

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)
Salem District, Oregon

Marys Peak Pesticide Use Proposal 2013-2015
DOI-BLM-OR-S050-2013-0002-DNA

A. Background and Description of the Proposed Action

Marys Peak Pesticide Use Proposal (PUP) for years 2013-2015 is a pesticide use proposal/summary of total acres planned to be treated with the pesticide Aquamaster (aquatic labeled Roundup). All treatments are completed utilizing “spot” application methods and the targeted plants are designated by the Oregon Department of Agriculture as “noxious.” The PUP includes information such as: Application Information and chemical mixtures, duration, method of application, maximum rate of application, intended rate of application, application dates, number of applications, desired results, site descriptions, sensitive species precautions, non-targeted vegetation effects and integrated pest management practices considered in the overall project. The PUP is a required document to be approved by the State Office BLM prior to commencing any treatments.

Location: BLM lands in the Marys Peak Resource Area, includes lands within Lincoln, Benton, and Polk counties.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

The analysis documented in Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate, Environmental Analysis (EA) (EA # DOI-BLM-OR-S050-2010-0005-EA) is site-specific and supplements analyses found in the *Salem District Proposed Resource Management Plan/Final Environmental Impact Statement*, September 1994 (RMP/FEIS). The Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA was designed under the *Salem District Record of Decision and Resource Management Plan*, May 1995 (1995 RMP) and related documents which direct and provide the legal framework for management of BLM lands within the Salem District. All of these documents may be reviewed at the Salem District office.

The Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA conforms to the Salem District Resource Management Plan/Forest Land and Resource Management Plan as amended by 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* (2001 ROD), as modified by the 2011 Settlement Agreement (*Conservation Northwest, et al. v. Rey, et al.*, No. 08-1067 (W.D. Wash.) July 2011, IM-OR-2011-063).

In addition, the Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA conforms with the Record of Decision, Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States, Programmatic Environmental Impact Statement (September 2007) and the Record of Decision, Bureau of Land Management Vegetation Treatments Using Herbicides on BLM Lands In Oregon (October, 2010), and BLM Northwest Area Noxious Weed Control Program EIS and ROD (Weed Control EIS/ROD) December 1985, and the Supplement to the Northwest Area Noxious Weed Control Program (Weed Control FSEIS), March 1987.

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

- The Salem RMP directs the Salem BLM to contain and/or reduce noxious weed infestations on BLM-administered lands. (RMP, p. 64.). In addition the Carlson-Foley Act of 1968, Plant protection Act of 2000, and the Federal Noxious Weed Act of 1974 establish authorities to manage noxious weeds on federal lands.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

Applicable NEPA Documents:

The Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010).

The Record of Decision, Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States, Programmatic Environmental Impact Statement (September 2007) and the Record of Decision, Bureau of Land Management Vegetation Treatments Using Herbicides on BLM Lands In Oregon (October, 2010), and BLM Northwest Area Noxious Weed Control Program EIS and ROD (Weed Control EIS/ROD) December 1985, and the Supplement to the Northwest Area Noxious Weed Control Program (Weed Control FSEIS), March 1987.

Other NEPA documents and other related documents that are relevant to the proposed action include:

- Salem District RMP/EIS – November 1994 and Record of Decision – May 1995
- Westside Salem Integrated Non-Native Plant Management Plan, EA Number OR080-06-09 (March 2008).
- DNA for Application of the Pesticide, “Aquatic Labeled Glyphosate” in accordance with the Westside Salem Integrated Non-Native Plant Management Plan, DNA # OR080-08-01 (September 2008).

D. NEPA Adequacy Criteria

- 1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

Yes. The proposed action would be in full conformance as described and analyzed in Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010) (pp. 7-11).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. The range of alternatives analyzed in the Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010) are still valid and appropriate (summary of alternatives on p.11).

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

The existing analysis for the Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010) is fully adequate to the proposal. Yes, any new information or new circumstances are irrelevant with regard to the complete analysis contained within the EA. The proposed project is fully in compliance with all existing NEPA documents.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the proposed action?

Yes, the analytical approach utilized in the preparation of the existing NEPA documents is fully appropriate in regard to the proposed PUP 2013-2015.

5. Are the direct, indirect, and cumulative effects of the current proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document(s)?

The Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010) analyzed direct, indirect, and cumulative effects of the proposed action on affected resources (resource specialists utilized for analysis included: botanist, wildlife biologist, fisheries biologist, soils and water biologist, recreation/visuals/rural interface specialists, silviculturist, and NEPA coordinator). There are no substantial changes from those addressed in the analyses to the present.

6. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?

Public involvement for the Marys Peak Resource Area Noxious Weed Control Utilizing Glyphosate EA (April 2010) has been adequate.

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. In addition a description of the project was included in the March 2010

BLM published project update to solicit comments on the proposal and no comments were received.

Consultation:

Wildlife: Wildlife Biologist reviews each year's project locations for consistency with existing laws and policies concerning wildlife management. The proposed week treatments would have no effect on federally listed wildlife species and therefore this action does not require ESA consultation.

Fish: On February 11, 2008, the NMFS listed the Oregon Coast Coho salmon Evolutionarily Significant Unit as threatened under the Endangered Species Act (ESA). The proposed actions 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)].

Consultation with NMFS is required for all actions which may affect listed fish species and critical habitat under the ESA [40 CFR 1508.27 (b)(9)].

Proposed actions which may affect listed fish would comply with the existing programmatic consultation Endangered Species Act Section 7 Programmatic Consultation Biological and Conference Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for Fish Habitat Restoration Activities in Oregon and Washington, CY2007-CY2012 and relevant design criteria. Consultation with NMFS has been reinitiated by the BLM in 2012 to update the existing consultation package for actions occurring beyond 2012. Any alterations in terms and conditions in the updated consultation would be incorporated as needed.

Protection of Essential Fish Habitat (EFH), as described by the Magnuson/Stevens Fisheries Conservation and Management Act, and consultation with NMFS is required for all projects which may adversely affect EFH of Chinook or coho salmon in the action area. The proposed action, with the incorporation of project design features, is not expected to adversely affect EFH. Thus, no consultation with NMFS on EFH is required for this project. Actions and effects beyond the scope of the analysis provided will require additional review and potentially result in the need to consult with NMFS.

E. Interdisciplinary Analysis

Name	Specialty
Ron Exeter	Botany
Scott Hopkins	Wildlife Biologist
Stefanie Larew	NEPA Coordinator
Scott Snedaker	Fisheries Biologist

Prepared and Reviewed By



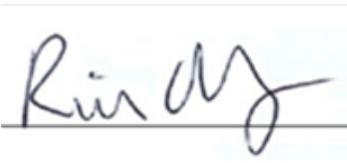
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Stefanie Larew
NEPA Coordinator

Date

CONCLUSION

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



1/8/13

Rich Hatfield
Marys Peak Field Manager

Date