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BLM/WGFD MOU (WY-131)

Appendix 5r

Noxious Weed-Free Management of BLM
Administered Public Lands Within Wildlife
Feed Grounds and Game Management Units
Operated by the WGFD

INTRODUCTION

In cooperation with the Wyoming Game and Fish Department (WGFD), the U.S. Department of the Interior-Bureau of Land Management (BLM) in Wyoming is implementing the requirement that all forage being used on BLM-administered Public Lands that fall within WGFD managed wildlife feedgrounds and wildlife management units be certified noxious weed-free. The noxious weed-free forage procedures presented herein are part of an overall weed-free land management effort and are intended to provide the personnel of the WGFD and the BLM with consistent, clear direction for applying existing laws, regulations, and policies of noxious weed-free Public Land management.

This appendix is supplemental to, and part of, the umbrella memorandum of understanding (MOU) between the BLM and the WGFD (March-1990 [WY-131]), and derives its authority from the same sources.

BACKGROUND

Noxious weeds are a serious problem in the western United States. Estimates of the rapid spread of weeds in the West are 2,300 acres per day on BLM-administered Public Lands, and 4,600 acres per day on all Federally-administered land in the West. Species like leafy spurge, spotted knapweed, Russian knapweed, musk thistle, Dalmation toadflax, purple loosestrife, houndstongue, and other noxious weeds have few natural controls to keep their populations in balance. Noxious weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and damage wildlife habitat and grazing land. Widespread infestations lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasions weaken revegetation efforts, reduce wildlife and domestic livestock grazing capacity, occasionally affect the health of Public Land users by aggravating allergies and other ailments, and threaten Federally and State-protected native plants and animals.

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To help curb the spread of noxious weeds, a growing number of western states have jointly developed noxious weed-free forage certification standards. The current standards approved for the State of Wyoming are attached at the back of this appendix. Wyoming participates with Colorado, Idaho, Montana, Nebraska, and Utah in a Regional Forage Certification Program. In this program, growers of noxious weed-free forage and crops can have their fields inspected and certified by the appropriate agency. In Wyoming, this inspection and certification process can be done by the County Weed and Pest District (CWPD) supervisors. There is currently no charge for most CWPD inspections, although districts may charge for the bale tags used to identify the noxious weed-free products.

In 1996, Regions 2 and 4 of the U.S. Department of Agriculture-Forest Service (FS) implemented a policy requiring the use of noxious weed-free hay, straw, and mulch on National Forest Lands in Wyoming. The BLM (Wyoming) implemented a standard stipulation on all Special Recreation Permits in 1994, requiring permit holders who use domestic livestock on Public Lands to use certified noxious weed-free products. In 1997, BLM (Wyoming) also implemented a similar program for Public Lands in the Rawlins and Worland Districts, with the rest of the BLM districts in Wyoming to follow in 1998.

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STATUTORY AUTHORITY/POLICY

Numerous laws, regulations, policies, and formal legal decisions provide a foundation for noxious weed management by the agencies:

- The **Federal Land policy and Management Act of 1976** directs BLM to ". . . take any action necessary to prevent unnecessary and undue degradation of the public lands."
- The **Public Rangelands Improvement Act of 1978** requires that BLM manage, maintain, and improve the condition of the public rangelands so they become as productive as feasible.
- The **Carlson-Foley Act of 1968** directs agencies to enter upon land under their jurisdiction containing noxious plants and destroy noxious plants growing on such land.
- The **Federal Noxious Weed Act of 1974, as amended by Section 15, Management of Undesireable Plants on Federal Lands, 1990**, authorizes the Secretary [of the Department of Agriculture] ". . . to cooperate with Federal and State agencies and others in carrying out operations or measures to eradicate, suppress, control, prevent, or retard the spread of any noxious weed."
- **Department of the Interior Manual 609** prescribes policy to control undesirable or noxious weeds on the lands and waters under its jurisdiction to the extent economically practicable, as needed for resource protection and the accomplishment of resource management objectives.
- The **Final Environmental Impact Statement for Vegetation Treatment on BLM Lands in Thirteen Western States, 1991**, promotes vegetation treatment using integrated pest management methods.

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- The **Wyoming Record of Decision (ROD) of the Final Environmental Impact Statement for the Vegetation Treatment on BLM Lands in Thirteen Western States, 1991**, lays out BLM (Wyoming's) vegetation management priorities as:
 - "Priority 1: Take actions to prevent, or minimize, the need for vegetation control when and where feasible, considering the management objectives for the site.
 - Priority 2: Use effective non-chemical methods of vegetation control when and where feasible.
 - Priority 3: Use herbicides after considering the effectiveness of all potential methods or in combination with other methods of control"
- The **Wyoming Weed and Pest Control Act of 1973** requires control of designated weeds and pests, and requires agencies administering all lands to contribute the total cost of treatment programs for those lands.
- The **Guidelines for Coordinated Management of Noxious Weeds in the Greater Yellowstone Area** recommendations under prevention and early detection include: ". . . ensure that seed, feed grains, hay, straw or mulch are free of weed reproductive plant parts"

DEFINITIONS

Bale Tag - A tag that is attached to a bale of hay or straw indicating that the bale or the field that produced the bale has been inspected by the appropriate County or State official and found to be noxious weed-free. The tags are attached by the County or State official.

Certified/Certification - Forage that has been inspected by the appropriate State or County official and found to meet the requirements of the Regional Certification Standards. These standards require the forage to be free of weeds listed on the Regional Designated Noxious Weed List.

Forage - Vegetative products used as a food source for livestock and wildlife.

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More specifically for this MOU this includes: feed (grain), hay, cubes, pellets, straw, or mulch.

Herbicide - A diverse group of chemical compounds specifically designed to kill or cause damage to plants.

Infestation - A population of noxious weeds that has reached a density that is causing environmental damage to native ecosystems.

Integrated Pest Management (IPM) - The use of all suitable weed control methods, usually in some combination, to control noxious weeds. Methods include cultural practices, use of biological agents, mechanical methods, and selective use of herbicides.

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Noxious Weed - A non-native plant that disrupts, or has the potential to disrupt, harm, or alter the natural ecosystem function, composition, and diversity of the site it occupies. Its presence deteriorates the health of the site; it makes efficient use of natural resources difficult; and it may interfere with the management objectives for the site. It is an invasive species that requires a concerted effort (manpower and resources) to slow its spread and removal from its current location.

Noxious Weed-Free Products - Forage products (grain, hay, cubes, pellets, straw, and mulch) that have been certified noxious weed-free. See **Forage and Certified** above.

Prevention - Any activity (including regulation) "...that will reduce the possibility of the introduction of unwanted vegetation into an area that could interfere with the objectives for managing that area or adjacent lands." [Wyoming ROD for Vegetation EIS]

COORDINATION AND RESOURCE MANAGEMENT

Resource Inventory

To assess the presence and/or degree of infestation by noxious weeds on Public Lands within feedgrounds or wildlife management units, the BLM and WGFD will collaborate at the local level at least once every 3 years (more often if possible) in an ocular reconnaissance inspection of the subject areas. These inspections should be coordinated through the weed management coordinator in the appropriate, local BLM office, and the CWPDP supervisor.

Any presence of noxious weeds observed during the above described inspections, or on any other occasions, will be appropriately noted and mapped, and entered into existent, compatible, agency resource databases (e.g., maps, overlays, GIS, etc.).

Noxious weed infestation information resulting from the above surveys will be shared in a timely fashion between the local offices of the BLM and the WGFD, and also provided to the CWPDP at the earliest opportunity.

Land Use and Activity Planning

The BLM, WGFD, and CWPDP will jointly develop and approve at the local level, any necessary noxious weed treatment plan for the Public Lands within the feedgrounds or wildlife management unit. These plans should be developed in accordance with the guidance found in BLM Manual Sec. 9000 (Integrated Pest Management [IPM]).

All noxious weed treatment planning for the Public Lands in the subject areas

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must incorporate the usual and standard planning documentation, clearances, and authorizations (e.g., NEPA, T/E species clearances, cultural clearances, pesticide use permit [PUP], biological control agent release proposal [BCARP], etc.) appropriate to the situation.

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In those situations where an entity is planned to conduct a noxious weed control action on the subject Public Lands, other than the CWPDP with which a cooperative agreement already exists, new cooperative agreements need to be developed as part of the pre-performance planning.

Management Implementation

Any and all noxious weed control actions performed on the Public Lands in the feedgrounds or wildlife management units resulting from the treatment plans will follow the IPM approach.

If any herbicides or other chemicals are used as a part of a noxious weed treatment program on the subject area, they can only be those on the list approved for use on the BLM administered Public Lands. All chemical use must adhere strictly to the label requirements.

All forage (i.e., feed grain, hay, cubes, pellets, etc.) and other husbandry and management products made of plant material (e.g., bedding straw, mulch, seed, etc.) used on Public Lands in the subject areas must be certified as noxious weed-free by the appropriate, local CWPDP.

All required records of actions taken on the Public Lands in the subject areas to either combat noxious weeds (e.g., pesticide application record [PAR], biological control agent release record [BCARR], etc.), or document the use of noxious weed-free products (e.g., bale tags, etc.), need to be filed with the local BLM and other agency noxious weed management coordinators as agency policy and local established procedures dictate.

Monitoring and Evaluation

Follow-up resource monitoring in accordance with the local standards or requirements must be collaboratively conducted by the BLM and WGFD on the Public Lands in feedgrounds and wildlife management units at appropriate periods following conduct of any noxious weed treatment actions.

The results of any post-treatment noxious weed monitoring needs to be provided to the cooperating agency noxious weed management coordinators for the respective areas at the earliest possible time following the control action. The same applies to any other after action reports or documents addressing noxious weed control or prevention for the subject areas.

As part of the evaluation of any noxious weed control or prevention performed on the subject areas, any follow-up treatment recommendations need to be cooperatively developed by the local WGFD and BLM personnel.

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APPROVAL

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

STATE OF WYOMING
DEPARTMENT OF GAME AND FISH

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State Director (Alan Pierson)

Director (John Baughman)

Date

Date

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Wyoming
November 5, 1991

REGIONAL

Forage Certification Standards
For
Noxious Weed-Free Forage
[Feed, Hay, Cubes, Pellets, Straw, or Mulch]

Forage [feed, hay, cubes, pellets straw, or mulch] shall be free of noxious weeds or undesirable plant species pursuant to W.S. 11-5-102 (a) (viii), (x) (xi); W.S. 11-5-302 (a) (viii); or Regulations; or Federal Law (P.L. 93-629). Weed species classified in any other State as undesirable, noxious, harmful, exotic, injurious, or poisonous, shall be considered prohibited and will not be allowed into this State under the certification standards.

1. Forage shall be inspected in the State of Origin by proper officials or authority.
2. Forage shall also be inspected in the field of origin (field shall include surrounding ditches, fence rows, roads, easement, right-of-way, or a buffer zone surrounding the field)
3. Field shall be inspected prior to cutting or harvesting by the proper officials or authority.
4. Forage which contains any noxious weeds, or undesirable plant species, or weeds classified by another State may be certified if the following requirements are met:
 - a. Field upon which the forage was produced was treated to prevent seed formation or seed ripening to the degree that there is no danger of dissemination of the seed, or any injurious portion thereof from such noxious weeds, or undesirable plant species, or the propagating parts of the plant are not capable of producing a new plant.
 - b. Noxious weed(s) or undesirable plant species was treated no later than rosette to bud stage, or boot stage for perennial grass species classified as weeds, prior to cutting or harvesting.
5. Certificate shall document that the above requirements have been met (1.4) based upon a reasonable and prudent visual inspection.
6. Treatment method can include but is not limited to: (1) burning, (2) mowing, cutting, or roguing. (3) mechanical methods, or (4) chemicals.
7. Interstate and intrastate shipment of forage shall be accompanied by a transit certificate or certification tag issued by proper officials or authority in the state of origin. Shipments into restricted areas not accompanied by the proper transit certificate or certification tag may be rejected.
8. Proper officials or authority:
 - a. In-State: (1) Representative from one at the Wyoming Weed and Pest Control Districts, or (2) Representative of the Wyoming State Department of Agriculture.
 - b. Out-of State: (1) Representative of that State's Department of Agriculture, (2) Weed Supervisor or Weed Superintendent, (3) University Extension Agent, or (4) An individual designated by that State's Law or Regulations.
9. Exemptions:
 - a. Pellets and pelleted milled feeds may be exempt based on official

testing completed annually by a State or Federal seed lab for weed seed viability from the field of origin. Proof of results shall be submitted to the Wyoming State Department of Agriculture. Such exemption may be granted providing the following requirements are met:

- (1) Ditches, fence rows, roads, easements, rights-of-way, or a buffer zone surrounding the field of origin is treated prior to cutting or harvesting to prevent seed formation or seed ripening to the degree that there is no danger of dissemination of the seed or any injurious portion thereof of such noxious weeds or undesirable plant species, or the propagating parts at the plant are not capable of producing a new plant.
- (2) Noxious Weed(s) or undesirable plant species was treated no later than rosette to bud stage, or boot stage for perennial grass species classified as weeds, prior to cutting or harvesting.

Note: Field which contains any poisonous plants listed in "Plants Poisonous to Livestock in the Western States" (USDA/ARS Bulletin Number 415) should not be certified.

10. Special Exemptions

- a. Interstate: Special exemption to portions of the Certification Standards may be granted by the affected District, County, or State in consultation with the Wyoming State Department at Agriculture on a case-by-case basis.
- b. Intrastate: Special exemption to portions of the Certification Standards may be granted by the affected District in consultation with the Intrastate District on a case-by-case basis.

Regional
Designated Noxious Weed List
or
Undesirable Plant Species List
for

Colorado (CO), Idaho (ID), Montana (MT), Nebraska (NE),
North Dakota (ND), South Dakota (SD), Utah (UT), Wyoming (WY)

Absinth Wormwood (*Artemisia absinthium*) ND, WA, [P] [F]
Bermuda grass (*Cynodon dactylon*) UT [P] [F]
Buffalobur (*Solanum rostratum*) ID, OR, WA [A] [N or F]
Canada thistle (*Cirsium arvense*) AB, ID, KS, MT, NE, ND, NV, OR, SO, UT, WA, WY
[P] [F]
Common burdock (*Arctium minus*) AB, WY [B] [F]
Common crupina (*Crupina vulgaris*) ID, MT, OR, WA [A] [F]
Damation toadflax (*Linaria dalmatica*) AB, CO, MT, NV, OR, WA, WY [P] [F]
Diffuse knapweed (*Centaurea diffusa*) AB, CO, ID, MT, NV, OR, UT, WA, WY
[B or P] [F]
Dyers woad (*Isatis tinctorina*) ID, MT, OR, UT, WA, WY [A or B or P] [F]
Field bindweed (*Convolvulus arvensis*) AB, KS, ND, MT, OR, SD, UT, WA, WY [P]
[F]
Hemp (marijuana) (*Cannabis sativa*) ND [A] [F]
Henbane, Black (*Hyoscyamus niger*) AB, ID, WA [A or B] [F]
Hoary cress (*Cardaria spp.*) AB, ID, KS, MT, ND, NV, OR, SD, UT, WA, WY [P] [F]
Horsenettle (*Solanum carolinense*) SD, NV [P] [N]
Houndstongue (*Cynoglossum officinale* L.) WA, WY [B] [F]
Johnsongrass (*Sorghum halepense*) ID, KS, NV, OR, UT, WA [P] [F]
Jointed Joatgrass (*Aegilops cylindrica*) ID, WA, [A] [F]
Leafy spurge (*Euphorbia esula*) AB, CO, ID, KS, MT, NE, ND, NV, OR, SD, UT, WA,
WY [P] [F]
Matgrass (*Nardus stricta*) ID, OR [P] [F]
Meadow knapweed (*Centaurea pratensis*) ID, OR, WA [P] [F]
Medusahead (*Taeniatherum caput-medusae*) NV, OR, UT [A] [F]
Miliun (*Milium vernale*) ID [A] [F]
Musk thistle (*Carduus nutans*) AB, ID, KS, NE, ND, NV, OR, UT, WA, WY [B] [F]
Orange hawkweed (*Hieracium auranthiacum*) ID, WA [P] [F]
Oxeye daisy (*Chrysanthemum /eucanthemum*) AB, WA, WY [P] [F]
Perennial pepperweed (*Lepidium latifolium*) ID, ND, OR, SO, UT WA, WY [P] [F]
Perennial sorghum (*Sorghum alnum*) UT [P] [F]
Perennial sowthistle (*Sonchus arvensis*) AB, ID, ND, NV, SD, WA, WY [P] [F]
Plumeless thistle (*Carduus acanthoides*) NE, WA, WY [A or B] [F]
Poison hemlock (*Coniummaculatum*) ID, NV, OR, WA [B] [F]
Puncturevine (*Tribulus terrestris*) ID, WA [A] [F]
Purple loosestrife (*Lythrum salicaria*) AB, ID, MT, OR, WA, WY [P] [F]
Quackgrass (*Agropyron repens*) AB, KS, OR, SD, UT, WY [P] [F]
Rush skeletonweed (*Chondrilla iuncea*) ID, MT, OR, WA [P] [F]

Russian Knapweed (*Centaurea repens*) AB, CO, ID, KS, MT, ND, NV, SD, UT, WA, WY [P] [F]
 Scotch broom (*Cytisus scoparius*) D, WA, [P] [F]
 Scotch thistle (*Onopordum acanthium*) ID, NV, OR, UT, WA, WY [B-F]
 Silverleaf nightshade (*Solanum elaeagnifolium*) ID, OR, WA [P] [N or F]
 Skeletonleaf bursage (*Ambrosia tomentosa*) ID, WA, WY [P] [N or
 Spotted knapweed (*Centaurea maculosa*) AB, CO, ID, MT, ND, OR, UT, WA, WY
 [B or P] [F]
 Squarrose knapweed (*Centaurea virgata*) OR, SD, UT [P] [F]
 Stjohnswort (*Hypericum perforatum*) MT, NV, OR, WA [P] [F]
 Sulfur cinquefoil (*Potentilla recta*) MT [P] [F]
 Syrian beancaper (*Zygophyllum fabago* L.) ID, WA [P] [F]
 Tansy ragwort (*Senecio iacobaea*) ID, OR, WA [B or P] [F]
 Toothed spurge (*Euphorbia dentata*) ID [A] [N or F]
 Yellow hawkweed (*Hieracium pratense*) ID, WA [P] [F]
 Yellow starthistle (*Centaurea soistitialis*) AB, ID, MT, NV, OR, SD, UT, WA [A]
 [F]
 Yellow toadflax (*Linaria vulgaris*) AB, ID, OR, WA, WY [P] [F]

The following weed species are classified as declared or restricted and will be considered the same as the designated list.

Common tansy (*Tanacetum vulgare*) AB, WA, WY [P] [F]
 Wild proso millet (*Panicum miliaceum*) OR, WY [A] [F]
 Wild oats (*avena fatua*) WY [A] [F]

Forage (feed, hay, cubes, pellets, straw, or mulch) will be Inspected in the field of origin (field will include ditches, fence rows, roads. easement, right-of-way, or buffer zone, surrounding the edge at field), Field will be inspected for the fifty-two (52) weed species listed above prior to cutting or harvesting; in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Washington (WA) has 37 weed species listed on the regional list.

Oregon (OR) has 26 weed species listed on the regional list.

Nevada (NV) has 15 weed species listed on the regional list.

Kansas (KS) has 8 weed species listed on the regional list.

[A] Annual	[B] Biennial	[P] Perennial
[N] Native	[F] Foreign Origin	