Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)

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

DNA (Tracking) Number: DOI-BLM-WY-D030-2016-0146-DNA
Case File/Project Number: WYD030-16-001-P
Proposed Action Title/Type: Rawlins Field Office Pesticide Use Proposal
Location/Legal Description: Rawlins Field Office-wide
Applicant: BLM Rawlins Field Office

A. Describe the Proposed Action and any applicable mitigation measures

Chemical vegetation treatment for invasive weeds would be conducted on rangeland, around range improvements, campgrounds, and roadsides. The locations are on the attached site list and are located on public lands administered by the BLM Rawlins Field Office (RFO). The proposed action would be monitored by Rawlins Field Office staff. Monitoring would include photographs and ocular reconnaissance.

Treatment would consist of ground application of imazapyr, picloram, 2,4-D, triclopyr, clopyralid, dicamba, metsulfuron methyl, chlorsulfuron, imazapic, or glyphosate containing herbicides. Some of these may be combined and applied as a tank mix. Herbicide(s) would be applied by a certified pesticide applicator or under their direct supervision following an approved Pesticide Use Proposal (PUP)(attached). The applicator would apply the herbicide(s) using a truck, tractor, atv with a boom sprayer, or backpack sprayer. Offsite drift would be controlled by spraying at low wind speeds (less than 10 mph) and when rain is not forecasted for that day. The PUP (WYD030-16-001-P) would be approved prior to herbicide application. Application could occur at any time during spring through fall, could be applied up to twice per year (depending upon the herbicide), and would generally take less than two hours to complete per site. All standard operating procedures and mitigation measures from the RFO Programmatic EA (*Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs*--WY-030-2008-0150-EA; tiered to the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (FEIS)(2007)) would be followed, as applicable.

The project would occur within general and priority habitat for Greater Sage-Grouse and within designated wild horse Herd Management Areas (HMAs). No specific mitigation measures from the FEIS were added for these species as none were applicable. Some locations are within potential Special Status Species habitat. The following conditions of approval would be applied:

- Persistant sepal yellowcress: Any treatments planned in the Hay Reservoir-proper area will have a biologist evaluate the area prior to treatment to determine if the plant is present in areas proposed for treatment.
- Colorado butterfly plant: Any treatments planned in the Laramie Peak area within 500 feet of riparian or riparian floodplain areas will have a biologist evaluate the area prior to treatment to determine if the plant is present in areas proposed for treatment.

B. Land Use Plan (LUP) Conformance

LUP Name: Record of Decision and Approved Resource Management Plan (RMP), as amended

Date Approved/Amended: December 24, 2008/September 21, 2015

The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions for vegetation:

2.3.16 Vegetation, page 2-46, Management Goal 4: "Manage to control noxious and invasive species."

Management Actions 2: "All forms of control for noxious and invasive species are allowed in the RMPPA on a case-by-case basis (Appendix 19)."

Appendix 19, Vegetation Treatments, p. A 19-1: "All chemical applications will be preceded by an approved pesticide use proposal (PUP) and appropriate NEPA review."

2.3.18 Wildlife and Fisheries, page 2-52, Management Goal 2: "Manage or restore habitat to conserve, recover, and maintain populations of native, desirable nonnative, and Special Status Species (e.g., BLM State Sensitive Species, WGFD Species of Greatest Conservation Need, Native Species Status (NSS) 1-2 species, USFWS listed/proposed/candidate species) consistent with appropriate local, state, and federal management plans and policies."

Management Objective 3: "Maintain, restore, or enhance designated BLM State Sensitive Species habitat to prevent listing under the ESA, in coordination and consultation with other local, state, and federal agencies and consistent with other agency plans, policies, and agreements."

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.

Vegetation Treatments using Herbicides Final Environmental Impact Statement, June 2007

Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs (DOI-BLM-WY-030-2008-0150-EA), April 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).

Request for Wildlife/Fisheries/Rare Plants Review Determination of RMP Conformance, Need for ESA Section 7 Consultation, and Biological Evaluation for Other Species Form,

July, 2016 (per RMP Appendix 19, Vegetation Treatments, p. A19-2).

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?
Yes.

Documentation of answer and explanation:

The new Proposed Action is the same as the previously analyzed action, which is "to halt the spread of weeds and eradicate new patches, or … to remove the vegetation around facilities." (p. 5). The Programmatic EA encompassed the entire field office. Soils, water, vegetation, livestock, wildlife, recreation, visual quality, social and economic, and human health and safety resources are described in the Affected Environment sections and effects to these resources are analyzed in the Environmental Effects sections.

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?
Yes.

Documentation of answer and explanation:

The range of alternatives analyzed in the referenced EA is appropriate. The alternatives considered were: A) Proposed Action (chemical, biological, physical, and mechanical methods), B) No Aerial Herbicide Application, and C) No use of Herbicides.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listing, 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?
Yes.

Documentation of answer and explanation:

The existing referenced EA contains recent and sufficient analyses pertinent to the new Proposed Action. Although new guidance for Greater Sage-Grouse (GRSG) may be issued following the recent USFWS decision to not list GRSG, the proposed action would be consistent the RMP, as amended. No other new information or circumstances have materialized which would influence the new Proposed Action or the Environmental Effects.

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?
Yes.

Documentation of answer and explanation:

Direct, indirect, and cumulative impacts of the new Proposed Action would be the same as those analyzed in the Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs EA (See Section C above). Standard operating measures in Appendix 1 of the EA would be followed, where applicable. Interdisciplinary review identified no additional impacts as a result of implementing this Proposed Action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?
Yes.

Documentation of answer and explanation:

The referenced EA was developed by a BLM RFO interdisciplinary team and interagency review (County Weed and Pest District Supervisor).

E. Persons/Agencies/BLM Staff Consulted:

Name	Title	Agency Represented
Susan Foley	Weed Coordinator	BLM RFO
Andy Warren	Supervisory Rangeland Management Specialist	BLM RFO
Frank Blomquist	Wildlife Biologist	BLM RFO
Kelly Owens	Hydrologist	BLM RFO
Bonni Bruce	Archeologist	BLM RFO
Mike Calton	Acting Wild Horse and Burro Specialist	BLM RFO
David Hullum	Outdoor Recreation Planner	BLM RFO
Cade Powell	Supervisory Natural Resource Specialist	BLM RFO
Nancy Baker	Assistant Field Manager, Minerals and Lands	BLM RFO
Tim Novotny	Assistant Field Manager, Resources	BLM RFO

Conclusion

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 NEPA.

Susan Foley
Signature of Project Lead

Heather Schroeder
Signature of NEPA Coordinator

Signature of the Responsible Official

JUL 14 2016
Date

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

July 2016

DECISION RECORD

Rawlins Field Office Pesticide Use Proposal # WYD030-16-001-P
DNA Number: DOI-BLM-WY-D030-2016-0146-DNA

Decision: I have reviewed the Determination of NEPA Adequacy (DNA), and the referenced Environmental Assessment (EA) (DOI-BLM-WY-030-2008-0150-EA). It is my decision to implement the Proposed Action, authorizing the use of chemical treatment on rangeland, around range improvements, campgrounds, and roadsides, as described in the attached DNA under the following conditions:

> Herbicides will be applied by a certified pesticide applicator or under their direct supervision following an approved Pesticide Use Proposal (PUP). The applicator will apply the herbicide(s) using a truck, tractor, atv with a boom sprayer, or backpack sprayer. Offsite drift will be controlled by spraying at low wind speeds and when rain is not forecasted for that day. A Pesticide Use Proposal (WYD030-16-001-P) will be approved prior to chemical application. Application can occur at any time during spring through fall, can be up to two applications per year (depending upon the herbicide), and will take less than two hours to complete.
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> Persistant sepal yellowcress: Any treatments planned in the Hay Reservoir-proper area will have a biologist evaluate the area prior to treatment to determine if the plant is present in areas proposed for treatment.
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> Colorado butterfly plant: Any treatments planned in the Laramie Peak area within 500 feet of riparian or riparian floodplain areas will have a biologist evaluate the area prior to treatment to determine if the plant is present in areas proposed for treatment.

Rationale: The proposed action will result in the control of invasive weed species along the roads, rangeland, around range improvements, and in campgrounds. The proposed action does not cause any undue or unnecessary environmental degradation.

Alternatives Considered: Alternatives were considered in the referenced EA: A) Proposed Action (chemical, biological, physical, and mechanical methods), B) No Aerial Herbicide Application, and C) No use of Herbicides. The Rawlins Field Office (RFO) Interdisciplinary Team did not identify any new issues; and therefore, no additional alternatives are required.

Plan Conformance and Consistency: The Proposed Action and alternatives meet the standards and direction of the various guiding laws, regulations, and directives that apply, including the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701). The Proposed Action was reviewed and found to be in conformance with the Bureau of Land Management (BLM), RFO Resource Management Plan (RMP) and Record of Decision (ROD), approved December 24, 2008, as amended.

Mitigation and Monitoring: Mitigation measures described in the referenced EA (from the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (2007) that are applicable are listed under the Proposed Action above, and will be applied to this project. Monitoring will include vegetation transects, photographs, and ocular reconnaissance.

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. If an appeal is taken (see 43 CFR 4.410), your notice of appeal must be filed within 30 days (see 43 CFR 4.411) from receipt of this decision to:

Field Manager
Bureau of Land Management
Rawlins Field Office
P.O. Box 2407
Rawlins, Wyoming 82301

The appeal shall state the reasons, clearly and concisely, why you think the final decision is in error (see 43 CFR 4.412).

If you wish to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board of Land Appeals, the petition for a 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.

Rawlins Field Manager

JUL 14 2016
Date