

# Deschutes & Ochoco National Forests Crooked River National Grassland

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**Turnpike Pit Medusahead Control**

**USDA Forest Service**

**Paulina Ranger District, Ochoco National Forest**

**Grant County, Oregon**

**Township 15 South, Range 26 East, Section 31, NE1/4, SE1/4**

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### Decision Summary

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We welcome your comments on our service and your suggestions for improvement.

Forest

**Deschutes National Forest**

1001 SW Emkay Drive  
Bend, OR 97702

(541) 383-5300

**Ochoco National Forest**

3160 N.E. 3rd Street  
Prineville, OR 97754

(541) 416-6500

**Crooked River National  
Grassland**

813 S.W. Hwy. 97  
Madras, OR 97741

(541) 475-9272



This Decision Notice documents my decision to select Alternative 2 as described in the Turnpike Pit Medusahead Control Environmental Assessment issued on March 23, 2005. The selected alternative includes herbicide control of the noxious weed medusahead rye within the Turnpike Pit. The Turnpike Pit is a material source used for the extraction of rock and gravel.

The project area is located on the 5840-780 Road, approximately 9 miles east of the Rager Ranger Station.

## Project Background

The Oregon State listed noxious weed medusahead rye was first discovered at Turnpike Pit in September 2002 during monitoring efforts associated with Burned Area Emergency Rehabilitation resulting from the 747-Fire. The Turnpike Pit was used as a primary fire camp. Since that time the infestation has grown to the current size of three acres. The Ochoco National Forest Land and Resource Management Plan was amended in 1998 to treat noxious weeds, however weed sites discovered after 1998 are not included, and need site specific analysis for control.

In September 2004, the Paulina Ranger District developed herbicide control as the proposed action resulting from research for the most effective means of containing the medusahead infestation. In October, scoping for the proposed action was initiated and public comment solicited. Through public and internal scoping the District identified issues and developed two alternatives to the proposed action. These alternatives were analyzed and the environmental effects disclosed in the Turnpike Pit Medusahead Control Environmental Assessment. The Environmental Assessment was made available to the public for 30 days for review and comment on March 23, 2005. The decision described in this Decision Notice was made following a thorough review of the Environmental Assessment and the public comments received.

## Purpose and Need

The purpose of the proposed action is to control the medusahead population within the Turnpike Pit before it spreads to adjacent grasslands. The need for the project being proposed stems from the following existing conditions:

- Monitoring of this infestation has shown it is currently spreading at a rapid rate.
- The area adjacent to the site is dominated by an open, dry, sagebrush-bunchgrass ecosystem with clay soils, which is particularly vulnerable to invasion by annual grasses such as medusahead. There is a possibility of rapid, exponential growth of the weed site.
- Medusahead, is an aggressive, non-native plant, and poses an increasing threat to native ecosystems throughout the United States.
- Medusahead can reduce the diversity and abundance of native

vegetation and forage; impact the quality of wildlife habitat, increase erosion, and decrease water quality.

- Because medusahead is not native, natural controls to limit its spread are not present.
- At this time the infestation is small, this improves control efficacy and cost effectiveness.

Additionally, this action is needed to comply with Section 15, Management of Undesirable Plants on Federal Lands, of Public Law 93-629.

## Scope of the Decision

### Decision

Based upon my review of all alternatives, I have decided to implement Alternative 2 which will control the medusahead infestation using the Pacific Northwest Region-approved herbicide glyphosate (Glypro). The herbicide will be applied at a rate of one quart per acre, twice per year. Application will be done by a licensed pesticide applicator, using an ATV-mounted sprayer and a backpack sprayer. Control of the infestation is estimated to occur within four years. In addition to the activities described above I have also elected to implement design elements and mitigation measures specific to Alternative 2 (EA, page 10) and standard operating procedures from the 1998 Integrated Noxious Weed Management Environmental Assessment, pages 12-14. Implementation of mitigation measures and standard operating procedures will reduce the potential for negative impacts and respond to public scoping comments. Both implementation and effectiveness monitoring will be done several times per year (EA page 10). For a more detailed description of Alternative 2 refer to Chapter 2 of the EA, pages 9-11.

### Reasons for the Decision

Alternatives 2 and 3 are similar in that both provide methods for controlling the noxious weed medusahead. Both alternatives address the purpose and need for action (EA, page 3), and move toward the Desired Future Condition for noxious weeds (Forest Plan Amendment #18, page 46). I have chosen to adopt Alternative 2 because it addresses the purpose and need for resource protection more quickly and more effectively and also responds to issues specific to this project (EA, pages 7-8). Alternative 2 incorporates selective herbicide use (glyphosate) that has been proven safe, effective, and practical. Herbicide application is the most cost effective method of control (EA pages 21-24). Use of glyphosate poses low, non-measurable effects to wildlife habitat and human health. The less time it takes to contain and control the infestation the less risk there is of medusahead spreading to vulnerable adjacent scablands. Implementation of Alternative 2 will immediately contain the infestation and prevent the weeds from spreading outside the rock pit area. Control of the infestation is expected within four years.

I did not select Alternative 1 – No Action because it does not meet the purpose and need for action identified on page 3 of the EA. No control of the medusahead would occur and the infestation would spread to highly susceptible areas adjacent to the rock pit, impacting native plant community function, big game and cattle forage, greater sage grouse foraging habitat, and eventually Henderson's ricegrass populations, a Region 6 Sensitive plant species. This alternative was developed according to Council of Environmental Quality regulations for implementing the National Environmental Policy Act, part 1502.14, and forms the baseline for the comparison of alternatives.

I did not select Alternative 3, which proposed hand-pulling the medusahead infestation. This alternative was developed in response to public concern about herbicide use and potential effects to wildlife, fish and human health. Depending on species biology, good results can be obtained by hand-pulling some noxious weeds; however medusahead rye is a small annual grass that produces a prolific amount of seed each year. Hand treatment is not as effective at reducing medusahead spread of large infestations compared to herbicide application; therefore the potential for spread and impacts to resources is higher. Alternative 3 is also more costly to implement than herbicide application, a cost comparison between alternatives can be found in Chapter 3 of the EA, pages 21-24.

### Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. A comparison of these alternatives can be found on page 12-13 of the EA.

#### **Alternative 1 – No Action.**

In the No Action alternative, neither herbicide use nor hand digging on medusahead would occur. The prevention measures already established for this particular noxious weed infestation would continue. Measures would include administrative closure of the pit (no rock material is being removed from the pit), and signing to alert the public of the weed infestation. Refer to the EA Chapter 2, page 9.

#### **Alternative 2**

This alternative includes hand pulling or grubbing of medusahead individuals before the plant drops seed. A minimum of two hand pulling treatments would be required during the growing season (March – November), because plants germinate at various times and it is imperative to ensure that seeds are not produced and dispersed. Hand pulling of medusahead would continue in this manner until there is no evidence of plant germination. Control is expected to take over 10 years. Refer to the EA Chapter 2, page 11.

#### **Alternative Considered but Eliminated From Detailed Analysis**

Further, three other alternatives including seeding, burning and tilling, were considered but were determined not to be effective enough to fully explore in detail. These alternatives can be found on page 12 of the EA.

### Public Involvement

The Turnpike Pit Medusahead Control proposal was included in the Central Oregon Schedule of Projects Winter 2004 publication. This publication, a quarterly mailing, reaches approximately 3,200 interested individuals and groups. A Forest Service letter requesting public involvement was provided in October 2004 to over 60 stakeholders, elected officials, federal, state and local agency personnel, press and media in local communities, tribal representatives, and other interested individuals and organizations on the Paulina Ranger District mailing list. Five responses were received. A summary of the scoping process is described on page 7 of the EA.

Based on internal concerns, and comments received from the public, the interdisciplinary team identified several issues regarding the effects of the proposed action. All comments received were assessed as to their relevance to the resources being addressed within the project area. Many of the comments have been addressed in the proposed action, alternative development, and analysis of the effects of actions. These comments were used to formulate issues and to design alternative activities and/or mitigations. Four issues were identified during the scoping process and formed the basis for designing Alternative 3. The main issues of concern included effects to native vegetation, human health risk, cost of treatment and treatment effectiveness. Refer to pages 7-8 of the EA for a more detailed discussion of these issues.

On March 17, 2005 the EA, along with a cover letter highlighting the proposed action and requesting comments was mailed to 5 individuals, organizations, and public agencies. A notice announcing the availability of the EA for public review was published in the Bend Bulletin. The comment and review period ended on April 22, 2005.

Three comment letters were received, two expressing support for the Proposed Action Alternative (Alternative 2), and one letter opposed to spraying herbicide and preferred handpulling (Alternative 3). Toxicity effects to greater sage grouse were a concern brought forward in this letter. In response to this concern, analysis in the Turnpike EA shows that the amount of glyphosate applied in the area would not be harmful to sage grouse if consumed, and that the possibility for sage grouse to consume contaminated vegetation is quite low (EA pages 33-34). There was also the concern that studies of toxicity are done by the herbicide manufacturer, and were therefore biased. See the Comment Appendix in the EA for a response to this concern. A concern was also raised about potential health effects to Native Americans from eating contaminated plants. This is addressed in the EA (pages 19-21). As a safety precaution, an additional mitigation measure to physically signing the area, will be implemented. Native American Tribes will be notified by telephone informing them when the area will be sprayed (EA page 10).

### **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental



impact statement will not be prepared. I base my finding on the following:

- My finding of no significant environmental effects is not biased by the beneficial effects of the action. Beneficial and adverse effects associated with Alternative 2 are discussed in the EA (pages 14-46) and were analyzed independently. None of the effects were identified as significant.
- Public health and safety are not affected by the proposed actions. All contractors and Federal employees who may be involved with project implementation will be required to follow all mitigation measures, herbicide label directions, and Oregon Department of Agriculture statutes (EA page 10). Public health of forest users will be protected through notification of spraying activities; implementation monitoring would occur twice per year (EA pages 10-11).
- Alternative 2 will not affect unique characteristics of the area such as historic or cultural resources. Field surveys have been completed for cultural and historic resources and no sites were found (EA, page 36). There are no prime farmlands, wetlands or other critical areas within the project area (EA, page 44). Therefore, there will be no effect to these resources. Alternative 2 would have long-term beneficial impacts to native plant communities (EA, pages 14-16). Old growth stands, Wild and Scenic Rivers, and/or parklands would not be adversely affected by activities proposed under Alternative 2 because there are no proposed projects within these areas (EA, page 46).
- The activities described in Alternative 2 do not involve effects on the quality of the human environment that are likely to be highly controversial (40 CFR 158.27(b)(4)). Public comment regarding this project focused primarily on effects to wildlife and fisheries, soil contamination and herbicide applicator health risk. Chapter 3 includes discussions on the effects of implementing this project on wildlife (EA, pages 31-41), fisheries, including amphibians (EA, pages 29-31), soil productivity (EA, pages 41-44) and human health (EA pages 16-21). Glyphosate is the most widely used herbicide in the United States, and the effects on the human environment are well known.
- Implementing the activities associated with Alternative 2 does not create a situation where the possible effects on the human environment are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). Glyphosate is an EPA-approved herbicide that is widely used in the United States. It has been used successfully on the Ochoco National Forest to control noxious weeds since 1995. The EA effectively analyzes issues and environmental impacts associated with this project (EA, pages 14-44).
- My decision to implement the activities included in Alternative 2

does not establish a precedent for future actions with significant effects or represent a decision in principle about future considerations (40 CFR 1508.27(b)(6)). The Forest Plan Amendment #16, Integrated Noxious Weed Management Program, authorizes the treatment of noxious weeds with herbicide. The Turnpike Pit Medusahead Control EA is a site specific action identifying one noxious weed infestation for control, and is consistent with management direction within the Forest Plan Amendment #16 pages 38-44, and only those actions analyzed in this EA are planned for implementation.

- There are no known significant cumulative effects related to this project when considered with other projects implemented or planned for the foreseeable future. Effects to human health and to the basic resource values of soil, water, vegetation, fish, and wildlife were estimated and determined to be localized and limited (EA, pages 14-44). There may be short-term impacts (<4 years) to native vegetation from herbicide spraying but these activities are confined to a small area and are designed to meet state herbicide application laws and other mitigation to minimize effects even further (EA, page 10). This determination is based on the results of the cumulative effects analysis discussed throughout Chapter 3 of the EA, which considered past, existing, and proposed activities.
- The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. Surveys were conducted and there are no sites within the project area. The action resulted in a finding of No Effect with the Oregon State Historic Preservation Officer (EA, pages 36 and 46).
- Biological evaluations for threatened, endangered, and sensitive plant, wildlife, and fish species were completed for the project area. The activities proposed under Alternative 2 will have No Effect on any threatened or endangered species or its habitat that has been determined to be critical under the Endangered Species Act (40 CFR 1508.27(b)(9)). This was due to lack of habitat. Several plant, fish, and wildlife species on the Regional Forester's Sensitive Species list are known to occur or have habitat adjacent to the project area (EA, pages 29-36). The determination of effects for these species was either No Impact or May Impact Individuals or Habitat, But Will Not Likely Contribute to a Trend Towards Federal Listing or Loss of Viability of Habitat (EA, Appendix A). These determinations did not trigger a significant action as defined under the National Environmental Policy Act. Complete Biological Evaluations for plants, fish and wildlife are in the Turnpike Pit EA analysis file.
- The action will not violate Federal, State, and local laws or requirements for the protection of the environment (40 CFR 1508.27(b)(10)). Applicable laws and regulations were considered in the analysis (EA page 46). The activities proposed under Alternative 2 are consistent with Forest Plan direction, as

amended, which has been found to be consistent with existing environmental statutes and regulations.

## Findings Required by Other Laws and Regulations

Federal regulations (36 CFR 219.10(e)) require that permits, contracts, cooperative agreements, and other activities carried out on the Paulina Ranger District are consistent with the Ochoco National Forest Land and Resource Management Plan, as amended. Accordingly, I have reviewed my decision against Forest Plan direction, and I have determined that Alternative 2 complies with Forest Plan direction, including both Management Area and Forest-wide standards and guidelines.

There are no known impacts to Native American treaty rights (EA, pages 20-21, 36).

Based on the results of scoping (EA, pages 7 and 44), there were no issues identified related to women, minority groups, or civil rights. There are no known direct or adverse effects on women, minority groups, or civil rights.

Under Alternative 2 current uses of National Forest lands would continue, including recreation, harvesting of non-forest products, special-use permits, subsistence uses, and spiritual/aesthetic uses.

This decision is in compliance with Executive Order 12989 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." Effects to minority populations, disabled persons, and low income groups would not be disproportionate with other users of the National Forest (EA, page 45). Alternative 2 will provide an opportunity for a potential contract. This opportunity to support employment and income would be available to all groups of people, subject to existing laws and regulations (qualified pesticide applicators). Short-term closure of the rock pit during spray operations would occur for all user groups of the project area and would not have a disparate impact on any particular minority group. Opportunities for all groups of people to collect forest products and participate in recreational activities would be maintained under Alternative 2, and no disproportionate effect is anticipated to subsets of the general population. Alternative 2 would not have disproportionately high and adverse environmental effects on minority populations, low-income populations, or Indian tribes.

## Implementation Date

Pursuant to Forest Service Regulations at 36 CFR 215.9(c)(1) this project may be implemented after September 1, 2005.

## Administrative Review or Appeal Opportunities

This decision is subject to administrative review (appeal) pursuant to 36 CFR Part 215. Any written notice of appeal of this decision must be fully consistent with 36 CFR 215.14, "Appeal Content." The notice of appeal must be filed hard copy with Appeal Deciding Officer,



Lawrence Timchak, Ochoco National Forest Supervisor, ATTN: 1570 APPEALS, 3160 NE 3 rd Street, Prineville, Oregon 97751, faxed to (541) 416-6695, sent electronically to [appeals-pacificnortwest-ochoco@fs.fed.us](mailto:appeals-pacificnortwest-ochoco@fs.fed.us) , or hand delivered to the above address between 7:30AM and 4:30PM, Monday through Friday except legal holidays. The appeal must be post marked or delivered within 45 days of the date the legal notice for this decision appears in the *Bend Bulletin newspaper*. The publication date of the legal notice in the *Bend Bulletin newspaper* is the exclusive means for calculating the time to file an appeal and those wishing to appeal should not rely on dates or timeframes provided by any other source.

Electronic appeals must be submitted as part of the actual e-mail message, or as an attachment in Microsoft Word, rich text format, or portable document format only. E-mails submitted to e-mail addresses other than the one listed above or in other formats than those listed or containing viruses will be rejected. It is the responsibility of the appellant to confirm receipt of appeals submitted by electronic mail . Only individuals or organizations who submitted comments during the comment period may appeal. This project may be implemented 50 days after this legal notice if no appeal is received. If an appeal is received the project may not be implemented for 15 days after the appeal decision. Should this project be appealed the responsible official offers to meet with appellants to attempt to informally resolve the appeal on August 9, 2005 at 10:00 am at the Paulina Ranger District Office 7803 Beaver Creek Road, Paulina, Oregon.

## Contact

The EA and analysis file are available for public review at the Paulina Ranger District office, 7803 Beaver Creek Road, Paulina, Oregon. For additional information concerning this decision contact Debra Mafera, District Botanist, at 7803 Beaver Creek Road, Paulina, Oregon 97751 or telephone number (541) 477-6900.

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MIKE LAWRENCE  
District Ranger  
Paulina Ranger District

Date

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