

**FINDING OF NO SIGNIFICANT IMPACT
INTEGRATED INVASIVE PLANT MANAGEMENT
FOR THE LAKEVIEW RESOURCE AREA ENVIRONMENTAL ASSESSMENT
DOI-BLM-OR-L050-2014-0021-EA**

I. INTRODUCTION

The Bureau of Land Management (BLM) is proposing to expand and update its existing integrated noxious weed management program. Lakeview Resource Area currently controls noxious weeds under a 2004 EA for *Integrated Noxious Weed Management Program for the Lakeview Resource Area* 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 Resource Area 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 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). The attached Environmental Assessment (EA) tiers to the 2010 FEIS, and analyzes herbicide and non-herbicide invasive plant treatment methods applied in an integrated management approach.

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 3.2 million acres within the Lakeview Resource Area, the surrounding air shed, and, for some effects, the interspersed private lands within the Resource Area.

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 D 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 Proposed Action. 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 Proposed Action.

In addition to the foregoing, the EA demonstrates that the selected alternative would reduce invasive weed spread in the Lakeview Resource Area by 68,000 acres over a 15-year period, when compared with the No Action Alternative. Additionally, the selected alternative provides treatment options to control cheatgrass and other invasive annual grasses, and therefore will facilitate protection and rehabilitation of plant communities overrun or threatened by these grasses. Control of cheatgrass 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 affect 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 exposures 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 herbicide treatment plans each spring, and signing treatment areas that correspond with ceremonial and subsistence plant collection planned for that year. Standard Operating Procedures (see Appendix A, *Water Resources* section of the attached EA) prohibit use of non-aquatic herbicides near streams and other surface water. To avoid groundwater contamination, herbicides may not be used near drinking water sources.

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.

There are no park lands, prime or unique farmlands, designated wilderness areas, or designated Wild and Scenic Rivers located in the Lakeview Resource Area. Potential adverse impacts to riparian areas, wetlands, Areas of Critical Environmental Concern / Research Natural Areas, cultural resources, waters suitable for Wild and Scenic

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.

Rivers designation, and Wilderness Study Areas 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.

BLM herbicide use proposals and herbicide use west of the Cascades are often controversial. However, the nature of the potential impacts associated with the current proposal to use additional herbicides to improve control of invasive plants on the Lakeview Resource Area is not highly controversial. No member of the public attended a 2008 public scoping meeting for the 2010 FEIS on this topic. Only three scoping letters were received for this EA (one of which was opposed to the proposal and challenged the legitimacy of the 2010 FEIS to which the EA tiers). A 30-day period for the public, permittees, tribes, and other agencies to review the EA and FONSI was provided in August 2014. Two comment letters were received during the review period. None of the comments indicated there was a high level of controversy over the nature of the potential effects of either alternative.

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 Lakeview Resource Area 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, upland vegetation, noxious weeds, Special Status plants, wildlife, Special Status wildlife species, livestock grazing management, Native American traditional practices, cultural resources, recreation, visual resources, Areas of Critical Environmental Concern / 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 Lakeview Resource Area. Each of the other BLM districts in Oregon will conduct an independent NEPA analysis to determine appropriate site-specific herbicide use within that district. No national or other precedent would be created by implementing the Proposed Action.

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, prehistoric features including petroglyphs and pictographs, 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, annual review of treatment plans with interested tribes, and other measures

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.

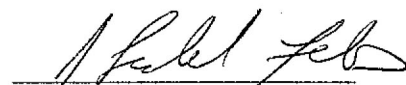
There are two Endangered Species Act listed species within BLM-administered lands in the analysis area; the threatened Warner sucker (which has designated critical habitat), and the threatened Foscett speckled dace. Impacts to these species and their habitat were evaluated in both the EA and a Biological Assessment. The selected alternative incorporates project design features that are designed to protect the Warner sucker and its critical habitat, and the Foscett speckled dace. In view of the foregoing analyses, impacts to these species are not significant (see *Fish and Other Aquatic Species* section 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.

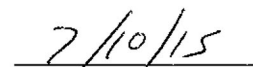
The EA demonstrates that selected alternative complies with all Federal, State, and local environmental laws and other environmental requirements, including, without limitation, the *Clean Water Act*, *Clean Air Act*, and *Endangered Species Act*. Additionally, the *Federal Land Policy and Management 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 *Lakeview Resource Management Plan and Record of Decision* (USDI 2003b) 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.



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Date