

**U.S. Department of the Interior  
Bureau of Land Management**

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**Worksheet: Determination of NEPA Adequacy  
(DNA)**

**U.S. Department of the Interior, Bureau of Land Management  
Fatty Allen Herbicide Treatment**

**May 2016**

**PREPARING OFFICE**

U.S. Department of the Interior  
Bureau of Land Management  
Worland Field Office





# Introduction

OFFICE: Worland, Wyoming

TRACKING NUMBER: DOI-BLM-WY-R010-2016-0015-DNA

CASEFILE/PROJECT NUMBER: RIPS 019526

PROPOSED ACTION TITLE/TYPE: Fatty Allen Herbicide Treatment

APPLICANT (if any): BLM

LOCATION/LEGAL DESCRIPTION: T45N R87W SEC 29-32

## **A. Description of the Proposed Action and any applicable mitigation measures**

The proposed action is application of imazapic, a pre-emergent herbicide, onto 254 acres of the Fatty Allen allotment (#00041) in the Worland Field Office (WFO). The proposed area is all BLM surface managed. The majority of the proposed treatment area was burned with a prescribed fire in 1995. The burned area is populated heavily with non-native annual brome grasses and less than 1% of the area has reestablished Wyoming big sagebrush (*Artemisia tridentata* subsp. *Wyomingensis*). One hundred percent of the area proposed for imazapic application is in Greater Sage-grouse priority habitat.

Imazapic formulation used for treatment would be any that is on the Approved for Use on Lands administered by the BLM. Imazapic applications would be made by contractor(s). Aerial application would be done on 227 acres. Ground application would be done onto 27 acres to be in compliance with the BLM WFO Approved Resource Management Plan (ARMP, September 2015) to avoid aerial application within 0.5 miles of the documented BLM Sensitive plant taxa DuBois milkvetch (*Astragalus gilviflorus* Sheld. var. *purpureus*) present. Aerial application would be made using a boom on a helicopter at a rate of 5 ounces of imazapic per acre. Ground application would be the same rate made with an ATV, by backpack sprayer, or a combination of both. No surfactant would be added to the imazapic and water mix. Application area would be recorded with a GPS unit in the helicopter, on the ATV, or with the individual(s) using a backpack sprayer. The herbicide water mix would be applied between August 15 and September 30, 2016 when native herbaceous vegetation is in early dormancy and prior to the onset of autumn precipitation events. The timing of the application allows for the effects of imazapic to target annual bromes, as it is one of the few winter annual grasses that emerge after this planned application timing. Imazapic is degraded by soil microbes and, to some small extent, sunlight, with an average soil residence time of 240 days.

No livestock would be in the area during or for 24 hours following application of imazapic and no early season livestock grazing would occur following treatment for one year. No application would be made when wind speeds are greater than 7 mph to alleviate drift potential. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are discovered during treatment, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to: whether the materials appear eligible for the National Register of Historic Places; the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and, a timeframe for the AO to complete an expedited review under

36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume treatment measures.

The goal of the action is to reduce non-native annual brome presence by 50 % within four years following its application via the pre-emergent properties of the chemical. Three 200 ft long transects with photo-points would be installed prior to herbicide application—one in a control area that would not be treated, one in the area that would receive aerial treatment, and one in the area that would receive ground treatment. Transects would be read to determine percent non-native annual brome cover prior to and both one and three years following treatment effectiveness.

## **B. Land Use Plan (LUP) Conformance**

LUP Name\* September 2015, BLM Worland Field Office Approved RMP

\* List applicable LUPs (for example, resource management plans; activity, project, management, or program plans; or applicable amendments thereto)

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

3016: Use mechanical, chemical, and biological treatments across the landscape as needed to restore vegetative diversity and reduce the risk of unnatural fire within those ecosystems.

4037: Manage invasive plant species in the planning area in conjunction with local counties and other stakeholders consistent with the ROD for the Final FEIS addressing Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (BLM 2007a), and current with policy and similar guidance updated over time.

4044: Reduce and prevent the expansion of cheatgrass through cooperation with other agencies, organizations, and interested stakeholders. Treat areas that contain cheatgrass and other invasive or noxious species to minimize competition and favor establishment of desired species.

4048: Allow aerial application of pesticides on a case-by-case basis in coordination with the authorized officer.

4070: Conduct habitat enhancement vegetation treatments within sagebrush communities as opportunities and funding allow, consistent with EO 2015-4 (Wyoming Office of the Governor 2015).

4103: Establish fuels treatment projects at strategic locations to minimize size of wildfires and limit loss of Greater sage-grouse habitat.

4137: Avoid aerial applications of herbicides within ½ mile of BLM special status plant species. Allow vehicle and hand application of herbicides.

6212: Design range improvement projects, including vegetation treatments, to meet multiple-use objectives, mitigate impacts to other resource values, and meet allotment management objectives.

### **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

List by name and date all applicable NEPA documents that cover the proposed action.

#### **Invasive Plant Management – Worland/Cody Field Office; Environmental Assessment DOI-BLM-WY-R010-2010-0026-EA, 2011**

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

#### **Vegetation Treatments in 17 Western States, Programmatic EIS (BLM, 2007)**

This document is tiered to and incorporated by reference to address the general effect on the environment of using herbicide control methods on non-native vegetation.

#### **Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement, Record of Decision (BLM, 2007)**

The ROD approved the use of 18 herbicide active ingredients and a scientific protocol to guide the analytical methodology for consideration of the use or non-use of herbicides by the BLM.

#### **Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for the Public Lands Administered by the Bureau of Land Management in the State of Wyoming (1997)**

The objectives of the rangeland health regulations are to promote healthy sustainable rangeland ecosystems, accelerate restoration and improvement of public rangelands to properly functioning conditions, and provide for the sustainability of the western livestock industry and communities that are dependent upon productive, healthy public rangelands.

#### **Weed and Pest Act (State of Wyoming 1973)**

This act requires the federal government to control undesirable plant species by the use of integrated weed management.

### **D. NEPA Adequacy Criteria**

**1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

#### **2.2 ALTERNATIVE A – PROPOSED ACTION**

From Invasive Plant Management – Worland/Cody Field Office; Environmental Assessment DOI-BLM-WY-R010-2010-0026-EA, 2011:

“Where applicable, noxious and invasive plant control would be accomplished by using an integrated pest management approach, utilizing a combination of biological, mechanical, chemical

methods. The Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement (BLM, 2007) analyzed the effects of using herbicides for treating vegetation on public land in the western United States. The Record of Decision's preferred alternative approved the use of the following 18 herbicide active ingredients : 2, 4-D, bromacil, chlorsulfuron, clopyralid, dicamba, diuron, glyphosate, hexazinone, imazapyr, metsulfuron methyl, picloram, sulfometuron methyl, tebuthiuron, triclopyr, imazapic, diquat, diflufenzopyr (in formulation with dicamba), and fluridone. All of these herbicide active ingredients may also be used in the WFO and CYFO. The use of herbicides would be applied either aerially or by ground throughout the field office, with no one treatment area more than 300 acres. In many cases, these treatments would be spot treatments of a few plants or small infestations of less than one acre. Total acres of all vegetation treatments under this Proposed Action would not exceed 4,000 acres per year. Under this proposed action, treatments may be conducted by BLM staff in the Worland and Cody Field Offices, industry applicators/contractors, and any of the four Weed and Pest Control Districts within the two field offices, (Bighorn, Hot Spring, Park, and Washakie).”

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation:

Yes. DOI-BLM-WY-R010-2010-0026-EA, 2011 analyzed the effects of integrated pest management and use of 18 herbicides. At the present time there is no other effective treatment available that will reduce non-native brome germination and establishment.

**3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

Documentation of answer and explanation:

The existing analysis is valid in that the sage grouse is a BLM sensitive species and habitat improvement is a priority for the current LUP. Decreased annual brome presence in this area may reduce wildfire spread, improve habitat quality, and enhance vegetative and animal species diversity.

**4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

Documentation of answer and explanation:

Yes. DOI-BLM-WY-R010-2010-0026-EA, 2011 describes the potential for a set-back in forb growth and reproduction and risk of damage to native plants from unforeseen or planned environmental conditions such as severe thunderstorms or windstorms in the proposed treatment area. Native herbaceous plants found on the Fatty Allen allotment are on the list of tolerant plants found on imazapic labels.

**5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?**

Documentation of answer and explanation:

Yes. The Fatty Allen allotment permittee and the Wyoming Game and Fish Department are in concurrence that the herbicide treatment would be appropriate and beneficial to the land it is proposed to occur on.

### E. Persons/Agencies /BLM Staff Consulted

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

BLM Staff Consulted		
Resource	Name	Title
Cultural Resources	Dora Ridenour	Archaeologist
Fish/Wildlife (including T&E)	Ted Igleheart	Wildlife Biologist
Recreation/VRM/Travel Management/Special Designations	Adam Babcock	Recreation/Visual Specialist
Rangeland/Vegetation	Michael Peck	Range Management Specialist
T&E Plants	Karen Hepp	Range Management Specialist (T&E/Sensitive Plants)
Engineering	Monica Goepferd	Civil Engineer
Fluid Minerals	Darci Stafford	Natural Resource Specialist
Water resources	Jared Dalebout	Hydrologist
Paleontology	Dora Ridenour	Archaeologist
Geology & Minerals	Franklin Sanders	Geologist
		Petroleum Engineer
Land Use/Access	Connie Craft	Realty Specialist
Fire Ecology	Yvonne Warren	Natural Resource Specialist
Forests	James Gates	Forester
Public Health and Safety	Holly Elliott	Petroleum Engineer
		Planning & Environmental Coordinator
Socioeconomics	Holly Elliott	Planning & Environmental Coordinator
Air Quality	Holly Elliott	Planning & Environmental Coordinator
Minerals and Lands	Holly Elliott	Assistant Field Manager
Resources	Holly Elliott	Assistant Field Manager

### Conclusion

(If you found that one or more of these criteria is not met, you will not be able to check this box.)

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Signature of Project Lead /s/Dr. Eve Warren Date: May 2, 2016

Signature of NEPA Coordinator /s/Holly Elliott Date: April 29, 2016

Signature of the Responsible Official: /s/Michael J. Phillips Date: May 2, 2016

**Note:** The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.