

DECISION RECORD
Environmental Assessment
DOI-BLM-WY-R010-0079-EA
2011 Grasshopper Suppression

The decision is to select the preferred alternative, which is to continue to support the county Grasshopper Suppression Programs in the Wind River/Big Horn Basin District for 2011 in order to effectively manage outbreaks of pest grasshopper species in Big Horn, Hot Springs and Washakie Counties.

Compliance and Monitoring:

The Grasshopper Suppression Program will be monitored for compliance and project effectiveness. Compliance will be monitored by BLM personnel who will be on site during control efforts. A pesticide application report will be completed within 24 hours of the application.

Terms / Conditions / Stipulations:

Any agency planning on treating grasshoppers or Mormon crickets on public lands administered by the BLM will submit to the appropriate BLM field office a map/shape file indicating the proposed treatment area(s) and a pesticide use permit (PUP) prior to treatment. The PUP would be authorized for the specific area including any special stipulations for that area prior to treatment. Also:

- o No aerial or ground treatments would occur within 1 mile of known mountain plover nesting areas until after July 31.
- o Active Bald Eagle nests will be buffered by 0.5 miles. BLM will provide a shapefile to the county weed and pest office prior to treatment.

Plan Conformance and Consistency:

The proposed action and alternatives have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

Cody Field Office	ROD and Approved RMP for the Cody Resource Area (November 1990; USDI BLM 1990)
Lander Field Office	ROD for the Lander RMP (June 1987; USDI BLM 1987)
Worland Field Office	ROD and Approved RMP for the Grass Creek Planning Area, Worland District (September 1998; USDI BLM 1998)
	ROD and Approved RMP for the Washakie Resource Area, Worland District (September 1988; USDI BLM 1988)

The proposal is consistent with applicable federal laws and regulations including: *Endangered Species Act of 1973*, as amended (ESA; 16 USC 1531); *Migratory Bird Treaty Act of 1918*, as amended (16 USC 703 et seq.); *National Historic Preservation Act*, as amended (NHPA; 16

USC 470); *Clean Air Act*, as amended (42 USC 7401 et seq.); and *Clean Water Act of 1977* (33 USC 1251 et seq.). The proposal is also consistent with the following two acts that specifically provide for protection of public lands:

- The *Federal Land Policy and Management Act of 1976, as amended*, (FLPMA; Public Law 94-579; 43 USC 1701 et seq.) directs BLM to manage vegetation resources toward the maintenance or restoration of the physical function and biological health of vegetative ecosystems and to "...take any action necessary to prevent unnecessary and or undue degradation of the public lands."
- The *Public Rangelands Improvement Act of 1978* (Public Law 95-514; 43 U.S.C. 1901 et seq.) requires that BLM manage, maintain, and improve the condition of the public rangelands so that they become as productive as feasible.

The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Washakie Resource Area dated 9/2/1988, which is under revision and consolidation into the Bighorn Basin Resource Management Plan (expected completion in 2012.) The decisions in the Washakie Resource Management Plan provide general management direction and allocation of uses and resources on the public lands in the area. The proposed action falls within alternatives analyzed in the Draft Bighorn Basin RMP revision.

Alternatives Considered:

Alternative 1 (No Action): No aerial spraying for grasshoppers will occur on BLM land. Where large outbreaks occur, impacts to crops and forage are likely.

Alternative 2 (Proposed Action): Counties will conduct aerial treatment for areas with grasshopper populations of 15 or more per square yard using the RAATs method to apply diflubenzuron. These treatments will occur primarily on privately owned lands, but some adjacent or surrounding BLM lands may be sprayed to buffer those areas. Stipulations for sensitive wildlife populations and recreation areas will be applied.

Rationale for Decision:

I base my decision on the following rationale.

- After reviewing the issues, alternatives and environmental analysis documented in DOI-BLM-WY-R010-0079-EA and WY-030-EA10-239, I am satisfied that the assessment and conclusions made there are still applicable.
- Additional buffers will be implemented to ensure protection of sensitive species.

Protest/Appeal Language:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842 1. If an appeal is taken, your notice of appeal must be filed in the Wyoming State BLM Office, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003 1828 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413); Rocky Mountain Region; 755 Parfet Street, Suite 151; Lakewood, Colorado 80215; at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.


Authorized Officer

5/23/2011
Date