



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Boise District Office
3948 Development Ave.
Boise, ID 83705



November 6, 2015

NOTICE OF DISTRICT MANAGER'S FINAL DECISION
Pseudomonas fluorescens strain D7 Field Trial
DOI-BLM-ID-B030-2015-0017-EA
Owyhee Field Office, Boise District, Bureau of Land Management

Introduction

The Soda fire affected rangelands in both Idaho and Oregon, impacting lands managed by the Bureau of Land Management's (BLM) Boise District Owyhee Field Office and Vale District Malheur Field Office. The burned area provides an opportunity to establish research and demonstration areas for *Pseudomonas fluorescens* strain D7, as specified in IB-2015-082 on lands within the Owyhee Field Office. An Environmental Assessment (EA) was completed documenting effects of the proposed action (DOI-BLM-ID-B030-2015-0017-EA).

This document will provide information regarding the proposed action, compliance with the National Environmental Policy Act (NEPA), and rationale for the decision to be made. Application of *Pseudomonas fluorescens* strain D7 in this field trial is planned as part of the Soda Fire Emergency Stabilization and Rehabilitation Plan seeding efforts, which are being implemented this fall in order to provide immediate soil cover and protection. Seeding is included in the District Manager's Final Decision for Soda Fire Emergency Stabilization and Rehabilitation Plan, Boise and Vale District Offices, BLM (October 19, 2015). The current decision covers only application of the D7. This decision will be issued as effective upon issuance.

Background

The Soda Fire started August 10, 2015, and burned a total of 279,144 acres in Owyhee (Idaho) and Malheur (Oregon) counties, before being declared 100% contained on August 23, 2015. An Interdisciplinary Team assembled with local resource specialists was assembled on August 18 to assess values affected by the fire. The team compiled an extensive Emergency Stabilization and Rehabilitation (ESR) Plan to address threats that posed the greatest risk across the landscape, which were identified as expansion of invasive plant species; habitat recovery for threatened species; increased runoff, erosion potential, and resulting flooding; and loss of cultural resources. A primary treatment identified in the ESR Plan was seeding.

Invasive plants can compromise the ability to manage BLM lands for a healthy native ecosystem. Invasive plants disrupt ecosystem processes by displacing native plants, reduce habitat and forage for wildlife and livestock, and alter physical and biological process of soils. One tool for an

integrated pest management approach for invasive plants is biopesticides, which include microbial pesticides (microorganisms such as a bacterium, fungus, or protozoan which function as the active ingredient). *Pseudomonas fluorescens* strain D7 is one such biopesticide. This is a registered strain of a naturally occurring soil bacterium that has been demonstrated to reduce the invasive annual grasses cheatgrass (*Bromus tectorum*), medusahead rye (*Taeniatherum caput-medusae*), and jointed grass (*Aegilops cylindrica*).

Compliance

The EA (DOI-BLM-ID-B030-2015-0017-EA) was completed as required by the National Environmental Policy Act (1970). The D7 application treatments have been designed to conform to the following documents which direct and provide the framework for management of BLM lands within Boise District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Federal Land Policy and Management Act (43 U.S.C. 1901), 1978
- Secretarial Order #3336- Rangeland Fire Prevention, Management and Restoration (2000)
- National Historic Preservation Act (16 U.S.C. 470)
- Executive Order 13112, Invasive Species
- Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) and Record of Decision (ROD) (2015)
- Owyhee Resource Management Plan (RMP) (1999)

Careful consideration was made in the development of D7 application as to how Greater Sage-grouse (GRSG; *Centrocercus urophasianus*) habitat would be affected and protected. The proposed action identified in this decision is consistent with ARMPA goals, objectives, land use allocations, management decisions, and required design features established for protecting and preserving GRSG and its habitat on public lands managed by BLM in Idaho.

Additional relevant documents include:

- Vegetation Treatments Using Herbicides on BLM lands in 17 Western States ROD (National Programmatic Vegetation Final Environmental Impact Statement 2007)
- Boise District Normal Fire Emergency Stabilization and Rehabilitation Plan EA 2005
- Boise District Noxious and Invasive Weed Treatment EA 2007
- Idaho's Standards for Rangeland Health and Guidelines for Livestock Grazing Management

Section 7 Consultation

No threatened or endangered species were identified in official FWS species lists as occurring within the fire perimeter or within the D7 treatment units. Two federal Candidate species, GRSG and Columbia spotted frog (*Rana luteiventris*), were previously

identified as occurring within the fire perimeter, and GRSG habitat is within D7 treatment units. Recent findings by the FWS determined that neither species was warranted for listing under the Endangered Species Act. Both species are currently considered BLM Type 2 Special Status Species and do not require formal FWS consultation

Through the rapid assessment process and identification of necessary treatments to protect human life and safety and to further protect resource values from further degradation, the Boise District is prepared to issue this decision as effective upon issuance because it accompanies ESR seeding. This is consistent with Title 43 CFR 4190.1, Effect of Wildfire Management Decisions.

FINAL DECISION

I have reviewed the attached EA and Finding of No Significant Impact (FONSI), including the analysis and discussion of any potentially significant environmental impacts. It is my decision, effective immediately, to authorize the Proposed Action to conduct two approximately 25-acre plot field trials using the bacteria *Pseudomonas fluorescens* strain D7 (D7) for the management/control of cheatgrass, Medusahead rye, and jointed goatgrass. One plot (Blackstock Unit) would utilize D7 coated on perennial grass seed and drill seeded. The other plot (Hardtrigger Unit) would utilize D7 coated on perennial grass seed and aerially seeded. Both of the units are within larger seeding units that are part of the Soda Fire ESR treatments, providing both D7 application and control (without D7 application) areas for comparison of D7 effects, within the context of typical ESR treatments. Both units would be seeded in the fall of 2015. Please refer to the maps in DOI-BLM-ID-B030-2015-0017-EA for the location of the treatment areas.

I have determined that, based on the EA, implementing the D7 field trial would have no significant effects and does not constitute as a major Federal action that will adversely impact the human environment. Therefore, the preparation of an Environmental Impact Statement is not required.

RATIONALE

The Proposed Action will help test and demonstrate the efficacy of application of D7 for the management or control of cheatgrass, medusahead, and/or jointed goatgrass within an ESR environment. These invasive annuals compromise BLM's ability to meet land health, RMP, and Sensitive species habitat goals, and D7 may provide a tool to move toward those goals. The action will have no significant adverse impacts on vegetation, wildlife, or other natural resources. The proposed action is consistent with direction in the Owyhee RMP and the ARMPA, as well as other relevant management plans and policy. There will be no effect to cultural or other physical resources. The emergency nature of the seeding that accompanies the D7 treatment results in the application of D7 occurring immediately as well.

Specifically, the proposed action is consistent with the following Required Design Features from the ARMPA:

- No repeated or sustained behavioral disturbance (e.g., visual, noise over 10 dbA at leek, etc.) to lekking birds from 6:00 pm to 9:00 am within 2 miles (3.2 km) of leks during the lekking season.
- Avoid mechanized anthropogenic disturbance, in nesting habitat during the nesting season when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities; 4) organized motorized recreational events.
- Avoid mechanized anthropogenic disturbance during the winter, in wintering areas when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities; 4) organized motorized recreational events.
- Reduce annual grass densities and competition through herbicide, targeted grazing, tillage, prescribed fire, etc.
- Utilize post-treatment control of annual grass and other invasive species.
- Utilize new tools and use of new science and research as it becomes available.

ALTERNATIVES CONSIDERED

Alternatives considered in the referenced EA included the Proposed Action and No Action alternatives.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Boise District Office, 3948 Development Ave., Boise, Idaho 83705 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal 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 immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the *Copies sent to:* sections of this decision are considered to be persons “named in the decision from which the appeal is taken.” Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.4B(a), (c)) **Boise Field Solicitors Office, University Plaza, 960 Broadway Ave., Suite 400, Boise Idaho, 83706** at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the *Copies sent to:* section will be attached to a notification of internet availability and persons named in that section are also considered to be persons “named in the decision from which the appeal is taken”.

Any person named in the decision, *Copies sent to:* section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

If you have any questions regarding this project, please contact the D7 Field Trial Lead, Beth Corbin, at the Owyhee Field Office at (208) 896-5923.

Jenifer Arnold

November 6, 2015

Jenifer Arnold
Acting Boise District Manager

Date