

# Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate

## Final Decision and Decision Rationale

Environmental Assessment Number DOI-BLM-OR-S050-2010-0005-EA

May 2010

United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District  
Marys Peak Resource Area

Responsible Agency: USDI - Bureau of Land Management

Responsible Officials: Patricia Wilson, Field Manager  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 315-5969

Salem District, Oregon

**BLM**



As the Nation's principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

**BLM/OR/WA/AE-10/047+1792**

## I. INTRODUCTION

This project area is located on federal lands (approximately 128,382 acres) managed by the Marys Peak Resource Area (MPRA), Salem District BLM (Bureau of Land Management) and private lands located within the boundaries of the resource area located west of the Willamette Valley, Oregon in Benton, Lane, Lincoln, and Polk counties. The project area only includes private lands where federal dollars are providing funding for the treatment of noxious weed species and generally requires both parties to enter into a partnership or cost share agreement.

The BLM has conducted an environmental assessment (EA), documented in the *MPRA Noxious Weed Control Utilizing Glyphosate Environmental Assessment* (EA # DOI-BLM-OR-S050-2010-0005). The proposed project will implement a long term noxious weed management plan to reduce and control noxious weed species across the MPRA. It includes chemical control of noxious weeds in a variety of habitats within LSR (Late-Successional Reserve), RR (Riparian Reserve), AMA (Adaptive Management Area), Matrix LUAs (Land Use Allocations) and ACECs (Areas of Critical and Environmental Concern). Chemical use will be limited to the BLM-approved herbicide glyphosate. Herbicides will only be utilized for control of ODA (Oregon Department of Agriculture) noxious weeds species designated as "noxious" when all other control methods were identified as not practical (EA Appendix A, pp.45 to 49 for a list of ODA listed noxious weeds).

The EA is a programmatic analysis of the MPRA and supplements analyses found in the *RMP/FEIS (Salem District Proposed Resource Management Plan/Final Environmental Impact Statement, September 1994)* (EA p. 3). The *MPRA Noxious Weed Control Utilizing Glyphosate Environmental Assessment* Plan project has been designed to conform to the *ROD/RMP (Salem District Record of Decision and Resource Management Plan, May 1995)* and related documents which direct and provide the legal framework for BLM managed lands within MPRA (EA p. 3). Consultation with U.S. Fish and Wildlife Service and NMFS (National Marine Fisheries Service) is described in Section 7.1 of the EA.

A Finding of No Significant Impact (FONSI) was signed on April 27, 2010 and the FONSI was then made available for public review.

The decision documented in this Decision Rationale (DR) is based on the analysis documented in the EA.

## II. DECISION

I have decided to implement the MPRA Noxious Weed Control Utilizing Glyphosate Project Plan as described in Alternative 2 (EA # DOI-BLM-OR-S050-2010-0005-EA, pages 9 and 10) with modifications described below, hereafter referred to as the "selected action". The decision is based on site-specific analysis in the MPRA Noxious Weed Control Utilizing Glyphosate Project Plan EA, the supporting project record, and as the management direction contained in the *Salem District Record of Decision/Resource Management Plan (ROD\RMP)* (May 1995), which are incorporated by reference in the EA.

## Decision Summary:

The selected action will implement a long term noxious weeds management plan to reduce and control noxious weed species on federal and non-federal lands in the MPRA within Benton, Lane, Lincoln, and Polk Counties. The Salem BLM will support and enter into cooperative agreements proposed by federal and/or non-federal groups while utilizing federal dollars for the control of noxious weeds on both federal and non-federal lands. This plan will include chemical control of noxious weeds species in a variety of habitats and occur in any LUA including but not limited to the following; ACEC, RR, LSR, AMA and Matrix. This plan will also include control of noxious weeds species on private lands where funded by federal dollars. The project will be consistent with supporting public land objectives, cumulative benefits, and healthy watersheds.

Herbicide treatments will only occur on noxious weeds designated by the ODA as ‘noxious weeds’ and generally will occur after physical control methods are utilized to reduce vegetative mass. Broadcast spraying of herbicides such as using vehicle mounted booms or helicopter for aerial spraying will not be allowed under this proposal. After treating areas infested with noxious weeds, native species will be established by one or both of the following methods depending on the size of the area to be treated: 1) Passive establishment- where native species within the treatment area can become re-establish without the aid of additional sowing or planting, and 2) Active Establishment- where native species are sown or planted within the treatment areas to aid in the re-establishment of native species.

All treatments will be implemented in accordance with the design features provided in the Weed Control EIS/ROD, Weed Control FSEIS, RMP/FEIS, RMP and those listed in section 2.2.3 of the EA (see DR Table 2).

## Area of Treatment:

Herbicide use will be limited to 500 acres per year (0.04% of the public lands in the project area) and restricted to whatever is less: 1) 10 acres per year, per 6<sup>th</sup> field watershed or 2) less than 10% of the total riparian area within each 6<sup>th</sup> field per year.

## Project Design Features:

Table 2 is a summary of the design features that reduce the risk of effects to the affected elements of the environment described in EA section 3.2 and modified as stated in changes to the EA on pp 4-5.

**Table 1: Summary of Methods and Project Design Criteria**

Design Features	Description
<b>Features common to all treatment methods-</b>	<ul style="list-style-type: none"><li>■ Special Management Areas and Areas of Critical and Environmental Concern treatment strategies will be in accordance with direction established in specific management plans.</li><li>■ On Federal lands; evaluate proposed treatment areas to determine if there are any bureau special status wildlife, botanical and fungal species present that could be affected by the selected action. If any of these species are located in a proposed treatment area the known sites will be protected in compliance with bureau policy. The resource area will consult or conference, as appropriate, with the U.S. Fish and Wildlife Service on any proposed action that may affect a listed or proposed.</li><li>■ On non-Federal lands, appropriate NEPA compliance such as a Determination of NEPA Adequacy (DNA) will be completed by BLM personnel. Operations on non-federal lands will follow the same procedures as on federal lands.</li></ul>

Design Features	Description
	<ul style="list-style-type: none"> <li>■ The project area will be evaluated for impacts to VRM quality prior to implementation and mitigation measures will be incorporated into the project design to protect VRM values.</li> <li>■ The Resource Area Biologist and/or Botanist will be notified if any bureau special status plant, animal or fungi species are found occupying sites proposed for treatment during project activities. All known sites will be protected according to bureau policies.</li> <li>■ Activities in any sensitive areas for wildlife will be seasonally restricted.</li> <li>■ Site management of bureau Special Status wildlife, botanical and fungal species will be accomplished in accordance with bureau policies.</li> <li>■ The resource area fisheries biologist, hydrologist and soil scientist shall be involved in all project designs located within riparian areas to ensure protection of aquatic and riparian habitats. In some instances a buffer may be applied to protect streams as determined by the resource area specialists.</li> <li>■ Survey techniques for cultural resources will be based on those described in the Protocol for Managing Cultural Resource on Lands Administered by the Bureau of Land Management in Oregon. A post-project survey will be conducted according to standards based in the Protocol Appendix A or Appendix. Ground disturbing work will be suspended if cultural material is discovered during project work until an archaeologist can assess the significance of the discovery.</li> <li>■ Use the least ground disturbing method that results in effective invasive plant treatment. Utilize manual control methods over mechanical methods to minimize soil disturbances where possible (e.g. shovel vs. rototiller).</li> <li>■ In riparian zones minimize soil disturbance to prevent adverse affects to stream channel or water quality conditions.</li> <li>■ Transport no more than a one day supply of fuel for mechanical tools (chainsaws, string-trimmers, mowers etc.).</li> <li>■ Any treatments using heavy equipment off road will be restricted to the 'dry' season as determined by the soils biologist or hydrologist.</li> <li>■ Fueling of chainsaws and string-trimmers will not occur within 100 feet of surface waters</li> <li>■ Treatments within Nelsons Checkermallow (<i>Sidalcea nelsoniana</i>) known sites will only be accomplished in compliance with the USFWS recovery plan.</li> </ul>
<b>Herbicide Treatments-Certification</b>	<ul style="list-style-type: none"> <li>■ Only Oregon certified applicators or individuals under direct supervision of an Oregon certified applicator will apply herbicides in accordance with label instructions and bureau policies.</li> <li>■ For knotweed stem-injection, only individuals familiar with proper glyphosate stem-injection methodology will implement treatment. Only aquatic glyphosate formulations will be used.</li> </ul>
<b>Herbicide Treatments-Surfactants</b>	<ul style="list-style-type: none"> <li>■ Only, LI 700 or Agri-Dex surfactants (both approved for riparian applications) will be approved for use. Application rate will be according to product label.</li> <li>■ When consistent with label instructions, use water when diluting herbicides prior to application.</li> </ul>
<b>Herbicide Treatments-Riparian applications</b>	<ul style="list-style-type: none"> <li>■ Spot spray application of aquatic labeled glyphosate will be allowed to waters edge on projects determined by the fisheries biologist to be 'no effect'. However, application on plants growing in dry portions of a stream channel will be limited to the ODFW preferred in-water work period for each watershed.</li> <li>■ For projects determined by the fisheries biologist to be a 'may affect' the following design features apply: <ul style="list-style-type: none"> <li>1) Spot spray: i) spot spray of aquatic glyphosate allowed to bankfull level. Hand held spray application (no backpack sprayers) of aquatic glyphosate allowed within</li> </ul> </li> </ul>

Design Features	Description
	<p>intermittent or ephemeral channels, and ii) Hand held spray application (no backpack spray) of aquatic glyphosate to 15 feet of waters' edge in perennial channels.</p> <p>2) Wicking and Wiping: Application with aquatic glyphosate allowed to the waters edge.</p> <p>3) Cut-stump and Hack and Squirt: Application with aquatic glyphosate allowed to waters' edge.</p> <ul style="list-style-type: none"> <li>■ Only stem injection and wicking and wiping application with aquatic labeled glyphosate will be used on emergent vegetation.</li> <li>■ No herbicides will be applied to submersed or floating vegetation or open water.</li> <li>■ Aquatic glyphosate formulation can be used at up to 100% concentration for the stem injection method. The formulation will be diluted to 50% or less active ingredient when applied directly to fresh stem cuts using wicking/wiping and up to the percentage allowed by label instructions when applied to foliage using low pressure hand-held spot spray applicators.</li> </ul>
<p><b>Herbicide Treatments-</b> Transported volumes</p>	<ul style="list-style-type: none"> <li>■ Only daily use quantities of herbicides will be transported to the project site.</li> <li>■ For emergent noxious weed infestations which can only be reached by water travel, either by wading or inflatable raft (or kayak), the following measures will be used to reduce spills during water transport: <ul style="list-style-type: none"> <li>a) No more than 2.5 gallons of glyphosate will be transported per person or raft; typically it will be one gallon or less.</li> <li>b) During transport by raft or boat, glyphosate will be transported in 1 gallon or smaller plastic containers. The containers will be wrapped in plastic bags and then sealed in a dry-bag and secured to the watercraft.</li> </ul> </li> <li>■ Only experienced boaters will transport herbicides.</li> </ul>
<p><b>Herbicide Treatments-</b> Spills, prevention, storage, and disposal</p>	<ul style="list-style-type: none"> <li>■ A spill cleanup kit will be available whenever herbicides are used, transported, or stored.</li> <li>■ Equipment cleaning and storage and disposal of rinsates and containers will follow all applicable state and Federal laws.</li> <li>■ Areas used for mixing herbicides will be placed where an accidental spill will not run into surface waters or result in groundwater contamination. Impervious material will be placed beneath mixing areas in such a manner as to contain any spills associated with mixing/refilling.</li> <li>■ Equipment cleaning and storage and disposal of rinsates and containers will follow all applicable state and Federal laws.</li> </ul>
<p><b>Restoration-</b></p>	<ul style="list-style-type: none"> <li>■ Following successful non-native vegetation control comply with bureau native plant policy in restoration efforts. (see Appendix 7)</li> </ul>

### III. COMPLIANCE WITH DIRECTION

The MPRA Noxious Weed Control Utilizing Glyphosate Project has been designed to conform to the following documents, which direct and provide the legal framework for management of BLM-managed lands within the Salem District:

- *Salem District Record of Decision and Resource Management Plan (RMP)*, May 1995: The RMP has been reviewed and it has been determined that the Revised Green Peak II Density Management Project conforms to the land use plan terms and conditions (i.e., complies with management goals, objectives, direction, standards and guidelines) as required by 43 CFR 1610.5 (BLM Handbook H1790-1). Implementing the RMP is the reason for doing this project (RMP p.1-3);

- *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl* (the Northwest Forest Plan, or NWFP), April 1994.
- *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M ROD, January 2001)

The analysis in the MPRA Noxious Weed Control Utilizing Glyphosate Project EA is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement* (RMP/FEIS), September 1994. The RMP/FEIS includes the analysis from the *Final Supplemental Environmental Impact Statement on Management of Habitat for Late-Successional and Old-Growth Forest Related Species within the Range of the Northern Spotted Owl* (NWFP/FSEIS), February 1994. In addition, the EA is tiered to the *Final Supplemental Environmental Impact Statement For Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M FSEIS, November 2000).

### **Survey and Manage Review**

The Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate 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 Salem 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 (including timber sales).

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 the Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate 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). Details of the project surveys are described below:

The implementation of this project will be considered as restoration of suitable habitat and not considered as a habitat disturbing action to survey and manage species. The implementation of this project would create suitable habitat by restoring native vegetation to areas which are currently infested with ODA listed noxious weeds. However, all project areas would be reviewed by the Marys Peak Resource Area botanist and wildlife staff. If surveys are needed, they would be implemented as described under design features.

## COMPLIANCE WITH THE AQUATIC CONSERVATION STRATEGY

### Existing Watershed Condition

There are twenty 5<sup>th</sup> field watersheds containing public lands within the MPRA. Eight 5<sup>th</sup> & 6<sup>th</sup> field watersheds have been identified by the ROD as Key Watersheds which serve as refugia crucial for salmonid and resident fish species. Ten of the 5<sup>th</sup>-field watersheds have been analyzed by district Watershed Analyses, with the remainder being incorporated into analyses completed by other agencies.

The main rivers within the MPRA are the Alsea, Luckiamute, Siletz, and Yaquina. BLM managed lands within the project area are generally located in the higher elevations. Most of the weed infested areas in and near waterways occur along smaller tributaries and headwaters. In addition to streams, there are also wetlands, ponds, marshes and some lakes on MPRA lands.

Elevations range from sea level to approximately 3,900 feet. The climate is characterized by mild temperatures, wet winters and relatively dry summer. The MPRA receive on average approximately 90 inches of precipitation annually. Most of the precipitation occurs as rain and comes during the winter months of November, December, and January.

### Review of Aquatic Conservation Strategy Compliance

Review of this analysis indicates that the project meets the Aquatic Conservation Strategy in the context of PCFFA IV and PCFFA II [complies with the ACS on the project (site) scale]. The following is an update of how this project complies with the four components of the Aquatic Conservation Strategy. The project would comply with:

Component 1 – Riparian Reserves: This project would maintain existing canopy cover along all streams and wetlands and would protect stream bank stability and water temperature. Riparian Reserve boundaries would be established consistent with direction from the Salem District Resource Management Plan. Any proposed treatments are intended to enhance riparian condition. It is unknown at this time the exact acreage that would be treated with this proposal, but would remain less than 10 percent of stream miles per watershed. All treatments would maintain the existing native canopy cover when present and would be regarded as restoration of native vegetation projects and would be considered as beneficial.

Component 2 – Key Watershed: There are eight key watersheds in the analysis area. All treatments would follow label directions and incorporate design measures and meet state standards for maintaining water quality. The project would be regarded as restoration of native vegetation and would be considered beneficial.

Component 3 – Watershed Analysis: There are ten existing watershed analyses completed in the analysis area that describe the events that contributed to the current condition in the MPRA such as early hunting/gathering by aboriginal inhabitants, road building, agriculture, wildfire, and timber harvest. The following are watershed analysis findings that apply to or are components of this project:

Noxious weeds and other non-native plant species do not proliferate above an acceptable level (SFAWA p. 38)

Follow RMP guidelines to control noxious weeds. Inventory the analysis area to determine the extent of noxious weed infestations (BFWA p. 6 and p. 29)

Follow RMP guidelines for noxious weeds (USWA p. 6 and 45).

Component 4 – Watershed Restoration: The project would improve habitat conditions for coho salmon, steelhead and cutthroat trout and assist in restoring and improving ecological health of watersheds and aquatic systems by removing noxious plant species and their adverse effects on the long-term restoration of the aquatic system.

**Table 2: Consistency with the Nine Aquatic Conservation Strategy Objectives**

Aquatic Conservation Strategy Objectives (ACSOs)	Noxious Weed Control Utilizing Herbicides EA
<p><i>1. Maintain and restore the distribution, diversity, and complexity of watershed and landscape-scale features to ensure protection of the aquatic systems to which species, populations and communities are uniquely adapted..</i></p>	<p>Does not prevent the attainment of <i>ACSO 1</i>. Addressed in Text (<i>EA sections 3.2.1</i>). In summary:</p> <p><b>No Action Alternative:</b> The No Action alternative would treat some noxious weed infestations but noxious weed infestations would continue to increase in numbers and size throughout the MPRA. Faster restoration of native vegetation diversity, and complexity of watershed and landscape features would not occur when compared to the action alternative.</p> <p><b>Action Alternative:</b> The proposed action would allow a greater acreage of noxious weed treatments across the MPRA and would begin to reduce the total acres currently occupied by noxious weeds in the MPRA. This would result in a faster rate of native vegetation restoration both in the RR areas and in upland areas of the MPRA.</p> <p>Since Riparian Reserve provides travel corridors and resources for aquatic, riparian dependant and other late-successional associated plants and animals, the increased structural and plant diversity restored through the implementation of this project would ensure protection of aquatic systems by maintaining and restoring the distribution, diversity and complexity of watershed and landscape features.</p>
<p><i>2. Maintain and restore spatial and temporal connectivity within and between watersheds.</i></p>	<p>Does not prevent the attainment of <i>ACSO 2</i>. Addressed in Text (<i>EA sections 3.2.1</i>). In summary:</p> <p><b>No Action Alternative:</b> The No Action alternative would have a minor effect on connectivity except in the long term within the affected watersheds across the MPRA.</p> <p><b>Action Alternative:</b> By removing invasive plants, long term connectivity of terrestrial watershed features would be improved by enhancing conditions for stand structure development. In time, the Riparian Reserve LUA would improve in functioning as refugia for late successional, aquatic and riparian associated and dependent species. Both terrestrial and aquatic connectivity would be maintained, and over the long-term, as the Riparian Reserve LUA develops late successional characteristics, lateral, longitudinal and drainage connectivity would be restored.</p>

Aquatic Conservation Strategy Objectives (ACSOs)	Noxious Weed Control Utilizing Herbicides EA
<p>3. <i>Maintain and restore the physical integrity of the aquatic system, including shorelines, banks, and bottom configurations.</i></p>	<p>Does not prevent the attainment of <b>ACSO 3</b>. Addressed in Text (<i>EA section 3.2.3</i>). In summary:</p> <p><b>No Action Alternative:</b> It is assumed that the current condition of physical integrity would be maintained by following current design features on existing NEPA which allows us to treat up to 50 acres per year using Herbicides.</p> <p><b>Action Alternative:</b> By following the herbicide label direction and the design features, the proposed action would maintain the integrity of shorelines, stream banks and stream bottom configurations in the project area.</p>
<p>4. <i>Maintain and restore water quality necessary to support healthy riparian, aquatic, and wetland ecosystems.</i></p>	<p>Does not prevent the attainment of <b>ACSO 4</b>. Addressed in Text (<i>EA section 3.2.3 and Section 3.2.4</i>). In summary:</p> <p><b>No Action Alternative:</b> It is assumed that the current condition of physical integrity would be maintained by following current design features on existing NEPA which allows us to treat up to 50 acres per year using Herbicides.</p> <p><b>Action Alternative:</b> It is assumed that the current condition of the water quality would be maintained. By following the label direction for herbicide application and incorporating the design features as listed above.</p>
<p>5. <i>Maintain and restore the sediment regime under which aquatic ecosystems evolved.</i></p>	<p>Does not prevent the attainment of <b>ACSO 5</b>. Addressed in Text (<i>EA section 3.2.3</i>). In summary:</p> <p><b>No Action Alternative:</b> It is assumed that the current levels of sediment into streams would be maintained by following current design features on existing NEPA which allows us to treat up to 50 acres per year using Herbicides. .</p> <p><b>Action Alternative:</b> The proposed action does not include any ground disturbing activities and there would be no change to the current level of sediment introduction into streams in the MPRA. Existing sediment levels would be maintained.</p>
<p>6. <i>Maintain and restore in-stream flows sufficient to create and sustain riparian, aquatic, and wetland habitats and to retain patterns of sediment, nutrient, and wood routing.</i></p>	<p>Does not prevent the attainment of <b>ACSO 6</b>. Addressed in Text (<i>EA section 3.2.3</i>). In summary:</p> <p><b>No Action Alternative:</b> No change in in-streams flows would be anticipated.</p> <p><b>Action Alternative:</b> No change in in-streams flows would be anticipated.</p>
<p>7. <i>Maintain and restore the timing, variability, and duration of floodplain inundation and water table elevation in meadows and wetlands.</i></p>	<p>Does not prevent the attainment of <b>ACSO 7</b>. Addressed in Text (<i>EA section 3.2.3</i>). In summary:</p> <p><b>No Action Alternative:</b> No change in in-streams flows would be anticipated.</p> <p><b>Action Alternative:</b> No change in in-streams flows would be anticipated</p>
<p>8. <i>Maintain and restore the species composition and structural diversity of plant communities in riparian areas and wetlands.</i></p>	<p>Does not prevent the attainment of <b>ACSO 8</b>. Addressed in Text (<i>EA section 3.2.1</i>). In summary:</p> <p><b>No Action Alternative:</b> The current species composition and structural diversity of native plant communities would continue towards restoration along the current trajectory. Diversification would occur over a longer period of time.</p> <p><b>Action Alternative:</b> The current species composition and structural diversity of native plant communities would continue towards restoration at a much faster rate. Diversification would occur over a shorter period of time.</p>

Aquatic Conservation Strategy Objectives (ACSOs)	Noxious Weed Control Utilizing Herbicides EA
<p>9. Maintain and restore habitat to support well-distributed populations of native plant, invertebrate and vertebrate riparian-dependent species.</p>	<p>Does not prevent the attainment of ACSO 9. Addressed in Text (EA section 3.2.5). In summary:</p> <p><b>No Action Alternative:</b> Habitats would be maintained over the short-term and continue to develop over the long-term with no known impacts on species currently present.</p> <p><b>Action Alternative</b> Habitat to support well distributed riparian-dependent and riparian associated species would be restored by reducing invasive plant species in RR's at a faster rate in the MPRA</p>

#### IV. ALTERNATIVES CONSIDERED

The EA analyzed the effects of the proposed action and the no action alternatives. No unresolved conflicts concerning alternative uses of available resources (section 102(2) (E) of NEPA) were identified. No action alternatives were identified that will meet the purpose and need of the project and have meaningful differences in environmental effects from the proposed action (EA Section 3.2). Complete descriptions of the "action" and "no action" alternatives are contained in the EA, pp. 13 to 37.

#### V. DECISION RATIONALE

Considering public comment, the content of the EA and supporting project record and the management direction contained in the ROD/RMP, we have decided to implement the selected action as described above. The following is our rationale for this decision.

1. The selected action:
  - Meets the purpose and need of the project (EA section 1.5, pages 5-6) as shown below in Table 3.
  - Conforms to all Land use plans, Policies and Programs and related documents which direct and provide the legal framework for BLM managed lands within the Salem District (EA p.3).
  - Is fully compliant with the *Record of Decision and Standards and Guidelines for Amendment to the Survey & Manage, Protection Buffer, and other Mitigation Measures Standards and Guidelines* (S&M ROD, January 2001).
  - Will not have significant impact on the affected elements of the environment beyond those already anticipated and addressed in the RMP/FEIS.
  - Has been adequately analyzed.
  
2. The No Action alternative was not selected because it does not meet the Purpose and Need directly, or delays the achievement of the Purpose and Need (EA pp. 5-6).

**Table 3: Comparison of the Alternatives with Regard to the Purpose of and Need for Action –**

Purpose and Need (EA Section 1.6)	No Action (Alternative 1)	Proposed Action (Alternative 2)
Contain and/or reduce noxious weed infestations on BLM-administered lands using an integrated pest management approach (RMP p.64)	Allows for noxious weed control using an integrated pest management approach, but limit Herbicide use to 50 acres annually and which ever is less: 10 acres treated per year per sixth field watershed, or 10 percent of the total riparian area within each sixth field watershed per year	Allows for noxious weed control using an integrated pest management approach and limits Herbicide use to 500 net acres annually and in addition limits herbicide treatments within each sixth field HUC containing listed aquatic species to no more than 10 percent of the total riparian area within a one year period, measured as adjacent stream length.

## VI. PUBLIC INVOLVEMENT/CONSULTATION/COORDINATION

### Public Scoping and Notification-Tribal Governments, Adjacent Landowners, General Public, State, County and local government offices

- A scoping letter, dated November 23, 2009, was sent to 31 potentially affected and/or interested individuals, groups, and agencies. No responses were received during the scoping period.
- A description of the project was included in the March 2010 project update to solicit comments on the proposed project

### EA and FONSI Comment Period and Comments:

The EA and FONSI was made available for public review from March 15, 2010 to April 14, 2010 and posted at the Salem District website at <http://www.blm.gov/or/districts/salem/plans/index.php>. The notice for public comment was published in a legal notice by the following newspapers: *Gazette Times*, located in Benton County; *Itemizer Observer* located in Polk County; and the *Newport News Times* located in Lincoln County. No comments were received by the Marys Peak Resource Area of the Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306.

## **Consultation/Coordination:**

### **U.S. Fish and Wildlife Service**

To address concerns for potential effects to northern spotted owls, the proposed action was consulted upon with the USFWS, as required under Section 7 of the ESA. Consultation for this proposed action was facilitated by its inclusion within a batched Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2009 and 2010. The resulting Biological Opinion (issued 4/2/2009; Reference #13420-2009-F-0012; USDI-FWS 2009), concluded that this action would not result in jeopardy to listed species and would not adversely modify critical habitat for any species. This proposed action has been designed to incorporate all appropriate design standards set forth in the Biological Assessment and is in compliance with the Terms and Conditions included in the Biological Opinion.

### **National Marine Fisheries Service**

Consultation with NMFS is required for projects that 'May Affect' listed species. The proposed actions associated with the MPRA Noxious Weed Control Utilizing Glyphosate Project may affect listed fish or listed critical habitat in the MPRA. A determination has been made that the proposed project, specifically those actions within the riparian area associated with salmon habitat, would 'Adversely Affect' EFH within the affected watersheds.

Given the programmatic nature of the proposed activities, and extensive geographic coverage, it is likely that circumstances would arise where treatment of invasive plant infestations would occur within perennial, intermittent, or ephemeral channels tributary to streams with ESA-listed fish and their designated critical habitat. Since instream herbicide concentrations are difficult to quantify in absence of site specific analysis potentially high runoff may occur in some situations, but cannot currently be calculated (due to unknown site conditions). For this reason a may affect 'Likely to Adversely Affect' determination is warranted for ESA listed fish species and for the listed critical habitat.

Protection of EFH (Essential Fish Habitat) as described by the MSA (Magnuson/Stevens Fisheries Conservation and Management Act) and consultation with NMFS is required for all projects which may adversely affect EFH. For purposes of this assessment habitat harboring salmon species (Chinook, coho, and chum salmon) are considered EFH. The proposed MPRA Noxious Weed Control Utilizing Glyphosate project may affect EFH due to activities associated with the MPRA Noxious Weed Control Utilizing Glyphosate project from occupied habitat.

The proposed actions would meet the Project Design Criteria established in the *Biological Assessment for USDA Forest Service (Pacific Northwest Region), USDI Bureau of Land Management (Oregon State Office), and the Coquille Indian Tribe Fish Habitat Restoration Activities Affecting ESA and MSA-Listed Animal and Plants Species Found in Oregon and Washington* (December 12, 2006). On April 28, 2007 National Marine Fisheries Service (NMFS) completed their Biological Opinion (BO) *Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CH2007-CY2012* which included NNP treatments. Adverse affects to ESA listed species and EFH and application of design features to minimize affects are covered by the Programmatic BO. Conformance with the design criteria established in the NMFS BO would result in no additional consultation needs to implement the proposed activities. Any activities

not covered by the Programmatic BO which "may affect" listed species would be consulted on separately.

## VII. CONCLUSION

### Review of Finding of No Significant Impact

I have determined that change to the FONSI (April 2010) covering the MPRA Noxious Weed Control Utilizing Glyphosate Project Plan is not necessary because I've considered and concur with information in the EA/FONSI and this DR. No new information was provided that lead me to believe the analysis, data or conclusions are in error or that the selected action needs to be altered. The selected action will not have effects beyond those already anticipated and addressed in the RMP/FEIS.

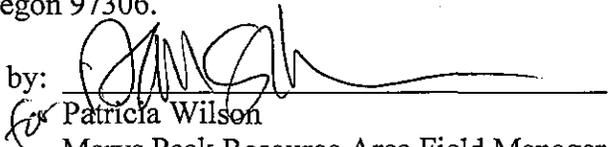
Supplemental or additional information to the analysis in the RMP/FEIS in the form of a new environmental impact statement is not needed for the reasons described in the FONSI, pages ii-iv).

### 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 5003, protests of this decision may be made within 15 days of the publication of a notice of decision in a newspaper of general circulation. This notice of decision will be published in the *Gazette Times*, located in Benton County; *Itemizer Observer* located in Polk County; and the *Newport News Times* located in Lincoln County newspapers on or around April 30, 2010. To protest this decision a person must submit a written protest to Patricia Wilson, Marys Peak Resource Area Field Manager, 1717 Fabry Rd. S.E., Salem Oregon 97306 by the close of business (4:45 p.m.) on May 14, 2010. The protest must clearly and concisely state the reasons why the decision is believed to be in error.

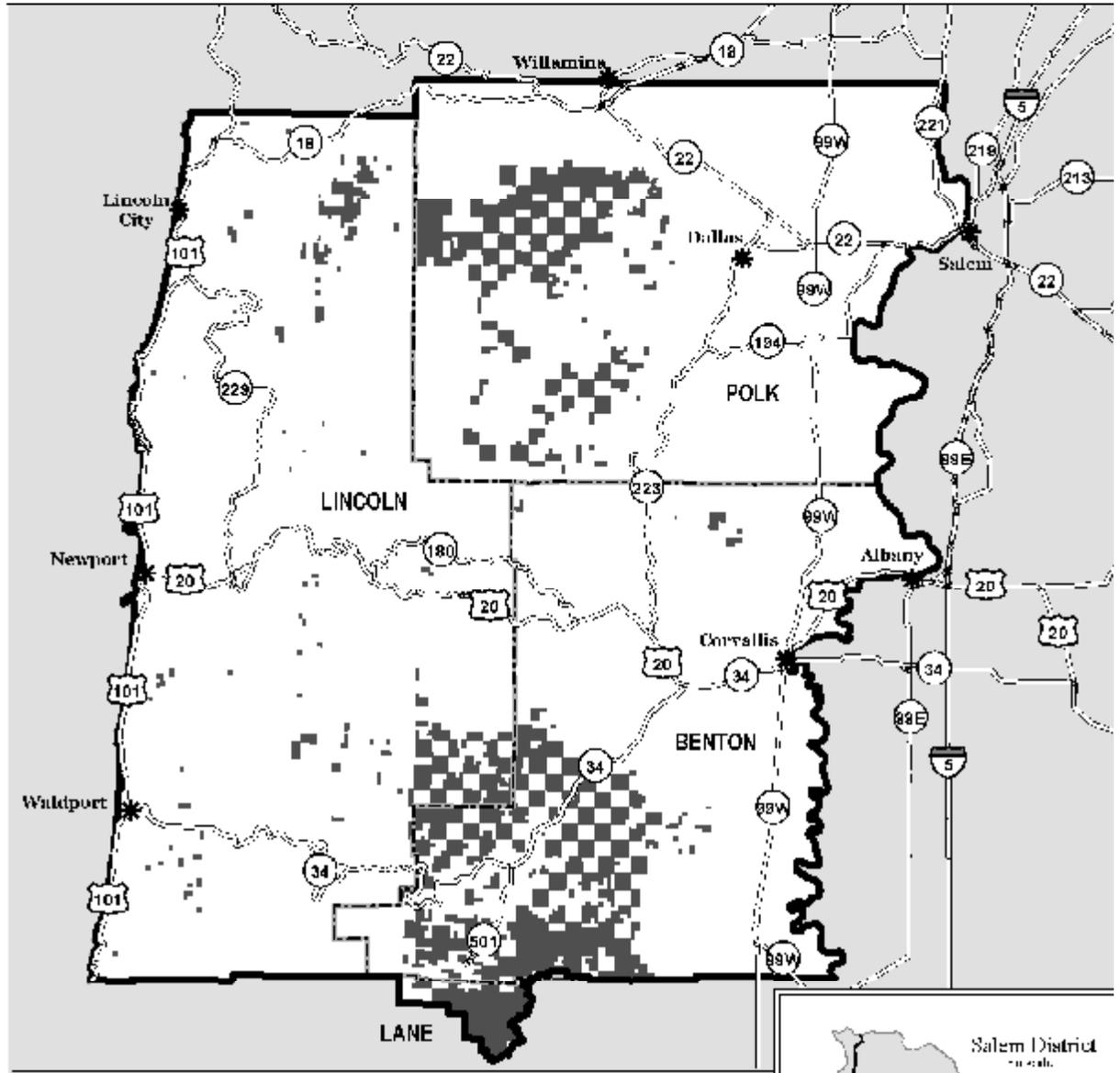
### Implementation Date

If no protest is received within 15 days after publication of this DR, this decision will become final. For additional information, contact Gary Humbard (503) 315-5981, MPRA, 1717 Fabry Road SE, Salem, Oregon 97306.

Approved by:   
for Patricia Wilson  
Marys Peak Resource Area Field Manager

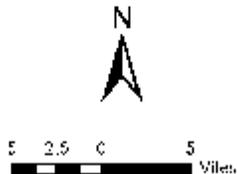
4/28/2010  
Date

## Marys Peak Noxious Weed Control Utilizing Herbicides EA Project Map



### Legend

- Major Highway
- County Boundary
- City or Town
- BLM administered lands inside the Marys Peak Resource Area
- Marys Peak Resource Area



November 5, 2009

**Marys Peak Resource Area Noxious Weed Control Utilizing  
Glyphosate  
Finding of No Significant Impact**

Environmental Assessment Number DOI-BLM-OR-S050-2010-0005-EA

April 29, 2010

United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District  
Marys Peak Resource Area

Responsible Agency: USDI - Bureau of Land Management

Responsible Official: Patricia Wilson, Field Manager  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 315-5968

For further information, contact: Ron Exeter, Project Lead  
Marys Peak Resource Area  
1717 Fabry Road SE  
Salem, OR 97306  
(503) 315-5963



**Abstract:** This Finding of No Significant Impact (FONSI) discloses the predicted environmental effects of herbicide (Glyphosate) applications to control Oregon Department of Agriculture listed noxious weeds in the Marys Peak Resource Area (MPRA), of the Salem District of the Bureau of Land Management (BLM). The project proposes to implement a long term herbicide plan to reduce and control noxious weed species throughout the MPRA. The action would occur within all land use planning areas including but not limited to; LSR (Late-Successional Reserve), RR (Riparian Reserve), AMA (Adaptive Management Area) and Matrix LUAs (Land Use Allocations) and ACECs (Areas of Critical and Environmental Concern). The number of acres treated annually would be based on available funding, weather, and size and vigor of noxious weed infestations. Herbicide use would be limited to 500 net acres per year (0.4 percent of the Resource Area), and would not treat more than 10 percent of the total riparian area (measured as adjacent stream length) in each sixth field (HUC) hydrologic unit code containing listed fish species,. In addition, this EA would comply with agency policies and guidelines regarding herbicide application. Only the herbicide Glyphosate would be applied.

As the Nation’s principal conservation agency, the Department of Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering economic use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interest of all people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

**BLM/OR/WA/AE-10/017+1792**

## **FINDING OF NO ADDITIONAL SIGNIFICANT IMPACT**

### **Introduction**

The BLM (Bureau of Land Management) has conducted an environmental analysis Environmental Assessment Number (DOI-BLM-OR-S050-2010-0005-EA) for a proposal to implement an herbicide application project to reduce and control (ODA) Oregon Department of Agriculture listed noxious weeds in the MPRA (Marys Peak Resource Area). It includes herbicide application in a variety of habitats within LSR (Late-Successional Reserve), RR (Riparian Reserve), AMA (Adaptive Management Area) and Matrix LUAs (Land Use Allocations) and ACECs (Areas of Critical and Environmental Concern). Herbicide use would be restricted to the herbicide Glyphosate.

Implementation of the proposed action would conform to management actions and direction contained in the attached MPRA Noxious Weed Control Utilizing Glyphosate EA . This EA (Environmental Assessment) is a programmatic analysis of the MPRA and supplements analyses found in the RMP/FEIS (*Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994) (EA p. 1). The MPRA Noxious Weed Control Utilizing Glyphosate project has been designed to conform to the ROD/RMP (*Salem District Record of Decision and Resource Management Plan*, May 1995) and related documents which direct and provide the legal framework for management of BLM managed lands within the MPRA (EA pp. 1-2). Consultation with U.S. Fish and Wildlife Service and NMFS (National Marine Fisheries Service) is described in Section 7.1 of the EA.

The FONSI will be made available for public review at the Salem District office and on the internet at Salem BLM's website, <http://www.blm.gov/or/districts/salem/index.htm> (under Plans and Projects) from April 30, 2010 to May 14, 2010. The notice for public review will be published in a legal notice by the following newspapers: *Gazette Times*, located in Benton County; *Itemizer Observer* located in Polk County; and the *Newport News Times* located in Lincoln County.

### **Finding of No Significant Impact**

Based upon review of the MPRA Noxious Weed Control Utilizing Glyphosate EA and supporting documents, I have determined that the proposed action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No site-specific environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27. Therefore, supplemental or additional information to the analysis done in the RMP/FEIS through a new environmental impact statement is not needed. This finding is based on the following information:

**Context:** Potential effects resulting from the implementation of the proposed action have been analyzed within the context of the project area boundaries. Herbicide use would be limited to 500 net acres per year (0.4 percent of the MPRA), and would not treat more than 10 percent of

the total riparian area (measured as adjacent stream length) in each sixth field HUC (hydrologic unit code) containing listed fish species, [40 CFR 1508.27(a)].

***Intensity:***

1. The resources potentially affected by this project are: vegetation [(native, non-native, (T&E) (Threatened and Endangered species, other (SS) special status species)], recreation/visual/rural interface, wildlife (SS species), soils, water, and fisheries. The effects of implementing this project is unlikely to have significant adverse impacts on these resources [40 CFR 1508.27(b) (1)] for the following reasons:
  - *Project design features* described in (*EA section 2.2.3*) would reduce the risk of effects to affected resources to be within RMP standards and guidelines within the effects described in the RMP/EIS and included in the Record of Decision (September 2007) for vegetation treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement.
  - *Vegetation and Forest Stand Characteristics (EA section 3.1.1)*: The implementation of this project would provide for a decrease in the amount (number of individuals and acres of infestations) of ODA listed noxious weeds which currently are known to occur on Federal lands managed by the MPRA. This proposal would restore areas currently dominated by noxious weed species and would allow for the re-introduction and establishment of natives to once again dominate the sites.
  - *Wildlife Special Status Species: (EA section 3.1.2)*. The proposed action would have no short-term (less than 10 years) negative impacts on any listed wildlife species. Managing the spread of noxious weeds in the forest would have positive long-term impacts for all native wildlife species since the project would restore native habitat currently dominated by noxious weed species, (these areas are generally considered non-habitat for wildlife).
  - *Fisheries (EA section 3.1.3)*. Consultation with NMFS is required for all actions which 'May Affect' ESA listed fish species and critical habitat. Given the programmatic nature of the proposed activities, and extensive geographic coverage, it is likely that circumstances would arise where treatment of noxious weeds would occur within perennial or intermittent streams with ESA listed fish and their designated critical habitat or within perennial, intermittent, or ephemeral channels tributary to streams with ESA listed fish and their designated critical habitat.

Since instream herbicide concentrations are difficult to quantify in absence of site specific analysis, potentially high runoff may occur in some situations, but cannot currently be calculated (due to unknown site conditions). For this reason a 'May Affect Likely to Adversely Affect' determination is warranted for ESA listed fish species and for the listed critical habitat. A following is a summary of project design features that would reduce the risk of affecting fish resources. For a complete list of project design features see EA section 2.2.3.

- Ø During project design, develop appropriate measures to ensure protection of aquatic and riparian habitats.
  - Ø The resource area fisheries biologist shall be involved in project design to ensure protection of aquatic and riparian habitats. In some instances a buffer may be applied to protect streams as determined by the resource area fisheries biologist.
  - Ø In riparian areas minimize soil disturbance to prevent adverse affects to stream channel or water quality conditions.
  - Ø Restrict the use of BLM approved herbicides to one, Glyphosate. Aquatic labeled Glyphosate would be required within riparian areas.
  - Ø No herbicides would be applied to submersed or floating vegetation.
  - Ø Only Oregon Certified Applicators or individuals under the direct supervision of Oregon Certified Applicators would apply herbicides in accordance with label instructions.
- *Soils: (EA section 3.1.4).* The proposed project would affect less than 0.4 percent of the MPRA annually. Also treatments would be restricted to less than 10 percent of the total riparian area within each 6<sup>th</sup> field per year. The proposed Glyphosate application would likely result in some soil contamination. Contamination would be short-term.. Research to date indicates that Glyphosate is not harmful to soil microorganisms under field conditions. In fact some studies indicate that it might be beneficial to some soil microorganisms.
  - *Water (EA section 3.1.5):* Replacing noxious weed infestations with native vegetation would improve riparian and upslope conditions which could result in beneficial effects on water quality. Only small areas would be chemically treated at any given time. Herbicide use would be limited to 500 acres per year (0. 4 percent of the public lands in the project area) and restricted to less than 10 percent of the total riparian area within each 6<sup>th</sup> field watershed per year. Consequently, the magnitude of effect is likely to be too small and spread out in time and space and not be discernible at the watershed scale.
  - *Recreation/Visual Resources and Rural Interface (EA section 3.1.6):* Elimination and control of noxious weeds and promotion of native vegetation should serve to maintain a high quality experience for recreating visitors. Visual impacts would be short in duration (one or two years) while the site is restored with native vegetation. The effect of Herbicide spraying in rural interface areas would be a disturbance to visual resources where plants turn brown and die. Overtime, however, green native plants would provide visually pleasing scenery.
  - *Public health or safety [40 CFR 1508.27(b)(2)]:* The project's effects to public health and safety would not be significant because the project occurs in a forested setting, removed from urban/residential areas, where the primary activities are forest management and timber harvest.
  - *Carbon Sequestration (Storage) and Climate Change-* This project would remove noxious weeds from scattered locations throughout the MPRA, and would allow for the re-establishment of native species on the site. In general, native vegetation within any

coniferous forest zone in NW Oregon would tend to have more vertical vegetative structure (overstory, understory, brush species) than a monoculture of a noxious weeds. The native vegetation would then have much more photosynthetic surface area per square foot. If there is more photosynthetic surfaces per square foot available through the implementation of this project, it would seem likely through photosynthesis more carbon would be stored with the implementation of this project than without the implementation of this project. Furthermore, the treatment areas in this proposal are generally scattered amongst native vegetation and most treatments are small in total area treated and any measurable change in carbon sequestration or liberation would be difficult if not impossible. It is our belief carbon storage would be increased in the long-term with the implementation of this project through native plant restoration projects.

2. The proposed MPRA noxious weed control utilizing Glyphosate EA:
  - a. *Would not adversely affect*
    - (1) unique characteristics of the geographic area [40 CFR 1508.27(b)(3)] - parklands, prime farmlands, wild and scenic rivers, wilderness, or ecologically critical areas located within the project area (*EA Section 3.1, Table 3*);
    - (2) districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the Proposed Action cause loss or destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)] (*EA Section 3.1, Table 3*).
  - b. *Are not unique or unusual.* The BLM has experience implementing similar actions in similar areas without highly controversial [40 CFR 1508.27(b) (4)], highly uncertain, or unique or unknown risks [40 CFR 1508.27(b) (5)].
  - c. *Do not set a precedent* for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b) (6)].
  - d. *Are not expected to adversely affect Endangered or Threatened Species* listed under the Endangered Species Act (ESA) of 1973 [40 CFR 1508.27(b) (9)].

#### **United States Fish and Wildlife Service (USFWS)**

To address concerns for potential effects to northern spotted owls, the proposed action was consulted upon with the USFWS, as required under Section 7 of the ESA. Consultation for this proposed action was facilitated by its inclusion within a batched Biological Assessment (BA) that analyzed all projects that may modify the habitat of listed wildlife species on federal lands within the Northern Oregon Coast Range during fiscal years 2009 and 2010. The resulting Biological Opinion (issued 4/2/2009; Reference #13420-2009-F-0012; USDI-FWS 2009), concluded that this action would not result in jeopardy to listed species and would not adversely modify critical habitat for any species. This proposed action has been designed to incorporate all appropriate design standards set forth in the Biological Assessment and is in compliance with the Terms and Conditions included in the Biological Opinion.

**National Marine Fisheries Service**

On April 28, 2007 National Marine Fisheries Service (NMFS) completed their Biological Opinion (BO) *Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CH2007-CY2012* which included NNP treatments. Adverse affects to ESA listed species and EFH and application of design features to minimize affects are covered by the Programmatic BA and BO. Conformance with the design criteria established in the NMFS BO would result in no additional consultation needs to implement the proposed activities. Any activities not covered by the Programmatic BO which "may affect" listed species would need to be consulted on separately.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended, requires an assessment of proposed action effects to EFH (Essential Fish Habitat) and consultation with NMFS is necessary for projects which may 'Adversely Affect' EFH. For purposes of this analysis stream reaches with known populations of Chinook, coho, chum, or sockeye salmon present, or considered highly likely to be present, are considered Essential Fish habitat. An 'Adverse Affect' determination was made on EFH for similar reasons as presented in the ESA affects determination.

- e. *Do not violate any known Federal, State, or local law or requirement imposed for the protection of the environment [40 CFR 1508.27(b) (10)] (EA Section 1.3).*
- f. The Interdisciplinary Team (IDT) evaluated the project area in context of past, present and reasonably foreseeable actions [40 CFR 1508.27(b) (7)] and determined that there is not a potential for cumulative effects on the affected resources (*EA Section 4.-0*).

Approved by:

  
Patricia Wilson,  
Marys Peak Resource Area Field Manager

4/28/2010  
Date