



United States Department of the Interior

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EMS TRANSMISSION: 9/1/09
Instruction Memorandum No. **CA-2009-030**
Expires: 09/30/10

To: All District Managers and Field Managers

From: Acting State Director

Subject: Instructions for Implementing the Final Programmatic Environmental Impact Statement (PEIS) and Record of Decision for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States (ROD) (September 2007) and Incorporating it into Site-Specific NEPA

Program Area: Vegetation Treatments, Fire and Hazardous Fuels Reduction, Emergency Stabilization and Burned Area Rehabilitation, Threatened and Endangered Species, Cultural Resources, Tribal Consultation, Wildlife Habitat, Forestry, Noxious Weeds and Invasive Species, Planning and NEPA.

Purpose: To provide guidance and policy regarding the use of BLM approved herbicide formulations and incorporating the Vegetation Treatments Using Herbicides PEIS into NEPA documentation for California.

In September 2007, the ROD was signed for the PEIS. This ROD does the following: 1) approves herbicide active ingredients analyzed under the Preferred Alternative (Alternative B) in the PEIS for use on public lands administered by the BLM in 17 western states, including Alaska, and 2) approves the use of the scientific assessment protocol to guide the analytical methodology for consideration of the use or non-use of herbicides by the BLM. As a result, this allows California the ability to use 13 active ingredients that are also registered for use in the State of California.

There are no Categorical Exclusions currently available for the use of herbicides. All environmental assessments (EA) prepared for the use of herbicides must tier to the PEIS and conform to the PEIS ROD. Tiering utilizes analysis in existing EAs or EISs by summarizing their analysis, extrapolating their findings to the project under consideration, and citing relevant pages in the tiered NEPA document. Tiering allows you to narrow the scope of the site specific analysis and focus on issues that are ripe for decision-making.

For more information on tiering, see the NEPA Handbook (H 1790-1):

http://www.blm.gov/style/medialib/blm/wo/Information_Resources_Management/policy/blm_handbook.Par.24487.File.dat/h1790-1-2008-1.pdf

Specifically, relevant sections of the PEIS ROD that should be referenced (tiered to) in all site-specific NEPA analysis with an herbicide component include:

- Standard Operating Procedures (SOPs) for Applying Herbicides (Appendix B, Table B-2, pp. B-9 through B-14). Relevant SOPs would go in the Proposed Action.
- Additional measures to mitigate any potential adverse environmental effects as a result of vegetation treatment activities using herbicides (Table 2, pp.2-4 through 2-6). This information is best when used as a project design feature in the Proposed Action or, alternatively, as a mitigation measure following the impacts section.
- Human Health Risk Assessment, (PEIS Appendix B) and Ecological Risk Assessment, (Appendix C). This information on impacts to resources and human health should go into the impacts section of the herbicide EA.

These SOPs and mitigation measures ensure that all practicable means to avoid or minimize environmental harm have been adopted by the BLM. The risk assessment information ensures that impacts are fully described.

Native American Concerns

California BLM has a Traditional Gathering Policy (CA-IM-2009-03) that ensures that native traditional practitioners have access to culturally important plant and fungal materials.

Traditional native practitioners, from more than 200 federally and non-federally recognized Tribes rely on public lands to sustain their traditions and meet their cultural needs. There is a risk that residual herbicides on plant material may inadvertently be ingested during Native American traditional practices such as basketry or when using baskets made from materials collected on BLM lands. Therefore, it is imperative that BLM ensures consultation, collaboration, and cooperation between Tribes, tribal communities, tribal organizations and native traditional practitioners especially when using herbicides in or near areas where plant and fungal material are collected for traditional use.

The NEPA process requires documentation of consultation with tribes, other groups, agencies, and individuals consulted with or notified during development of NEPA documents. All NEPA documents prepared for herbicide and pesticide use will incorporate this documentation.

Budget Impact: This IM does not have a budget impact.

Contact: If you have any questions regarding this IM, please contact Dianna Brink, Weed Program Lead, at (916) 978-4645; or Charlotte Hunter, State Archaeologist and Tribal Liaison, at (916) 978-4648; or Sandra McGinnis, Planning and Environmental Coordinator, at (916) 978-4427.

Signed by:
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