PUBLIC HEARING

BUREAU OF LAND MANAGEMENT

November 29, 2005, 7:00 p.m.

VEGETATION TREATMENTS PROGRAMMATIC EIS AND ER FOR THE WESTERN U.S. AND ALASKA

ORIGINAL

Taken before JENNIFER SCHUMACHER

Certified Shorthand Reporter

State of California

CSR License #9763

APPEARANCES:

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CAROL SPURRIER
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BE IT REMEMBERED that on Tuesday, November 29, 2005, commencing at the hour of 7:00 p.m., at the CLARION HOTEL, Sacramento, California, before me, JENNIFER SCHUMACHER, a Certified Shorthand Reporter, the Public Hearing is as follows:

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MR. AMME: Well, welcome. We didn't have a lot of people show up here tonight, but we'll be kind of informal. I'm Brian Amme, the project manager for this project that we've been working on for about four years now on hazardous fuels reduction and herbicides and weed invasions and things like that. Just released the draft EIS, and I welcome you Bill and Bill here. So we got the two Bills here. We know you by first names. That's great. We talked to you on the phone.

The housekeeping information is the bathrooms are right out the door down there, and the lounge is right over there. Maybe that's where we ought to hold this meeting.

A few introductions I'll make today. Gina Ramos is the co-team lead on this project. She's the senior weed specialist back in Washington, D.C. for the BLM. So anything weed-wise for the nation she's in charge of that. Stuart Paulus is our project manager from ENSR International, a third party contractor who has also

helped us put this EIS project together. He's done a great job. Bud Cribley is the division chief for Range Resources back in Washington, D.C. And we have a few distinguished guests from the California office and other places. I think you met Carl Gossard from Oregon Washington Resource Division. What was your --

MR. GOSSARD: Assistant director of fire operations.

MR. AMME: Assistant director of fire operations. Sounds pretty impressive actually. Tony Danna, I believe, deputy state director for resources here in California state office. Great guy. Who else do we have? Tom Pogoshik, well horse program. Another great guy. Used to live in Carson City, Reno. Diana Brink, who is your California state office weed specialist here. Carol Spurrier, endangered species biologist from the Washington office. And introduce yourself, please.

MR. DEARING: John Dearing, external affairs.

MR. AMME: And another person?

MS. COSONA: Kris Ann Cosana (ph). I'm a fuel management specialist for Folsom.

MR. CAVE: Okay, Bill, we're way in over our heads.

MR. AMME: We have a brief Power Point

presentation that Stuart will put on and then Gina Ramos will take it over as the hearing officer if there's any oral comments you want to make on the project, we truly welcome it. And we have our distinguished court reporter to take down any information that you provide for us, which I don't know your name.

Sir, take it away.

MR. PAULUS: Thank you. I want to thank you for coming tonight to the public hearing on the BLM Vegetation Treatments Programmatic EIS and also Environmental Report for the Western U.S. and Alaska. As we go along you will see a different situation we might have in some cases where we not only have EIS but Environmental Report was prepared.

The purpose of the hearing tonight is three-fold. One, to help you understand the BLM proposal to treat up to 6 million acres annually in the Western U.S., including Alaska. We also want to explain to you the role of the Programmatic EIS and the Programmatic Environmental Report. And finally, and most importantly, we're here to solicit comments from the public, from you, on the issues of concern that you feel should have been addressed in the EIS and the ER. So again, that's probably the most important reason for

this hearing.

The BLM was founded in 1946 with a goal of serving current and future publics and restoring and maintaining the health of land. Pretty simple goal, but pretty important. The BLM administers nearly 262 million acres of surface land and about 700 million acres of subsurface mineral lands. Nearly all the surface lands are in the Western U.S., including Alaska. Shown on this slide you can see the bulk of the acres right here in the central portion of the Western U.S., and although it doesn't look like a lot in Alaska, in fact, about 81 million acres are in Alaska. So almost a third of the acres are found in Alaska, although it doesn't look like it from this map.

What is the BLM proposing to do and why? As I mentioned before, the primary objective is to treat up to 6 million acres annually in the Western U.S., including Alaska, using five primary treatment methods: Manual methods, mechanical methods, biological control methods, prescribed fire and the use of herbicides. Right now the BLM is treating about two million acres annually, so we're looking at about three-fold increase in the number of acres treated annually.

The reason the BLM feels they need to do this is, one, to reduce the hazardous fuel loads to reduce

the risk of wild fires. Due to fire exclusion practices over the last several decades, since the early 1900s, maybe late 1800s, fire excluding has lead to the increase of hazardous fuels and forest and range lands and has lead to some of the incredible and severe wild fires we've had in the last decade or so.

Another major objective is to remove and control the weed population. It's estimated the weed population has grown about four-folds in the last 15 years. So anything that can be done to try and get on top of this problem would be much welcomed. Right now the current level of treatment is not obviously keeping the weeds under control.

Two other major goals: One, to restore and rehabilitating damaged lands, especially those damaged in the last several decades by wild fires, and also probably the overarching goal, to improve eco system health, improve the water and improve the land for fish and wildlife.

This is just a quick overview of the different methods. Mechanical, use of large equipment such as tractor, bush hogs, mowers, and generally larger equipment. Prescribed fire, using fire to reduce hazardous fuels, in some cases maybe control, mainly hazardous fuel reduction. In some cases also in this

prescribed burn plan in place allowing nature and natural fire to burn an area. That's especially common up in Alaska. Chemical or the use of herbicides. Here we're using a helicopter in one picture and also an ATV to treat weeds. As we'll discuss later chemical treatments are going to be actually rather uncommon in this state. Biological control is the use of domestic animals to contain vegetation or maybe use of insects or pathogens to also control vegetation. Here we have some goats along this creek that are containing vegetation. And finally, manual control methods. Here's a person using a chain saw, can also be using a hoe, shovel, axe, basically manual tools. So those are the five primary methods of treatment.

In addition to treating 6 million acres there are also other important objectives of the EIS and the BLM's proposal. The first one is the BLM is also evaluating in this EIS the need or evaluating four new herbicides they would like to use; diflufenzopyr, diquat, fluridone and imazapic. Diquat and fluridone are primarily aquatic herbicides. While imazapic and diflufenzopyr are used in terrestrial situations. In addition, the BLM wanted to develop a protocol to evaluate the risks of using herbicides that may be developed in the future.

Right now we spent time to evaluate these four that are listed up here. As we went through that process, and in fact, you might say this whole process started four or five years ago, what's taking so long. Well, a lot of the time was spent coming up with a protocol that a number of agencies can live with and agree to and felt that it was best of sciences to evaluate the risk of using these different herbicides, the risk to humans, plants and animals, and also then to develop a protocol that BLM can use in the future. So this protocol would not only have to be scientifically credible, they would also have to follow NEPA, National Environmental Policy Act requirements in assessing the risks of these chemicals, and they would also have to make sure these chemicals were registered with the EPA and also in the State of California before they could use them.

The role of the Programmatic EIS. Federal agencies are required to prepare an EIS, an action or proposed action has the potential for significant environmental impact. When you think of the use of herbicides in particular, you think of the potential for significant environmental impact. Thus, the use of herbicides was really the primary issue of controversy and was identified through scoping and is the primary

driving factor for this EIS and also earlier EISs done by the BLM in the late 1980s and early 1990s. Thus, the PIS or the Programmatic is analyzing the effects on the national and social resources of using herbicides the BLM is currently available to use and also the four new herbicides that they would like to use.

Five alternatives were considered in EIS, or four in addition to the one that the BLM would like to use. The first alternative that was considered, the Programmatic EIS is basically just to continue present herbicide use or the no action alternative. Western wide right now the BLM through earlier EISs is allowed to use herbicides in 14 states. They are also allowed to use 20 different herbicides under Alternative A. Under Alternative B things change a little bit. This is a preferred alternative. Under the preferred alternative, you can see there, the BLM would now be able to use herbicides in 17 western states. We picked up Alaska, Texas, and Nebraska that weren't covered earlier; however, they wouldn't be able to use all 20 herbicides. About six of the 20 herbicides the BLM currently has available to them to use they really haven't used at all or very sparingly in the last seven or eight years. And thus, the intent under Alternative B is not even use these herbicides in the near term

unless they do a risk assessment to determine if those herbicides are worth using in the future. But under the current Alternative B they would not use those six herbicides. They would be able to use the four new herbicides. So we went from 20, lost six, down to 14, now we have four more, so now we're up to 18 herbicides. Alternative C, no use of herbicides. We also looked at an alternative where the BLM would not use herbicides, what were the pros and cons of that alternative. Alternative D does not allow aerial spraying of herbicides. The idea here was that if herbicides are applied near the boundary of public lands, of BLM administered lands, there's a potential for the herbicides to drift off the land. We if don't have aerial spraying, you don't have the potential of drifting off public lands or even to other areas even on public land where you don't want the spray to occur.

And finally, the last alternative is an alternative that was submitted by a group, a number of conservation groups, a coalition of conservation groups, and it has a number of components, and I would suggest that you look at that alternative. That's actually an appendix in the EIS. It's about 30 pages or so. And it will tell you a little more in detail. But as it relates to herbicides, in particular one of

their main objectives was to restrict or eliminate the use of ecydolactic inhibiting herbicides. These are herbicides that are very potent and when they drift off of the area where you're treating, they can cause substantial damage to vegetation. So they are concerned about that especially drifting into crop lands and other agricultural lands where you don't want the herbicides. The ones that would not be allowed would be chlorsulfuron, imazapyr, metsulfuron methyl, and sulfometuron methyl. Those are the four that BLM currently has available to them. And if we are looking at the new ones that the BLM is interesting in using, imazapic would also not be allowed under Alternative E. However, under Alternative E the BLM would be able to use the other three herbicides.

Some of you may be asking the question to yourself, well, the BLM has been treating vegetation for years, and didn't we kind of go through this process about 15 years ago or so. In fact, that is the case. The BLM has been treating vegetation since its inception in the '40s. And in fact, the BLM also prepared a number of EISs, four to be exact, back in the late 1980's and early 1990's. However, those EISs were more region specific. One EIS, the 13 state EIS actually covered 13 states, so it covered a fairly good

chunk of the Western U.S. The northwest EIS, there was a western Washington EIS, and also a California EIS. Again, specific to regions. And as you will note up there, no Alaska, no Nebraska, no Texas. They were not covered in the earlier EISs, so they are being covered in this one. Also, under those EISs only about 500,000 acres were allowed to be treated. Since then there have been number of rules and regulations that have allowed a lot of restoration and fire rehabilitation which added about another 1.5 million acres. In total the BLM is really only allowed to treat about 2 million acres annually. So right now we're looking at going to 6 million acres. So those EISs just don't give us the number of acres we need to treat based on current projections. And as I mentioned before, these earlier EISs did not cover Alaska, Nebraska, and Texas. And they also didn't evaluate the new herbicides. They evaluated about 22 herbicides during those preparations of EIS, which we can use 20 today.

In addition to an EIS we also prepared a Programmatic ER. And you either received the hard copies or looked at them out front. There's actually two volumes of the EIS, the main body of the EIS and then all the appendices. There's a Programmatic ER, and it's a volume by itself, which they also include

the appendices. And I've actually put a copy of the biological assessment that was also done in support of these documents. It's one volume by itself. And if you've gotten a copy of the CD or gone on the web site, you'll also see there's probably I'm going to just guesstimate maybe another 20 other documents that were prepared in support of the EIS and the ER, all the risk assessments that were done to evaluate the risks for the plants and animals are on the web site or on the CD. So the hard copies that you see out front are only a small chunk of what was actually developed in sort of this project.

The Programmatic ER was basically developed to look at what the impacts are for the other treatment methods, manual, mechanical, biological, and prescribed fire. So you see more discussion let's say of air quality impacts from fire that you're not going to see as much of in the herbicides. Although, obviously we looked at the impacts of herbicides drift on air quality. The BLM in consultation with the CEQ, the Council of Environmental Quality, came to the decision or the conclusion that the BLM really wasn't making any decisions as they relate to the other treatment methods, and thus, they did not need to do an EIS for the other treatment methods. However, we did feel to

adequately do a cumulative effect analysis for the Environmental Impact Statement, we needed to look at the effects of the other treatment methods. Also, during our work with the U.S. Fish and Wildlife Service and the National Marine Fishery Service to evaluate risks to threatening endangered species, we also felt that this same information was needed. They especially wanted to see what are the effects not only of the herbicide treatments or some of the other things you're doing, threatening endangered species, kind of how they all work together and how might the impact of species be concerned. So that was the other major reason for doing the environmental report, the cumulative effect analysis and also for the Fish and Wildlife Service and the National Marine Fishery Service.

What is the importance of each treatment method under the preferred alternative? I'll give you numbers for California that we're going to show -- this doesn't even reflect what might go on in California. You might say where does the 6 million acres come from, and obviously the numbers I'm going to discuss here in just a minute. When we first started this project back in early -- we actually started it in late 2001 when we had the notice of the EIS. We had public scoping meetings in early 2002. We spent about the next two

years or so actually working with the Environmental Protection Agency, the National Marine Fishery Service and the U.S. Fish and Wildlife Service to prepare the risk assessments, so we weren't goofing off those past two to three years, at least not all the time. There was some work getting done during that period.

But as part of that we went out to all the field offices for the BLM. We asked them what do you plan to treat for the next zero to three years, and what do you plan to treat three to ten years out. Each office gave us varying levels of data. But we asked them for vegetation type, location, eco region, treatment method, types of equipment use. And the offices sent all that back. And we looked at that, and basically looking at that information we were able to decide where over the Western U.S., what different methods, and how important that would be, and through that came up with an estimate of 6 million acres annually what they would like to treat.

Now, these graphs here show treatment percentages for the Western U.S. for the whole, then I'll discuss California. It's actually pretty interesting how California differs from this. The old EIS is kind of really what the acres are and how the BLM is treating land right now in terms of the

percentage of treatment method. As you can see, mechanical and prescribed fire are two dominant methods used. Herbicides are around 16 percent. Keep in mind we're talking about 2 million acres in this first set of graphs.

The second one, kind of the new EIS would be if the BLM was able to implement the preferred alternative. Again, fairly different increase in mechanical, also a little bit of an increase in prescribed fire. Use of herbicides on a percentage basis stays about the same. Biological control and manual actually drop western wide.

Now let me tell you what's going on in California because this is pretty interesting. California under the preferred alternative 75 percent of acres will be treated using biological control, so very high number in this state. I would say a good chunk between Montana and California, California has a lot of biological control. In terms of herbicides used, it's going to stay steady from what it is right now. About 5,000 acres annually will be treated in California at least under the preferred alternative they are estimating about 235,000 acres treated in the state. Of those about 235,000 about 5,000 would be with herbicides, which I calculated as about three

percent. So very small amount there. Prescribed fire -- yeah, prescribed fire is probably about seven or eight percent, and mechanical is about 10 percent of acres under the preferred alternative. So again, biological control you can see not terribly important in the west, very important in California.

So where do we go from here? As I mentioned, we had the scoping meetings way back in 2002. We worked on the risk assessments, prepared the draft EIS that came out, was released to the public on November 10th, 2005. We're having public comments meetings right now over the next three weeks. This is the second meeting. We had one last night in Portland. Tomorrow night will be in Salt Lake City, basically covering the Western U.S. with these meetings. And from that we will gather comments from the public and use those to prepare the final EIS, which we hope to have available sometime in spring of 2006. Public review of the final EIS will be at least 30 days, and you can provide comments in the final EIS. And that should be occurring sometime in early summer of 2006. Right now the intent is to have the Record of Decision sometime in July of 2006. So we're kind of looking at May, June, July period as being final EIS review period, and then the Record of Decision.

Which gets us to, well, how can you help us? First thing we ask because we learned from the people that came to Portland that most of them read the executive summary and hadn't gotten much farther than that. Maybe the way it was written they fell asleep after that, I don't know. But you have plenty of time to review the documents. Either -- if you want a hard copy, ask Brian. He has some that he's trying to get out of his office and make some space on his floor. Those people that ask for it we sent out a request for mailings. Those people that asked for it got one. There are CDs out front. Keep in mind it's a two CD set. So one has the EIS and also has the Environment Report, and the other one has a lot of appendices and supporting information, biological assessment. If you grab a CD, make sure you get two different CDs. You can also go to the web site, www.blm.gov. That will take you to the web site. At least as of a few days ago there was an icon on the web site there, vegetation treatment, click on that. It's pretty easy to understand the web site. The only thing some people don't realize there was an EIS and ER, so make sure you follow the directions and get you in the right document.

Once you've kind of gone over the document, we'd

like you to provide your comments on issues of concern that you felt could have been better addressed in the EIS and ER. And also, if you have any alternatives and ways that the BLM can treat land better using herbicides or the other treatment methods. We provided out front a form here that you can write your comments on or you can also send them, and I'll give you the information where you can send your comments. But if you want to, if you send in this form, also if you'd like to be on the mailing list, leave this with us. And if you'd like to receive a copy of the final EIS, fill this out and send it to us or send an E Mail to Brian. And also, again, you can also give your comments after I'm done. We'll have a court reporter here to record your comments. Again, as I mentioned, the last bullet item if you'd like to be on the mailing list let us know that.

Where can you send your comments? If you picked up the frequently asked questions little handout, go down to about the last page, page 9 to be exact -- well, 9 and 10 has the same information. It will tell you where to mail it. You can mail it to Brian Amme. There's the information for mailing it to him. Or you can fax your comments to Brian. I have his fax number up there. Or if you want to E Mail it to him send it

to vegeis@nv.blm.gov. If you're like me sometimes when I send things to BLM, if I put the state initials in front of it, it doesn't work. So if it's bouncing back, try this, and it should get to you.

MR. AMME: It seems to be working.

MR. PAULUS: Okay. Especially to Alaska if I send something up there it bounces right back. So that's all I have. Thank you for your time. I'll go ahead and leave this up for a few minutes so you can write it down. And again, it's also in the little handout there. And you have until January 9th to send comments, so you have plenty of time over the holidays. If you get tired of Christmas shopping, sit down, snuggle up with the EIS and read to your heart's content. Thank you very much.

MS. RAMOS: Well, Stuart has already provided the presentation of what we are doing with the proposed EIS and the Environmental Report. Now this is the time when we go into the formal hearing and the time that we invite the public to provide comments, just as Stuart suggested. Unlike the open house, this is a formal hearing, and we are here to take oral comments. We won't be answering any questions, but we will be sticking around after we are done in case you do have some questions.

So I'd like to take this time to invite Bill and Bill to provide any comments either orally, or if you'd like to provide comments, written comments, you're welcome to do so.

MR. PAULUS: And if you do speak, if you could come up to the microphone, I'll turn it on, give our court reporter your name and affiliation. I don't know if you need their address or anything like that.

MS. RAMOS: So if you are interested, please come forward.

MR. BRANDT: We'll probably do ours in writing.

MS. RAMOS: That's fine. As Stuart said, we are accepting comments through January 9th, 2006, and you can either submit them by mail, fax, or electronically.

MR. CAVE: We'd kind of like to go up to Reno and visit Brian, actually, and spend the night and go to the casinos and have a good time.

MR. AMME: More than happy to entertain you there.

MR. CAVE: On BLM, of course.

MS. RAMOS: Well, this is the second of ten hearings that we will be holding throughout the west. If you know of anyone that is not able to attend tonight, please suggest that they provide some comments to us. We look forward to receiving any comments.

MR. CAVE: We would like to make some comment. We're in a situation where we need connectors to things of these type, where we can actually take the information we receive from this report and from this meeting and any other meeting that we attend, and then apply them to our situation where we live. And we have a vehicle with which to apply almost any direction that you can think of, including species, and we have plenty of species in evidence. We have a regular, almost a small rural government with 3,600 acres and about 3,000 people and about 1,000 homes. So there's almost no situation that we're not involved in that we can't perform some information, apply it and benefit from it. So that's our main reason for being here is to get what we can from this meeting, take it back with us, read the manual, and Brian was kind enough to send me one last night, which I stayed awake all night reading it. I got through a few pages I think it was and fell sound asleep.

But we really do want to do that, and that's the only reason we do come to these things is primarily to take something back home with us that can benefit the community we represent, and we do have a fire safe Council, and we are members of the Fire Wise, and we are members of the State Fire Safety Council also. And

we have probably 30 or 40 people who have retired from organizations like BLM, CEF and on and on and on. And they are our senior advisors, they are the ones that keep us on our toes. I'm 82, and I'm talking about them being seniors.

MS. RAMOS: Bill, would you like to provide formal comments on this point?

MR. AMME: I think that's what he's doing.

MR. PAULUS: Can you identify yourself, Bill?

MR. CAVE: Bill Cave. Would you like an address?

MR. PAULUS: Tell them the town you live in.

MR. CAVE: Cool, California. And I live on Lovers Leap Court. Does that help? But that's what we're attempting to do because most of us are not experts in this at all. We've seen fires in our life, probably been in small fires ourselves. But when you go and see something like the cedar fire two weeks after it happened down south, you suddenly wake up to the fact that you can't get the message out fast enough for defensible space. In order to have -- we all know to have the fire people come in in a safe condition and for us to attempt to save not only our particular holdings, but we are sitting right in the middle of a famous WUI.

But we do have a lot of potential for doing things in a model sort of way, and we're learning as fast as we can because it's the things that we've seen and what the danger of a fire is, not only the danger but the things it destroys. And we've talked to people who have been in severe traumatic shock over loss, not only loved one in some cases, but also everything that they own. I think everybody in this room has probably talked to people like that. We just don't want that to happen. So we're all volunteers basically, but we do have a formal authorization to carry out anything that we want to do.

MS. RAMOS: Bill, do you have a comment that you'd like to make?

MR. BRANDT: Can't top that. That's well done.

MS. RAMOS: Well, considering everyone else is a Federal employee, unless you all would like to provide some comments. Otherwise -- Tom, we know you're still there.

I'd like to thank you all for coming out tonight, and we do have some information available if you do want to take some extra CDs home with you, you're welcome to do that and take them to other people that couldn't attend the hearing tonight. And as I said, we have other locations in case other people are

interested in attending a hearing. We will conclude our series of hearings on December 13th in Las Vegas, Nevada and Washington, D.C.

If there are no other comments, I'd like to close this hearing. And thank you all and have a good evening.

(Hearing concluded at 7:40 p.m.)

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CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

I, JENNIFER SCHUMACHER, hereby certify that I am a Certified Shorthand Reporter; that I reported in shorthand writing the foregoing matter at the time and place therein stated; that the foregoing pages are a full, true and complete transcript of my said shorthand notes and is a full, true and correct record of the proceedings had in said matter at said time and place.

Dated: December 12, 2005.

JENNIFER SCHUMACHER
Certified Shorthand Reporter
California License #9763