Field Office (SFO) manages approximately 493,000 acres. The Integrated Weed Control Program will contribute to the overall success of local Cooperative Weed Management Area partnership efforts to control and reduce invasive weed infestations in Custer and Lemhi counties.

(b) Intensity. This requirement refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following are considered in evaluating intensity (40 CFR 1508.27).

(1) Impacts that may be both beneficial and adverse.

- The Proposed Action will impact resources as described in the EA. Standard Operating Procedures (SOPs), design features and mitigation measures described in Appendix C to the EA would prevent or reduce any adverse impacts to cultural resources; special status species (plants and animals); other native vegetation and wildlife; water quality and aquatic species;

and soils. None of the environmental effects discussed in detail in the EA are considered significant.

- The beneficial impacts are:
 - Restoration of healthy native vegetation communities and improvement of wildlife habitat and domestic animal forage quality and quantity by implementing successful treatment programs that reduce the acres infested by noxious weeds and other invasive species.
 - Protection of special status plant species habitats by limiting the spread of invasive species.

(2) *The degree to which the proposed action affects public health or safety.*

- The EA is tiered to the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS; BLM 2007) and the *Final Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Report* (PER; 2007). A *Human Health Risk Assessment* was conducted (Appendix B to the PEIS) which determined that when SOPs (Appendix C to the EA) are correctly followed, risks to human health and safety would be minimized to acceptable levels, causing no “significant effects”. Three of the four new herbicides authorized for use under the PEIS have been determined to pose less of a risk to human health than other currently used herbicides.

(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.*

- Appendix C to the EA details SOPs and mitigation measures to ensure that Integrated Weed Treatment would have no “significant effects” on unique geographic characteristics of the area, such as cultural or historical resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas identified in the EA.

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

- Information regarding this EA was posted to the Idaho BLM online NEPA database. The EA itself was also posted to the internet for comments. Comments from two groups were received. As a result, the EA was modified to explain how riparian buffers were derived and a Standard Operating Procedure regarding the use of grazing animals as a biological control was added. The analysis did not identify any controversy or disagreement concerning effects on the quality of the human environment. Partners in local Cooperative Weed Management Areas include the United States Forest Service, county agencies, and private landowners.

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

- The action of implementing an Integrated Weed Control Program including the potential to use new herbicides and application methods analyzed and authorized under the 2007 PEIS is a well-regulated process following all applicable state and Federal regulations. It is a continuation of current treatment efforts, updated to enable the use of more technologically

advanced herbicides. Subsequently, it does not pose “highly uncertain”, or “unique or unknown risks”.

(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.

- Implementation of this Decision does not establish a precedent for future similar actions. Additional herbicides that gain approval by the Environmental Protection Agency in the future would not be available for use by the Challis and Salmon Field Offices without further NEPA analysis. Herbicides currently approved under the PEIS for use on rangelands in Idaho are listed in Appendix B to the EA.

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

- The analysis of the Proposed Action did not reveal any relationship to other actions with individually insignificant but cumulatively significant adverse impacts. The implementation of successful weed treatments by the BLM will contribute to other local efforts to minimize the spread of invasive weeds in Custer and Lemhi counties.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or 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 analysis shows that the Proposed Action would result in “No effect” to cultural or historical resources by following SOPs and mitigation measures identified in Appendix C to the EA.

(9) The degree to which the action may adversely affect an endangered or threatened species or its critical habitat that has been determined under the Endangered Species Act of 1973, as amended.

- A Biological Assessment conducted in conjunction with this EA determined that the Selected Alternative “**may affect but is not likely to adversely affect** Snake River spring/summer Chinook salmon, Snake River sockeye salmon, steelhead trout, bull trout, and any associated designated critical habitat and essential fish habitat” by following SOPs and mitigation measures identified in Appendix C to the EA. A Biological Assessment for terrestrial species determined that the Selected Alternative would have “**no affect**” on yellow-billed cuckoos or Canada lynx. The action “**may affect but is not likely to Jeopardize**” the continued existence of the gray wolf population.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

- The analysis in the EA shows the Selected Alternative is consistent with Federal, State, and local laws or requirements imposed for protection of the environment. I have reviewed this Environmental Assessment (ID-330-2008-EA-30) including the explanation and resolution of any potentially significant impacts.

I have reviewed the Council on Environmental Quality Regulations (CEQ) for significance (40 CFR 1508.27) and have determined the actions analyzed in the EA would not constitute a major

Federal action that would significantly affect the quality of the human environment; therefore an Environmental Impact Statement is not required.

DECISION RECORD (DR)

Decision

It is my decision to approve the **No Aerial Herbicide Application Alternative**, as described in the Environmental Assessment (EA) # ID-330-2008-EA-30. **Additionally**, the use of fire for cheatgrass control in the Salmon Field Office would not be implemented with this decision. The SOPs, design features and mitigation measures as stated in Appendix C of the EA are also approved.

Rationale

This Integrated Weed Control Program will enable the BLM to comply with requirements of the Carson-Foley Act of 1968, the Federal Noxious Weed Act of 1974 (as amended), and the Plant Protection Act of 2000. The Idaho Noxious Weed Law of 1977 also establishes a legal requirement to control weeds designated by the state as noxious. The use of four additional herbicides analyzed and approved in the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS; BLM 2007) will increase the tools available for weed control on public lands within the Challis and Salmon Field Offices. The action is in conformance with the Challis Resource Area Record of Decision and Resource Management Plan, dated 1999, and the Lemhi Record of Decision and Resource Management Plan, dated 1987 (as amended 2001).

Authority

The BLM has prepared this EA in compliance with NEPA as well as other appropriate laws and regulations, both federal and state. The EA discussed direct, indirect and cumulative impacts that may result from the Proposed Action or alternatives. The EA also provided supporting documentation for this decision document.

Appeal Procedures

This decision may be appealed to the Interior Board of Land Appeals, 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 (request) pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay (suspension) 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 Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with 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 shall show sufficient justification based on the following standards:

- (1) The relative harm to the 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, and

(4) Whether the public interest favors granting the stay.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed.



David Rosenkrance, Challis Field Manager

26 MARCH 2009

Date



Steven Hartmann, Salmon Field Manager

3-24-09

Date