

**DECISION RECORD**  
**West Range Fire Cheatgrass Treatment, WY-070-DNA15-122**  
**Buffalo Field Office, Bureau of Land Management**

**DECISION:** I authorize the proposal described in the determination of NEPA adequacy (DNA), WY-070-DNA15-122. Based on the analysis of potential environmental impacts in the DNA worksheet, the environmental assessment (EA) Invasive Species Management – Buffalo Field Office, WY-070-EA13-137 to which the DNA tiers, the land use plan, land use plan amendments, and final environmental impact statements (FEIS) listed in the DNA worksheet (all incorporated here by reference) for the Buffalo Field Office area, the proposal will have no significant impacts on the human environment.

**SUMMARY OF THE PROJECT:** The proposed activity implements herbicide treatments that will reduce invasive annual bromes (cheatgrass) on BLM lands in an area where current infestations are likely to worsen, in part due to human use and developments but also due to the West Range Fire that burned in November 2014. The primary objectives of the treatments are to manage cheatgrass density and cover in the area, both within and outside the burned area, thereby controlling future seed production. The treatment will allow most native and preferred species to flourish after the fire, thus improving the habitat for various wildlife species, especially elk and mule deer; and protecting other natural resources and recreation values of Mosier Gulch and the Clear Creek landscape. The acres to be treated reside mainly within West Range Wildfire, but also as necessary to the west of the fire: T51N R83W Sec 25, 35, and 36, and T50N R83W Sec 1- 4, and 10. Herbicide treatments would use the chemical *imazapic* to inhibit cheatgrass germination and growth and would be applied in early spring or late summer/fall aerially where possible and otherwise by UTV or on foot. The applications would be administered by Johnson County Weed & Pest.

**Limitations**

This decision is contingent on meeting all stipulations and monitoring requirements listed below:

1. The terms and conditions identified in the Biological Opinion for the Powder River Basin Oil and Gas Project apply to the proposal.
2. The BLM will adhere to applicable mitigation measures identified in the resource management plan (RMP) and its records of decision (ROD) throughout implementation of this project.

**Compliance** This decision complies with:

- Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701) (see Section 201).
- National Environmental Policy Act of 1969 (NEPA) (42 USC 4321).
- Endangered Species Act of 1974 (16 USC 1531).
- Clean Air Act (42 USC 7401 et seq.).
- Federal Insecticide, Fungicide, and Rodenticide Act (PL 75-717; 7 USC 136 et seq.).
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).
- Executive Order 13112, Invasive Species, 1999.
- Powder River Basin (PRB) Oil and Gas Project Final Environmental Impact Statement (FEIS), 2003.
- Buffalo Resource Management Plan (RMP) 1985, Amendments 2001, 2003.
- Interior Department Order 3310; BLM Manuals 6301, 6302, and 6303.
- Invasive Species Management, WY-070-EA13-137, BFO, 2013.
- BLM Manual 6840, Special Status Species Management (SSS), 2008.
- Memorandum of Understanding, WY BLM and WY Game and Fish Department, Mar 1990.

**THE FINDING OF NO SIGNIFICANT IMPACT (FONSI).** BLM found there was no significant impact to the human environment from this project as assessed in the EA, Invasive Species Management – Buffalo Field Office, WY-070-EA13-137. BLM incorporates by reference the FONSI for this proposal.

**COMMENT OR NEW INFORMATION SUMMARY.** None.

**RATIONALE:** The decision to authorize this project was made in consideration of the environmental impacts of the proposed action. The project conforms to the RMP, FEISs, EAs, and rehabilitation plans listed in the DNA worksheet, and with USDI Order 3310, as well as fill in other description, as appropriate. This project area is lacking in wilderness characteristics as assessed in the Draft Resource Management Plan and Environmental Impact Statement for the Buffalo Field Office Planning Area (2013).

This project is not unique or unusual, and the BFO implemented similar actions in the past. The environmental effects to the human environment were analyzed in the DNA's referenced RMP, FEISs, EAs, and rehabilitation plans, and there are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks. No surface disturbance will occur. 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. No threatened or endangered plants or animals or critical habitat are known to occur in the area.

BLM included design features and mitigation measures to reduce environmental impacts while meeting the BLM's need. With application of Standard Operating Procedures (SOPs), applied mitigation, and Required Design Features under the proposed action, impacts to Greater Sage-Grouse would be minimized. There are no conflicts anticipated or demonstrated with current uses in the area.

The Resource Management Plan (RMP) for the Buffalo Field Office is currently undergoing revision. The Draft RMP and Environmental Impact Statement was released in June 2013.

The proposed action was screened against the Draft RMP to ensure that the proposed action would not preclude BLM's ability to select any alternative in a ROD. The proposed action was also determined to not be inconsistent with the direction outlined in the RMP's Preferred Alternative.

**ADMINISTRATIVE REVIEW AND APPEAL.** This decision is issued 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 material risk of invasive species proliferation due to drought, fuels build-up, or other reasons [invasive species infestation beyond normal the normal threshold]. Thus, notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. Appeal of this decision may be made 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 pleadings have been filed, and within 180 days after the appeal was filed as contained in 43 CFR 4.416.

Field Manager: \_\_\_\_\_/s/ Duane W. Spencer\_\_\_\_\_

Date: \_\_\_\_\_3/23/15\_\_\_\_\_

**FINDING OF NO SIGNIFICANT IMPACT**  
**West Range Fire Cheatgrass Treatments, WY-070-DNA15-122**  
**Buffalo Field Office, Bureau of Land Management**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI):** Based on the information in the environmental assessment (EA) Invasive Species Management – Buffalo Field Office, WY-070-EA13-137, to which determination of NEPA adequacy (DNA), WY-070-DNA15-122 tiers and both of which are incorporated here by reference; I find that: (1) the implementation of the proposal does not have significant environmental impacts beyond those already addressed in the Powder River Basin (PRB) Oil and Gas Project Final Environmental Impact Statement (FEIS), 2003, to which the EA and DNA tier; (2) The proposal conforms to the Buffalo Field Office (BFO) Resource Management Plan (RMP) (1985, 2001, 2003, 2011); and (3) the proposal would not constitute a major federal action having a significant effect on the human environment. Thus an EIS is not required. I base this finding on my consideration of the Council on Environmental Quality’s (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA, and in consideration of Interior Department Order 3310.

**CONTEXT:** Annual bromes (cheatgrass) are extremely invasive in and near disturbed areas such as burns, especially where seed source exists within or adjacent to the disturbance. In the setting for this proposal cheatgrass seed proliferation and expansion would affect the Clear Creek corridor, Highway 16, and the Mosier Gulch Recreation area, thereby impacting natural resources such as winter big game habitat, and recreation values of Mosier Gulch and the Clear Creek landscape. This proposal may offset these negative effects by controlling cheatgrass and allowing native and preferred species to flourish after the burn. The Buffalo RMP and the PRB FEIS’s reasonably foreseeable development analyzed the development of livestock, wildlife, and mineral resources. Cheatgrass control on up to 2000 acres in the West Buffalo / Mosier Gulch area is insignificant in the national, regional, and local context.

**INTENSITY:** The implementation of the West Range Fire cheatgrass treatments would have beneficial effects to elk and mule deer habitat and recreational values by reducing cheatgrass density and cover, thereby reducing seed source and the potential for cheatgrass levels to increase in the vicinity. The geographic area of project does not contain unique characteristics identified in the 1985 RMP, 2003 PRB FEIS, or other legislative or regulatory processes. The proposal does not pose a significant risk to public health and safety. BLM used relevant scientific literature and professional expertise in preparing the tiered documents. The scientific community is reasonably consistent with their conclusions on environmental effects relative to integrated pest management. Research findings on the nature of the environmental effects are not highly controversial, highly uncertain, or involve unique or unknown risks. Integrated pest management was identified as mitigation and analyzed in the PRB FEIS, and was analyzed in WY-070-EA13-137. The proposal does not establish a precedent for future actions with cumulatively significant effects. No species listed under the ESA or their designated critical habitat will be adversely affected. The proposed action 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.

Field Manager: \_\_\_\_\_ /s/ Duane W. Spencer

Date: \_\_\_\_\_ 3/23/15

**Determination of NEPA Adequacy (DNA) Worksheet, WY-070-DNA15-122**  
**U.S. Department of the Interior**  
**Buffalo Field Office, Bureau of Land Management**

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

**TRACKING NUMBER:** WY-070-DNA15-122

**PROPOSED ACTION TITLE:** West Range Fire Cheatgrass Treatments

**LOCATION/LEGAL DESCRIPTION:** Johnson County, Wyoming. Portions of T51N R83W Sec 25, 35, and 36; and portions of T50N R83W Sec 1- 4, 10.

**APPLICANT (if any):** Bureau of Land Management; Buffalo Field Office (BFO)

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

The proposed activity will implement chemical treatments that will reduce invasive annual bromes (cheatgrass) on BLM lands in an area where current infestations are likely to worsen, in part due to human use and developments but also due to the West Range Fire that burned in November 2014. The area is within the Clear Creek watershed, a diverse landscape with important wildlife habitat and multi-jurisdictional human developments. The herbicide *imazapic*, better known by trade name Plateau, will be applied aerially where possible and otherwise by UTV or on foot, primarily within the burned area on about 1200 acres but also as necessary on up to 750 acres to the west of the burned area. Refer to the map titled West Range Fire and Proposed Cheatgrass Control Treatment Areas, as well as the map attached to the Pesticide Use Proposal #WY-070-15-001.

Prior to the recent wildfire, cheatgrass infestations occurred across multiple ownerships especially on the south-facing slopes and the top of North Ridge and near Highway 16. In the post-burn area there is high risk that cheatgrass infestations will increase in density or expand into new sites. The additional seed source would affect the greater area, impacting the natural resources and recreation values of Mosier Gulch and the Clear Creek landscape. The primary objective of the treatment is to manage cheatgrass density and cover in this area, both within and outside the burned area, thereby controlling future seed production. The treatment will allow most native and preferred species to flourish after the fire, thus improving the habitat for various wildlife species, especially elk and mule deer, and the quality and quantity of forage for wildlife. The North Ridge range allotment is currently leased for livestock grazing, but the BLM land in the allotment receives little to no use by livestock.

The herbicide application will be done in early spring or in late summer or fall via contracts administered by Johnson County Weed & Pest. Aerial and ground applications will be completed in accordance with the prescribed measures described in Invasive Species Management – Buffalo Field Office, WY-070-EA13-137, and its associated appendices. The aerial application will target open areas and sites where the tree canopy was consumed by the wildfire. Ground applications will be done mainly by backpack sprayer with UTVs transporting supplies as close as possible to the treatment sites. Treatments will adhere to federal environmental laws and statutes. 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) will be followed.

The proposed activity, including coordination with external partners, the Pesticide Use Proposal, and monitoring is described in the “Mosier Fuels Reduction Project Area Cheatgrass Treatment Plan and Prescription.”

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

**LUP Name:** Buffalo Resource Management Plan (RMP), 1985; amended 2001, 2003, 2011.

Other: Executive Order 13112, Invasive Species, 1999

Interior Department Order 3310, 2010 (Sections 201 and 202, Federal Land Policy and Management Act)

The Buffalo RMP, 1985, provides for: treatment of invasive species in grazing management goal #1. Actual work projects 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 2001 Buffalo RMP Amendment provides for: Maintain or improve the diversity of plant communities to support...livestock needs, wildlife habitat, watershed protection...and reduce the spread of noxious weeds (p 33). 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 2003 Powder River Basin Oil and Gas Project Final EIS and Buffalo RMP Amendment provides for: prevention and control of weeds of concern by incorporating into design (Appendix F). Vegetation herbicide treatments of invasive species, cheatgrass, requires a PUP (pesticide use proposal) approved by the BLM WY State Office (approved March 2011).

The 2011 Fortification Creek Planning Area RMP Amendment provides for: cooperating with county weed and pest districts to implement integrated weed control programs (p. 2-5).

### **Other:**

Invasive Species Management – Buffalo Field Office, WY-070-EA13-137. Vegetation Treatments Using Herbicides in 17 Western States, Programmatic Environmental Impact Statement (BLM 2007).

Draft Resource Management Plan and Environmental Impact Statement for the Buffalo Field Office Planning Area (June 2013). The EIS assessed lands with wilderness characteristics, page 438.

The proposed action conforms to the applicable LUPs and related subordinate implementation plans because it is specifically provided for in the documents referenced above.

## **C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.**

### NEPA Documents

- Invasive Species Management, WY-070-EA13-137, BFO, 2013
- 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
- Fortification Creek Habitat Improvement Project, WY-070-EA11-217
- West Buffalo / Mosier Hazardous Fuel Mitigation, WY-070-EA09-91, 2009
- Burnt Hollow Cedar Draw Cheatgrass Treatment, WY-070-DNA14-420, 2014
- Cato Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments, WY-070-DNA12-212, 2012
- Cat Creek Fire Emergency Stabilization & Rehabilitation (ES&R) Treatment, WY-070-DNA12-164, 2012
- Dry Creek Petrified Tree Fire Rehabilitation Project, WY-070-DNA11-212, BFO, 2011

#### Other Relevant Documents

- 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
- Grazing Lease Renewals, Biological Assessment, BFO, 2004
- 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
- West Buffalo / Mosier Gulch WUI Community Hazardous Fuels Assessment and Mitigation Plan, 2009

#### 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 treatment is 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, and the BFO's Invasive Species Management, WY-070-EA13-137, BFO, 2013, pp.12 to 14. The proposed *imazapic* treatment of cheatgrass is featured in the Fortification Creek Habitat Improvement Project, WY-070-EA11-217, BFO, 2011. 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. The area proposed to be treated is similar to the situations addressed in the Cato Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments, WY-070-DNA12-212; the Dry Creek Petrified Tree Fire Rehabilitation WY-070-DNA11-212; and the Cat Creek Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments WY-070-DNA12-164.

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-EA13-137; 1) integrated pest management approach using a combination of manual/physical, biological, cultural, mechanical, and chemical control methods; and, 2) no action alternative, (no integrated approach). 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 western states 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, and 2011); and the West Buffalo / Mosier Hazardous Fuel Mitigation Plan (2009) emphasizes monitoring and control of invasive species p.3.

3. **Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and 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 Mosier Gulch and Highway 16 corridor does not contain wilderness characteristics as determined in the 2013 Draft Resource Management Plan and Environmental Impact Statement for the Buffalo Field Office Planning Area because of the levels of human development and residences, the presence of US Highway 16 and other constructed roads and human features (p. 438).

The treatment area is within crucial elk winter and yearlong range; mule deer winter/yearlong range; and pronghorn spring-fall range. Thus the control of annual bromes will enhance habitat and support BLM wildlife and range improvement goals (RMP 2001 and 2003).

No raptor nests have been observed in the project area during extensive on the ground field work in 2012-2014. The 2015 fire removed most residual grass cover so it is unlikely that nesting migratory birds will select nest sites in the treatment area. Where sufficient grass cover is present for migratory birds to nest, the ground will be surveyed prior to treatment. Any ground nests observed will be avoided.

Blue Grouse have been observed in the project area during the breeding season. Male blue grouse utilize the ridge tops to display for females usually during sun-rise and at sun-set. Work is not anticipated to occur during these times of the day and should not affect breeding activity.

The northern long-eared bat (*Myotis septentrionalis*) was recently proposed for listing under the ESA as an endangered species (October 2, 2013; 78 FR 61046). Critical habitat has not been proposed by the US Fish and Wildlife Service (USFWS) but they indicate the range is primarily in the eastern states and mid-west, including the Black Hills. The proposed treatment area does not fall within the indicated range.

The herbicide that will be used for the proposed treatment is *imazapic* (better known under trade names Plateau or Panoramic; reference to commercial products or trade names does not imply an endorsement of them), (BLM Programmatic ROD, p. 2-1). The anticipated application rate will be at a reduced rate of 4 to 6 ounces per acre because the litter and duff layers have been removed by the fire, however the Pesticide Use Proposal WY-070-15-001 allows up to 12 ounces per acre as per the manufacturer's instructions.

**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 would be no adverse impacts to threatened or endangered species. Projected impacts from implementation of the proposed treatment will have positive effects on native vegetation and wildlife habitat, especially mule deer and elk.

**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 environmental impact statements: the Draft Resource Management Plan and Environmental Impact Statement for the Buffalo Field Office Planning Area (June 2013); and the Powder River Basin Oil and Gas Project, ES-6-WY-02-F006, 2002, and ES-6-WY-070-F012, FWS, 2007. Both EIS's had numerous sessions of public meetings and receipt of public input and comments, as did the Fortification Creek Plan

Amendment (2011). 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 the district supervisor for the Johnson County Weed & Pest district in the analysis and decision to reduce cheatgrass for this activity, and the Weed & Pest district supervisor is coordinating simultaneous treatments among adjacent landowners in the burned area. The BFO is in communication with the Lake DeSmet Conservation District and the City of Buffalo, and has received contributed funding from the Rocky Mountain Elk Foundation to implement the treatment. Public notice of the March 2015 application will be made through the BFO website.

**Persons/Agencies/BLM Staff Consulted**

Contact	Title	Organization
Bill Ostheimer	Supervisory Natural Resource Specialist and Wildlife Biologist	BLM-BFO
Jennifer Walker	Fire Ecologist	BLM HPD
Dusty Kavitz	BLM Weed & Pest Coordinator	BLM-BFO
Charlotte Darling	Rangeland Management Specialist	BLM-BFO
Seth Lambert	Archeologist	BLM-BFO
Jim Verplancke	Natural Resource Specialist	BLM-BFO
Tom Bills	Planning & Environmental Coordinator	BLM-BFO
Contact	Title	Organization
Rod Litzel	District Supervisor	Johnson County Weed & Pest District
Todd Caltrider	Terrestrial Habitat Biologist	WY Game & Fish Department
Kelly Booth	District Clerk	Lake DeSmet Conservation District

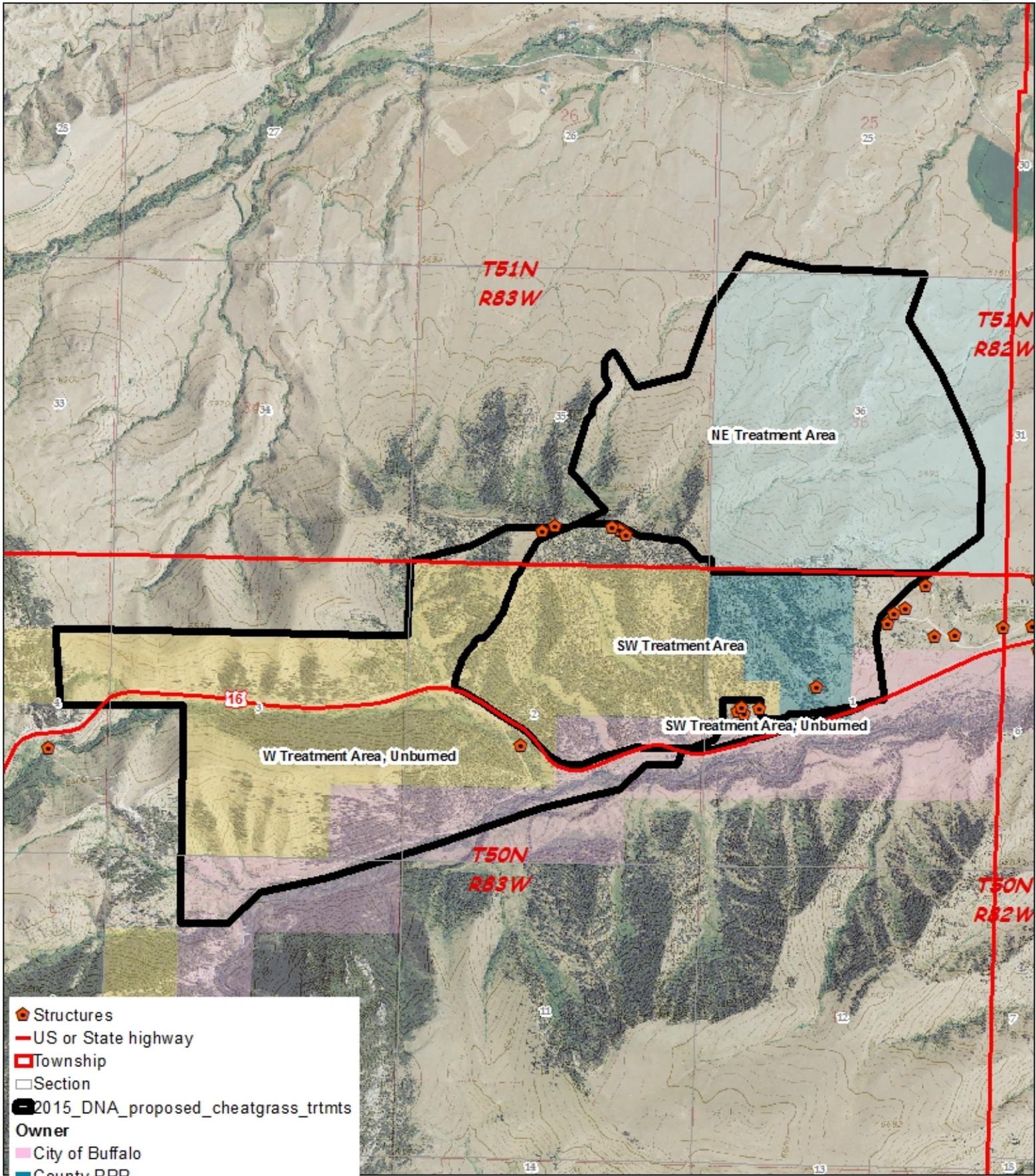
**Note:** Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

**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 constitute BLM’s compliance with the requirements of the NEPA.

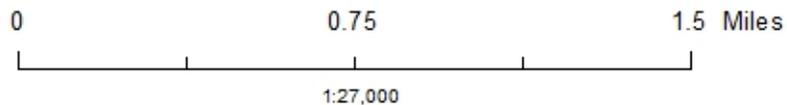
Field Manager: \_\_\_\_\_ /s/ Duane W. Spencer \_\_\_\_\_ Date: \_\_\_\_\_ 3/23/15 \_\_\_\_\_

**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.

# West Range Fire and Proposed Cheatgrass Control Treatment Areas



- Structures
- US or State highway
- Township
- Section
- 2015\_DNA\_proposed\_cheatgrass\_trtmnts
- Owner**
- City of Buffalo
- County RPP
- Bureau of Land Management
- Private (clear)
- State



NAD83, UTM 13N  
 JSWalker  
 3/12/2015