# FINDING OF NO SIGNIFICANT IMPACT
# INTEGRATED INVASIVE PLANT MANAGEMENT
# ENVIRONMENTAL ASSESSMENT - BURNS DISTRICT
# DOI-BLM-OR-B000-2011-0041-EA

## I. INTRODUCTION

The Bureau of Land Management (BLM) is proposing to expand and update its existing integrated noxious weed management program. The Burns District currently controls noxious weeds under a District-wide 1998 Noxious Weed Management Environmental Assessment (EA) that analyzes treatments using a range of methods including manual, mechanical, biological controls (mostly insects), targeted grazing, prescribed fire, and herbicides (2,4-D, dicamba, glyphosate, and picloram). The District proposes to expand this program by:

- Increasing the kinds of plants controlled from noxious to all invasive plants; and,
- Increasing the number of herbicides to be used District-wide from four to 14.

Use of the additional herbicides was analyzed in the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon, Final Environmental Impact Statement in 2010 (2010 FEIS). This EA tiers to the 2010 FEIS, 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 Burns District and will replace the 1998 Noxious Weed Management Program Environmental Assessment for the Burns District.

Consistent with the EA and the analysis provided below, the selected 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 the selected 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 selected 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 BLM has determined that the context of the selected alternative is the 3.276 million acres within the Burns District, the surrounding air shed, and, for some effects, the interspersed private lands within the District.

B. Intensity: The following analyzes the intensity of the selected 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, mitigation measures from the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS were

incorporated into the selected alternative. 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 Chapter 3 of the attached EA. That discussion shows that none of the potential risks to human health are significant, and that the selected alternative would create less risk than the No Action Alternative, even though the selected alternative would result in more acres treated with herbicides. This is a beneficial impact of the selected alternative.

In addition to the foregoing, the EA demonstrates that the selected alternative would reduce invasive weed spread in the Burns District by 40,200 acres over a 15 year period when compared with the No Action Alternative. Additionally, the selected alternative provides treatment options to control medusahead rye and other invasive annual grasses, and therefore will 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 fauna, whose survival is dependent on native plant habitat. Given the adverse effects of invasive plants identified within the EA, the selected alternative is expected to result in a beneficial effect.

2. The degree to which the selected alternative will affect public health or safety.

The EA demonstrates that the selected alternative would have no negative effect on public health or safety. The herbicides included in the selected alternative have been examined by the BLM and Forest Service through Human Health Risk Assessments (Risk Assessment). 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, 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, and that the selected alternative would create less risk than the No Action Alternative, even though the selected alternative would result in more acres treated with herbicides. This is the same conclusion reached at the Statewide level in the 2010 FEIS, to which the attached EA tiers.

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 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.

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.

[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.

There are no park lands or prime or unique farmlands located in the Burns District. Potential adverse impacts to 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.

The nature of the potential impacts associated with the current proposal to use additional herbicides to improve control of invasive plants on the Burns District is not highly controversial. Twelve scoping letters were received for this EA. The majority supported the use of additional herbicides because of the need to control invasive annual grasses. (The letters opposed included one suggesting not managing for invasive plants at all, one objecting to any herbicide use at all, and one requesting that prevention of invasive plants be the focus). A 30-day period for the public, permittees, tribes, and other agencies to review the EA and FONSI was provided from April 24 through May 26, 2015. Five comment letters were received during the review period. All of the letters addressed the serious threat that invasive plants pose to native ecosystems and acknowledged the need to use herbicides selectively. Two letters posed questions about the effectiveness of herbicides, and effects of invasive plant treatments on specific resources that resulted in detail being added to the revised EA. Based on the number and content of the comments received from the public, the effects on the quality of the human environment are not considered 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 selected alternative's effects, that there are no unique risks associated with the selected alternative, and that there is a very small chance that unknown risks associated with the selected alternative will come to light. The BLM bases this conclusion on the following:(a) the selected alternative was analyzed at the State-wide 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 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 selected alternative does not establish a precedent for actions with potentially significant effects, nor does it represent a decision in principle about future consideration. The selected alternative only applies to invasive plant management within the Burns District. Each of the other BLM districts in Oregon 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 selected 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 selected alternative would not have significant cumulative effects within the project area.

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 selected 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 clearances, 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 significant. Additionally, the selected 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 four federally listed species known on the District, including one endangered plant (Malheur wire-lettuce), one endangered fish (Borax Lake chub), and two threatened fish (bull trout and Lahontan cutthroat trout). Although Canada lynx is a listed threatened mammal and has been documented on the District historically, no recent sightings, lack of prey base on public lands in the District, and lack of sightings on Forest Service lands to the north would indicate that this species is currently not in the area and will not be considered in the EA. In addition, there are three candidate species including the Greater sage-grouse, the Columbia spotted frog and the North American wolverine. The wolverine has been documented on the Steens Mountains but it is not known whether they are permanent residents or occasional strays due to the irregularities of the sightings.

There is designated critical habitat for both the bull trout and Borax Lake chub on public lands in the District. The effects to these species and critical habitat from the selected alternative were determined through consultation with the U.S. Fish and Wildlife Service as part of the Aquatic Restoration Biological Opinion (ARBO II). Project Design Criteria for Invasive Plant Control outlined in the ARBO II were fully incorporated into Project Design Features of this EA. In the ARBO II, a May Affect, Not Likely to Adversely Affect determination was made for Borax Lake chub, Malheur wire-lettuce and their critical habitats. A Likely to Adversely Affect determination was made for Lahontan cutthroat trout and bull trout. The selected alternative was also determined not likely to jeopardize the continued existence of these fish species. The extent of take authorized in the 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% of the acres in a riparian reserve within a sixth-field HUC watershed/year). In view of the foregoing, impacts to these species are not significant (see *Fish, Special Status Species (Aquatic) and Other Aquatic Species, Wildlife, Special Status Species (Wildlife)* and *Migratory Bird* sections of Chapter 3 of attached EA).

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 selected 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 selected alternative conforms with the management direction contained in the Andrews Management Unit and Steens Cooperative Management and

Protection Area Resource Management Plan (2005), and the Three Rivers Resource Management Plan (1992) and Records of Decision and subsequent special area plans tiered to it (see EA Chapter 1). It also conforms with (1) executive orders and various U. S. Department of the Interior policies regarding the use of herbicides and the management of invasive plants, and (2) the constraints and requirements adopted in the Record of Decision for the 2010 FEIS.

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. The impacts of herbicide use described for the selected alternative analyzed in the EA generally fall within the range of those analyzed in the 2010 FEIS. In view of this, and on the basis of (1) the analysis contained in the attached EA, (2) the consideration of context and intensity factors described above, and (3) all other available information, my determination is that the selected 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.

Brendan Cain

Brendan Cain, District Manager
Burns District

July 31, 2015

Date