



**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

Bishop Field Office
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Bishop, California 93514
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Decision Record

Invasive Plant Management Inyo and Mono Counties, California (DOI-BLM-CAC-070-2014-0030-EA)

Introduction and Background

The Bureau of Land Management (BLM) intends to implement an Integrated Pest Management (IPM) approach towards non-native, invasive plant management on public lands administered by the Bishop Field Office in Inyo and Mono counties, California. The management program would allow the BLM to control, and eradicate where possible, invasive plant species known to occur on public lands in the eastern Sierra region including tamarisk (*Tamarix ramosissima*), Russian thistle (*Salsola tragus*), white top (*Lepidium appelianum*), perennial pepperweed (*Lepidium latifolium*), Russian olive (*Elaeagnus angustifolia*), woolly mullein (*Verbascum thapsus*) and bull thistle (*Cirsium vulgare*). Identification of new invasive plant species and new infestations of either currently known or currently undocumented invasive plant species cannot be predicted in advance; however, the BLM anticipates that both new species and new infestations will be identified and require treatment in the future.

A combination of manual and chemical treatment methods would be used to control and eradicate non-native, invasive plant infestations found on public lands administered by the Bishop Field Office. Manual treatments would include the use of hand tools and hand-operated power tools to either cut the target plant near the ground surface or to remove the flowering portion of the plant. Manual treatments may also include hand pulling or digging out to remove smaller plants. Chemical treatments would involve the direct application of the most suitable herbicide for the target invasive plant species based on the approved active ingredient. Herbicides would be applied using a hand/backpack sprayer or applied directly to cut stumps using a brush. No broad-scale or aerial application of herbicides would be authorized.

The purpose of the invasive plant management program considered herein is to locate, control, and eradicate where possible, non-native, invasive plant infestations while they are small in extent. Controlling and/or eradicating infestations while they are small would reduce the potential for invasive plants to spread and cause adverse impacts to surrounding lands and resources, as well as minimize the potential for collateral impacts to native plant species and associated resources during treatment. Action is needed to comply with Executive Order 13112 and because invasive plants adversely impact biologic and hydrologic systems, as well as detract from the quality of recreational opportunities and the naturalness of designated wilderness,

wilderness study areas, areas of critical environmental concern, eligible wild and scenic river study corridors, and other ecologically important areas. Currently, many of the known invasive plant infestations that would be targeted for treatment are very small in extent and their impacts are highly localized. However, these infestations have the potential to spread and cause substantial adverse impacts to public lands and resources, as well as nearby private lands if they are not treated.

The environmental review and Decision Record for this project is tiered to the *Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement Record of Decision* (PEIS ROD, 2007). The PEIS ROD approved a specific suite of herbicide active ingredients that may be used on public lands administered by the BLM and a scientific assessment protocol and analytical methodology for considering the use or non-use of herbicides on public lands by the BLM. Standard operating procedures (SOPs) for herbicide application from the PEIS ROD are incorporated into this Decision Record as Appendix 1. Mitigation measures for herbicide application from the PEIS ROD are incorporated into this Decision Record as Appendix 2.

Decision and Rationale

Based on the information and analyses provided in environmental assessment DOI-BLM-CAC-070-2014-0030-EA and the associated finding of no significant impact dated July 24, 2015, I have determined that implementation of the proposed action as designed will not result in any significant adverse effects on the human environment and therefore an environmental impact statement is not required. I have also determined that the proposed action conforms to, and is consistent with, the overall guidance and management direction provided by the Bishop Resource Management Plan (RMP), approved March 25, 1993 as required by 43 CFR 1610.5-3(b).

The proposed action implements the following Bishop RMP Decision:

- “Protect and enhance unique or important vegetation communities and wildlife habitats” (Area-Wide Decisions, p. 17). Invasive plant species create adverse impacts to native ecosystem processes including direct competition with, and replacement of, native plants; alteration of physical and biological soil properties; loss of riparian area function; and alteration of natural fire regimes.

The project also conforms to, and is consistent with, the following Area Manager’s Guidelines:

- “Vegetation will be a key element in the plan and management will be directed toward the achievement of desired plant community goals” (Area Manager’s Guidelines, p. 9). Desired plant community goals for public lands administered by the Bishop Field Office are designed to maintain and improve native vegetation communities and associated wildlife species, not non-native, invasive plant species. The proposed action is designed to maintain and improve the ecological condition of native vegetation communities and associated wildlife species by minimizing or eliminating invasive plant infestations.

Implementing this project will make it possible to eradicate and/or control non-native, invasive plant infestations on public lands administered by the Bishop Field Office. Over time, new invasive plant species are also likely to be found. If the project is not implemented, invasive plant infestations will likely expand and spread to new locations.

Project implementation will improve habitat suitability for native plant and animal species, including threatened, endangered, and special status species; protect scenic and natural values in designated wilderness, wilderness study areas, areas of critical environmental concern, eligible wild and scenic rivers corridors, and other ecologically important areas; and reduce the likelihood that larger-scale, more impactful treatments will be needed in the future to control invasive plant infestations.

In contrast, predicted adverse impacts from project implementation are expected to be short-term and include minor vegetation and soil disturbance from treatment of nearby invasive plants; and temporary disruption to recreational activities, Native American cultural practices, and solitude in designated wilderness.

There will be no adverse effect to any cultural resources as a result of this undertaking.

Project implementation will not adversely affect any species listed, or proposed for listing, as either endangered or threatened under the Endangered Species Act of 1973, nor will it adversely affect any designated or proposed critical habitat for any such species.

Therefore, it is my decision to implement the proposed action as designed, and subject to, the following project implementation stipulations as outlined in the environmental assessment:

Stipulations

1. No aerial application of herbicides is authorized. All herbicide application will be conducted by hand crews working on foot.
2. If previously unidentified cultural resources are discovered during project implementation, the Field Office Archaeologist must be notified and work in the area shall immediately cease until the resource can be evaluated. The project will be modified to avoid adverse effects to newly discovered resources before project implementation will be allowed to continue.
3. If project activities exceed two square meters of ground disturbance per acre, then compliance with Section 106 through the BLM CA State Protocol Agreement will be initiated.
4. When weed treatments require that herbicides be applied via a sprayer, the appropriate tribal governments will be formally notified 30 days prior to project implementation in order to inform traditional gatherers and to eliminate the risk of accidental exposure.

5. Applicable Standard Operation Procedures (SOPs) for Applying Herbicides from the PEIS ROD will be followed to minimize risks to human health and the environment from herbicide treatments (*see* Appendix 1, attached).
6. Applicable Mitigation Measures for Herbicide Application from the PEIS ROD will be followed to ensure that all practicable means to avoid or minimize adverse environmental effects resulting from herbicide application are in place (*See* Appendix 2, attached).

Site-specific treatments proposed for implementation pursuant to this decision shall be subject to a subsequent environmental review consistent with the policies and procedures in the BLM National Environmental Policy Handbook (H-1790-1). At a minimum, a Determination of NEPA Adequacy (DNA) review will be conducted for each individual treatment, or group of treatments, to determine if the effects of the proposed treatment(s) were adequately analyzed, described and disclosed in EA DOI-BLM-CAC-070-2014-0030-EA. Consistent with policy, the BLM may provide public participation and input opportunities during a DNA review.

If the Bishop Field Manager determines that the issues and effects of a proposed site-specific treatment, or group of treatments, were adequately analyzed, described and disclosed in DOI-BLM-CAC-070-2014-0030-EA, a decision to implement the proposed treatment(s) will be issued based on the findings in the DNA. Any such decision shall be subject to appeal pursuant to 43 CFR Part 4.

If the Bishop Field Manager determines that the issues and effects of a proposed site-specific treatment unit, or group of treatment units, were not adequately analyzed, described and disclosed in DOI-BLM-CAC-070-2014-0030-EA, a separate site-specific EA shall be completed prior to any decision being issued. Any such site-specific EA level review may be tiered to the environmental review completed in DOI-BLM-CAC-070-2014-0030-EA. Consistent with policy, the BLM will provide public participation and input opportunities during any tiered EA level review. Any decision based on a tiered EA level review shall be subject to appeal pursuant to 43 CFR Part 4.

Alternatives Considered but not Selected

Several non-native, invasive plant species are known to exist on public lands administered by the Bishop Field Office and there is potential for both the increase and spread of existing species and the introduction and spread of additional species.

The No Action alternative would not allow for any control of non-native, invasive plant species. Without action, it is likely that invasive plants would dominate larger portions of the area and spread to new areas.

The No Herbicide Use alternative would only allow for effective control of some non-native, invasive plant species. Under this alternative, invasive plant species that cannot be effectively controlled or eradicated without herbicide application would dominate larger portions of the area and spread to new areas.

Administrative Remedies

Administrative remedies may be available to those who believe they will be adversely affected by this decision. Appeals may be made to the Office of Hearings and Appeals, Office of the Secretary, U.S. Department of the Interior, Board of Land Appeals (Board) in strict compliance with the regulations in 43 CFR Part 4. The appellant has the burden of showing that the decision being appealed is in error.

Notices of appeal must be filed with the Field Manager, Bureau of Land Management, Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, California, 93514 within 30 days after publication of this decision. If a notice of appeal does not include a statement of reasons, such statement must be filed with this office and the Board within 30 days after the notice of appeal is filed. The notice of appeal and any statement of reasons, written arguments, or briefs must also be served upon the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, E-1712, Sacramento, California, 95825-1890. Please consult the regulations (43 CFR Part 4) for further appeal requirements.

If you wish to file a petition pursuant to regulation 43 CFR 4.21(b) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to the Board and the Regional Solicitor identified above (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a 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, and
- (4) whether the public interest favors granting the stay.

Project Contact

For additional information about this decision and project implementation, please contact Casey Boyd, Natural Resource Specialist, at 351 Pacu Lane, Suite 100, Bishop, CA 93514, phone 760-872-5025; or myself, Steven Nelson, Bishop Field Manager, at 351 Pacu Lane, Suite 100, Bishop, CA 93514, phone: 760-872-5011.

/s/Steven Nelson

07/24/2015

Steven Nelson
Bishop Field Manager

Date