

**DECISION RECORD**  
**Agricultural Research Service (ARS) – NCA Research Plots**  
**DOI-BLM-ID-B011-2012-0009-DNA**

**AUTHORITIES:**

I have reviewed the Agricultural Research Service (ARS) – NCA Research Plots, DOI-BLM-ID-B011-2012-0009-DNA, including the explanation of project design features and have determined that the Proposed Action would be in conformance with the 2008 Snake River Birds of Prey National Conservation Area (NCA) Resource Management Plan and Record of Decision. The Proposed Action also meets the NCA's enabling legislation [16 United States Code (USC) 460iii-2; 107 Stat. 304] emphasizing the conservation, protection, and enhancement of raptor populations and habitat and values associated with the scientific, cultural, and educational resources of public lands in the NCA.

The proposed action, located in T. 03 S, R. 04 E, Sec. 14 and T. 02 S, R. 01 E, Sec. 16. includes the construction of two 5 acre research plots, drill seeding, herbicide application for site preparation, and installation of meteorological equipment would occur.

The broad goals of this project are to provide a systems approach for developing improved seedling establishment and restoration strategies on rangeland and to use this system to identify and overcome barriers to seedling establishment in the Wyoming big sagebrush steppe ecosystems of the western US. The ARS proposes using life-cycle population models as the basis for a systems framework. These models provide a quantitative link between plant population dynamics and management and can be used to predict long-term effects of management on vegetation.

These actions have been designed to incorporate protective measures and implementation requirements that would prevent significant environmental impacts.

**TERMS/CONDITIONS/DESIGN CRITERIA STIPULATIONS:**

The following protective measures would be applied during project implementation to reduce the probability of residual impacts and the need for subsequent mitigation. It is my decision to implement the project with the mitigation measures identified below.

- Application of the least amount of active ingredient (a.i.) would be applied to achieve treatment efficacy. Glyphosate and 2-4D are BLM-approved herbicides as per the 2007 Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) ([http://www.blm.gov/wo/st/en/prog/more/veg\\_eis.html](http://www.blm.gov/wo/st/en/prog/more/veg_eis.html))
- No spraying of any herbicide would occur when wind velocity exceeds 10 miles per hour, per Idaho State Department of Agriculture standards, and on sites without 80%-90% live plant and/or plant litter cover.
- Application methods would strictly follow label specifications. The proposed herbicides are BLM-approved, per the 2007 *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS) ([http://www.blm.gov/wo/st/en/prog/more/veg\\_eis.html](http://www.blm.gov/wo/st/en/prog/more/veg_eis.html)).

- Standard Operating Procedures for Applying Herbicides would be strictly enforced. (Appendix 1).
- Herbicide application within LEPA management area boundaries will be limited to wind conditions less than 7 miles per hour, using large droplet spray with reduced pump pressure (Dexter 1993), and using spot spraying techniques to prevent drift of herbicide into slickspot peppergrass habitat.
- Herbicide application within slickspot peppergrass element occurrence boundaries (South Sim site) will use only hand sprayers. A 10-foot no-herbicide treatment buffer will be established around slickspots located in element occurrences. Within the buffer zone, weeds will be treated by hand.
- An Archaeologist approved by the tribe, would be on-site during drill seeding treatments to stop operations if yet undiscovered archaeological resources are encountered
- A minimum-till drill will be used to reduce soil and biological crust displacement and accompanying erosion risk
- All fence construction would follow BLM standards that incorporate wildlife protection specifications (BLM Handbook H-1741 and HB-1741)

#### **PLAN CONFORMANCE AND CONSISTENCY**

I have determined that the Proposed Project is in conformance with the Snake River Birds of Prey NCA Resource Management Plan (2008). This plan has been reviewed, and the Proposed Action conforms to the land use plan terms and conditions as required by 43 CFR 1610.5.

I have determined that the Proposed Action, with the project design features described above, meets the Determination of Land Use Plan Conformance and NEPA Adequacy Requirements, and that there would be no negative effect on threatened or endangered species as a result of the action.

#### **Alternatives Considered**

The range of alternatives analyzed in the existing NEPA document(s) and tiered to as part of this DNA are appropriate with respect to the new proposed action, given current environmental concerns, interests, resource values, and circumstances.

#### **Rationale for the Decision**

Despite Federal mandates to restore degraded rangelands (Healthy Lands Initiative 2007) there is often little information on how restoration treatments in sagebrush steppe may be affected by barriers in seedling germination rates based on current climate models. The establishment of such research in the Snake River Plain is important in informing larger Great Basin restoration questions as well as providing proximal access to research by local schools and universities.

**Protest and Appeal Language**

The decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on 5/18/2012. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer: Patricia Roller, NCA Manager, Four Rivers Field Office, 3948 Development Ave., Boise, Idaho 83705. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay, pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons, and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken, and on the Office of the Solicitor, U.S. Department of the Interior, 960 Broadway Avenue, Suite 400, Boise, Idaho 83706, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

**Authorized Official:**

\_\_\_/s/ Patricia Roller\_\_\_\_\_ 04/19/2012

Patricia Roller Date

Manager - Morley Nelson Snake River Birds of Prey NCA