



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

COOS BAY DISTRICT OFFICE

1300 AIRPORT LANE, NORTH BEND, OR 97459

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## **In Reply Refer To:**

5820/1792 (ORC040)

DOI-BLM-OR-C040-2010-0002-EA

Applying Glyphosate on Tanoak to Aid in Sudden Oak Death Eradication

***May 27, 2010***

Dear Concerned Citizen,

We have signed the FONSI and Decision Record for the Applying Glyphosate on Tanoak to Aid in Sudden Oak Death Eradication Environmental Assessment (DOI-BLM-OR-C040-2010-0002-DNA). The Proposed Action of this EA is to incorporate the use of the herbicide glyphosate in addition to current Sudden Oak Death (SOD) eradication treatments. These documents have been posted on the District Internet site: <http://www.blm.gov/or/districts/coosbay/plans/index.php>.

The decision to implement this forest management project may be protested under 43 CFR 5003 – Administrative Remedies. As outlined in 43 CFR 5003 (a) and (b), protests of a forest management decision may be made within 15 days of the publication date of the decision notice and shall contain a written statement of reasons for protesting the decision. In accordance with the regulations, this notice constitutes the decision document for the purpose of protests which must be filed by close of business (4:30 p.m.) on June 11, 2010 with the Myrtlewood Field Manager, *Kathy Westenskow*, at the Coos Bay District Office, 1300 Airport Lane, North Bend OR, 97459. As interpreted by BLM, the regulations do not authorize acceptance by the BLM of protests in any form other than a signed, paper document that is delivered to the physical address of the BLM office within the 15-day period. Therefore, e-mail, verbal, or facsimile protests will not be accepted.

For further information, contact Aimee Hoefs, Team Lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100, or e-mail at [OR\\_CoosBay\\_Mail@blm.gov](mailto:OR_CoosBay_Mail@blm.gov), Attn: Aimee Hoefs.

Respectfully,

*/s/ Kathy Westenskow*

Kathy Westenskow  
Myrtlewood Field Manager



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## In Reply Refer To:

5820/1792 (ORC040)

DOI-BLM-OR-C040-2010-0002-EA

## FINDING OF NO SIGNIFICANT IMPACT and DECISION RECORD

For the

### Applying Glyphosate on Tanoak to Aid in Sudden Oak Death Eradication Environmental Assessment DOI-BLM-OR-C040-2010-0002-EA

#### I. Introduction

An Interdisciplinary Team has prepared an Environmental Assessment (EA) to analyze the effects of using the herbicide glyphosate in addition to current Sudden Oak Death (SOD) eradication treatments. This EA is hereby incorporated by reference. This document contained two alternatives: a no-action alternative and a proposed action alternative. The no action alternative would continue current eradication methods on BLM-managed lands within the SOD Quarantine Area as designated by the State of Oregon. These include a rapid response to cut the infected plants and every host species within the eradication zone around the infected plant(s). The proposed action would include the application of the herbicide glyphosate in any of the following methods: injection and frill (hack and squirt), cut stump and foliar application.

#### II. Background

This EA was developed under the management direction of the 1995 Coos Bay District Record of Decision and Resource Management Plan (1995 ROD/RMP). The analysis supporting this decision tiers to the *Final Coos Bay District Proposed Resource Management Plan/Environmental Impact Statement* (UDSI 1994). The 1995 Record of Decision is also supported by, and in conformance with, the *Final Supplemental Environmental Impact Statement (EIS) on Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl (Northwest Forest Plan)* (USDA and USDI 1994) and its *Record of Decision* (USDA and USDI 1994a) as supplemented and amended.

#### III. Finding of No Significant Impact

The EA indicates that there would not be a significant impact on the quality of the human environment from the implementation of either alternative. This finding and conclusion is based on my consideration of the Council of Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of the impacts described in the EA.

#### Context

The proposed action would occur within the Matrix, Riparian Reserve and Late-Successional Reserve land use allocations as designated by the 1995 Coos Bay District ROD/RMP. The RMP

anticipated the need to “manage timber stands to reduce the risk of stand loss from fires, animals, insects and disease (p. 52).” As stated in the ROD for the Northwest Forest Plan, the Aquatic Conservation Strategy (ACS) was developed to restore and maintain the ecological health of watersheds and aquatic ecosystems on public lands within the range of Pacific Ocean anadromy. Consistency of the proposed alternative with the ACS objectives is included in Chapter 3 and 4 of the EA (pp. 24-28).

The proposal consists of approximately no more than 250 acres of treatment per year. The objective of the project is to prevent the spread of Sudden Oak Death from becoming regional or national in scope.

### Intensity

#### *Impacts that may be both beneficial and adverse (40 CFR 1508.27 (b)(1))*

Any impacts, both beneficial and adverse, are not significant as they are consistent with the range and scope of those effects analyzed in the 1994 Final Coos Bay District Proposed Resource Management Plan /Environmental Impact Statement to which the EA is tiered. While the pathogen *Phytophthora ramorum* was not discovered in Oregon until 2001, the 1994 FEIS analyzed for the loss of forested habitats from the spread of disease.

#### *Public Health and Safety (40 CFR 1508.27(b)(2))*

No aspect of the proposed action would have an effect on public health and safety.

#### *Unique characteristics of the geographic area (40 CFR 1508.27(b)(3))*

There are no known parklands, prime or unique farmlands, wetlands, floodplains or Wild and Scenic Rivers that would be affected in the project area. The North Fork Chetco River ACEC is located within the current quarantine area. However, analysis in the EA has concluded that the effects to this ACEC are not significant to the values for which the ACEC was designated (EA pp. 16-17).

#### *Degree to which effects are likely to be highly controversial (40 CFR 1508.27(b)(4))*

The effects on the quality of the human environment of the proposed activity are not highly controversial. Glyphosate is the most commonly used herbicide in Oregon and there is broad support for the eradication of Sudden Oak Death.

#### *Degree to which effects are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5))*

The possible effects of the proposed action on the quality of the human environment are not highly uncertain and do not involve unique or unknown risk.

#### *Consideration of whether the action may establish a precedent for future actions with significant impacts (40 CFR 1508.27(b)(6))*

The proposed project does not establish a precedent for future actions or represent a decision in principle about future actions with potentially significant effects. A Programmatic Environmental Impact Statement is expected to be completed later this year.

*Consideration of whether the action is related to other actions with cumulatively significant impacts (40 CFR 1508.27(b)(7))*

There are no cumulatively significant cumulative impacts identified by the environmental assessment.

*Scientific, cultural, or historical resources, including those listed in or eligible for listing in the National Register of Historic Places (40 CFR 1508.27(b)(8))*

The proposed activities would not affect districts, sites, highways, structures or objects listed in or potentially eligible for listing in the National Register of Historic Places. Nor would the activities cause a loss or destruction of significant scientific, cultural or historical resources.

*Threatened or endangered species and their critical habitat (40 CFR 1508.27(b)(9))*

Consultation with the U.S. Fish and Wildlife Service (USFWS) was re-initiated in December 2008 for FY2009-2012 Sudden Oak Death Eradication Activities. The Biological Opinion “includes a finding that implementation of the proposed actions would not jeopardize the continued existence of the spotted owl or the murrelet, nor result in the adverse modification of their designated critical habitats” (FWS TAILS # 13420-2009-F-0022).

Consultation was requested with the National Marine Fisheries Service (NMFS) for Southern Oregon/Northern California Coasts (SONCC) coho salmon and coho and chinook Essential Fish Habitat.

*Any effects that threaten a violation of Federal, State, or local laws or requirements imposed for the protection of the environment (40 CFR 1508.27(b)(10))*

The proposed action would not violate Federal, State or local laws imposed for the protection of the environment. These include the Endangered Species Act and the Clean Water Act.

Analysis has also concluded that implementation of the proposed action will not change the likelihood of and need for listing of any Special Status Species under the ESA as identified in BLM Manual 6840 and BLM OR/WA 6840 policy.

A few editorial changes have been made to the EA due to internal review and a list of the Special Status Species Plant Species possibly within the project area has been added in Appendix B.

### **Conclusion**

Based on the information contained in the EA (DOI-BLM-OR-C040-2010-0002-EA), and associated supporting information in the project file, I have determined that the proposed action would not have a significant impact on the human environment within the meaning of section 102(2) (c) of the National Environmental Policy Act of 1969, and that an Environmental Impact Statement is not required. I have determined that the effects of the proposed activities would be in conformance with the 1995 *Record of Decision/Resource Management Plan* for the Coos Bay District.

*/s/ Kathy Westenskow*

*May 25, 2010*

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Kathy Westenskow  
Myrtlewood Field Manager

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Date

**Decision**

It is my decision to authorize the implementation of the Proposed Action as described on pages 7-11 of the Applying Glyphosate on Tanoak to Aid in Sudden Oak Death Eradication Environmental Assessment (EA) DOI-BLM-OR-C040-2010-0002-EA, which is incorporated by reference. This Alternative best responds to the need for action: incorporating the use of the herbicide glyphosate into current SOD eradication treatment efforts (EA pp. 3-4).

The Proposed Action would incorporate the use of glyphosate for use in one of three methods: injection and frill (hack and squirt), cut stump and foliar application. Site specific Project Design Features that will be implemented as part of the Action Alternative are described on pages 9-11 of the EA.

**Conformance and Compliance**

The Applying Glyphosate on Tanoak to Aid in Sudden Oak Death Eradication project is consistent with the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines, as incorporated into the Coos Bay District Resource Management Plan.

On December 17, 2009, the U.S. District Court for the Western District of Washington issued an order in *Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.)(Coughenour, J.), granting Plaintiffs' motion for partial summary judgment and finding a variety of NEPA violations in the BLM and USFS 2007 Record of Decision eliminating the Survey and Manage mitigation measure.

Judge Coughenour deferred issuing a remedy in his December 17, 2009 order until further proceedings, and did not enjoin the BLM from proceeding with projects.

The project may proceed even if the District Court sets aside or otherwise enjoins use of the 2007 Survey and Manage Record of Decision. This is because this project meets the provisions of the last valid Record of Decision, specifically the 2001 Record of Decision and Standards and Guidelines for Amendments to the Survey and Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines (not including subsequent Annual Species Reviews). The Del Norte salamander is the only species which would require management under the chosen alternative. Under current direction, this species does not require pre-disturbance surveys but BLM would "manage known sites." The design features on page 10 of the EA contain mitigation measures to protect these sites.

Pursuant to the Endangered Species Act, Formal Consultation with the U.S. Fish and Wildlife Service has been completed. The Service has determined in a Biological Opinion that "implementation of the proposed actions would not jeopardize the continued existence of the spotted owl or the marbled murrelet, nor result in the adverse modification of their critical habitats" (FWS TAILS#: 13420-2009-F-0022).

The selected alternative is in compliance with the Endangered Species Act, the Clean Water Act, the Magnuson-Stevens Fishery Act and the BLM Special Status Species Program. The EA and FONSI contain analysis of the selected alternative and found no significant impacts that would require the development of an EIS.

In addition to the selected alternative, there was a no action alternative that would continue current SOD eradication treatments, which does not have as good a success rate at eradicating the pathogen from a treated site.

### **Public Involvement**

The general public was informed of the planned EA through a letter (May 12, 2008) to those on the Field Office's mailing list, which included adjacent landowners and the others who had requested scoping notices of forest management EAs. BLM posted an announcement on the District's internet site, <http://www.blm.gov/or/districts/coosbay/plans/index.php> and in a Legal Notice in *The World* newspaper (November 16, 2009) requesting comments for scoping. One comment in support of the project was received. The public was informed of the EA and draft FONSI through a direct notification and via a published Legal Notice in *The World* newspaper (April 7, 2010). The BLM received no public comments.

### **Rationale for the Decision**

The proposed action would most effectively meet the purpose and need for action, which is to reduce the risk for stand loss from disease through the inclusion of the use of the herbicide glyphosate. The proposed action would incorporate the use of glyphosate in three applications: injection and frill (hack and squirt), cut stump, and foliar application.

### **Administrative Review Opportunities**

The decision described in this document is a forest management decision and is subject to protest by the public. In accordance with Forest Management Regulations at 43 CFR Subpart 5003 Administrative Remedies, protests of this decision may be filed with the authorized officer *Kathy Westenskow* within 15 days of the publication date of the notice of decision advertisement in *The World*, Coos Bay, OR.

43 CFR § 5003.3 subsection (b) states: "Protests shall be filed with the authorized officer and would contain a written statement of reasons for protesting the decision." This precludes the acceptance of electronic mail (email) or facsimile (fax) protests. Only written and signed hard copies of protests that are delivered to the Coos Bay District Office will be accepted. The protest must clearly and concisely state which portion or element of the decision is being protested and the reasons why the decision is believed to be in error.

43 CFR § 5003.3 subsection (c) states: "Protests received more than 15 days after the publication of the notice of decision or the notice of sale are not timely filed and shall not be considered." Upon timely filing of a protest, the authorized officer shall reconsider the project decision to be implemented in light of the statement of reasons for the protest and other pertinent information to her. The authorized officer shall, at the conclusion of the review, serve the protest decision in writing to the protesting party(ies). Upon denial of a protest, the authorized officer may proceed with the implementation of the decision as permitted by regulations at 5003.3(f).

If no protest is received by the close of business (4:30 pm) within 15 days after publication of the decision notice, this decision will become final. If a timely protest is received, the project decision will be reconsidered in light of the statement of reasons for the protest and other pertinent information available, and the Coos Bay district office will issue a protest decision.

For further information, contact Aimee Hoefs, team lead, at 1300 Airport Lane, North Bend, OR. 97459 or (541) 756-0100.

Decision Approved by:

*/s/ Kathy Westenskow*

*May 25, 2010*

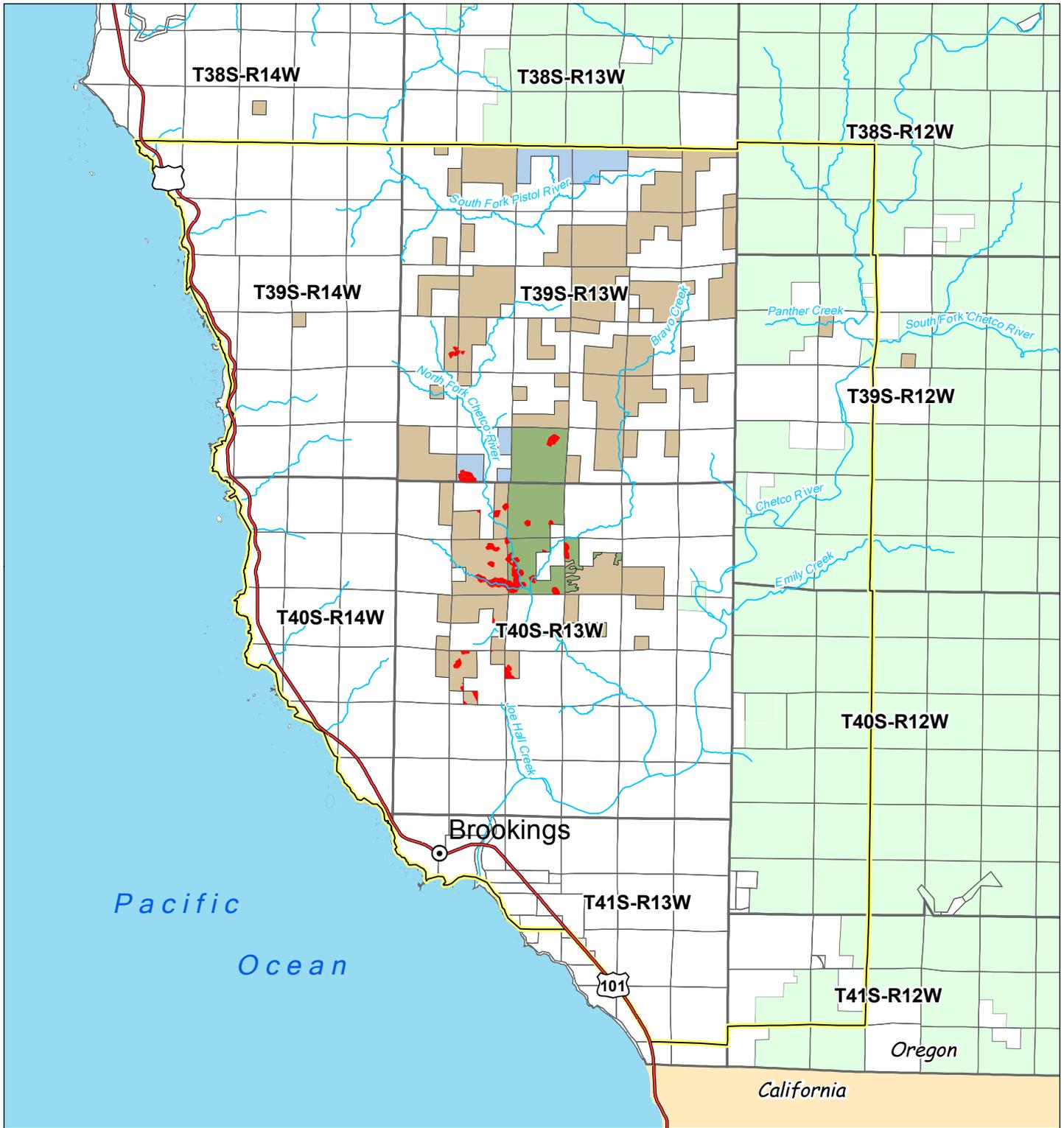
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Kathy Westenskow  
Myrtlewood Field Manager

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Date

# SOD Quarantine Area and Known SOD Locations on BLM-Administered Lands



## Map Features (Not all map features necessarily occur in the area mapped above.)

- |   |   |
|---|---|
|  Highway 101         |  U.S. Forest Service       |
|  Major Streams       |  Private / Other Ownership |
|  SOD Quarantine Area | <b>BLM Land Use Allocations</b>   |
|  Known Sod Locations |  GFMA                      |
|   |  Connectivity              |
|   |  LSR                       |



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Myrtlewood Resource Area



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