



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Tuscarora Field Office
3900 East Idaho Street
Elko, Nevada 89801

http://www.blm.gov/nv/st/en/fo/elko_field_office.html

In Reply Refer To:
9015(LLNVE0200)

DECISION RECORD

PROJECT NAME: North Elko and Eureka Pipeline Project Imazapic Treatment DNA
OFFICE: Tuscarora Field Office, Elko District BLM
SUBJECT CODE: 9015 Integrated Weed Management
NEPA REGISTER NUMBER: DOI-BLM-NV-E020-2015-0021-DNA
LOCATION: Elko and Eureka Counties, Nevada
LEGAL DESCRIPTION: North Elko Pipeline Project (T39N, R49E; T38N, R49E & R50E; T37N, R49E; T36N, R49 & 50E); Eureka Pipeline Project (T36N, R50E; T35N, R50E & R51E; T34N, R51E & R52E)
CONTACT: Sam Cisney, Natural Resource Specialist (Weeds); telephone: (775) 753-0372; email: scisney@blm.gov

PROPOSED ACTION SUMMARY

The Proposed Action is to use the active ingredient imazapic singly or as a tank mix with glyphosate for ground and/or aerial application within and adjacent to the North Elko Pipeline Project (NEPP) and the Eureka Pipeline Project (EPP) right-of-way. Imazapic is an effective pre- and post-emergent herbicide for the control of annual grasses and the application of imazapic would facilitate ongoing restoration efforts in disturbed areas associated with pipeline construction.

PROPOSED DECISION

It is my proposed decision to implement the Proposed Action described in the Determination of NEPA Adequacy (DNA) DOI-BLM-NV-E020-2015-0021-DNA. Based on the review of existing NEPA analysis of potential environmental impacts in the Environmental Assessments (EA) and Environmental Impact Statement (EIS) referenced on the DNA worksheet, the Proposed Action is adequately analyzed for NEPA compliance and is in conformance with the Elko Resource Management Plan (RMP).

RATIONALE

The 1998 Programmatic Environmental Assessment of Integrated Weed Management on Bureau of Land Management Lands (PEAIWM) and the 2011 Noxious Weeds Treatment Extension DNA analyzed the use of herbicides for integrated weed management, but did not include the use of imazapic in the initial analysis. However, site specific analysis has been conducted for imazapic in the 2010 Elko District Vegetation Maintenance Project EA and the 2009 Tuscarora Sagebrush Habitat Restoration Initiative EA, both of which tier to the 2007 Final Vegetation

Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic EIS (FVTUH).

The effects to the human environment were adequately analyzed in the existing NEPA documents and there are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks. The Best Management Practices (BMPs) and Standard Operating Procedures (SOPs) provided in the PEAIWM and FVTUH will mitigate the effects of chemical application in areas occupied by BLM Special Status Species (including Federally-listed species under the Endangered Species Act) as well as other wildlife species. Chemical noxious weed and invasive weed treatments do not preclude making a Lands with Wilderness Characteristics (LWC) determination. No surface disturbance will result from the implementation of the Proposed Action. If historic properties eligible for listing on the National Register are found to be present in the treatment area they will be isolated from treatment. If previously unknown cultural materials are discovered during treatment implementation, they will be left intact and the BLM authorized officer notified.

AUTHORITY

Authority for the actions contained in this proposed decision is found in 43 CFR §4120.3-1, 4160.1, 4160.2, 4160.3, 4160.4.

PROVISIONS FOR PROTEST, APPEAL AND PETITION FOR STAY

Protest

In accordance with 43 CFR §4160.2, any applicant, permittee, lessee or other interested public may protest the proposed decision under §4160.1 of this title, in person or in writing to the Bureau of Land Management, Richard E. Adams, Tuscarora Field Office Manager (authorized officer), 3900 E. Idaho Street, Elko, Nevada, 89801 within 15 days after receipt of this decision. The protest, if filed, must clearly and concisely state the reason(s) as to why the proposed decision is in error.

In accordance with 43 CFR §4160.3 (b), should a timely protest be filed with the authorized officer, the authorized officer, at the conclusion to his/her review of the protest shall serve his/her final decision on the protestant and the interested public.

In accordance with 43 CFR §4160.3 (a), at the conclusion of the 15 day protest period and in the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice.

In accordance with 43 CFR §4160.3 (c) & (f), a period of 30 days following receipt of the Final Decision or 30 days after the date the Proposed Decision becomes final is provided for filing an appeal and petition for stay of the decision pending final determination on appeal.

Appeal and Petition for Stay

In accordance with 43 CFR §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge and may also petition for a stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed within 30 days following receipt of the final decision or 30 days after the date the proposed decision becomes final. Appeals and petitions for a stay of the decision shall be filed at the office of the authorized officer, see Protest above. Additionally the person appealing must serve a copy of their appeal and petition for stay on any person named in the decision including the name to which the decision is addressed, those listed at the end of this decision, and the Office of the Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 within 15 days of filing the appeal and petition for stay. Appellant needs to be able to document service to any other person named in the decision and the Solicitor.

In accordance with 43 CFR §4.470, the appeal shall state the reasons, clearly and concisely, why the appellant thinks the final decision of the authorized officer is in error.

A petition for stay, if filed, must show sufficient justification based on the following standards (43 CFR §4.471(c)):

- (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.

The appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

/s/Richard E. Adams
Richard E. Adams
Field Manager, Tuscarora Field Office

5/11/15
Date