



United States Department of the Interior



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Decision Record **Effective Immediately**

Santa Rosa Medusahead and Invasive Annual Control
DOI-BLM-NV-W010-2014-0021-DNA

Introduction/Background

The BLM, along with the Paradise Valley Weed Control District (PVWCD), US Department of Agriculture-Natural Resource Conservation Service (USDA-NRCS), Nevada Department of Agriculture (NDA), and Nevada Department of Conservation and Natural Resources (DCNR) are proposing to treat Medusahead rye and other invasive annual grasses on BLM managed public lands in and around the Santa Rosa Range in order to reduce fine fuels and decrease the risk of further infestation. The project would treat up to 3,000 acres annually with the BLM-approved herbicide, Imazapic, at a rate of 8 oz/acre for three years. Any re-treatments of the same ground would be included as part of the annual 3,000 acre ceiling. Imazapic is applied as a pre-emergent herbicide to control non-native, invasive annual plant species and is known to have a low toxicity to fish and other aquatic organisms.

Annual treatments would include treatment of newly discovered infestations of Medusahead rye as well as maintenance treatments occurring within existing populations where historic management with herbicides has already occurred. The principle target species for herbicide treatment would be Medusahead rye, which often occurs in mixed stands with other invasive annual plant species such as cheatgrass.

DECISION:

On the basis of the information contained in the DNA, it is my decision to implement the proposed action to treat up to 3,000 acres of public lands annually with the BLM-approved herbicide, Imazapic, at a rate of 8 oz/acre for three years. Any re-treatments of the same ground will be included as part of the annual 3,000 acre ceiling. Prior to each application of herbicide, treatment areas would be identified in GIS to accurately direct the applicators. Treatment methods include: utilizing truck or ATV with a boom mounted sprayer, applying by hand using backpack pumps, and by aircraft. The implementation of the proposed actions will not have environmental impacts beyond those already addressed in the EAs listed on page 4 of this Decision Record. Treatments would occur within the area delineated for potential treatment to

control the spread of Medusahead rye. Application of Imazapic would be subject to approved Standard Operating Procedures (SOPs), compliance with all federal and state laws and regulations to the maximum extent possible, compliance with all BLM direction, and would include buffer zones to protect resources. Project inspection, monitoring, herbicide storage and mixing requirements, and restrictions based on weather are also proposed as described below. Broadcast seeding of native plant species, an integrated weed management technique, would potentially occur as a management action within areas infested by Medusahead rye or other invasive annuals.

This decision is subject to the following:

- All environmental protection measures, mitigation and monitoring identified in the DNA will be adhered to;
- A qualified BLM Project Inspector will be on site during treatment activities;
- Drift cards will be placed to monitor for possible herbicide drift outside of established buffer zones; and
- Dyes will be added to herbicide when applying herbicide by ground application methods in areas adjacent to buffer zones.

Given the emergency nature of stabilization treatments, this is a “Full Force and Effect” decision authorizing implementation of treatments immediately under 43 CFR 5003.1(b)(1).

It is my decision to approve the Santa Rosa Medusahead and Invasive Annual Control plan as proposed in the Documentation of NEPA Adequacy (DNA), DOI-BLM-NV-W010-2014-0021-DNA, including all environmental protection measures, and monitoring subject to standard operating procedures (SOPs) identified in the Integrated Weed Management Environmental Assessment NV-020-02-19, which are hereby incorporated into this decision.

Rationale:

The actions identified in this decision have received National Environmental Policy Act (NEPA) review in a Documentation of NEPA Adequacy, DOI-BLM-NV-W010-2014-0021-DNA. On the basis of the information contained in the DNA, it is my determination that implementation of the management actions will not have environmental impacts beyond those already addressed in the NEPA documents identified in the DNA.

- The proposed action is in conformance with and is consistent with the Paradise-Denio Management Framework Plan (MFP);
- The proposed action will not result in any undue or unnecessary environmental degradation of the public lands and is with other federal agency, state and local plans to the maximum extent consistent with Federal law and Federal Land Policy and Management Act provisions;
- The proposed action will not adversely impact any threatened or endangered species or significant scientific, cultural, or historical resources;
- The proposed action will reduce invasive annual weeds, thus giving native perennials a

better opportunity to expand. Sagebrush habitat composed primarily of native perennials is known to be more resilient to disturbances such as wildfire and more resistant to infestations of invasive weeds;

- The proposed action will increase native plant diversity by reducing dominance of invasive weeds leading to healthier rangelands;
- Reduction of invasive grasses will reduce the threat of wildfire to Greater Sage-grouse habitat;
- There was adequate public involvement in the original NEPA documents to cover this evaluation (See Public Outreach Section in this DR);
- There is ongoing Native American Consultation with potentially impacted tribes (see Consultation/Coordination Section in this DR); and
- Based on the Presidents National Energy Policy and Executive Order 13212, the Proposed Action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse: Energy Impact" is required per WO 1M No 2002-053 and NV 1M 2002-049.

Land Use Plan Conformance:

The proposed action is in conformance with the Paradise-Denio Management Framework Plan (MFP), July 1982. The proposed action conforms to wildlife objectives, fire management objectives, and standard operating procedures per the following:

- Standard Operating Procedure - .46(4) Soil-Water-Air
When carrying out large-scale crested wheatgrass seedings or herbicidal spray projects, wildlife areas to be given special consideration include...Mitigating measure; "making no disturbed area wider than ¼ mile."
- Range Management MFPIII Decision RM 2.1 P.D.:
All vegetation manipulations in sage grouse habitat will be done in accordance with the guidance supplied by the Nevada Department of Wildlife.
- Wildlife MFPIII Decision WL-1.21 P.D.:
Maintain and improve habitat for sensitive, protected, threatened and endangered species listed on the U.S. Fish and Wildlife Service Endangered and Threatened List, BLM-Nevada Department of Wildlife Sensitive Species List and those existing Federal and state laws and regulations.
- Wildlife MFPIII Decisions WL-1.28 P.D. and SOPs Appendix I.46 (1)
Protect sage-grouse strutting grounds and give proper consideration to sage grouse-habitat by accepting as guidance Nevada Department of Wildlife's Guidelines for Vegetal Control Programs in Sage-Grouse Habitat in Nevada.

Applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action:

NEPA Documents:

- Santa Rosa Fuelbreak Project Environmental Assessment, DOI-BLM-NV-WO10-2010-0003-EA, (DR and FONSI 02/19/2010) (2nd DR 5/24/2010).
- Paradise Fuelbreak Maintenance Environmental Assessment, DOI-BLM-NV-WO10-0009-EA, (DR and FONSI 07/19/2010).
- Montana Mountains Cooperative Fuels Treatment Project Environmental Assessment, DOI-BLM-NV-WO10-2011-0005-EA, (DR and FONSI 08/02/2012).
- Integrated Weed Management Environmental Assessment NV-020-02-19, 8/07/02, (DR and FONSI 8/27/02).
- Vegetation Treatment Using Herbicides on BLM Lands in Seventeen Western States Programmatic Final Environmental Impact Statement, 07/2007, (ROD 9/29/07).
- Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement, 05/91, (ROD 8/91).

Other Documents:

- Santa Rosa and Paradise Fuelbreak Herbicide Treatment Method Determination of NEPA Adequacy, DOI-BLM-NV-WO10-2011-0002-DNA, (DR 11/23/2010).
- Paradise Valley Medusahead Treatment Determination of NEPA Adequacy, DOI-BLM-NV-WO10-2011-0200-DNA, (DR 10/07/2011).
- Biological Opinion for the Santa Rosa Mountains Fuelbreak Project No: 2009-FA-0107.
- Biological Opinion for the Paradise Valley Medusahead Treatment Determination of NEPA Adequacy No: 2011-I-0420.
- Biological Opinion for the Montana Mountains Cooperative Fuels Treatment Project No: 2012-I-0134.
- Santa Rosa Medusahead and Invasive Annual Control Project, Informal Consultation No: 2014-I-0024.
- Paradise Greenstrip Maintenance Project, Informal Consultation No: 84320-2010-I-0358.
- Paradise Valley Medusahead Treatment, Informal Consultation No: 2011-I-0420.
- IM NV 2014-022 Revised Direction for Proposed Activities within Greater Sage-Grouse Habitat (July 2014).
- A Report on National Greater Sage-Grouse Conservation Measures. Produced by: Sage-grouse National Technical Team, 12/21/2011 (pp 27).

Authority:

This wildfire management decision is authorized under the Healthy Forest Restoration Act of 2003 (see also 43CFR 5003.1) and is effective immediately.

Public Outreach:

Thorough and sufficient public outreach was conducted in the development of the NEPA documents supporting this decision and listed on page 4 of this DR. Sufficiency is based on public outreach that was conducted on the same type of activity (i.e., aerial application of herbicide to control invasive weeds) on numerous projects in the past five years in this geographic area. With the environmental protection measures now in place, the types of concerns received during the NEPA process, have been addressed. No further public outreach was conducted.

Consultation and Coordination

Due to past and ongoing Native American consultation , a notification will be sent, two weeks prior to any herbicide application, to the tribal council of the Fort McDermitt Paiute and Shoshone Reservation, of when, where and how herbicides would be applied.

An informal consultation was completed for the Santa Rosa Medusahead and Invasive Control DNA with United States Fish and Wildlife Service on October 24, 2014. There has been coordination with Nevada Department of Wildlife regarding the Santa Rosa Medusahead and Invasive Annual Control project in the form of meetings, phone calls, and emails to discuss affected resources and restoration priorities. The project was fully supported by all parties involved.

Administrative Review or Appeal Opportunities

The BLM has made the determination that vegetation on public lands within the District is at substantial risk of wildfire due to past fire history, drought and invasive annual weeds. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleadings have been filed, and within 180 days after the appeal was filed.

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to James W. Schroeder, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b),

and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.471(c), 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 immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).

/s James W. Schroeder
James W. Schroeder
Field Manager
Humboldt River Field Office

11/13/2014
Date