DECISION RECORD

GRASSHOPPER AND MORMON CRICKET SUPPRESSION ON LANDS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT IN WYOMING

EA# WY-030-EA10-239

April 2010

INTRODUCTION

An estimated 1.2 million acres of the approximately 18 million acres of BLM-administered lands in Wyoming are currently threatened by a predicted infestation of grasshoppers. Based on the potential for high densities of grasshoppers to cause widespread ecological damage and economic loss, the BLM initiated early coordination for Animal and Plant Health Inspection Service (APHIS) assistance with treatments on BLM-administered lands and began development of an environmental assessment (EA) to analyze the effects of conducting emergency pesticide treatment on BLM-administered lands. Generally when an outbreak occurs, the emergency application of a pesticide within all or part of the outbreak area is the most effective response available to rapidly suppress grasshopper populations and effectively protect rangeland resources over large areas.

RELATIONSHIP TO STATUTES, REGULATIONS OR OTHER PLANS

An EA (EA WY-030-EA10-239) has been prepared that discloses the direct, indirect, and cumulative environmental effects that would result from suppression activities, as required by National Environmental Policy Act of 1969 (NEPA, 42 United States Code [USC] 4321-4347), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500-1508), and the BLM NEPA Handbook (H-1790-1. The proposed action analyzed in the EA is in compliance with the Record of Decision for the Lander RMP. The proposal is consistent with applicable federal laws, amendments, and regulations including: Federal Land Policy and Management Act (Public Law [PL] 94-579; 43 USC 1701 et seq.); Public Rangelands Improvement Act (PL 95-514; 43 USC 1901 et seq.); Endangered Species Act (16 USC 1531); Migratory Bird Treaty Act (16 USC 703 et seq.); Bald and Golden Eagle Protection Act (16 USC 668-668c); National Historic Preservation Act (16 USC 470); Clean Air Act (42 USC 7401 et seq.); Clean Water Act (33 USC 1251 et seq.), and the Federal Insecticide, Fungicide, and Rodenticide Act (PL 75-717; 7 USC 136 et seq.).

PROPOSED ACTION

The selected alternative is Alternative 2 – Reduced Agent and Area Treatments (RAATS). This alternative, identified as the proposed action in the EA, would utilize three pesticides – diflubenzuron, carbaryl, and malathion – to suppress grasshopper populations on BLM-administered lands in Wyoming. Carbaryl and malathion are active against a broad spectrum of insects in both the adult and immature stages whereas diflubenzuron causes mortality to immature insects, especially to grasshoppers in their early instar or larval stages.

Because of the effectiveness of diflubenzuron at suppressing grasshopper populations, the majority of the treatments (85 percent or more of the treated area) would consist of an aerial

application of diflubenzuron early in the growing season (May to early June). Carbaryl can be used effectively both early and late in the season and would likely occur as a secondary treatment in areas (up to 15 percent of the treated area) that may have been missed by the initial treatment or where high infestation levels are discovered later in the season. Malathion would be used only in limited circumstances, such as when high adult grasshopper densities are observed next to agricultural land, and would not be applied to more than 2,000 acres. RAATs methodology would be employed to apply pesticides (at reduced rates compared to conventional levels) within treated swaths while conserving grasshopper predators and parasites in swaths not directly treated.

Aerial applications would be used where treatments are planned over large areas with ground-based applications more likely to be used where more precise placement of pesticide is desired. Protective measures are included as part of the proposed action to minimize the potential for pesticides from entering water bodies (pgs 15-16 of the EA); to prevent disturbing activities within 0.5-mile of active eagle nests (pg 16 of the EA); to ensure protection of greater sage-grouse (pgs 16-17 of the EA); to protect endangered or threatened species, pollinators, and their habitats (pg 17 of the EA); and to ensure that there would be no impact on domestic bee production or on alfalfa leafcutter bee pollination activity (pg 18 of the EA).

OTHER ALTERNATIVES

Alternative 1 – No Action (no treatment) and Alternative 3 – RAATs with Additional Buffers were also analyzed in the EA. Under Alternative 1 – No Action (EA pg 13), BLM would not fund or participate in any program to suppress grasshopper infestations. APHIS, state agriculture departments, local governments, or private groups or individuals would likely conduct their own grasshopper treatments, but BLM would not be involved with any additional suppression activities. As a result, grasshopper outbreaks would likely occur and the potential for widespread defoliation of rangeland plants and adjacent croplands in infested areas could occur.

Under Alternative 3 – RAATs with Additional Buffers (EA pg 19), grasshopper suppression activities would be similar to those included as part of the proposed action, but additional seasonal or spatial buffers would be employed to protect specific resources (raptors, greater sage-grouse, mountain plover, big game parturition areas, and pygmy rabbits). Under this alternative seasonal buffers may delay grasshopper suppression treatments in a particular location, or buffers may reduce the number of acres that are treated at that particular location. Of the approximately 18 million BLM-administered acres of land in Wyoming, approximately 13 million acres would have seasonal or spatial buffers under Alternative 3.

In addition to the alternatives analyzed in detail in the EA, two alternatives were considered that were not carried forward for analysis. The first alternative considered employing an integrated pest management program that utilizes a combination of manual, mechanical, biological, and pesticide treatment methods. A second alternative considered employing pesticides at conventional rates and with complete area coverage rather than utilizing RAATs methodology. These alternatives are described (EA pg 12) along with the rationale for their dismissal from further consideration.

FINDING OF NO SIGNIFICANT IMPACT

The potential environmental impacts of implementing the proposed action have been analyzed in EA WY-030-EA10-239. A finding of no significant impact (FONSI) was prepared and thus an environmental impact statement is not required.

PUBLIC COMMENT

External scoping for this project was initiated with the distribution of the scoping notice to inform the public of the proposal, and to generate input on the preparation of the EA. The scoping notice for this proposal was sent to federal, state, and local agencies, organizations, and the interested public on March 12, 2010, initiating a 14-day comment period. The BLM listed this project on the BLM Wyoming NEPA Register at www.wy.blm.gov/nepa and posted a press release at www.blm.gov/wy/st/en/info/NEPA/documents/ghopper.html to inform the public of the proposed project and provide the opportunity to comment. A total of 22 individuals or organizations responded with written comments on the proposed project as a result of public scoping. No significant issues were identified that would drive development of additional alternatives. Several important issues and concerns were identified by public scoping and were considered in the analysis (pgs 10-11 of the EA).

The draft FONSI and EA were sent out for public comment on April 12, 2010, initiating a 15-day comment period. A total of 4 individuals or organization responded with written comments on the EA. No significant issues were identified; all comments received are appended to the final EA along with responses to the concerns that were identified (pg 100 of the EA).

DECISION

After reviewing the issues, alternatives, and environmental analysis documented in EA WY-030-EA10-239, it is my decision to implement the grasshopper suppression program as proposed under the RAATs Alternative (Alternative 2, EA pg 18). The EA is attached to and made part of this decision. This decision will allow the BLM to suppress grasshopper populations while providing protection for resources. While this alternative does not exclude treatment within the extra buffers included in Alternative 3, I could decide to implement those extra protections on a site-specific basis. The decision to exclude additional areas at the field office level would be based on information about the presence of economic threshold levels and the potential for adverse impacts to resources of concern from lack of treatment versus the potential for impacts related to treatment. Upon consideration of economic threshold levels of infestation and resources of concern, buffers described in the EA for Alternative 3 could be put in place at my discretion.

RATIONALE FOR DECISION

The decision to select Alternative 2 – RAATs is based on the following rationale. Because on the scope of the predicted grasshopper infestation that experts are forecasting, Wyoming could experience detrimental effects to natural resources that are important to both wildlife and agriculture if no treatment occurs. Damage to vegetation resulting from an unsuppressed outbreak in the absence of treatment (No Action Alternative) may be so severe that all vegetation is defoliated and plant growth may be retarded for several years resulting in reduced forage and possibly degraded habitat. Implementation of the proposed action analyzed in the EA would suppress grasshopper populations to below economic thresholds in order to protect rangeland

ecosystems. In addition, treatments may protect not only treated rangeland but also reduce the likelihood that grasshoppers would move from rangelands onto bordering croplands and other private lands.

Treatment under Alternative 2 – RAATs would adhere to federal environmental laws and statutes and would employ appropriate resource protective measures. Use of RAATs methodology would conserve non-target biological resources, including predators and parasites of grasshoppers present in the untreated areas, and reduce treatment costs.

While Alternative 3 provides additional buffers for certain resources, it would potentially decrease the amount of rangeland habitat available to receive grasshopper suppression treatment in a particular locale or may result in delayed treatment. This would increase the rangeland habitat susceptible to grasshopper outbreaks and could increase the potential for grasshoppers to migrate into rare plant populations, critical habitat, and other important habitat areas. Additional buffer zones under this alternative may necessitate more ground treatment with pesticides because of the delay in treatment. Ground application poses the additional, although minor, risk of trampling/running over individuals, soil compaction, ground disturbance, and the introduction of invasive plant species.

Delayed treatments due to seasonal restrictions may result in some impact to rangeland vegetation in untreated buffer zones dependent upon the severity of infestation prior to treatment. Untreated areas with high grasshopper densities could undergo substantial or total loss of nutritious forage and protective nesting cover for sage grouse and other species. Treatment of public lands would be delayed until after specific dates associated with nesting and parturition to protect sage-grouse leks and big game calving grounds. The great majority of sage-grouse core areas on BLM lands would not be treated or would be treated later in the season. Longer-lasting adverse impacts to sage-grouse habitats could result if grasshopper damage removes forage and increases susceptibility to colonization by invasive, non-native species, particularly cheatgrass. Private rangelands and croplands adjacent to areas protected by buffers on public lands would be at increased risk for economic losses due to forage or crop loss as a result of delayed treatment on public lands.

In addition delays in treatment would result in use of carbaryl rather than diflubenzuron. Diflubenzuron used early in the suppression program would be ecologically safer and economically more advantageous than pesticides used for control of adult grasshoppers (i.e., carbaryl). The treatment of grasshopper and cricket infestations associated with Alternative 3 would have a greater potential for adverse impacts on non-target insects.

APPEAL PROCEDURES

Because the public interest will be best served by prompt implementation of the grasshopper and Mormon cricket suppression program, the BLM has requested 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, Lander Field Office, 1335 Main Street, Lander, Wyoming 82520, 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.

Jim Cagney
Field Manager, Lander Field Office

4-30-10
Date

FINDING OF NO SIGNIFICANT IMPACT

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FINDING OF NO SIGNIFICANT IMPACT

The analysis of potential environmental impacts for Alternative 2 – Reduced Agent and Area Treatments (RAATS) or Alternative 3 – RAATs with Additional Buffers are described in EA WY-030-EA10-239 starting on page 57. It is my conclusion that impacts from implementing Alternative 2, the agency preferred alternative, or Alternative 3 are not expected to be significant and an environmental impact statement will not be prepared.

Rubel Vigil, Jr.
Acting Field Manager, Lander Field Office

5-3-2010
Date