



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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September 22, 2014

In Reply Refer To:
4120 (G010)
Serial/Case File No. 5156

DECISION RECORD
Oak Creek Allotment Herbicide Treatment
DOI-BLM-AZ-G010-2014-0014-EA

INTRODUCTION

The Bureau of Land Management (BLM), Safford Field Office has prepared the Oak Creek Allotment Herbicide Treatment Environmental Assessment (EA) (DOI-BLM-AZ-G010-2014-0014-EA) to evaluate the potential impacts related to the use of herbicides to reduce woody shrub species on 1,015 acres of BLM-managed land in the Oak Creek Allotment, Cochise County, Arizona. The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) and partners initiated the project externally as part of a larger scale vegetation treatment in the area including state and private land parcels.

PUBLIC INVOLVEMENT

Internal scoping was initiated by a BLM interdisciplinary team of specialists beginning on February 15, 2011. Public scoping and participation was accomplished through a public scoping period from November 9 through November 30, 2012. The public was also invited to review and comment on the EA and unsigned Finding of No Significant Impact (FONSI) from July 16 through August 14, 2014. No comment letters were received.

DECISION

Based upon the information provided in this Decision Record and in the Oak Creek Allotment Herbicide Treatment EA, it is my decision to implement the proposed herbicide treatment of approximately 1,015 acres on the Oak Creek Allotment as described and stipulated in the EA (Map 1). Implementing the proposed action will reduce woody shrub species, which have encroached on former grasslands. This action combined with adequate rest from grazing will improve watershed function and wildlife habitat in the area. The proposed action was developed by the Bureau of Land Management to improve rangelands and habitat for wildlife species.

To reduce and/or prevent impacts to sensitive resources, the following measures will be incorporated:

- In order to maintain wildlife corridors, a 200-foot buffer will be maintained on both sides of Oak Creek and Keating Creek. No herbicides will be applied to creeks. To ensure little to no herbicide concentrations reaching downstream or permeating subsurface waters, no water will be present when the herbicide is applied (Map 1).
- No human disturbance associated with the project will occur within ¼ mile of known Mexican Spotted Owl nest sites during the nesting season, and a buffer will be designated to ensure herbicide application will only occur on areas greater than ½ mile away from designated Mexican Spotted Owl critical habitat on Forest Service land (Map 1).
- Livestock will be removed from the treatment area before herbicide treatments are applied, and grazing will be deferred for two spring and summer growing seasons following application. Rest will be incorporated for longer than two years if precipitation is inadequate to allow recovery during the first three growing seasons. Rest may extend outside the growing season as determined by monitoring to ensure that ground cover (plant basal, leaf litter, etc.) remains on site to protect soil.

In addition, the following treatment Monitoring Measures will be taken:

- The BLM has conducted pre-treatment vegetation monitoring on two historical monitoring sites and will also conduct post-treatment vegetation monitoring of the same sites for at least three consecutive years following the treatment.
- The BLM, NRCS, and the permittee will all be involved in the monitoring.
- The number of agaves in the treatment area will be monitored before the treatment and after for a minimum of three years to assess the herbicide's effect on agave populations.

The Bureau of Land Management considered a no action alternative and the proposed action in the EA. Under the no action alternative, the vegetation would not be treated with herbicides. The encroaching brush species would likely continue to increase in density and cover at the expense of perennial grass species.

RATIONALE

Throughout the area invading brush species, including mesquite (*Prosopis juliflora* var. *velutina*), wait-a-minute bush (*Mimosa biuncifera*), catclaw (*Acacia greggii*), and whitethorn (*Acacia constricta*), have increased and are preventing native grasses from flourishing, compared to reference site conditions described in ecological site descriptions compiled by the NRCS.

The purpose of this decision is to improve the balance of shrubs and grasses, reduce runoff and soil erosion within the watershed, and increase wildlife habitat values within the Oak Creek Allotment. The no action alternative maintains existing conditions in the area and does not meet the purpose and need of this project. The proposed decision facilitates a desired equilibrium between woody species and perennial grasses within the allotment.

The need for action is established by the BLM's responsibility under the Federal Land Policy and Management Act (FLPMA; 43 USC 1701 et seq.) to manage public lands in a manner that protects the quality of ecological, environmental, and water resource values (43 USC 1701.a.8) and to manage on the basis of multiple use and sustained yield (43 USC 1701.a.7). The need for this action is also established by BLM's responsibility under the Public Rangelands Improvement Act of 1978 to "manage, maintain, and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values..." (43 USC 1901.b.2).

COMPLIANCE

The selected Action has been designed to conform to the following documents:

- The Safford Field Office manages BLM land in the project areas in accordance with the *Safford District Resource Management Plan* (RMP) Records of Decision Part I (1992) and Part II (1994).
- Arizona Statewide Land Use Plan Amendment for Fire, Fuels and Air Quality Management, Finding of No Significant Impact (FONSI) and Environmental Assessment, (BLM 2004).
- Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic EIS (BLM2007).

FINDING OF NO SIGNIFICANT IMPACT

A finding of no significant impact (FONSI) has been signed, and concluded that the decision to implement the selected action is not a major federal action that will have a significant effect on the quality of the human environment, individually or cumulatively with other actions in the general area. The finding was based on the context and the intensity of impacts organized around the 10 significance criteria described at 40 CFR § 1508.27. Therefore, an environmental impact statement is not required.

AUTHORITY

The authority for this decision is in conformance with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190) as amended (72 USC 4321 et. Seq.); is contained in Federal Land Policy and Management Act (FLPMA; 43 USC 1701 et seq.) to manage public lands in a manner that protects the quality of ecological, environmental, and water resource values (43 USC 1701.a.8) and to manage on the basis of multiple use and sustained yield (43 USC 1701.a.7). The need for this action is also established by BLM's responsibility under the Public Rangelands Improvement Act of 1978 to "manage, maintain, and improve the condition of the public rangelands so that they become as productive as feasible for all rangeland values..." (43 USC 1901.b.2).

RIGHT OF PROTEST AND/OR APPEAL

This decision is subject to appeal per the procedures at 43 CFR § 4.410-4.415. An appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR § 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted below, within 30 days following receipt of this decision:

Bureau of Land Management
Safford Field Office
ATTN: Scott Cooke, Field Manager
711 14th Avenue
Safford, Arizona 85546

The appeal shall state the reasons, clearly and concisely, why the appellant feels that the decision here is in error.

In accordance with 43 CFR § 4.21(b)(1) a petition for stay, if filed, must 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.
- (4) Whether the public interest favors granting the stay.

Scott C. Cooke
Field Manager

Date

Attachment: Map 1, FONSI

cc: Arizona Cattle Growers 1401 North 24 th Street, Suite 4 Phoenix, Arizona 85008	7012 1010 0002 6532 6981
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Arizona State Land Department c/o Stephen Williams 1616 West Adams Phoenix, Arizona 85007	7012 1010 0002 6532 6967

Western Watersheds Project c/o Greta Anderson and Erik Ryberg 738 North Fifth Avenue, Suite 200 Tucson, Arizona 85705	7012 1010 0002 6532 7476
Larry Humphrey P O Box 894 Pima, Arizona 85543	7012 1010 0002 6532 7452
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Oak Creek Allotment Treatment Area Buffers DOI-BLM-AZ-G010-2011-0012

