

**FINDING OF NO SIGNIFICANT IMPACT
AND
DECISION RECORD**

*Butte Field Office Weed Management Plan
DOI-BLM-MT-070-2009-00011-EA*

Finding of No Significant Impact (FONSI)

I have reviewed Environmental Assessment (EA) DOI-BLM-MT-707-2009-EA prepared for the Butte Field Office Weed Management Plan Revision, including the explanation and resolution of any potentially significant environmental impacts. Based on the analysis contained in the EA and considering the significance criteria in 40 CFR 1508.27, I have determined that selection of the proposed action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

In addition, I have made the determination as required under Executive Order 13212 that this project as proposed will have no impact on the President's Energy Policy.

Decision and Summary of the Selected Alternative

It is my decision to select the weed management program and plan as described in Alternative B, including referenced Standard Operating Procedures and Protective Measures as outlined in the environmental assessment prepared to update the Butte Field Office Weed Management Plan (EA# DOI-BLM-MT-070-2009-00011-EA), with the following modifications:

- Aerial applications using fixed wing operations could be allowed if approved through a separate environmental analysis process.
- Pollinator provisions will only be applied if determined necessary on a case-by-case basis through Annual Operating Plan discussions.

Rationale for the Decision

The action outlined in this decision is in conformance with the Record of Decision for the Approved Butte Resource Management Plan (April 2009, released in May 2009) as well as with the major provisions outlined in other associated weed planning and analysis documents, including:

- Record of Decision for *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (September 2007)
- Record of Decision for *Vegetation Treatment on BLM Lands in Thirteen Western*

States Final Environmental Impact Statement (July 1991)

- *Record of Decision for Northwest Area Noxious Weed Control Program Final Environmental Impact Statement (March 1987)*

In response to BLM outreach efforts conducted during scoping for the weed management plan update, written comments were received from Jefferson County, Montana Fish, Wildlife and Parks (Butte) and the Forest Service (Wise River/Wisdom Districts), as well as comments from the Elkhorns Working Group. These comments were considered during development of the environmental assessment and the proposed action and in the decision making process.

The environmental analysis determined that the weed management program described under Alternative B will result in long-term improvement in range, riparian, forest and woodland health along with soil stability, water quality and wildlife and livestock forage. Because of the design features outlined as part of the selected alternative, negligible environmental consequences are expected when chemicals are applied following label guidelines. Guidance on how aerial applications will be conducted provides clear direction and minimizes risks to resources and public health while allowing for cost-efficient treatment under appropriate conditions and circumstances.

Modifications listed above regarding the potential for future fixed wing herbicide applications and consideration of pollinators during annual planning discussions are incorporated to allow for future advancements in technology or approved chemicals. These adjustments provide for flexibility necessary in order to ensure effective weed control practices can be utilized within the BFO.

Authority

The authority for this decision is contained in Title 43 of the Code of Federal Regulations. Specifically, the authority for implementation of actions conforming with land use plans is found in 43 CFR 1610.5-3. Development of an updated weed management plan is in conformance with the recently Approved Butte Resource Management Plan (April 2009) comes under this authority.

Provision for Protests and Appeals

Protests

Protest provisions are not applicable to implementation planning decisions rendered under the authority of 43 CFR 1610.5-3.

Appeals

Any applicant, permittee, lessee, or other person whose interest is adversely affected by this decision may file an appeal and petition for stay of the decision pending final determination on appeal under 43 CFR 4.4. The appeal and any petition for stay must be filed in writing by close of business on July 27, 2009, 4:30 p.m. in the office of the

authorized officer, Richard Hotaling, Butte Field Manager, 106 North Parkmont, Butte, Montana. 59701. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer. The appeal shall state the reason(s), clearly and concisely, why the appellant thinks the final decision is in error.

Should you wish to file a motion for stay, the appellant 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, and
- (4) Whether the public interest favors granting the stay.

The petition for stay must be filed in the office of the authorized officer as noted above.

/s/ Richard M. Hotaling

Authorized Officer (signature)

June 25, 2009

Date of Signature