

Worksheet
Determination of National Environmental Policy Act (NEPA)
Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

Office: ORB002

Tracking Number (DNA #): DOI-BLM-OR-B020-2013-0032-DNA

Case File: 2800/9015

Project Number: Weed/PUP File #: ORB000-13-012P

Proposed Action Title/Type: Vegetation Management, chemically control/treat bases of powerline poles with the herbicide Weed Blast within the Harney Electric Cooperative, Inc. (HEC) Right-of-Way(s) (ROW)

Location/Legal Description: HEC ROWs in Miller Homestead Fire Analysis Area and Holloway Fire Analysis Area

Applicant (if any): HEC

A. Description of the Proposed Action and Any Applicable Mitigation Measures

The Proposed Action is to authorize HEC to use chemical control vegetation management with the Oregon, Bureau of Land Management (BLM) approved herbicide *Weed Blast* 15 feet in radius around the base of power-poles and other electric utility structures on BLM-administered lands within 1 mile of the perimeter of the Miller Homestead Wildfire. Herbicides would be applied using hand applicators in accordance with BLM and chemical label guidelines and maximum rates, following standard operating procedures and mitigation measures outlined in the Programmatic EISs: *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (June, 2007)* and *Vegetation Treatments Using Herbicides on BLM Lands in Oregon (October, 2010)*.

B. Land Use Plan (LUP) Conformance

LUP Name and Date Approved

Three Rivers Resource Management Plan (RMP)

Date Approved: September 1992

Andrews Management Unit (AMU) RMP

Date Approved: August 2005

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

Three Rivers RMP: LR-2 (pg. 2-182)

Meet public needs for use authorizations such as ROW, leases, and permits.

Andrews Management Unit ROD/RMP: Lands and Realty (pg. RMP-59 to RMP-60)

Goal: Provide land, interests in land, and authorizations for public and private uses while maintaining and improving resource values and public land administration.

Objective 2. Meet public, private, and Federal agency needs for realty-related land use authorizations and land withdrawals including those authorizations necessary for wind, solar, biomass, and other forms of renewable energy development.

Pg. (RMP-60) ROW's and other land uses including wind, solar, biomass, and other forms of renewable energy development are recognized as valid uses of public land and are authorized pursuant to Sections 302 and 501 of the Federal Land Policy and Management Act (of 1976).

Other Documents:

ROD, Vegetation Treatment Using Herbicides on BLM Lands in 17 Western States, September 2007 (pg. 3-60 to 3-61) ROW grants generally include provisions that authorize the holder to manage vegetation within and adjacent to the ROW using methods approved by the BLM...Several techniques are used to manage vegetation in ROW. Preemergence or postemergence herbicides can be applied to prevent or control young emerging and existing vegetation...Vegetation can interfere with ROW site access and facility maintenance, interfere with electric power flow, and pose safety problems for workers and other users of the ROW.

ROD, Vegetation Treatments Using Herbicides on BLM Lands in Oregon, October 2010 (pg. 19 and 311-318)

2) Protect the safety and function of BLM and other authorized infrastructures by controlling ... vegetation.

Pg. (311-318) for the Analysis of Administrative Sites, Roads, and ROW

C. Identify Applicable NEPA Documents and Other Related Documents that Cover the Proposed Action.

Noxious Weed Management Program Environmental Assessment for the Burns District, BLM, OR-020-98-05

Date: FY 1998

Holloway Fire Emergency Stabilization and Rehabilitation (ESR) Plan, DOI-BLM-OR-B060-2013-0003-EA

Date: March 2013

Miller Homestead Fire ESR Plan, DOI-BLM-OR-B060-2012-0047-EA

Date: October 2012

FEIS: Vegetation Treatment Using Herbicides on Bureau of Land Management Lands in 17 Western States, June 2007

FEIS: Vegetation Treatments Using Herbicides on BLM Lands in Oregon, July 2010

List by name and date other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

None

D. NEPA Adequacy Criteria

- 1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The Proposed Action would occur within the same analysis area as analyzed under the *Noxious Weed Management Program Environmental Assessment for the Burns District BLM, EA No. OR-020-98-05, FY1998*.

The Proposed Action is a feature of an alternative analyzed in the existing PEISs: *Vegetation Treatment Using Herbicides on Bureau of Land Management Lands in 17 Western States (PEIS)* and *Vegetation Treatments Using Herbicides on BLM Lands in Oregon (PEIS)* and follows standard operating procedures and mitigation measures set within these documents with regards to locations, geographic and resource conditions.

The Proposed Action of chemical control vegetation management for structural protection of electric utility power poles was a feature of and thoroughly analyzed in the *Holloway Fire ESR Plan EA* and referenced in the *Miller Homestead Fire ESR EA*. The geographic and resource conditions analyzed in the Holloway Fire EA are essentially similar to the Miller Homestead Fire EA. Therefore the application of the analysis is appropriate on both EAs. The chemical application for vegetation management in the HEC ROW would happen within the analysis area of the Miller Homestead Fire EA. In the Miller Homestead Fire EA the specific herbicides/product, *Weed Blast*, was not analyzed but chemical control vegetation management was specifically analyzed. *Weed Blast* however, was thoroughly analyzed in the *Holloway Fire ESR Plan EA*. Chemical rates listed in the Oregon FEIS are in accordance with the maximum chemical label application rates or lower. FEIS rates are Bromacil at 4 lbs. ai and Diuron at 6 lbs. ai. per year; *Weed Blast* label rates are 12 lbs. ai/year (=Bromacil at 6 lbs. ai + Diuron at 6 lbs. ai).

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?**

These herbicides were analyzed and included in the *Holloway Fire ESR EA*. The following alternatives were addressed in the Holloway ESR Plan EA:

Alternative A (No Action): The No Action Alternative would let all portions of the burned area recover naturally without management. All resources would be left to the unmanaged processes of erosion and revegetation (including invasive species establishment).

Alternative B (Proposed Action): Implementation of the Holloway Fire ESR Plan including noxious weed treatments with the four currently approved herbicides plus chlorsulfuron, clopyralid, imazapic, and bromacil+diuron.

Alternative C: Implement Plan but no protection fence construction.

The following alternatives were analyzed in the *Miller Homestead Fire ESR EA*:

Alternative A (No Action): The No Action Alternative would let all portions of the burned area recover naturally without management. All resources would be left to the unmanaged processes of erosion and revegetation (including invasive species establishment).

Alternative B (Proposed Action): Implementation of the Miller Fire ESR Plan including noxious weed treatments with the four currently approved herbicides plus chlorsulfuron, clopyralid, and imazapic. While the specific formulation *Weed Blast* was not analyzed, use of a sterilant for the treatment of power-poles was discussed. That discussion follows: *A ground applied sterilant would also be used to treat the areas around power poles, which were dozed to protect the pole, in order to prevent weeds from establishing in those disturbed sites and protect the power poles from burning if a future fire occurs. In addition, a ground applied sterilant could be used to treat the areas for 20 feet around communication facilities' flammable structures to protect against damage if threatened by future fires. Clearing of vegetation around structures was previously analyzed in EA OR-025-00-32.*

These herbicides were analyzed and included in the *PEIS: Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in Oregon, July 2010*. The following alternatives were addressed in the *PEIS: Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in Oregon, July 2010*:

Alternative 1: Reference Analysis, no herbicides.
Included for reference only as it would not meet the Purpose or Need.

Alternative 2: Only use the four currently approved herbicides.

Treatments of noxious weeds only using the four currently approved herbicides: 2,4-D, dicamba, glyphosate, and picloram.

Alternative 3: 12 Herbicides Western Oregon / 13 Herbicides Eastern Oregon. Allowable treatments would be for noxious weeds, invasive plants, and pest/disease control.

Alternative 4 (Proposed Action): 13 herbicide Western Oregon / 16 herbicides Eastern Oregon.

Allowable treatments would be for noxious weeds, invasive plants, pest/disease control, and for the management of vegetation (both native and non-native) on ROW, Admin and Recreation Sites, and to meet Habitat objectives in conservation strategies. No herbicide treatments specifically for livestock forage production or timber production.

Alternative 5: 18 Herbicides.

Allowable treatments would be for the management of vegetation (both native and non-native) on ROW, Admin & Recreation Sites, and to meet Habitat objectives in conservation strategies and for any other treatments desired.

- 3. Is the existing analysis valid, in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?**

The existing NEPA documentation, and consultation with the Burns District Botanist and Wildlife Biologists in accordance with the development of the *Holloway Fire ESR Plan DOI-BLM-OR-B060-2013-0003-EA(2013)* and the *Miller Homestead Fire ESR Plan DOI-BLM-OR-B060-2012-0047-EA(2012)* takes into account future conditions such as new information regarding endangered species or Special Status Species or future listings by providing standard operating procedures for the BLM.

The *PEIS/ROD: Vegetation Treatment Using Herbicides on Bureau of Land Management Lands in 17 Western States, June 2007* and the *FEIS/ROD: Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in Oregon, July 2010*, addressed environmental consequences of treating powerline poles to protect infrastructure (pg. 3-60 to 3-61). There is no other known information or circumstance that would substantially change the analysis of the new Proposed Action.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

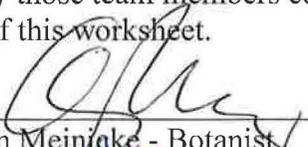
The Proposed Action is analyzed in all listed NEPA documentation including direct, indirect, and cumulative effects. There are no significant differences between the PEISs and ESR-EAs and the Proposed Action. Risk assessments have been completed on the herbicides proposed for use. They are allowed for use on Oregon BLM administered lands.

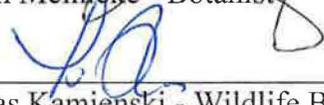
5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?

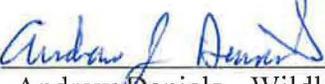
A summary of the public involvement in the National PEIS can be found in Chapter 5, pages 5-1, 2. Agency and other government consultations can be found in Chapter 5, pages 5-3, 4. Response to Public Comments on the Oregon Draft EIS can be found in Appendix 10, pg. 649-675.

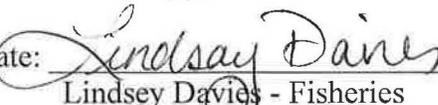
The ESR EAs were reviewed by District and State Office Resource Specialists and were released to the public. Field trips to both the Miller Homestead and Holloway fires occurred post-fires and included interest groups and agency personnel.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

Specialist Signature and Date:  5-6-13
Caryn Meinicke - Botanist

Specialist Signature and Date:  5-8-13
Tomas Kamienski - Wildlife Biologist

Specialist Signature and Date:  5-6-13
Andrew Daniels - Wildlife Biologist

Specialist Signature and Date:  5-6-2013
Lindsey Davies - Fisheries

Specialist Signature and Date:  6 MAY 2013
Daryl Bingham - Fisheries

Note: Refer to the specific EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

F. Others Consulted: Identify other individuals, agencies or entities that were consulted with as part of completing the NEPA analysis.

Note: Refer to the specific EA/EIS for a complete list of the other individuals, agencies or entities that were consulted with as part of completing the NEPA analysis and participating in the preparation of the original environmental analysis or planning documents.

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitute BLM's compliance with the requirements of the NEPA.

Title and Signature of Project Lead: Lesley Richman
Lesley Richman, Weeds Coordinator

Title and Signature of NEPA Coordinator Holly Orr
Holly Orr, Planning and Environmental Coordinator

Title and Signature of the Responsible Official: Brendan Cain Date: 5-13-13
Brendan Cain,
District Manager, Burns

Decision: It is my decision to implement the Proposed Action with Project Design Elements (*if applicable*) as described above.

This decision may be appealed to the Interior Board of Land Appeals, 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 mailed to the Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days of receipt of the 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.

As noted above, the motion for stay must be filed in the office of the authorized officer.

Brendan Cain
Brendan Cain, Burns District Manager

May 15, 2013
Date