



1 DECEMBER 5, 2005 7:00 P.M.

2 \*\* Whereupon the public hearing was brought to order and  
3 introductions were made by Mr. Brian Amme \*\*\*

4 DR. STUART PAULUS: I want to thank you for coming  
5 tonight to the public hearing on the Bureau of Land Management  
6 Vegetation Treatments Programmatic EIS and Environmental Report  
7 for the Western U.S. including Alaska.

8 Threefold purpose tonight for the hearing: First  
9 of all, to help you to better understand what the BLM is  
10 proposing, specifically to treat up to 6 million acres annually  
11 in the U.S. including Alaska.

12 Second, we'd like to better explain the role of the  
13 Programmatic EIS and Environmental Report. This proposal is a  
14 little different than what you might have seen in the past.

15 And then we also have an environmental report that  
16 accompanies the EIS we'll discuss.

17 And finally, if we had public . . . But certainly  
18 you are also able to submit comments if you have any issues or  
19 concerns you thought should have been addressed in the EIS or ER  
20 or you thought could have been addressed better or alternatives  
21 we should have as part of the EIS.

22 The BLM -- probably all of you know this, but it  
23 was founded in 1946 with the basic goal of serving current and  
24 future publics and restoring and maintaining the health of the  
25 land.

1                   The BLM administers about 262 million acres of  
2 surface land and about 700 million acres of subsurface mineral  
3 land.

4                   Nearly all of the surface land is found in the  
5 western U.S.; this map shows you where these lands are.  
6 Obviously a few acres here in Colorado, but the bulk of them in  
7 Utah and Nevada, Wyoming, and although based on the scale of this  
8 map it doesn't look like that many acres are in Alaska, in fact  
9 probably a third of all the acres are in Alaska, about 81 million  
10 acres.

11                  So what is the BLM proposing to do and why? As I  
12 mentioned earlier, the BLM is proposing treatment vegetation up  
13 to 6 million acres annually in the western U.S., including  
14 Alaska, using five primary treatment methods, that are prescribed  
15 fire, manual, mechanical, and biological control methods and the  
16 use of herbicides.

17                  The reason BLM is proposing to do this is to --  
18 well, for several reasons. One, to reduce hazardous fuels  
19 accumulation, to reduce the risk of wildfires, obviously. Over  
20 the last decades, and maybe the last century or so, hazardous  
21 fuel levels have built up in forest lands and range lands and  
22 have led to the severe and large number of acres of wildfires  
23 that we've seen in the last decade or so. So there's obviously a  
24 concerted effort to reduce this risk.

25                  Second reason they're doing this proposal is to

1 reduce and remove and control weed population. It's estimated  
2 that weed population has increased fourfold in the last 15 years  
3 or so. So if we can get weeds under control, that would be  
4 useful.

5 Third reason for doing this is to restore and  
6 rehabilitate damaged land. Because of all the acres burned by  
7 fires in the last couple decades, and also lands integrated by  
8 weeds, there's a concerted effort now to rehabilitate these  
9 damaged lands.

10 And finally, the goal is to improve ecosystem  
11 health, which would improve water control and fire and wildlife  
12 habitat.

13 The five primary treatment methods are mechanical;  
14 use of large, heavy equipment such as mowers, bush hogs, other  
15 heavy equipment like this; prescribed fire -- and again, these  
16 are also in the order of their importance.

17 In terms of total number of acres, the most acres  
18 are treated using mechanical methods, and the second is using  
19 prescribed fires, using fire to reduce hazardous fuels  
20 accumulation. And on some occasions, Alaska actually uses  
21 natural fire under a prescribed burn plan to treat acreage in  
22 Alaska and also throughout the western U.S.

23 The third most common method is the use of  
24 chemicals or herbicides. About 16 acres will be treated with  
25 herbicides here. They are being applied using a helicopter and

1 also an ATV.

2 The next common method is the biological control  
3 methods, such as using livestock, domestic livestock to contain  
4 vegetation, such as these goats are trying to do along these  
5 creeks, or insects or pathogens to help kill the vegetation back  
6 or reduce its threat.

7 And finally, the last method, and the one that will  
8 be used the least often, is manual control. That's using chain  
9 saws, other hand-held type equipment to control vegetation.

10 In addition to looking at what the impacts would be  
11 from treating up to 6 million acres, there are also a couple  
12 other things we try to accomplish in the EIS. One of them, and  
13 the issue or the thing that we worked on the most the last two or  
14 three years, was developing risk assessments to evaluate the risk  
15 to humans and plants and animals with the use of chemicals or  
16 herbicides the BLM is currently available to use or from four new  
17 herbicides we also looked at, which include diflufenzopyr,  
18 fluridone, diquat and imazapic.

19 Again, this was a process of developing these risk  
20 assessments which would be worked closely with the Environmental  
21 Protection Agency, the U.S. Fish & Wildlife Service, and the  
22 National Oceanic and Atmospheric Administration Fisheries Service  
23 to evaluate the risk to humans and plants and animals.

24 And the Fish & Wildlife Service and NOAA Fisheries  
25 are concerned with threatening species, certainly a big issue up

1 in the northwest.

2 In the process of doing these risk assessments,  
3 another goal is actually to develop a protocol the BLM can use in  
4 the future to evaluate new herbicides that may come on the  
5 market, may become available, that the BLM might like to use in  
6 the future, and a process by which maybe the BLM could evaluate  
7 these herbicides without going through a lengthy EIS process that  
8 took three or four years.

9 So again, when we developed the methodology to the  
10 current risk assessments to the herbicides and we also looked at  
11 some older herbicides, we tried to come up with a methodology  
12 that was basically state-of-the-art or state-of-the-science that,  
13 again, the Environmental Protection Agency, Fish & Wildlife  
14 Service, and NOAA Fisheries can use the same protocol in the  
15 future.

16 The idea is once you have that protocol in place,  
17 and in conjunction with Environmental Pro, that you could use  
18 that process to evaluate new herbicides that might come up in the  
19 future and streamline the whole process.

20 Thus the role of the Programmatic EIS. Federal  
21 agencies are required to prepare an EIS when there's a potential  
22 for significant environmental impact. And obviously when you use  
23 any particular of the herbicides you think have potential for  
24 significant environmental impact, and, in fact, to the process of  
25 scoping and also by looking at what occurred in earlier EIS that

1 were done back in the late '80s and early '90s, determined that  
2 the use of herbicides as a primary issue of concern, that needs  
3 to be addressed in the EIS.

4 The other treatment methods weren't as great a  
5 concern, and thus we didn't feel we needed to do an EIS for the  
6 other methods; but herbicides, yes, we did.

7 Thus Programmatic EIS analyzed the effect of  
8 natural and social resources from herbicides. Not only the  
9 currently used by the BLM select group we looked at, but also  
10 herbicides that we're proposing to use.

11 In preparing the EIS, we looked at five alternative  
12 actions, several of these -- in fact, all of these were basically  
13 proposed by the public during scoping. The first one is to  
14 continue present herbicides used, which is a no-action  
15 alternative.

16 Right now the BLM treats about 300,000 acres  
17 annually using herbicides. They're able to use 20 herbicides, or  
18 20 herbicides are currently available to the BLM, and under  
19 earlier EISes, these herbicides can be used in 14 states, which  
20 is a little different than what we're looking at in Alternative  
21 B.

22 In Alternative B, we are looking at a few more  
23 states. We have now up to 17 states, we added Texas, Nebraska  
24 and Alaska; we are also looking at a lot more acres. As I  
25 mentioned, we're looking at treating 6 million acres.

1 In Alternative A, the total acres treated is about  
2 2 million; we're looking to go up to 6 million, of which 930,000  
3 would be through use of herbicides. So again, about a threefold  
4 increase.

5 We would also be able to use the four new  
6 herbicides we talked about earlier. And in terms of currently  
7 available herbicides, we're actually cutting back the number of  
8 herbicides BLM would be able to use.

9 Again, we're able to use 20 right now, but six  
10 rarely or haven't been used in the last six or seven years. Two  
11 of them haven't been used in many, many years, so the feeling was  
12 we would not include those under Alternate B.

13 One reason is we did not have the money or funding  
14 or the available resources to do risk assessments for those six  
15 herbicides. They're not being used and doesn't look like they're  
16 going to be used in the next six years, so we decided to go ahead  
17 and drop them for Alternative B and also for Alternatives D and  
18 E.

19 When we looked at the currently available  
20 herbicides, the BLM actually did some analysis for some of them,  
21 and we relied on analysis done by the U.S. Forest Service for  
22 some of the other herbicides. And the reason we had to do that  
23 is actually to look at some of the currently available  
24 herbicides.

25 Back in the late '80s and early '90s, there wasn't

1 a very detailed analysis of the risk to plants and animals of  
2 those herbicides at that time.

3 And also a lot of the methods have changed since  
4 then compared to the way they are today, so we felt that  
5 adequately to cover plants and animals, and especially endangered  
6 species, we need to look at also some of the currently available  
7 herbicides used by the BLM.

8 The third alternative, Alternative C, basically a  
9 number of folks in the public during scoping asked that we  
10 considered a no herbicides method, don't apply the use of  
11 herbicides. And we looked at what would be the effect of  
12 treating vegetation without herbicides.

13 And Alternative D involves no aerial spraying, thus  
14 what are the impacts in terms of vegetation treatments if we  
15 cannot spray aerially.

16 Finally, the last one, Alternative E. Under this  
17 alternative, which was actually submitted by a coalition of  
18 environmental groups, has a number of components. And if you're  
19 interested, you can look at one of the appendices at the back of  
20 the EIS; it's about 30 pages in length.

21 One of the things they did bring up is they  
22 suggested the BLM not use Acetolactate Synthase-inhibiting  
23 herbicides. These are active herbicides, and they were concerned  
24 because of recent incidents where these herbicides had been used  
25 have drifted from the target area, off the target area, and

1 impacted nontargeted vegetation, and in particular, croplands.

2 So they suggested, among other things, BLM not use these  
3 herbicides.

4 The herbicides that would not be allowed under this  
5 alternative are chlorsulfuron, imazapyr, metsulfuron methyl, and  
6 sulfometuron methyl. And sulfonylurea would also not be allowed,  
7 so those are the five that would not be allowed under  
8 Alternative E, bringing us down potentially from 18 to 13  
9 available herbicides.

10 Well, some of you that have been around for a few  
11 years knows that the BLM treats vegetation and also is probably  
12 aware of the fact that the BLM prepared an EIS back in the late  
13 '80s and early '90s that had similar goals to this.

14 However, there are some superficial things. First  
15 of all, the four EIS that were done back in the late '80s focused  
16 on specific regions of the U.S. The one on the far upper right  
17 would be the 13-state EIS, so it actually covered 13 of 14  
18 states. The northwest EIS, the western Oregon EIS, and an EIS  
19 was done for California.

20 Again, though only 14 states were covered under  
21 those EISes, in fact, only about 500,000 acres were allowed to be  
22 treated or were considered part of the treatment under those  
23 EISes. Since then, under current administrative decisions,  
24 legislation, and whatnot, the BLM is able to treat about another  
25 1.5 million acres, especially for fire related work. So it

1 brings up your total acres that you can treat to about 2 million.

2 So between the old EISes and recent decisions,  
3 you're up to about 2 million acres. Those other EISes do not  
4 cover Alaska, Nebraska and Texas. As I mentioned earlier, there  
5 are 81 million acres in Alaska, so that's important.

6 Also, the use of herbicides may not occur in  
7 Alaska, or minimally. They're not very interested in the use of  
8 herbicides. Also they're interested in the methods covering the  
9 EIS.

10 The old EIS did not cover the new herbicides we're  
11 looking at and did not develop a protocol that you can use going  
12 forward. A lot of the methods, especially for evaluating risks  
13 to plants and animals, have changed quite a bit since then, so  
14 this document helps to get that updated.

15 The ER is a little different situation. It  
16 discloses the impact of a nonherbicide treatment. Again, manual,  
17 mechanical, biological control, and the use of prescribed fire.

18 Because the BLM is not making decisions related to  
19 the use of these methods, it was felt they did not need to be  
20 considered in the EIS, but we needed a separate document to  
21 evaluate the risks and assessments related to the other methods.

22 There's two reasons we felt we needed another  
23 document to help us evaluate this other issue: The first one is  
24 we needed this information to assess the cumulative impacts, not  
25 only from herbicides used from the other treatment methods.

1                   As you saw earlier, we have one alternative that  
2 does not allow the use of herbicides. Well, if we're doing a  
3 cumulative impact analysis, it's important we look at the other  
4 methods, and it also helps in the evaluation of how herbicides  
5 fit in with the other treatment methods as we look at all the  
6 different alternatives.

7                   And the second reason was when we were developing a  
8 risk assessment process and working through that with the  
9 fishery service and the Fish and Wildlife Service, they stressed  
10 they also need to know the risks and issues with the other  
11 methods so they could look at the how the herbicides fit in the  
12 context of all the treatment methods.

13                   So if there was a substitution, if we used  
14 herbicides in one situation, well, how might that affect plants  
15 and animals, and how did all these use herbicides in maybe  
16 another treatment method; how would these methods affect  
17 threatened and endangered fish and wildlife.

18                   What is the importance of each treatment method  
19 actually declined over the current situation to the preferred  
20 alternative. However, keep in mind we're also looking at going  
21 from 2 million acres to 6 million acres, so in terms of actual  
22 number of acres treated, it will increase for all methods.

23                   Each state we visited so far -- I pulled out the  
24 individual state numbers so you can see how your state compares  
25 to this chart, we can see for the whole western U.S. and Alaska.

1 In Colorado right now you treat about 30 percent of your acres  
2 using prescribed fire. That won't change under the preferred  
3 alternative, so you're pretty similar for the western U.S.

4 Mechanical treatments, right now you estimate about  
5 52 percent of your acres treated mechanically; under the  
6 preferred alternative, we have about 48 percent. But the western  
7 U.S., you're treating more acres as a whole with mechanical.

8 Before I go on, where we got these numbers is back  
9 when we started this, back in early 2002 through mid 2002, we  
10 went out to the different field offices and asked them to  
11 basically tell us what treatments they saw coming up in the next  
12 3 to 10 years, and in the 3 to 10 years tell us what type of  
13 vegetation would be treated, what types of methods we use, what  
14 types of equipment, number of different things we asked for. And  
15 we took all this information to develop our 6 million estimate  
16 and the breakdown of treatment acres.

17 So again, for this state, prescribed fire,  
18 mechanical, and preferred alternative is almost 81 percent of  
19 your acres. Herbicides stays the same under the no-action, and  
20 preferred alternative about nine acres are treated using  
21 herbicides. So it's almost half, or about half of what it is  
22 western wide.

23 So where do we go from here? As I mentioned,  
24 scoping began in late 2001, we actually had our scoping meeting  
25 in 2002. Here we are in late 2005, finally getting towards the

1 end. As I mentioned again, those two or three years where we  
2 were between 2002 and now, a lot of that time was spent working  
3 out these risk assessments, and there was quite a bit of effort  
4 that went into that.

5 The actual assessments are not in the hard copies  
6 that you have out front or you've seen, but if you go to the CDs  
7 or going on-line, you'll find all the risk assessments, each 2-  
8 or 300 pages. And there are a number of them in there, so  
9 there's quite a bit of material.

10 The draft EIS was available on November 10 of this  
11 year. We are currently halfway through our comment meetings. As  
12 Brian said, it's off to Boise tomorrow and Billings and Cheyenne.

13 The final EIS is a projection to be available in  
14 late spring 2006. Public review of the final EIS will be in the  
15 summer of 2006, and then we anticipate having the record decision  
16 out, right now it's projected to be about July of 2006.

17 So what can you do to help? Well, again, normally  
18 this will be addressed to the public -- you are also the public,  
19 but you also work for the BLM. And you still have the same sort  
20 of mission, I think, especially because you know these issues  
21 better than anybody and will be the first one to find flaws in  
22 the document.

23 Obviously the document was reviewed by specialists  
24 throughout the BLM, but they maybe know their region better than  
25 other regions, and you might see things in there related to

1 Colorado or your area of expertise, and that's what we'd like to  
2 know about.

3 So if you have a chance to cuddle up to the  
4 document or if you're having trouble sleeping, it's a good aid  
5 for that. Brian has extra hard copies, and each field office  
6 received a number of copies, but whatever they requested, if you  
7 need more, let us know.

8 There are copies of the CD out front if you need to  
9 look at that, that obviously has all the supporting documents  
10 that the hard copies don't.

11 So if you want to look at the air quality modeling  
12 record and also the herbicides, they're all on the CD. And there  
13 are links and stuff, so it's kind of nice.

14 You can go to the BLM Web site; as soon as you go  
15 on the Web site, it was the first thing listed, that was the  
16 VegEIS. And you can get a copy of it from Brian if you want a  
17 hard copy.

18 After you look at it, we have a comment form. You  
19 folks can probably send yours directly to Brian's e-mail; and as  
20 I'll show you later, there's also an e-mail address for this  
21 project you can send comments to. But in the case of you folks,  
22 you can send them to Brian.

23 And let us know issues or concerns in the  
24 documents, errors, mistakes, and if you think there's a better  
25 way we could have done things in this case. Obviously a lot of

1 people in the BLM have input into this, but it certainly doesn't  
2 mean things can't be improved.

3 If you were the public, we'd put you on the mailing  
4 list, and if you would like a copy sent to your house, in your  
5 case, also let us know.

6 This is where you can send your comments or any  
7 issues. Obviously you can send them right to Brian, this is his  
8 mailing address, or you can fax them to Brian. Or as I  
9 mentioned, probably for most of you, it will be easier to mail  
10 them to Brian.

11 If you have comments specifically on the project,  
12 probably better to send them to the VegEIS; if you have errors or  
13 omissions, send them to Brian. In terms of public comment, in  
14 case you want to send public comment, comments are due by January  
15 9, 2006, so if we get them by then, that would be great.

16 That's all I have. I'll turn it over to Gina to  
17 set the stage for the hearing.

18 MS. RAMOS: Well, good evening, I'm Gina Ramos, and  
19 I will be your hearing officer tonight. And I would like to call  
20 this hearing to order.

21 As stated earlier, the formal hearing is an  
22 opportunity to provide the public the opportunity to provide  
23 formal comments, and at this time I would like to invite anyone  
24 to come forward to provide those comments.

25 Okay, it doesn't appear we have anyone that would

1 like to provide comments tonight. We welcome any written  
2 comments either by e-mail, fax, or by mail. If you know of  
3 anyone that was unable to make it tonight or would like copies of  
4 the documents, that's the address that they can write to us and  
5 receive a copy. There are also copies available at the BLM field  
6 office.

7                               Comments will be taken through January 9, 2006. At  
8 this point, then, I would like to adjourn this hearing. Thank  
9 you very much.

10                              (Whereupon the public hearing of the Bureau of Land  
11 Management concluded at 7:30 p.m. on December 5, 2005.)  
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REPORTER'S CERTIFICATE

I, ELIZABETH M. WHITTON, Registered Professional  
Reporter and Notary Public in and for the State of Colorado, do  
hereby certify that the foregoing is a true and accurate  
transcription of my notes taken in the above-captioned matter on  
the aforementioned date.

DATED at Grand Junction, Colorado this 16th day of  
December, 2005.



Elizabeth M. Whitton, RPR  
Official Reporter