



OREGON WILD

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30 Nov 2009

TO: orvegtreatments@blm.gov

Subject: Oregon Wild comments on Oregon BLM's Vegetation Treatments EIS

Dear BLM:

Please accept the following comments from Oregon Wild and Center for Biological Diversity concerning the Oregon BLM's Vegetation Treatments DEIS published in the Federal Register October 2, 2009. Oregon Wild represents about 7,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife, and water as an enduring legacy. Our goal is to protect areas that remain intact while striving to restore areas that have been degraded. The mission of the Center for Biological Diversity is "to work to secure a future for all species, great and small ... with a focus on protecting the lands, waters, and climate that species need to survive."

We share a desire to avoid and limit the adverse ecological effects of invasive plants, but we think the best way to avoid those adverse impacts is to minimize the business-as-usual land management practices that disturb soil and native vegetation and are the root cause the spread of invasives. The EIS is structurally flawed because it takes existing land management practices for granted and views increased spread of invasives as a given, which leads to an all-but pre-determined decision to expand the use of chemicals to control the invasive scourge.

The preferred alternative 4 would:

- add 8 herbicides west and 12 herbicides east of the Cascades, to the four herbicides already being used to control noxious weeds.
- Added statewide: Clopyralid, Diuron, Fluridone, Hexazinone, Imazapic, Imazapyr, Metsulfuron methyl, Triclopyr
- Added eastside only: Bromacil, Chlorsulfuron, Sulfometuron methyl, Tebuthiuron
- Approved uses of herbicides would be expanded to include:

- treatment of other invasive plants,
- treatment of native plants to control invasive pests and diseases;
- native vegetation control in rights-of-way, administrative sites, and recreation sites, and
- conduct wildlife habitat improvement specified in interagency conservation plans for rare species,
- 45,100 acres expected to be treated with herbicides annually (16,705 acres expected to be treated annually with methods other than herbicides)
- Treatments would include killing native juniper woodlands because of the perceived unnatural expansion of this species. (5,700 acres annually? p 263)
- 13,600 acres more acres to be treated annually with herbicides than under the existing program, of which 11,000 acres will be imazapic application to control monocultures of invasive annual grasses east of the Cascades
- Aerial treatment of herbicides would be permitted east of the Cascades but not west of the Cascades.
- Mitigation to be applied as described in the Programmatic *Vegetation Treatment Using Herbicides on Bureau of Land Management Lands in 17 Western States EIS and ROD*.

About 1.2 million of the 15.7 million acres of BLM lands in Oregon are currently infested with noxious weeds at some level, and they are spreading at an estimated rate of 12 percent per year.

Eight Purposes to be achieved by the proposal are:

1. Control invasive plant species to protect native ecosystems and the flora and fauna that depend on them.
2. Protect the safety and function of BLM and other authorized infrastructures by controlling encroaching vegetation.
3. Manage native vegetation to provide sustainable habitats for wildlife, fish, and native plants, particularly those included in the Bureau Sensitive Species program.
4. Manage vegetation to reduce the risk that large-scale high-intensity fires will unacceptably damage resources and human developments.
5. Cooperatively control invasive plants so they do not infest or re-infest adjacent non-BLM lands.
6. Prevent herbicide control treatments from having unacceptable adverse effects to applicators and the public, to desirable flora and fauna, and to soil and water.
7. Control plant pests and diseases by removing their native plant hosts when necessary to meet ODA5-identified control objectives.
8. Minimize treatment costs and improve treatment effectiveness, so economic losses from invasive plants and other vegetation growth are reduced and more of the Need can be met within expected funding.

In our scoping letter we asked BLM to describe the effects of alternatives that reflect the [following] priorities.

[S]upport continued strict controls on the use of herbicides on federal lands.

Poisons should only be used as a last resort and only as part of a integrated program that emphasizes prevention and early detection and control.

When they must be used, herbicides should be used in a very limited and targeted way. Not with aerial application but only spot application by hand, and not near water or sensitive native species.

Avoiding activities that spread weeds should be a higher priority, activities that increase soil disturbance and decrease cover of native vegetation are the biggest problems, including: roads, logging, grazing, OHVs, fire suppression, altered fire regimes, and mining.

Fully disclose the weed spreading consequences of land management activities such as logging, roads, fuel treatments, roads, grazing, OHVs, mining, fire suppression, and altered fire regimes. And the consequences of limiting these activities as a way to avoid the spread of weeds.

We urge BLM to consider alternatives to herbicides at all stages of decision-making: program, plan, and project.

Please disclose the identity and environmental impact of all so-called 'inert' ingredients. Some of these issues do not seem to be well-represented in the DEIS, especially the need to consider alternatives that avoid the root causes of the spread of invasives by avoiding or minimizing activities that disturb soil and native vegetation cover, which are the primary factors causing the spread of invasives.

Margin of Safety: BLM says that EPA is reviewing the safety of some of the herbicides and BLM will stop using them if EPA finds they are unsafe. BLM should shift the burden and stop using chemicals that might be unsafe until the EPA reviews are done and they are proven safe.

Site Specific NEPA: This programmatic EIS does not take care of BLM's duty to describe the site specific impacts of using herbicides. BLM must prepare EAs, not CEs, for all future applications of herbicides under this EIS.

Prevention: The EIS assumes that continued use of the four herbicides already approved would lead to a continuation of the 12% annual rate of spread of invasive species. This fails to account for many things that BLM could do to limit the spread of weeds such as limiting soil disturbance, and limiting native vegetation canopy disturbance.

Weeds will continue to spread under all alternatives. After 15 years under the preferred alternative 20-25% of BLM lands will be infested, and under the no action alternatives 33% will be infested. Neither of these meets the purpose and need. BLM needs to get much more aggressive about limiting mining, logging, roads, grazing, OHVs, fire

suppression, and altered fire regimes, that disturb soil and vegetation and spread invasives.

Effectiveness – The DEIS does not adequately disclose and consider the fact that using herbicides is less effective than other alternatives, because it kills not only the target plants but also often kills non-targets plants, which reduces the cover of desired native vegetation and creates more opportunities for weedy plants to invade treated areas. Hand treating and carefully targeting just the invasive plants leaves more of the native plants in place to reoccupy the site and prevent future establishment of weeds.

Restoring Native Ecosystems Alternative: BLM should consider the approach described in the Restoring Native Ecosystems Alternative which focuses on prevention and restoration http://www.sagebrushsea.org/pdf/weeds/weeds14_RNEA2.pdf Appendix I to the PEIS for the 17 Western States: http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/veis/final_eis_vol_2/final_eis_appendixes.Par.78552.File.dat/Final%20PEIS%20Appendix%20I%20-%20RNEA%20Alternative%20%28June%202007%29.pdf Important parts of this alternative were deemed outside the scope and excluded from consideration in the PEIS, but should be included in this DEIS. The native ecosystems alternative meets the purpose and need better than any of the other alternatives because it avoids the causal actions that would perpetuate the 12% annual increase in invasive species, instead of chasing the weeds around like in the “whack a mole” game.

Other laws: The expansion of invasives species, combined with the expanded use of herbicides, and the various effects of the activities that causes invasives to spread, will cause cumulative effects on listed species, water quality, and cause violations of the Endangered Species Act and Clean Water Act.

Before approving more chemical mixes on public lands, BLM needs to fully disclose the active and so-called inert ingredients of all the approved herbicides, and fully describe their ecological and health effects, both individually and in combination.

Port Orford Cedar: The DEIS (p 128) says that the alternative do not approve the use of herbicides to treat Port Orford Cedar (so-called POC sanitation). We support this limitation. Other options should be preferred such as closing roads, avoiding activities that spread POC root disease, and hand treatment of infected areas.

Sudden Oak Death: The DEIS p 27 says “There are essentially no negative environmental associated with the 250 acres per year of herbicide applications expected to occur under Alternatives 3-5 for Sudden Oak Death.” Maybe this statement reflects some kind of unstated weighing of impacts, but this is not appropriate NEPA analysis. Both the beneficial and adverse impacts must be fully disclosed and weighed in the open daylight of public discourse.

Our key concern about Sudden Oak Death (SOD) is that if the outbreak remains small it probably can and should be dealt with using non-chemical methods. And if the SOD

outbreak greatly expands, then the effects of large-scale “scorched-earth” vegetation treatments may become very significant especially if it is accomplished with chemicals. The DEIS p 134 says “If the infestation continues to spread, these acres would be expected to increase.” There is a point at which the treatment of the disease may be worse than the disease itself. The EIS does not establish adequate safeguards or thresholds to trigger reconsideration of the scale and methods of treatment as the spatial scale and intensity of SOD treatments expand.

Climate Change – The DEIS discussion of climate change and weeds is interesting as far as it goes, but there are some glaring omissions such as: (A) the effects of compound disturbances such as invasives, climate, herbicides, and all the other anthropogenic disturbances (e.g., logging, grazing, OHVs, altered fire regimes), and (B) the need to consider an alternative focused on prevention, which would be most effective at reducing the adverse effects of invasives, and best mitigate the cumulative and compound effects described above.

Juniper – The DEIS views the expansion of native juniper as a problem, when it is really just a natural and expected result of climate change, livestock grazing, and altered fire regimes. BLM should not expect to change the course of juniper expansion until these other factors are reversed.

The DEIS does not adequately explain the scale of likely juniper treatments. How much juniper killing is anticipated? Since the root causes of juniper expansion are not changing with this decision, does BLM anticipate the need for multiple retreatments as juniper recolonize areas that were previously treated? What are the cumulative impacts of repeated treatments?

The DEIS gives a misleading impression that streams are particularly adversely affected by juniper expansion and will especially improve if we apply chemical treatments to junipers. The DEIS lacks a clear bigger picture of all the things that degrade streams and the many more effective means of improving stream conditions, by for instance, removing or reducing roads, livestock, OHVs, logging, and mining.

Checkerboard – cumulative impacts and drinking water. As pointed out during scoping, there are hundreds of domestic water supplies on or adjacent to BLM lands that are unknown to BLM. Several of the proposed new herbicide applications could introduce toxic chemicals to people’s drinking water. The DEIS does not appear to consider this.

Roadside treatments – The DEIS does not adequately acknowledge and address the fact that the way BLM’s road drainage system has been engineered, roadsides are really an extension of the stream network. Therefore anything that BLM sprays along roadway has a high chance of polluting streams. This is a powerful argument in favor of alternative treatment methods.

Aerial Spray / Regen harvest – The DEIS says that this proposal would not be used to allow aerial spraying on the westside of Oregon. We strongly support this limitation because aerial spraying is a practice widely overused by the timber industry to kill competing native vegetation.

Human Error / Imperfect Control of Application — BLM should not assume that herbicides will always be used according to the label. Humans are fallible. Some people who may apply herbicides on BLM lands may not be able to read and understand what is written on the labels. The NEPA analysis needs to conduct a risk assessment that accounts for the high likelihood of chemical accidents and misuse.

Range of Alternatives Should Addressing Root Causes — The DEIS should acknowledge that conducting business as usual land management, including grazing, logging, OHVs, fire suppression, fuel treatments, altered fire regimes, are a root cause of the invasives problem. Therefore, BLM needs to consider whether the invasive problem can be better addressed by increase the use of herbicides or decreasing these root causes.

Consider the recent study by Dodson & Fiedler (2006) showed that fuel reduction efforts are of particular concern for the spread of weeds because of the large scale of planned treatments and the combined effect of canopy reduction and soil disturbance. Comparing the invasive weed effects of untreated control, thin-only, burn-only and thin-burn treatments, they found that the treatments that were both thinned and burned consistently had the greatest abundance of both exotic and undesirable species, and this pattern was consistent across all scales of analysis. In fact, the thin+burn treatments had almost an order of magnitude higher cover of undesirable and exotic species than any of the other treatments. The thin-only treatment had the second highest levels of exotic abundance. ERICH K. DODSON and CARL E. FIEDLER. 2006. Impacts of restoration treatments on alien plant invasion in *Pinus ponderosa* forests, Montana, USA. *Journal of Applied Ecology* (2006) 43, 887–897. <http://www.blackwell-synergy.com/doi/abs/10.1111/j.1365-2664.2006.01206.x>

See also, Dodson, Erich. Monitoring change in exotic plant abundance after fuel reduction/restoration treatments in ponderosa pine forests of Western Montana. Masters Thesis University of Montana. May 2004. <http://www.fs.fed.us/ffs/docs/lubrecht/Dodson%20Final%20thesis.pdf>

“While the thin-only and burn-only generally showed increases in exotic richness and cover greater than that of the control, adding together the effects of each treatment does not explain all of the invasion observed in the thin/burn, suggesting a synergistic relationship. ... In fact, understory productivity in ponderosa pine forests has been shown to be limited by competition from trees for soil nutrients and water, not light (Riegel et al. 1992). When combined, treatments may reach a threshold of resource availability necessary for exotics to invade or establish. Individually treatments may not be sufficiently intense to reach this threshold. There is evidence to support the idea of disturbances (fire and mechanical cutting) acting in a synergistic fashion to promote invasion (Hobbs and Huenneke 1992). ... Moreover, fire may be the type of disturbance

that promotes colonization for *C. biebersteinii* [spotted knapweed] (Sheley et al. 1999). Adding nitrogen to a system, which may occur the first year after burning (Deluca and Zouhar 2000), has been shown to shift the competitive advantage to *C. biebersteinii* (Blicker et al. 2002).”

Monitoring — The BLM must adopt rigorous monitoring (of implementation, effectiveness and validation) to assure that the scope of herbicide use stays within that described in this EIS and that the application methods and mitigation steps are fully implemented and effective.

Sincerely,

A handwritten signature in black ink that reads "Doug Heiken". The script is cursive and fluid.

Doug Heiken
For Oregon Wild

/s/
Jay Lininger, Ecologist
For Center for Biological Diversity