1742 (ORB050)

MAY 2 9 2012

Dear Interested Party:

The Bureau of Land Management Burns District Office has prepared the DSL & Smyth Creek Emergency Stabilization and Rehabilitation (ES&R) Plans Environmental Assessment (EA) DOI-BLM-OR-B050-2012-0007-EA, Finding of No Significant Impact (FONSI), and Decision Record (DR). The signed FONSI and DR are attached.

The Proposed Action, to implement the DSL and Smyth Creek Fire ES&R plans and apply herbicides to medusahead rye outside of the fire perimeters, as analyzed, was selected to address invasive weedy plant species. In this action herbicide and seeding of native and desirable non-native species was analyzed to this concern. Please review the DR and EA for detailed explanation of project design, implementation, and resource analysis.

A 30-day appeal opportunity for this decision is now being provided. Please review the DR carefully for a detailed explanation of the appeal process.

If you need further information or to receive additional copies, please contact Travis Miller of the Three Rivers Resource Area, Burns District Office, at (541) 573-4539 or visit the Burns District website at http://www.blm.gov/or/districts/burns/plans/index.php. The EA, FONSI, DR and maps are also available on this website.

Sincerely,

Richard Roy
Three Rivers Resource Area Field Manager

Rhonda Karges
Andrews/Steens Resource Area Field Manager

Enclosures
Singed FONSI
Decision Record

[redacted]

4160 (ORB050)

MAY 2 9 2012

CERTIFIED MAIL (LISTED BELOW)
RETURN RECEIPT REQUESTED

NOTICE OF PROPOSED DECISION

To Implement the Grazing Closure Portion of the
DSL & Smyth Creek Emergency Stabilization and Rehabilitation Plans
Environmental Assessment
DOI-BLM-OR-B050-2012-0007-EA

Dear Interested Party:

You are receiving this Proposed Decision because you are the permit holder of record, an interested public or lienholder of record.

A. BACKGROUND

The Burns District Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) proposing to implement Emergency Stabilization and Burned Area Rehabilitation (ES & R) Plans on the DSL and Smyth Creek Fires located in northern Steens Mountain. Although the DSL and Smyth Creek Fires were separate fire incidents, they are located in the same geographic area, share similar resource values, and share equivalent ES & R needs.

B. PROPOSED DECISION

Having considered the Proposed Action, No Action Alternative, Alternatives Considered but not Analyzed in Detail, associated impacts, and based on analysis in the DSL & Smyth Creek ES & R Plans EA, it is my Proposed Decision to close from livestock grazing all BLM-managed lands within the Smyth Creek Fire perimeter and that portion of the DSL Fire proposed to be seeded (Map C-1 of the EA) for a minimum of two growing seasons or until seeded and native perennial species are present at a density of at

least 5 plants/10 ft^2 or until monitoring indicates resumption of livestock grazing will not negatively impact seeding success. Regardless of plant densities, areas proposed for drill and aerial seeding will be closed to livestock grazing for at least the first two growing seasons to provide sufficient root development to hold seeded species in the soil prior to grazing.

Although no permanent fence (i.e. barbed-wire) is being proposed to keep livestock off of burned areas in the DSL Fire while providing access to the remaining unburned areas, temporary electric fence could be constructed and maintained by the livestock permittee to accomplish this.

A Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in the EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared.

C. PUBLIC COMMENTS AND RESPONSES

A copy of the EA and unsigned FONSI were mailed to Federal, State, and County agencies and other interested public on March 16, 2012, for a 30-day public comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on March 21, 2012.

The Burns District BLM received no public comments on the EA.

D. RATIONALE

This Proposed Decision best meets the Purpose and Need for the action because it provides the greatest likelihood of successfully establishing a ground cover of perennial vegetation to 1) compete with medusahead rye and cheatgrass for available site resources to reduce the likelihood of the burned areas converting to invasive annual grass dominance; 2) stabilize soils after the first growing season and reduce the potential for accelerated soil erosion associated with invasive annual communities; 3) reduce the likelihood of these areas experiencing a reduced fire return interval associated with invasive annual grass dominance; 4) coexist with and promote reestablishment of native vegetation; and 5) reduce the likelihood of new weed establishment or expansion of existing weed infestations. In addition, the Proposed Decision was based on consultation with affected grazing permittees, local Harney County Government and other agencies, Burns Paiute Tribe, public comments, and conformance with applicable laws and regulations.

The No Action Alternative was not selected because it takes no action to control the establishment and spread of noxious weeds in areas of each fire that are unlikely to recover naturally, nor would it allow for treating noxious weeds with the most effective herbicides within existing weed infestations adjacent to each fire.

E. PROTEST AND APPEAL PROCEDURES

Any applicant, permittee, lessee or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to the Three Rivers Resource Area, Burns District Office, 28910 Hwy 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed should clearly and concisely state the reason(s) as to why the proposed decision is in error.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision. Any protest received will be carefully considered and then a final decision will be issued.

Any applicant, permittee, lessee or other person whose interest is adversely affected by the final decision may file an appeal in accordance with 43 CFR 4.470 and 43 CFR 4160.4. The appeal must be filed within 30 days following receipt of the final decision. The appeal may be accompanied by a petition for a stay of the decision in accordance with 43 CFR 4.471, pending final determination on appeal. The appeal and petition for a stay must be filed in the office of the authorized officer Richard Roy, Three Rivers Resource Area Field Manager, 28910 Hwy 20 West, Hines, Oregon 97738.

The appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and otherwise complies with the provisions of 43 CFR 4.470. The appellant must serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205, and person(s) named [43 CFR 4.421(h)] in the *Copies sent to:* section of this decision.

Should you wish to file a petition for a stay, see 43 CFR 4.471 (a) and (b). In accordance with 43 CFR 4.471(c), a petition for a stay must 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.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision that receives a copy of a petition for a stay and/or an appeal see 43 CFR 4.472(b) for procedures to follow if you wish to respond.

Sincerely,

Richard Roy
Three Rivers Resource Area Field Manager

And

Rhonda Karges
Andrews/Steens Resource Area Field Manager

Letter Sent To:

[redacted]

[redacted]

USDI, Bureau of Land Management
Andrews Resource Area, Burns District

DECISION RECORD

DSL & Smyth Creek Emergency Stabilization and Rehabilitation Plans
Environmental Assessment
DOI-BLM-OR-B050-2012-0007-EA

BACKGROUND

The DSL & Smyth Creek Emergency Stabilization and Rehabilitation Plans Environmental Assessment (EA) proposed to implement Emergency Stabilization and Burned Area Rehabilitation (ES&R) Plans on the DSL and Smyth Creek Fires located in northern Steens Mountain. Although the DSL and Smyth Creek Fires were separate fire incidents, they are located in the same geographic area, share similar resource values, and share equivalent ES&R needs.

COMPLIANCE

The EA *DSL & Smyth Creek Emergency Stabilization and Rehabilitation Plans* DOI-BLM-OR-B050-2012-0007-EA, is tiered to the Three Rivers Proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (1991 PRMP/FEIS) and Andrews Management Unit/Steens Mountain Cooperative Management and Protection Area Proposed Resource Management Plan (CMPA) and Final Environmental Impact Statement (2004 PRMP/FEIS). The relevant information contained therein is incorporated by reference. The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- National Environmental Policy Act (42 U.S.C. 4321-4347)1970
- Federal Land Policy and Management Act (43 U.S.C. 1701, 1976)
- Standards for Rangeland Health and Guidelines for Livestock Grazing Management for Public Lands Administered by the Bureau of Land Management in the States of Oregon and Washington (1997)
- Executive Order 12372, Intergovernmental Review. Coordination and consultation is ongoing with affected Tribes, Federal, and local agencies. A copy of the plan will be disseminated to all affected agencies.
- Executive Order 13112, Invasive Species. To prevent the introduction of invasive species and provide for their control, and to minimize the economic, ecological and human health impacts that invasive species cause.
- Burns District's Noxious Weed Management Program EA (OR-020-98-05)
- 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon Record of Decision (ROD) (Oregon Veg. FEIS).
- 2007 Vegetation Treatments Using Herbicides on BLM lands in 17 Western States ROD (National Veg. FEIS).

- Clean Water Act. All proposed treatments are in compliance with this Act (33 U.S.C. 1251 - 1376; Chapter 758; P.L. 845, June 30, 1948; 62 Stat. 1155). Long-term effects are considered beneficial to water quality.
- Oregon Department of Fish and Wildlife. 2011. *Greater Sage-Grouse Conservation Strategy Assessment and Strategy for Oregon*. Salem.
- The proposed action is consistent with other Federal, State, local, and tribal laws, regulations, policies, and plans to the maximum extent possible.
- Native American Consultation
- All tribes of federally recognized American Indians have off-reservation interests, and maintain an "inherently sovereign" status that requires that land managing agencies consult with tribes on a government-to-government basis over planned actions that may affect tribal interests. Tribal interests include: traditional cultural practices, ethno-habitats, sacred sites, certain plant and animal resources, and socio-economic opportunities. A memorandum of understanding was signed in 2001 that outlines how consultation and coordination regarding resource management on BLM administered lands will occur between the BLM and the Burns Paiute tribe. The Burns Paiute tribe is consulted on all rehabilitation and stabilization projects on the Burns District. The Burns Paiute reservation is in Harney County immediately north of Burns. More than 120 tribal members live on the reservation. The DSL and Smyth Creek Fires lie within an area of interest identified by the Burns Paiute tribe.

DECISION

Having considered the Proposed Action and No Action Alternative and associated impacts and based on analysis in EA DOI-BLM-OR-B050-2012-0007-EA, it is my decision to implement the Proposed Action which implements the DSL and Smyth Creek Fire ES&R plans and apply herbicides to medusahead rye outside of the fire perimeters. Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action analyzed in DOI-BLM-OR-B050-2012-0007-EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

The Proposed Action will:

1. Monitor the burned area and the adjacent area surrounding the wildfire for at least two years post-fire. All BLM-managed lands within and adjacent to the burn perimeters of both the DSL and Smyth Creek fires will be surveyed for noxious weeds. Any weeds found will be treated using the most appropriate methods.

2. Where herbicide application is determined to be the most appropriate treatment for noxious weeds, use of herbicides will be in conformance with label instructions. Only treatments allowable on Oregon BLM lands in conformance with standard operating procedures and mitigation measures will be used (Appendix B). Herbicides will be applied aerially or using ground-based sprayers. Herbicides, in addition to our currently authorized suite of products, to be used to treat noxious weeds include:

a. Imazapic (Plateau) at 6oz/acre (0.178 pounds/acre of active ingredient Imazapic) applied in the fall to treat head and cheatgrass. Application method will be by either low boom or aerial spray. Aerial spray treatments for medusahead rye will be used on infestations 100 acres or greater and/or on smaller infestations where ground equipment cannot access.

b. Chlorsulfuron (Telar XP) at 1.3 oz./acre (0.061 pounds/acre of active ingredient Chlorsulfuron) applied during the growing season to treat mustards and thistles. Application method will be treated using ground equipment with either low boom or spot sprayed.

c. Clopyralid (Transline) at 2/3 pt./acre (0.25 pounds/acre of active ingredient Clopyralid). Mixed with either:

   i. 2,4D at 1qt/acre (0.95 pounds/acre of active ingredient 2,4D) to treat Canada thistle and knapweed during the bud to bloom stage, or
   ii. Chlorsulfuron at 1.3 oz./acre applied during the growing season to treat Canada thistle and knapweeds.
   iii. Application method will he treated using ground equipment with either low hoom or spot sprayed.

3. Aerial seed approximately 260 acres of the DSL Fire will be aerial seeded using aircraft (fixed wing or helicopter) (Map C-1) to seed forage kochia at a rate of 2 pounds/acre. Aerial seeding will occur between winter 2013 and winter 2014, to reduce potential impacts to seedling emergence from Imazapic application during the fall of 2012.

COMMENTS RECEIVED

A copy of the original EA and unsigned FONSI were mailed to Federal, State, and County agencies and other interested public on March 16, 2012, for a 30-day public comment period. In addition, a public notice was posted in the *Burns Times-Herald* newspaper on March 21, 2012. The Burns District BLM received no public comments on the EA other than a letter of support to implement the Proposed Action by the Oregon Department of Fish and Wildlife.

RATIONALE

The rationale for the decision to select the Proposed Action "Implement the DSL and Smyth Creek Fire ES&R plans and apply herbicides to medusahead rye outside of the fire perimeters," is to address the purpose and need to reduce the expansion of medusahead rye into the Wyoming big sagebrush plant communities not expected to recover naturally. Due to the presence of medusahead rye infestations within and adjacent to these communities prior to the wildfires and the fact these fires made site resources readily available for weed infestation, there exists a need to control medusahead rye and other noxious weeds. Also of concern is the potential for the introduction and establishment of new noxious weeds other than medusahead rye and/or the expansion of existing weed infestations. Controlling invasive species using chemicals effective in treating them will increase the potential to establish native and desirable non-native plants. Furthermore, the decision to select the Proposed Action is to suppress medusahead rye seed production not only within the burned areas, but on adjacent lands to the burned areas. This will

reduce the likelihood of medusahead rye seed transfer and the establishment of new infestations within the fire perimeters.

The No Action Alternative was not selected because it did not address the purpose and need to protect natural resources in both burned areas. By not establishing native and non-native plants the risk of soil erosion and the establishment of invasive weedy species will increase. Herbicides analyzed in the EA are the only known effective tools for noxious weeds such as medusahead rye. Without the use of the selected herbicides the risk of invasion by these species will be imminent in both areas burned by these wildfires.

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Three Rivers Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error. A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

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

Richard Roy — 5/25/12

Richard Roy
Three Rivers Resource Area Field Manager

Rhonda Karges — 5/25/12

Rhonda Karges
Andrews/Steens Resource Area Field Manager

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District Office
Three Rivers Resource Area
Finding of No Significant Impact

DSL & Smyth Creek Fires Emergency Stabilization and Rehabilitation Plans
Environmental Assessment
DOI-BLM-OR-B050-2012-0007-EA

INTRODUCTION

The Burns District Bureau of Land Management (BLM) has prepared an Environmental Assessment (EA) proposing to implement Emergency Stabilization and Burned Area Rehabilitation (ESR) Plans on two fires located in northern Steens Mountain. Although the DSL and Smyth Creek Fires were separate fire incidents, they are located in the same geographic area, share similar resource values, and share equivalent ESR needs.

The DSL Fire (Fire Number GB9N) was a complex of four fires ignited by lightning on August 24, 2011 and was contained on August 27, 2011. The fire burned a total of 6,534 acres, comprising 1,860 acres of BLM-managed land, 3,714 acres of Department of State Land, and 960 acres of private land. The fire was located approximately 22 miles northeast of Diamond, OR in the northern Steens Mountain, bordered by Highway 78 to the north and East Steens Road to the east.

The Smyth Creek Fire (Fire Number GCR6) was a fire ignited by lightning on August 24, 2011 and was contained on September 1, 2011. The fire occurred within the Five Creeks Rangeland Restoration Project boundary and burned a total of 1,857 acres, comprising 1,833 acres of BLM-managed land and 25 acres of private land. The majority of the fire (1,032 acres) occurred in Unit 4 prescribed burn boundary of the Five Creeks Project; 7,614 acres were treated September 30, 2011. The fire was located approximately 6 miles northeast of Diamond, OR in the north Steens Mountain, bordered by Kiger Mustang Viewing Road to the west and Smyth Creek to the east.

SUMMARY OF THE PROPOSED ACTION

The Proposed Action is to implement the ESR plans for the DSL and Smyth Creek Fires, and apply select herbicides to noxious weeds within a project area encompassing both fire perimeters. Stabilization and rehabilitation treatments proposed under this project include applying herbicides (Imazapic, Chlorsulfuron, Clopyralid) to noxious weeds in particular medusahead rye within a treatment area encompassing 149,549 acres, aerially seed forage kochia on 260 acres infested by medusahead rye within the DSL fire perimeter, livestock grazing closures on burned portions of both fires, and monitoring both burned areas for noxious weeds and effectiveness of rehabilitation treatments.

FINDING OF NO SIGNIFICANT IMPACT

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

Context

The Proposed Action would occur in the northern Steens Mountain and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in the Three Rivers Proposed Resource Management Plan/Final Environmental Impact Statement (PRMP/FEIS), the 2004 Andrews Management Unit/Steens Mountain Cooperative Management and Protection Area (AMU/CMPA) PRMP/FEIS, and the 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS. There would be no substantial broad societal or regional impacts not previously considered in these planning documents.

Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. Project Design Features were incorporated to reduce or eliminate impacts. None of the effects are beyond the range of effects analyzed in the three planning documents cited above.

   Soils/Biological Soil Crusts (BSCs): The purpose in using forage kochia is to out-compete medusahead rye and cheatgrass, which would allow native vegetation time to reestablish, grow, and decrease bare ground. This species, if establishment is successful, would help stabilize soils and prevent erosion, while at the same time provide an interspace habitat for BSCs to reestablish and grow, however at a slow rate (years to decades). Studies have shown that reseeding after a fire, while causing disturbance to the BSCs which did not burn in the fire, helps prevent further loss and degradation. While there is no evidence that Plateau could cause an initial decrease or loss to BSCs, the potential for reestablishment is possible due to the suppression and/or eradication of medusahead rye and other invasive annual grasses. There is a greater threat for a complete loss of BSCs from not treating medusahead rye and allowing it to colonize the interspace habitat of BSCs.

   Overall, while there might be impacts to soils and BSCs, the long term benefits of eradicating medusahead rye and cheatgrass far outweigh those impacts. Without these invasive annual grasses, soils and BSCs would have an opportunity to stabilize, regrow and reestablish, providing valuable nutrient cycling and water capture functions.

Grazing Management and Wild Horses: Seeded and naturally recovering areas would recover to desired perennial vegetation, subsequently maintaining or improving available forage for livestock and wild horses. There would be no direct impacts to wild horses associated with the seeding on the DSL Fire as this area is located outside of the Herd Management Area (HMA) boundary. Aerial seeding, aerial herbicide application, and aerial weed monitoring could temporarily disturb horses due to the presence of aircraft within and adjacent to the HMA boundary, however these impacts would be temporary (minutes as the helicopter passes over) and would not result in long-term displacement from their habitat. Cattle would he removed for two growing seasons or longer depending on vegetative recovery.

Migratory Birds: Potential noise and visual disturbance associated with aerial seeding or aerial application of herhicides may cause temporary displacement or alter the activity level or behavior of some birds. However, treatments would occur at a time of year when most birds have migrated out of the area, and birds that remain are highly mobile and able to leave the immediate area. Disturbance effects would primarily be limited to the treated areas, where planes or helicopters would be flying closest to the ground. Disturbance effects from aerial seeding and spraying would be negligible on migratory bird populations due to the relatively small (nine percent) amount of area being treated within the burned areas, and the brief (few hours) amount of time required to spread the seed or apply the herbicide. Most migratory birds would return to the area or resume activity once seeding or spraying is complete.

Noxious Weeds: Establishing desirahle vegetation would enhance the burned area's resistance to noxious weeds. Effective use of the clean equipment Project Design Element would minimize the potential for project introduction of additional noxious and invasive weeds. A weed resistant, desirable plant community would contribute towards soil stability and upland community functionality. Where herbicide treatments are necessary, using these new products, either alone or in combination with currently available products, would provide the best tools available to ensure effective, timely management of the noxious weeds in this area. By controlling the noxious weeds, the potential for success of rehabilitation of the project area following the disturbances from the 2011 wildfires would be enhanced.

Special Status Species: Sage-grouse: Noise and visual disturbance associated with aerial seeding or aerial application of herbicides may cause temporary displacement or alter the activity level or behavior of some birds. Potential disturbance effects would be negligible on sage-grouse individuals and populations due to the relatively small (nine percent) amount of area beimg treated within the burns and the brief (few hours) amount of time required to carry out treatments.

Seeding (260 acres) would occur in lower elevation areas that contained Wyoming or low sagebrush plant communities prior to the wildfires, but also had a component of medusahead rye or cheatgrass. Using forage kochia associated with the emergency stabilization DSL Fire and Smyth Creek Fire Categorical Exclusions' seed mixes that include native and desirable non-native plant species would improve the likelihood of

successful establishment of a desirable plant species that can stabilize the soils and compete with invasive annuals and noxious weeds to help reduce the risk of increased fire frequency (Harrison et al. 2002). By helping break up the fuel source and reduce fire frequency, forage kochia would facilitate the return of sagebrush plant communities, which is unlikely to occur in these areas without management intervention. Although forage kochia remains high in protein throughout the year, its value for sage-grouse forage is unknown. However, the sub-shrub growth form of forage kochia would provide additional structure for sage-grouse cover, especially in the first few years after the fire when grasses and forbs are the primary vegetative component.

Application of the proposed herbicides using Standard Operating Procedures (Appendix B) would not only improve the success of the seeding effort, it would help protect native plants that survived the fire. These native plants, especially sagebrush, provide a valuable seed source adapted to the local environment, which further reduces the time needed for the native plant community to recover (Leger 2008). Implementation of this alternative would result in maintenance or improvement of more acres of sage-grouse habitat compared to the No Action Alternative.

Upland Vegetation: This project was designed to establish a ground cover of desired perennial vegetation in those plant communities unlikely to recover naturally within both fires. Successful seeding of the Proposed Action would further decrease the potential transition to an annual grass dominated community, introduce a longer green period through the growing season, and provide more habitat values than an exotic annual grass community. In comparison to a medusahead rye or a cheatgrass dominated community, establishment of native and desirable non-native plant species would set the stage to a faster successional trajectory towards a native plant community.

Treating noxious weeds with additional herbicides would benefit upland vegetation by allowing the most effective chemical weed treatments in areas of vegetative disturbance. Treating noxious weeds in these areas would promote and maintain the abundance of native and desired introduced vegetation. Plateau (Imazapic) would be the only herbicide applied aerially and at a large scale of 100 acres or more to treat medusahead rye infestations. This herbicide has been shown to selectively treat medusahead rye and cheatgrass leaving desirable perennial vegetation unharmed (Davies and Sheley 2011). The other herbicides analyzed would be used at a small scale (spot treatments) and applied with ground equipment.

Wildlife: Potential noise and visual disturbance associated with aerial seeding or aerial application of herbicides may cause temporary displacement of some larger wildlife species, such as Rocky Mountain elk, or alter the activity level or behavior of animals in the area. Effects would primarily be limited to the treated areas, where planes or helicopters would be flying closest to the ground. Overall, disturbance effects from aerial seeding and spraying would be negligible on wildlife populations due to the relatively small (nine percent) amount of area being treated within the burned areas, and the brief (few hours) amount of time required to spread the seed or apply the herbicide. Most of

the affected animals would return to the area or resume activity once seeding or spraying is complete.

Seeding (260 acres) would occur primarily in lower elevation Wyoming or low sagebrush plant communities with some medusahead rye or cheatgrass (or areas adjacent to sites with these annual grasses). Applying forage kochia seed would improve the likelihood of successful establishment of a desirable plant species that can compete with invasive annuals and noxious weeds and help reduce the risk of increased fire frequency (Harrison et al. 2002). By helping break up the fuel source and reduce fire frequency, forage kochia would facilitate the return of native grasses and shrubs, which is unlikely to occur in these areas without management intervention. Forage kochia is high in protein throughout the year, and has been successfully used to stabilize and improve mule deer winter range in Nevada (Clements et al. 1997). If the seeding is successful, the sub-shrub growth form of forage kochia would provide additional structure for wildlife cover, especially in the first few years after the fire.

2. Degree to which the Proposed Action affects public health and safety. No aspect of the Proposed Action or alternatives would have an effect on public health and safety beyond those analyzed in the2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS (page 100-101, 348-350, 353).

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. No unique characteristics are known to exist within the proposed Project Area.

4. The degree to which effects on the quality of the human environment are likely to be highly controversial. Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternative. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or alternatives beyond those analyzed in the2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS.

5. Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks. The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the Three Rivers PRMP/FEIS or AMU/CMPA PRMP/FEIS, The Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS analyzed the use effects of the proposed chemicals and associated risks.

6. Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration. This project neither establishes a precedent nor represents a decision in principle about future actions. No long-term commitment of resources causing significant impacts was noted in the EA or FEISs.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. The environmental analysis did not reveal any cumulative effects beyond those analyzed in the afore mentioned 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.

8. 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. There are no known features within the Project Area listed or 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. There are no known threatened or endangered species or their habitat affected by the Proposed Action or alternatives.

10. Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Action does not threaten to violate any law. The Proposed Action is in compliance with the Three Rivers and Steens Mountain CMPA Resource Management Plan (RMP)s/Record of Decision (ROD)s, which provide direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

1. The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Three Rivers PRMP/FEIS (September 1991); AMU/ CMPA PRMP/FEIS (2004), and the Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS (2010);

2. The Proposed Action and alternatives are in conformance with the Three Rivers ROD (September 1992); Steens Mountain CMPA RMP/ROD (2005), and the Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD (2010);

3. There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and

4. The environmental effects, together with the proposed Project Design Features, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Therefore, an EIS is not necessary and will not be prepared.

Richard Roy
Three Rivers Resource Area Field Manager

4/26/2012
Date

Rhonda Karges
Andrews/Steens Resource Area Field Manager

4/26/2012
Date