Oregon
Theodore R. Kulongoski, Governor

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February 9, 2006

Brian Amme
Vegetation PEIS Project Manager
USDI-BLM
PO Box 1200
Reno NV 89520-0006

Dear Mr. Amme:

1 The State of Oregon appreciates the opportunity to provide comments on the Bureau of Land Management's (BLM) Programmatic Environmental Impact Statement (PEIS) for BLM's Draft Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States.

2 Oregon believes it is essential to protect the state's natural resources from invasive plants, noxious weeds and unwanted vegetation. We believe in an integrated approach utilizing all tools available for control projects. It is critical that BLM consider site-specific criteria in developing decisions for the use of the most effective tools while preventing negative effects on the environment.

3 The following are specific comments from three state natural resource agencies that include: Oregon Department of Agriculture, Noxious Weed Control Program (ODA), Oregon Department of Forestry (ODF), and Oregon Department of Environmental Quality (DEQ).

**Oregon Department of Agriculture**

4 ODA supports an integrated approach to invasive plant and noxious weed management and supports the use of all safe and effective control methods for the management of unwanted vegetation. ODA strongly supports the Preferred Alternative B that continues the use of herbicides and allows the use of new herbicides without restricting application methods such as aerial spraying and does not preclude the use of sulfonylurea and other ALS inhibiting herbicides. It is important to allow the use of advanced chemistry and have the ability to add new herbicides in the future to effectively address noxious weeds. Many of the new proposed herbicides by the PEIS are not only more effective but in many cases are more environmentally friendly.

5 Invasive noxious weeds are causing significant environmental impacts and are costing Oregon millions annually in economic losses. As a large landholder in the state, the Bureau of Land Management (BLM) plays a critical role and is an essential partner to address Oregon's invasive noxious weed problems. And as a responsible land steward BLM is obligated to effectively address noxious weeds and restore debilitated lands as well as to prevent spread to un-infested lands in the state. The Draft PEIS focuses primarily on what herbicides will be available for use and how they will be applied on Bureau lands. Our comments also focus on the points in the PEIS and not on the Programmatic Environmental Report (PER), which covers non-herbicide controls of invasive plant species and lays out a range of options to effectively manage unwanted vegetation on BLM land.

6 Our experience has shown to effectively protect natural resources the maximum benefit of weed control is achieved through the early detection and rapid response for new invaders, which can provide a 33:1 benefit to cost ratio.

7 In order to implement effective weed control projects, it is critical to have a full complement of integrated management tools available to maximize flexibility on multiple site types and invasive weed species.

8 If you have any questions our comments, please contact Tim Butler, Manager, ODA Noxious Weed Control Program, 503 986-4621.

**Oregon Department of Forestry**

Oregon Department of Forestry ODF agrees with ODA's comments and also recommends approval of Preferred Alternative B. This recommendation is supported by policies identified by the Oregon Board of Forestry in the 2003 Forestry Program for Oregon, which documents the board's strategic plan for all Oregon's forests. One of that program's major strategies is to "protect, maintain, and enhance the health

9 of Oregon's forest ecosystems, watersheds, and airsheds within a context of natural disturbance and active management." The strategy applies to public and private forestlands. Specific actions to accomplish the strategy include the following:

1. Promote active vegetation and fuels management to support forest health;
2. Promote forest landscape conditions that are resilient to natural disturbances, reducing adverse environmental impacts and losses of forest resources to damaging agents in a manner that is cost effective, and environmentally and socially acceptable manner;
3. Encourage state and federal agencies to closely monitor and aggressively act to prevent and mitigate the adverse effects of air pollution and invasive, non-native species on Oregon's forests."

The Board of Forestry has also adopted "best management practices" (BMPs) for forest pesticide use (Oregon Administrative Rules Chapter 620). These rules recognize that pesticide use is a key element in

10 an integrated pest management program, to be used in an environmentally and economically sound manner to meet site-specific objectives.
ODF's monitoring data on forestland indicate that if BMPs are followed, pesticides are not injurious to water quality, or to terrestrial or aquatic wildlife.

11 If you have any questions on our comments or if we can be of assistance, please contact Bradley Knotts, ODF, 503 945-7484.

**Oregon Department of Environmental Quality**

DEQ recognizes that invasive species present significant risks to ecosystem health and effective control mechanisms are needed to protect and restore BLM lands. Together, the PEIS and the Programmatic

12 Environmental Report (PER), which covers non-herbicide controls of invasive plant species, lay out a range of options to effectively manage unwanted vegetation on BLM land. DEQ does not have substantial comments supporting one alternative versus another. Instead, DEQ asks that no matter which alternative is adopted, the comments below be taken into consideration for the protection of all beneficial uses of Oregon's waters, including drinking water:

General Comments

13 1) Explicit decision making recommendations are needed to guide local decision making between herbicide use and non-chemical controls. On lands where herbicide use is authorized under the PEIS, the plan needs to clearly describe the decision making process and risk considerations for

14 2) this for selecting between non-chemical approaches, but the handoff between the PEIS and PER is not well delineated.

15 *3)* Expanding risk management decision making process to carefully evaluate the least harmful control method for local conditions will help ensure that herbicides are used only in specific conditions where other methods are not feasible.

16 2) Despite a considerable body of data on acute exposure effects from the proposed list of herbicides, it is important to recognize that the chronic and sublethal risks are not yet well characterized. The historical record of pesticide toxicology reveals many cases of serious and unexpected adverse effects associated with pesticides that were not predictable from standard acute toxicity tests. Because of these unknown risks, we encourage use of non-chemical alternatives with known risks wherever feasible.

17 3) Many of the pesticides on the proposed list have been detected in surface or groundwaters in the USGS National Ambient Water Quality Assessment (NAWQA) studies. These include 2,4D, atrazine, bromocil, dicamba, diuron, glyphosate, simazine, and trichlopyr (http://pubs.usgs.gov/circ/circ1161/nawqa91.d.html These data suggest that standard application practices may result in measurable concentrations of these compounds in surface waters near application areas, sometimes above water quality standards. These results emphasize the need to limit use of chemical herbicide controls whenever feasible. Occurrence in Oregon of other BLM proposed herbicides, including asulam, chlorsulfuron, clopyralid, fosamine, hexazinone, imazapyr, mefluidide, picloram and tebuthiuron, are unknown due to lack of water quality data.

18 4) As a result of a lawsuit filed against the Environmental Protection Agency (EPA) by the Washington Toxics Coalition (2002), a federal judge ordered that "buffer zones" be placed around salmon bearing streams for the application of certain pesticides. The buffers include a 20 yard no application zone adjacent to salmon bearing waters when specific pesticides are being applied by ground methods, and a 100 yard buffer during aerial applications. Of the 26 pesticides still being investigated for their potential affects on threatened and endangered salmon species, diuron, 2,4-D, and triclopyr are the only 3 that are approved for use on BLM lands. DEQ asks that BLM keep these restrictions in mind during the potential application of these pesticides. More information and maps of the affected areas can be found at: http://www.epa.gov/espp/wtc/maps.htm.

Drinking Water Comments

19 In Oregon, there are approximately 800 "community" water systems. BLM manages 2.6 million acres or 11% of the lands within the municipal watersheds. (BLM also owns/operates approximately 40 small non-federal-regulated "transient" water systems in rural areas throughout Oregon.)

20 The Source Water Assessments required by the 1996 Safe Drinking Water Act Amendments provide a database of information about the watersheds and aquifers that supply public water systems in Oregon. BLM can rely on state agency partners (DEQ and the Department of Human Services—Public Health) to access this information. DEQ can provide the GIS shape files of the 5th-field watersheds and aquifer recharge areas that provide the public water supplies in Oregon. In addition, we can provide the GIS shape files on the most sensitive zones within those areas to supplement BLM data and coverages. The sensitive zones within the watersheds and recharge areas were identified by the state as part of the Source Water Assessment process. These areas can be used to prioritize protective actions within the 5th-field watersheds and recharge areas. As the BLM project team selects alternatives to address areas within

the municipal watersheds and groundwater recharge areas, the focus should be on decreasing the risks presented by the potential contaminant sources on BLM lands.

21 We recognize that protecting water quality is a high priority for public land management, and within the municipal watersheds, this also includes protecting human health. Within the mission, budget, and legal authority, we request that BLM consider local drinking water protection priorities when developing management plans for federal lands and facilities. Implementing protective actions and land use decisions can be very effective in providing clean source water to public intakes and wells. This will preserve the use of public funds that would otherwise be spent to upgrade treatment facilities to remove contaminants downstream.

22 When the vegetation is removed from areas in close proximity to public water supply streams, an increase in erosion and sedimentation could also occur in the downstream reaches. Increased sedimentation can directly impact the public water system treatment operation, increasing maintenance costs, and increasing the risks of exposure to contaminants that adsorb onto the sediments. To prevent the potential increase in sedimentation from the removal of vegetation, we recommend the use of less intensive treatments in the areas adjacent to public water supply streams and the intakes. We do recognize that vegetation removal can occur from natural events, especially as a result of fire. For this reason, we support efforts to minimize the risks from catastrophic fires in municipal watersheds.

23 While we recognize that the application of herbicides is one of the most effective ways to prevent fires by destroying unwanted vegetation, the non-herbicidal options for addressing the vegetation should be considered in areas that potentially impact public water supplies. Herbicides can negatively impact the water quality in streams and groundwater serving as public water supply sources. Most herbicides are not monitored at the intakes or wells for public water supplies as part of the routine requirements to meet federal drinking water standards. Most communities and public water providers do not have the resources to increase their monitoring capabilities when significant areas are sprayed adjacent to or upstream of their intake or well.

24 We recommend that BLM establish direct communication with the public water system operator or community liaison downstream of the BLM land management areas. There are no requirements to develop or implement "drinking water protection plans" in Oregon, but the communities that elect to move forward voluntarily will request that BLM be involved in the planning and protection of that source area.

25 To prevent or minimize the impacts of herbicides and suspended sediments to public water supplies in Oregon, DEQ and DHS can provide technical assistance and consult with the BLM during the local planning phase of implementation of vegetative treatments. State agencies can provide more specific suggestions for site-specific best management practices that can be effective in protecting the drinking water for public intakes and wells. As with all of our state and federal partners, we request that BLM's management alternatives in the municipal watersheds/aquifers should be selected to support the overall goal of providing the highest quality water possible to downstream intakes and wells.

If you have any questions or comments about the DEQ section, please contact Jordan Palmeri, Nonpoint Source Coordinator, DEQ, 503 229-6766.

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On behalf of the State of Oregon and the above agencies we thank you for the opportunity to provide comments on the Bureau of Land Management's (BLM) Programmatic Environmental Impact Statement (PEIS) for BLM's Draft Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States. If you have specific questions concerning comments from an agency, please contact them directly.

Sincerely,

Katy Coba
Director

cc: Stephanie Hallock, DEQ
Marvin Brown, Oregon Department of Forestry