

DECISION RECORD
Cat Creek Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments
Determination of NEPA Adequacy (DNA), WY-070-DNA12-164
Bureau of Land Management, Buffalo Field Office, Wyoming

DECISION. The BLM approves the Cat Creek Fire ES&R Treatments for portions of BLM lands in east central Johnson County as described in the Cat Creek Fire ES&R DNA, incorporated here by reference. The Cat Creek Fire is located about 9 miles south of I-90 on the Iberlin/4-Mile Road and includes portions of northeast Wyoming:

County	Township North	Range West	Section(s)	Acres
Johnson	48	78	Portions of 19, 20, 29, 30	670

*see page 7 of the DNA for a map of the fire perimeter and targeted treatment areas.

Compliance. This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701); DOI Order 3310.
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Migratory Bird Treaty Act (16 USC 703 et seq.).
- Clean Air Act (42 USC 7401 et seq.).
- Federal Insecticide, Fungicide, and Rodenticide Act (PL 75-717; 7 USC 136 et seq.).
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003, 2011.
- Buffalo Final Environmental Impact Statement (FEIS) Record of Decision (ROD), 1985;
- FEIS and Proposed Plan Amendment for the Powder River Basin [PRB] Oil and Gas Project, ROD, 2003.
- Vegetation Treatments Using Herbicides in 17 Western States, Programmatic EIS, ROD, BLM, 2007.

Summary of Proposal. The Bureau of Land Management (BLM), Buffalo Field Office (BFO) will implement stabilization and rehabilitation treatments on BLM lands within the Cat Creek Fire which burned 1,173 total acres (857 acres of BLM surface) in early October, 2011. Herbicide treatments would use the chemical imazapic to inhibit cheatgrass germination on up to 670 acres; and would be applied in late summer by Johnson County Weed and Pest District or by certified pest applicator specialists as determined by the Johnson County Weed and Pest Board. Wooden fence posts and braces would be replaced by the livestock grazing lessee along 2.5 miles of fence.

Aerial herbicide applications may be used if Johnson County Weed and Pest District can combine this treatment into a single contract that treats multiple unrelated project sites in the PRB. This would eliminate ground surface disturbance and could reduce application costs by an estimated \$9.00 to \$20.00 per acre as compared to ground application by ATV or UTV. Protective measures are part of the proposal to minimize the potential for pesticides from entering water bodies.

THE FINDING OF NO SIGNIFICANT IMPACT (FONSI). Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy (DNA) Worksheet, its attached pesticide use proposal (PUP) and as analyzed in the land use plans, amendments, final environmental impact statements (FEIS), environmental assessments (EA), and rehabilitation plans listed in the DNA worksheet (all incorporated here by reference, along with the DNA's FONSI) for the Buffalo resource area, the activity of the Cat Creek Fire ES&R activities will have no significant impacts on the human environment beyond those described in the Buffalo, PRB, and Vegetation Treatments Using Herbicides in 17 Western States, Programmatic, BLM, 2007, FEISs. Therefore there is no requirement for an EA or EIS.

COMMENT OR NEW INFORMATION SUMMARY. BLM experience in the PRB indicates public support for control of cheatgrass, especially in areas which are at risk of infestation, so BLM internally scoped this proposal with input from the Johnson County Weed and Pest District and the BLM livestock grazing lessee. New information for GSG includes the 2012 BLM-contracted population viability analysis (PVA) for the Northeast Wyoming GSG. The PVA indicates that a viable GSG population exists in the PRB, but the population is threatened by the synergistic effects of energy development and stochastic stressors such as the West Nile virus (WNV). The loss of sagebrush cover with invasion of cheatgrass, which occurs after wildfires, contributes to the threats to GSG. Efforts to prevent cheatgrass invasion, while promoting forb and perennial grass production, will greatly facilitate the reclamation of GSG habitat.

DECISION RATIONALE. BLM bases the decision authorizing the selected project on:

1. The herbicide used is imazapic which inhibits seed germination in annual brome grasses.
2. The herbicide treatment will be applied by ground or air in late summer, between August 1st and September 30th with application by certified pest applicator specialists as determined by the Johnson County Weed and Pest Board.
3. Johnson County Weed and Pest Board will use the following standard protective measures to minimize the potential for the herbicide (a type of pesticide) to enter water bodies:
 - Pesticides would not be directly applied to water bodies (defined herein as reservoir, lakes, ponds, pools left by seasonal streams, springs, wetlands, and perennial streams and rivers.) To the extent possible, application efforts will avoid other ephemeral or small water bodies such as intermittent streams, vernal pool, and cattle tanks, and puddles.
 - Buffers around all water bodies will include: 500-foot buffer with aerial liquid pesticides, 200-foot buffer with aerial bait, 50-foot buffer with ground bait. In addition, 25 feet of the buffer around the water body would need to be comprised of vegetation. These buffers exceed label requirements for protection of water bodies.
 - Pesticides would not be applied near water bodies under high wind conditions to minimize the potential for drift.
4. The burned area is not within GSG Preliminary Priority Habitat (PPH), but is within Preliminary General Habitat (PGH). Disruptive activity would be restricted on or within one quarter (0.25) mile radius of the perimeter of occupied or undetermined GSG leks with adherence to seasonal restrictions in nesting/early brood-rearing habitat and/or winter concentration areas.
5. The BLM will adhere to applicable mitigation measures identified in the resource management plans (RMPs) and their records of decision (RODs), and the Biological Opinions for the Powder River Basin Oil and Gas Project throughout implementation of this project.
6. If significant historic properties eligible to the National Register and requiring protection are found to be present in the treatment area, they will be isolated from treatment activities. If previously unknown cultural materials are discovered during treatment implementation, they will be left intact and the BLM's authorized officer notified.
7. Grazing of burned areas may be deferred for two growing seasons following late summer herbicide application, and as needed in subsequent growing seasons as determined by resource staff. Grazing

will be allowed in subsequent seasons when it is determined by resource staff that the treatment area can sustain grazing without compromising the effectiveness of treatment or contributing to invasive species spread.

ADMINISTRATIVE REVIEW AND APPEAL. BLM issues this decision under 43 CFR 4190.1 and/or 43 CFR 5003.1(b) and is effective immediately. BLM determined that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels build-up, or other reasons [the potential for cheatgrass infestations to expand within the burned area], or are at immediate risk of erosion or other damage due to wildfire. Thus notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice under 43 CFR Part 4 does not automatically suspend the effect of the finding or decision. Appeal of this decision may be appealed to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this decision within 60 days after all pleading have been filed and within 180 days after the appeal was filed as contained in 43 CFR 4.416.

Because the public interest will be best served by prompt implementation of the ES&R treatment, the BLM requests that the Interior Board of Land Appeals (IBLA) issue an order providing that this decision shall be in full force and effective immediately pursuant to 43 CFR § 4.21(a)(1). The following appeal rights are available to parties that are adversely affected by this decision.

Appeal

Any party who is adversely affected by this decision has a right to appeal to the IBLA, in accordance with the provisions described in 43 CFR § 4.410. A person who wishes to appeal must file notice with the Field Manager, Bureau of Land Management, Buffalo Field Office, 1425 Fort Street, Buffalo, Wyoming 82834, within thirty (30) days of publication of the decision. The Notice of Appeal must identify the decision being appealed, and may include a statement of reasons for and any argument the appellant wishes to make. If the notice does not include any statement of reasons for the appeal, the appellant shall file such a statement of reasons with the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after the notice of appeal was filed. The appellant shall serve a copy of the Notice of Appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision from which the appeal is taken and on the Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, P.O. Box 25007 D-105, Denver Federal Center, Denver, Colorado 80225 not later than 15 days after filing the document. Service of the copy may be made by delivering the copy personally or by sending it by registered or certified mail, return receipt requested.

Request for Stay

If you wish to file a petition (pursuant to regulation 43 CFR § 4.21) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your Notice of Appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- i. The relative harm to the parties if the stay is granted or denied;
- ii. The likelihood of appellant's success on the merits;
- iii. The likelihood of immediate and irreparable harm if the stay is not granted, and
- iv. Whether the public interest favors granting the stay.

The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted. The appellant shall serve copies of the Notice of Appeal and petition for a stay on each party named in this decision from which the appeal is taken, and on the Appeals Board to which the appeal is taken.



Field Manager

7/31/12

Date

FINDING OF NO SIGNIFICANT IMPACT
Cat Creek Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments
Determination of NEPA Adequacy (DNA), WY-070-DNA12-164
Bureau of Land Management, Buffalo Field Office, Wyoming

FINDING OF NO SIGNIFICANT IMPACT (FONSI). Based on the analysis of potential environmental impacts contained in the attached Determination of NEPA Adequacy (DNA) Worksheet, its attached pesticide use proposal (PUP) and as analyzed in the land use plans, amendments, final environmental impact statements (FEIS), environmental assessments (EA), and rehabilitation plans listed in the DNA worksheet (all incorporated here by reference) for the Buffalo resource area, I find that the activity of the Cat Creek Fire ES&R activities will not have a significant effect on the human environment. Therefore there is no requirement for an EA or EIS.

CONTEXT: Livestock grazing, recreational hunting, and mineral development are common land uses in the Powder River Basin (PRB). The Buffalo and PRB FEIS's reasonably foreseeable development analyzed the development of livestock, wildlife, and mineral resources including the drilling of 54,200 wells. The cheatgrass control and fence repair on the Cat Creek Fire is insignificant in the national, regional, and local context.

INTENSITY: The implementation of the Cat Creek Fire ES&R herbicide treatment and fence repair will result in beneficial effects to rangeland health and Greater Sage-Grouse (GSG) habitat; however, there may also be adverse effects to the environment. Design features and mitigation measures included in the Decision Record will minimize adverse environmental effects. The ES&R treatments do not pose a significant risk to public health and safety. The geographic area of project does not contain unique characteristics identified in the 1985 RMP, the 2001 RMP, the 2003 PRB FEIS, or other legislative or regulatory processes. BLM used relevant scientific literature and professional expertise in preparing the DNA. The scientific community is reasonably consistent with their conclusions on environmental effects relative to herbicide treatments using imazapic. Research findings on the nature of the environmental effects are not highly controversial, highly uncertain, or involve unique or unknown risks.

The Buffalo and PRB FEISs and the EAs the Cat Creek Fire ES&R tiers to analyzed invasive species management of the nature proposed with this project and similar projects. This ES&R project does not establish a precedent for future actions with significant effects. The alternative relates to the PRB GSG and its habitat decline having cumulative significant impacts, yet the small size of this project is within the parameters of the impacts denoted in the Buffalo and PRB FEISs. There are no cultural or historical resources present that will be adversely affected by the selected alternative. The project is clearly lacking in wilderness characteristics as the project is not surface-based. No species listed under the Endangered Species Act or their designated critical habitat will be adversely affected. The ES&R treatments will not have any anticipated effects that would threaten a violation of federal, state, or local law or requirements imposed for the protection of the environment.

ADMINISTRATIVE APPEAL. BLM issues this finding under 43 CFR 4190.1 and/or 43 CFR 5003.1(b) and is effective immediately. BLM determined that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels build-up, or other reasons [the potential for cheatgrass infestations to expand within the burned area], or are at immediate risk of erosion or other damage due to wildfire. Thus notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice under 43 CFR Part 4 does not automatically suspend the effect of the finding or decision. Appeal of this finding may be appealed to the Interior Board of Land Appeals in accordance with 43 CFR 4.410. The Interior Board of Land Appeals must decide an appeal of this finding within 60 days after all pleading have been filed and within 180 days after the appeal was filed as contained in 43 CFR 4.416.

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A petition for a stay is required to show sufficient justification based on the following standards:

- i. The relative harm to the parties if the stay is granted or denied;
- ii. The likelihood of appellant's success on the merits;
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- iv. Whether the public interest favors granting the stay.

The appellant requesting the stay bears the burden of proof to demonstrate that a stay should be granted. The appellant shall serve copies of the Notice of Appeal and petition for a stay on each party named in this finding from which the appeal is taken, and on the Appeals Board to which the appeal is taken.

Field Manager: 

Date: 7/31/12

Determination of NEPA Adequacy (DNA) Worksheet
WY-070-DNA12-164
Bureau of Land Management, Buffalo Field Office

OFFICE: BLM, Buffalo Field Office (BFO), 1425 Fort Street, Buffalo, WY 82834

TRACKING NUMBER: WY-070-DNA12-164

PROPOSED PROJECT TITLE:

Cat Creek Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments

LOCATION/LEGAL DESCRIPTION:

County	Township North	Range West	Section(s)	Acres
Johnson	48	78	Portions of 19, 20, 29, 30	*670

*see page 7 for a map of the fire perimeter and targeted treatment areas.

APPLICANT (if any): BFO

A. Description of the Proposed Activity and any applicable mitigation measures

The proposed activity would implement stabilization and rehabilitation treatments on BLM lands within the Cat Creek Fire which burned 1,173 total acres (857 acres of BLM surface) in early October, 2011. Herbicide treatments would use the chemical imazapic to inhibit cheatgrass germination on up to 670 acres; and would be applied in late summer by Johnson County Weed and Pest District or by certified pest applicator specialists as determined by the Johnson County Weed and Pest Board. Wooden fence posts and braces would be replaced by the livestock grazing lessee along 2 ½ miles of fence.

The goal of the proposed activity is to minimize cheatgrass expansion within the burned area which would allow native grasses and forbs to reestablish without competition. Most of the herbaceous natives are re-sprouting perennials and will reach pre-burn canopy coverage within two or three years if annual bromes are controlled.

- Achieving the goal will support rangeland health objectives identified in the Buffalo Resource Management Plan (RMP), 1985, and amended, 2001, 2003, and 2011. See Section B below for further details.
- The fire burned about 350 acres of Wyoming big sagebrush stands on BLM lands. The burned area is within Greater Sage-Grouse (GSG) Preliminary General Habitat (PGH); Preliminary Priority Habitat (PPH) is located about 3 miles from the burned area. Should future restoration of Wyoming big sagebrush be implemented in the burned area, the proposed activities would facilitate those restoration objectives. BLM contracted the University of Montana in 2009 to conduct a Population Viability Analysis (PVA) of the Powder River Basin (PRB) GSG population. The PVA indicates that a viable GSG population exists in the PRB, but the population is threatened by the synergistic effects of energy development and stochastic stressors such as the West Nile virus (WNV). The loss of sagebrush cover with invasion of cheatgrass, which occurs after wildfires, contributes to the threats to GSG. Efforts to prevent cheatgrass invasion, while promoting forb and perennial grass production, will greatly facilitate the reclamation of sage-grouse habitat.

Even though the burned area is relatively small it is possible that an aerial application may be used if Johnson County Weed and Pest District can combine this treatment into a single contract that treats multiple unrelated project sites in the PRB. This would eliminate ground surface disturbance and could reduce application costs by an estimated \$9.00 to \$20.00 per acre as compared to ground application by ATV or UTV. Ground or aerial treatments would adhere to federal environmental laws and statutes including the Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, National Historic Preservation Act (NHPA), Clean Air Act, Clean

Water Act, and the Federal Insecticide, Fungicide, and Rodenticide Act. All label instructions and standard operating procedures (SOPs) for the proper handling, storage, application, accidental spill, and disposal of the herbicide imazapic (a type of pesticide) would be followed. The following protective measures are employed to minimize the potential for pesticides from entering water bodies:

- Pesticides would not be directly applied to water bodies (defined herein as reservoirs, lakes, ponds, pools left by seasonal streams, springs, wetlands, and perennial streams and rivers). To the extent possible, application efforts will avoid other ephemeral or small water bodies such as intermittent streams, vernal pools, cattle tanks, and puddles.
- Buffers around all water bodies will include: 500-foot buffer with aerial liquid pesticides, 200-foot buffer with aerial bait, 50-foot buffer with ground bait. In addition, at least 25 feet of the buffer around the water body would need to be comprised of vegetation. These buffers exceed label requirements for protection of water bodies.
- Pesticides would not be applied near water bodies under high wind conditions to minimize the potential for drift.

The proposed activity and monitoring plans are described in the “2011 Cat Creek Fire Emergency Stabilization and Burned Area Rehabilitation Plan.” Herbicide treatments using imazapic would be applied in late summer 2012 (rather than early spring as indicated in the plan) by the Johnson County Weed and Pest District, and fence posts would be replaced by the livestock grazing lessee as soon as possible.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

Buffalo RMP, 1985; amended, 2001, 2003, and Fortification Creek Amendment, 2011

U.S. Department of Interior Order 3310

Other: Executive Order 13112, Invasive Species, 1999

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

The Buffalo RMP, 1985, provides for: treatment of invasive species in grazing management goal #1. Actual work projects will tier to BLM and BFO programmatic national environmental policy act (NEPA) documents. The work may be done by BFO or contracted with counties or other entities (p. 10 to 11). The goal for category “M” allotments is to maintain current balanced use and satisfactory resource conditions and productivity. (p. 30).

The 2001 Buffalo RMP Amendment provides for burned areas to receive rehabilitation if necessary. Rehabilitation measures include reseeding, preventing soil erosion, and temporary grazing suspension (p. 6 to 7). An objective is maintaining and improving forage wildlife habitat, watershed protection, and livestock grazing (p.18). A vegetative resources management goal is to improve native species diversity and reduce invasive weeds through complimentary treatments that include herbicides (pp. 33 to 34). The 2001 supplement adopted the goals of the *Standards for Healthy Rangelands and Guidelines for Livestock Grazing Management for BLM lands in Wyoming* (Appendix B).

The 2003 Buffalo RMP Amendment provides for: supporting measures to protect BLM recognized sensitive species (here greater sage-grouse) (pp. 8 and Appendix E). Treatment areas will receive a cultural inventory prior to disturbance (p. 8). Vegetation herbicide treatments of invasive species, cheatgrass, requires a PUP (pesticide use proposal) approved by the BLM WY State Office (approved March 2011).

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.

- Dry Creek Petrified Tree Fire Rehabilitation Project, WY-070-DNA11-212, BFO, 2011
- Fortification Creek Habitat Improvement Project, WY-070-EA11-217, BFO, 2011
- Invasive Species Management, WY-070-EA09-099, BFO, 2010
- Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement (EIS); Record of Decision (ROD), BLM, 2007
- Powder River Basin Pesticide Use, WY-070-EA05-248, BFO, 2005
- Final EIS (FEIS) . . . for the Powder River Basin (PRB) Oil and Gas Project, BFO, 2003
- 60 Bar Fuels Reduction and Daley Fire Complex, WY 070-02-EA-239, BFO, 2002

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).

- Bureau of Land Management, Buffalo Field Office, Wyoming, contracted study by Taylor, R. L., D. E. Naugle, L. S. Mills. Viability analyses for conservation of sage-grouse populations: Final Report. February 27, 2012. University of Montana, Missoula, MT.
- State of Wyoming Executive Order 2011-5, Greater Sage-Grouse Core Area Protection, June 2, 2011
- Final Biological Opinion for the Powder River Basin Oil and Gas Project, ES-6-WY-070-F012, US Fish and Wildlife Service (FWS), 2007
- Grazing Lease Renewals, Amended Biological Assessment, BFO, 2006
- Burnt Hollow Management Plan, BFO, 2005
- Grazing Lease Renewals, Biological Assessment, BFO, 2004
- Big Spring Fire, Burned Area Emergency Stabilization & Rehabilitation Plan, BFO 2003
- Burnt Hollow Management Plan, WY-070-03-199, BFO, 2003
- Final Biological and Conference Opinion for the Powder River Basin Oil and Gas Project, Campbell, Converse, Johnson, and Sheridan Counties, Wyoming (Formal Consultation No. ES-6-WY-02-F006), FWS, 2002
- Final Biological Assessment for the Powder River Basin Oil and Gas Project, BFO, 2002
- Daley Wildfire Complex Rehabilitation, Biological Assessment, BFO, 2002
- Daley Fire Complex, Burned Area Emergency Rehabilitation Team, BFO, 2002

D. NEPA Adequacy Criteria

- 1. Is the new proposed activity 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, the proposed chemical treatments of invasive species were a feature in the 1985 RMP EIS, pp. 13, 61, 64, 69, 70, and 72, FEIS, 16, and ROD, 10 to 11, the 2001 Amendment, pp. 33 to 34, the 2003 Amendment ROD, Appendix F, the BLM programmatic FEIS and record of decision (ROD) approving vegetation treatments in the 17 western states, the BFO's Invasive Species Management, WY-070-EA09-099, BFO, 2010, pp.36 to 38, and Big Spring Fire, Burned Area Emergency Stabilization & Rehabilitation Plan, BFO, 2003. These land use plans and environmental assessments address invasive weed treatments, habitat improvement, and/or post fire or post-disturbance plant community rehabilitation within areas managed by the BFO. BFO's Invasive Species Management EA, the Fortification Creek

Habitat Improvement Project EA, and the Dry Creek Petrified Tree Fire Rehabilitation DNA areas are sufficiently similar to the Cat Creek Fire ES&R area as they are in sage-steppe prairie and the Powder River watershed. There are no wetlands or floodplains in the area of this proposed activity.

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

Yes, two alternatives were analyzed in Invasive Species Management, WY-070-EA09-099; 1) integrated pest management approach using a combination of manual/physical, biological, cultural, mechanical, and chemical control methods; and, 2) no action alternative, (no use of herbicides). Alternatives considered but not analyzed further were: prescribed fire and the sole use of control by either biological, cultural, herbicide, manual or physical means. The resource values in the BLM programmatic ROD emphasize early detection of and rapid response to invasive species on BLM public lands (Appendix B). BFO's RMPs (1985, 2001, 2003). The 2003 RMP Amendment directs the completion of a cultural inventory prior to surface disturbing activities. While aerial herbicide application is not a surface disturbing activity, ground application by ATVs or UTV's is a surface disturbing activity so the cultural inventory must precede ground application as appropriate.

- 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 project?**

Yes, the existing analysis is valid in light of new information and circumstances. The Cat Creek fire of October 2011 burned both BLM and adjacent private lands. The control of cheatgrass supports the goals of the Buffalo RMP (1985) and as amended in 2001, 2003, and 2011.

To enable restoration of native herbaceous species, the grazing allotment lease may be deferred for two growing seasons after herbicide application, and as needed in subsequent growing seasons as determined by resource staff in accord with the Buffalo RMP Amendment (2001) and Wyoming BLM policy for livestock management following vegetative treatments (2005). This enables restoration of native herbaceous species.

The BLM parcel clearly lacks wilderness characteristics per USDI Order 3310 since it is far less than 5,000 acres and does not offer outstanding opportunities for solitude as it is next to a public road and part of a developed oil and gas area.

The GSG is a BLM-sensitive species and the burned area is near PPH GSG habitat – thus the control of cheatgrass in this burnt habitat supports the Wyoming BLM policy for GSG habitat management.

The herbicide is imazapic (trade name, Plateau; reference to commercial products or trade names does not imply an endorsement of them). (BLM Programmatic ROD, p. 2-1). The anticipated application rate is moderate (6 to 8 ounces per acre, per the manufacturer's instructions) as application will likely be on new growth as opposed to a layer of litter and duff. The Pesticide Use Proposal (PUP) is currently under development and will be attached to the Decision Record.

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

Yes, the direct, indirect, and cumulative effects that would result from implementation of the new proposed action are similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents. In this activity there is no impact to threatened or endangered species. Projected

impacts from reducing invasive species (particularly cheatgrass) will have positive effects on the GSG and meets Wyoming BLM's policy for GSG habitat management.

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

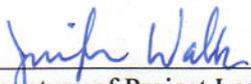
Yes, consultation and coordination occurred between the BLM and the US Fish and Wildlife Service for an environmental impact statement and a follow-up: Powder River Basin Oil and Gas Project, ES-6-WY-02-F006, 2002, and ES-6-WY-070-F012, FWS, 2007. The Powder River Oil and Gas Project Amendment to the RMP had numerous, recent sessions of public meetings and receipt of public input and comments, as did the more recent Fortification Creek Plan Amendment which is occurring in similarly situated terrain several miles east of this project area. The BLM received extensive public feedback in its analysis of the use of vegetation treatments in the 17 western states (ROD, p. 5-1 to 5-3). The BFO coordinated with representatives from the Johnson County Weed and Pest department in the analysis and decisions to reduce invasive cheatgrass for this activity. The BFO has on-going communication with the grazing allotment lessee. Public notice of the June 22, 2012 application was made through the BFO website.

E. Persons/Agencies/BLM Staff Consulted

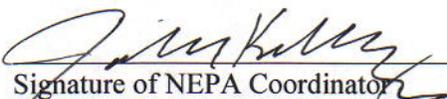
NAME	OFFICE	TITLE
Rod Litzel	Johnson County Weed and Pest District	Supervisor
Dave Belus		Livestock grazing lessee
Dolly Iberlin		Private landowner with burned area
Kay Medders	BLM, Buffalo Field Office (BFO)	Rangeland Management Specialist
Jennifer Walker	BLM, High Plains District	Fire Ecologist, IDT Lead
Janelle Gonzales	BLM, BFO	Manager PRBR, Pesticide Use Plan
Charlotte Darling	BLM, BFO	Rangeland Management Specialist
Don Brewer	BLM, BFO	Wildlife Biologist
Seth Lambert	BLM, BFO	Archeologist
Brent Sobotka	BLM, BFO	Hydrologist
Arnie Irwin	BLM, BFO	Soil Scientist
Allison Barnes	BLM, BFO	Outdoor Recreation Planner
John Kelley	BLM, BFO	Planning & Environmental Coordinator

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.

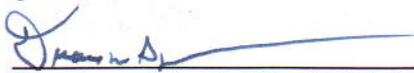
Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.



 Signature of Project Lead



 Signature of NEPA Coordinator



 Signature of the Buffalo Field Manager

7/31/12

 Date

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.

Map

BLM Cat Creek Fire - Cheatgrass Infestations Priority spray areas

Cat Creek Fire
NAD 83 Zone 13
06/21/2012

