

FEDERAL HIGHWAY ADMINISTRATION

FINDING OF NO SIGNIFICANT IMPACT

for

**Arizona Department of Transportation Herbicide Treatment Program on
Bureau of Land Management Lands in Arizona**

DOI-BLM-AZ-0000-2013-0001-EA

The Bureau of Land Management has determined that this proposed action will have no significant impact on the human or natural environment. This finding of no significant impact statement is based on the *Environmental Assessment for ADOT Herbicide Treatment Program on Bureau of Land Management Lands in Arizona*, led by the Bureau of Land Management and the Arizona Department of Transportation, was evaluated and determined to adequately discuss the need, environmental issues, direct and indirect impacts of the proposed action, and appropriate mitigation measures that shall be applied, hence reducing any possible impacts to the environment. The Environmental Assessment also provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The Federal Highway Administration participated as a cooperating agency and now adopts the Environmental Assessment prepared by the Bureau of Land Management and the Arizona Department of Transportation. The Federal Highway Administration takes full responsibility for the accuracy, scope, and content of the Environmental Assessment for the proposed action.

Context

This Environmental Assessment (EA) has been prepared to analyze the action proposed by the Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) to apply herbicides to ADOT rights-of-way (ROWs) on Bureau of Land Management (BLM)-administered lands to reduce the incidence of undesirable vegetation along interstate highways and state roads, and to describe the conditions and limitations that would apply to their use for construction or maintenance transportation projects.

The proposed action would allow the use of herbicides approved under the Record of Decision for the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS) (BLM 2007) to reduce the incidence and spread of undesirable vegetation within ADOT ROWs.

Intensity

1. Degree to which the action may impact geographic areas such as proximity to park lands, Waters of the U.S., wetlands, and wild & scenic rivers:

ADOT ROWs pass through four of the five BLM-managed national monuments in Arizona. Eradication, removal, or control of invasive species and noxious weeds is consistent with the goals and objectives in the management of national monuments. Application of the proposed mitigation measures would reduce potential impacts to special status species, water quality, and cultural resources.

The application of herbicides is unlikely to result in the discharge of dredge or fill material in the Waters of the U.S. Thus, a Clean Water Act Section 404 permit and Section 401 certification is not applicable. However, following procedures in the CWA 402 permit will be required under the proposed action.

Application of herbicides near waterways with wetland and riparian vegetation will not directly modify water quantity. However, water quantity could temporarily increase if the application of herbicides to remove unwanted aquatic vegetation reduced plant uptake of water, thereby increasing the amount of available water. Most aquatic herbicides are non-selective and could cause adverse impacts to non-target wetland and riparian species directly impacting individual plants. However, these native plants would have the opportunity to reestablish and could propagate in the place of undesirable vegetation as well. Impacts to wetlands from the upland application of herbicides that are not permitted for use in wetlands will be reduced through the use of standard operating procedures, best management practices, and mitigation measures. Use of herbicides to control undesirable aquatic and riparian vegetation can improve habitat quality for fish and wildlife by providing natural habitat, improve hydrologic function by replacing undesirable vegetation with native species, and reduce soil erosion caused by fire-attractive undesirable vegetation. Overall, treatment of undesirable vegetation within ADOT ROWs will be beneficial to the health and function of wetlands, as these species will be replaced with native species and fish and wildlife habitat will be improved.

Although no designated wild or scenic rivers are located on BLM-managed lands, the ADOT ROWs intersect river segments recommended as suitable for such designation. The application of herbicide to remove undesirable vegetation from areas near potential wild and scenic rivers will not change the river's outstandingly remarkable values or hinder them from being classified as wild and scenic rivers in the future.

2. Degree to which the possible effects on the quality of the human environment are likely to be highly controversial:

The effects of using herbicides are well documented and not highly controversial. While some members of the scientific community and the public may prefer to keep herbicide use to a minimum, the 2007 PEIS discussed BLM's position that with implementation of the design

features, standard operating procedures, and recommended mitigation measures, use of the approved herbicides provided substantial beneficial impacts with minimal adverse impacts.

3. Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration:

This decision does not establish a precedent for future actions or other actions that may have a significant effect. Future actions involving the use of herbicides to control noxious weeds, invasive plants, and hazardous vegetation on other BLM-managed lands will be evaluated through the National Environmental Policy Act (NEPA) process and will stand on their own merits as to environmental effects.

4. Whether the action is related to other actions that are individually insignificant but have cumulatively significant impacts:

The proposed action is limited to herbicide use by ADOT to control noxious weeds, invasive plants, and hazardous vegetation along public roads on BLM-managed lands in Arizona. This proposed action presents no significant detrimental cumulative impacts. The BLM has proposed, and will propose in the future, the use of herbicides to control certain species identified as noxious weeds or invasive species in specific locations. Pesticide Use Proposals (PUP) will be evaluated through the NEPA process and the effect of the actions in combination with treatments by ADOT will be evaluated for cumulatively significant impacts. Through the design features, standard operating procedures, Best Management Practices, and Mitigation Measures BLM has developed for use of approved herbicides on public lands, no significant cumulative impacts are anticipated from this action when considered with other vegetation removal and herbicide activities.

5. Degree to which the action may adversely affect historic or cultural resources either listed or may be listed on the National Register of Historic Places:

Significant impacts to historic or cultural resources are not anticipated. For state-funded maintenance projects, the BLM will consult with Native American Tribes on the annual PUPs developed by ADOT in compliance with Section 106 of the National Historic Preservation Act (NHPA), as amended. Plants of cultural or religious importance to tribes can be considered a Traditional Cultural Property (TCP) and the use of herbicides will be avoided in these areas. If avoidance is not possible, the State Historic Preservation Office / Tribal Historic Preservation Office and Tribal Section 106 consultation will be conducted by the BLM. For construction projects funded under the Federal-aid Highway Program (FAHP), consultation under Section 106 of the NHPA will be conducted by FHWA on a project-by-project basis.

6. Degree to which the action may adversely affect an endangered or threatened species or its critical habitat:

Effects to species listed under the Endangered Species Act (Act) and habitat designated as critical under the Act were disclosed in the EA, Section 3.2, and the Biological Assessment

(BA). The BA, which referenced the BA prepared for the PEIS, determined that the proposed action with proposed conservation measures "may affect, but is not likely to adversely affect" any endangered, threatened, or proposed species; or designated or proposed critical habitat areas. The US Fish and Wildlife Service concurred with these determinations in a March 9, 2015 letter. The proposed conservation measures are incorporated by reference in the EA.

7. Degree to which the action constitutes a "use" of a property protected under Section 4(f) of the US Department of Transportation Act of 1966:

Resources protected under Section 4(f) of the US Department of Transportation Act of 1966 [Section 4(f)] within ADOT ROW on BLM-managed lands include, but are not be limited to, trails that cross the ROW, or historic properties that warrant protection in place. Trailheads, campgrounds, recreation sites, and other similar protected resources may be located immediately adjacent to the ROW.

Section 4(f) will only apply to construction projects federally funded by FHWA under the FAHP. Although the use of a Section 4(f) resource is not anticipated solely as a result of the spraying of herbicide, construction projects funded under the FAHP will involve additional actions beyond the application of herbicide within ADOT ROW. In the event of future proposed projects that may constitute a use under Section 4(f), FHWA will make the final determination and impacts to the resource protected under Section 4(f) will be evaluated during the project-specific NEPA analysis.

for Alan R. Hanson
Karla S. Petty
Arizona Division Administrator
Federal Highway Administration

4/22/16
Date

****The proposed action is in conformance with provisions and requirements of Title 23 Code of Federal Regulation Part 771, relating to the implementation of the National Environmental Policy Act of 1969***