

**DECISION RECORD**  
**2014 Burnt Hollow Cedar Draw Cheatgrass Treatment, WY-070-DNA14-420**  
**Buffalo Field Office, Bureau of Land Management**

**DECISION:** I authorize the proposal described in the determination of NEPA adequacy (DNA), WY-070-DNA14-420. 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 plans, 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 a herbicide treatment that will reduce invasive annual bromes (cheatgrass) on BLM lands in an area which is prone to infestations, in part due to lightning-caused wildfires. The primary objective of the treatment is to manage cheatgrass density and cover, thereby reducing seed source and the potential for cheatgrass levels to increase in a nearby State of Wyoming GSG Core Population Area. The 1,100 acres to be treated reside within the Burnt Hollow Management Area: T52N R72W Sec 1, 12; and T52N R71W Sec 3, 7, 18. Herbicide treatments would use the chemical *imazapic* to inhibit cheatgrass germination and growth and would be applied in fall by helicopter. The contract would be administered by Campbell County Weed and Pest.

**Limitations**

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

1. The terms and conditions identified in the Biological Opinions 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 RMPs, 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 RMPs, 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.

**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:                     10/3/14

**FINDING OF NO SIGNIFICANT IMPACT**  
**2014 Burnt Hollow Cedar Draw Cheatgrass Treatment, WY-070-DNA14-420**  
**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-DNA14-420 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:** In 2010 the U.S. Fish and Wildlife Service (FWS) issued a decision that Greater Sage-Grouse (GSG) was warranted for listing under the Endangered Species Act (ESA). GSG population decline in the PRB is documented, and analyzed in numerous planning documents. Invasive plants are identified as one of the major threats to GSG. This proposal may help offset these declines by improving suitable habitat for GSG. Livestock grazing, recreational use and mineral development are common land uses in the Powder River Basin (PRB) and the Burnt Hollow area. The Buffalo RMP and the PRB FEIS's reasonably foreseeable development analyzed the development of livestock, wildlife, and mineral resources. Cheatgrass control on 1,100 acres in the Burnt Hollow area is insignificant in the national, regional, and local context.

**INTENSITY:** The implementation of the Cedar Draw cheatgrass treatment would have beneficial effects to GSG habitat by reducing cheatgrass density and cover in a fire-prone area, thereby reducing seed source and the potential for cheatgrass levels to increase in a nearby GSG Core Population Area. 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.

**ADMINISTRATIVE REVIEW AND APPEAL:** This finding 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 finding. Appeal of this finding 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 finding 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:           10/3/14

**Determination of NEPA Adequacy (DNA) Worksheet, WY-070-DNA14-420**  
**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-DNA14-420

**PROPOSED ACTION TITLE:** Burnt Hollow Cedar Draw Cheatgrass Treatment 2014

**LOCATION/LEGAL DESCRIPTION:** Campbell County, Wyoming. Portions of T52N R72W Sec 1, 12; and portions of T52N R71W Sec 3, 7, 18

**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 implements a 1,100 acre chemical treatment that will reduce invasive annual bromes (cheatgrass) on BLM lands in an area which is prone to infestations, in part due to lightning-caused wildfires. These lands provide suitable habitat for Greater Sage-Grouse (GSG) and are near a State of Wyoming designated GSG Core Population Area. The herbicide *imazapic*, better known by trade name Plateau, will be applied by helicopter after deciduous trees and shrubs have dropped leaves and when most native plants have become dormant for the winter.

The primary objective of the treatment is to manage cheatgrass density and cover in this fire-prone area, thereby reducing seed source and the potential for cheatgrass levels to increase in nearby GSG core habitat. The treatment will allow most native and preferred species to flourish thus improving the habitat for various wildlife species and the quality and quantity of forage for wildlife and livestock. In cases where native and preferred species may be susceptible to injury, fall application will minimize the effects and full recovery can be expected.

The herbicide application will be done via contract administered by Campbell County Weed and Pest. Aerial application 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. Rotary-wing application will be done in fall after deciduous trees and shrubs have dropped leaves. The aerial application would eliminate ground surface disturbance and will reduce application costs by an estimated \$9.00 to \$20.00 per acre as compared to ground application by ATV or UTV. 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 “Cedar Draw 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 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 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 Buffalo RMP Amendment provides for: supporting measures to protect BLM recognized sensitive species (here greater sage-grouse) (pp. 8 and Appendix E). 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
- Cato Fire Emergency Stabilization & Rehabilitation (ES&R) Treatments, WY-070-DNA12-212
- Cat Creek ES&R Plan, 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
- Burnt Hollow Management Plan, WY-070-03-199, 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

#### 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 Cedar Draw area proposed to be treated has similar geographic and resource conditions that were analyzed in the Fortification Creek Habitat Improvement Project.

- 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, 2011) and the Burnt Hollow Management Plan (2005) emphasize control of invasive species.

- 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 Burnt Hollow area 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 historic oil and gas development, the presence of nearby state highways and county roads, and presence of constructed roads. (p. 438).

The treatment area is near a Greater Sage-Grouse Core Population Area – thus the control of annual bromes will enhance habitat and support the BLM sensitive species and range improvement goals (RMP 2001 and 2003).

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 is situated along the periphery of potential summer roosting habitat however the treatment will occur in late fall when the bats have moved from roosts to hibernacula. There are no known hibernacula or swarming areas in Campbell County. There will be no adverse, direct or indirect, effects from the proposed treatment. The treatment itself would benefit bat roosting habitat by reducing fuel loads and the potential loss of snags from wildfire.

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 6 to 10 ounces per acre, per the manufacturer’s instructions, as application will be applied over a dense layer of residual herbaceous vegetation, litter and duff.

**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 sagebrush-obligate species such as the Greater Sage Grouse.

**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 which is in similarly situated terrain several miles west 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 Campbell County Weed and Pest department in the analysis and decisions to reduce invasive cheatgrass for this activity. The BFO is in communication with the grazing allotment lessee. Public notice of the October 2014 application will be made through the BFO website.

**E. Persons/Agencies/BLM Staff Consulted**

Contact	Title	Organization
Bill Ostheimer	Supervisory Natural Resource Specialist	BLM-BFO
Jennifer Walker	Fire Ecologist	BLM HPD
Kay Medders	Rangeland Specialist	BLM-BFO
Dusty Kavitz	Rangeland Specialist	BLM-BFO
Quade Schmelzle	Director	Campbell County Weed & Pest
Tom Bills	Planning & Environmental Coordinator	BLM-BFO
Janelle Gonzales	Program Manager, Powder River Basin Restoration	BLM-HPD
Seth Lambert	Archeologist	BLM-BFO
Allison Ginn	Outdoor Recreation Planner	BLM-BFO and NFO

Contact	Title	Organization
Todd Caltrider	Terrestrial Habitat Biologist	WY Game & Fish Department
Rod and Katie Smith	Grazing Lessee	Self

**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:           10/3/14          

**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.