



File Code: 1950

Date: June 13, 2013

Route To:

Subject: Tannerite/Exploding Binary Target Closure

To: Special Agent in Charge, Pacific Northwest Region

I have reviewed your draft closure order regarding the recreational use of tannerite (also known as exploding binary targets)(attached). I have also carefully considered the FBI alert pertaining to these materials (attached) and the potential for safety threats to the public and agency personnel (see attached materials). After considering all of the above, I find that this order would not be subject to NEPA for the following reasons:

- This closure order is an administrative action that would prevent human injury from explosions or prevent wild land fires from being ignited. The closure order, in and of itself, is an administrative action that does not have any environmental consequences that can be predicted or meaningfully evaluated; therefore NEPA is not triggered (40 CFR 1508.14, 36 CFR 220.4 (a)(3).
- This closure order will cause social effects (public safety); but those alone do not trigger NEPA per 40 C.F.R. § 1508.14; 36 C.F.R. § 220.4(a)(3).

Nothing that would occur during the implementation of this closure order would trigger the procedural requires of Section 102 (2) of NEPA, so this may be implemented without further analysis.

Maureen Hyzer

DEPUTY REGIONAL FORESTER

Project-specific rationales follow:

2003 Expanded WUI Fuel Treatments (Oregon Dept. of Forestry)

- ODF fuels treatment program, USFS not involved in selecting or implementing any of the projects.

Fuel Treatment Extension in Baker and Union Counties



- ODF/Local Coordination Groups and Forest Restoration Boards select, fund, and implement projects. USFS only involved in funding.

Umatilla fuels reduction projects (ODF)

- ODF fuels treatment program, USFS not involved in selecting or implementing any of the projects. USFS is funding a grant process that is administered by Umatilla County (who selects and oversees implementation of projects).

Priority Risk Counties (various in Union Valley Area) (WA-DNR)

- USFS funds applied to Forest Stewardship/Wildlife Hazard Reduction Cost-Share Program administered by WA-DNR. DNR selects and oversees wildfire hazard risk reduction work. USFS only funds the program, not individual projects. I reviewed a map of *potential* project areas which delineates large-scale polygons of treatment. My recommendation is based on the fact that final site-specific treatment locations will subsequently be decided by the State and USFS has no discretion in deciding nor implementing the final projects.

Granite and Middle Fork Community Vegetation Management

- USFS funds applied to cost-share program. Projects are decided and managed by the John Day Unit Forester (ODF); USFS has no discretion over deciding projects but is involved in coordination work w/ adjoining lands to NFS.

I also reviewed the *Washington State Parks Wildland Urban Interface Fuel Reduction and Education Project*. Based on the e-mail provided from the State (Ernsberger) that indicates that they would proceed with the project even if they do not receive Federal funding, it is clear to me that Federal funds are not necessary nor influential for implementation on the ground. This suggests to me that the USFS has little discretion in the implementation of this project, and therefore I recommend that this is not a Federal Action subject to NEPA.

/s/Jill A. Dufour

Regional Environmental Coordinator