

U.S. Department of the Interior  
Bureau of Land Management  
Wyoming State Office

Worland District Office

August 1997



# Implementation of Requirements for Noxious Weed-Free Forage on Public Lands in the Worland District, EA, DR, and FONSI

Environmental Assessment EA WY-018-EA7-131



Spotted Knapweed



Purple Loosestrife



Houndstongue



Leafy Spurge



Musk Thistle

SB  
612  
.W8  
I56  
1997

The Bureau of Land Management is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that takes into account the long term needs of future generations for renewable and nonrenewable resources. These resources include recreation, range, timber, minerals, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values.

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# United States Department of the Interior

1610

## BUREAU OF LAND MANAGEMENT

Worland District Office  
P.O. Box 119 (101 South 23rd Street)  
Worland, Wyoming 82401-0119

July 29, 1997

Dear Public Land User:

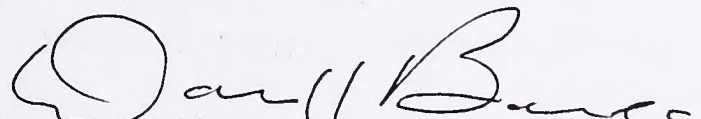
Attached is the Environmental Assessment (EA-WY-018-EA7-131), Decision Record and Finding of No Significant Impact for the "Implementation of Requirements for Noxious Weed-Free Forage on BLM-Administered Public Lands in the Worland District, Wyoming." With this decision the Bureau of Land Management (BLM) will implement a supplementary rule under 43 CFR 8365.1-6 to require the use of certified noxious weed-free forage on public lands in the Bighorn Basin of Wyoming. This decision will take effect 30 days after the amended Notice of Availability is published in the Federal Register. The District Manager of the BLM's Worland District has issued a decision record that the EA's proposed action and supplemental rule will not have any significant impact on the human environment and that an environmental impact statement is not required.

In cooperation with the State of Wyoming and the U.S. Forest Service, the Worland District is implementing a ban on the use of forage that has not been certified, on all BLM-administered lands within the Worland District. This document includes public information to insure that: (1) this ban is well publicized and understood, and (2) visitors to and land users of public lands administered by the Worland District BLM will know where they can purchase state-certified hay and other forage products. Therefore, the District Manager is requiring that public land users, including permittees and local, state, or federal government agents conducting administrative activities, use certified noxious weed-free forage on BLM-administered public lands in the Worland District, Wyoming. In addition to certified weed-free forage, the use of any pelletized feeds and grain products is still allowed. Region II of the United States Forest Service, Department of Agriculture, implemented a similar policy for all National Forest lands in Wyoming in 1996. The Wyoming BLM implemented a standard stipulation on all Special Recreation Permits in 1994, requiring permit holders who use livestock to use certified noxious weed-free products. This decision of the District Manager will provide a standard regulation for all users of BLM-administered public lands in the Worland District and will provide for coordinated and consistent management with the U.S. Forest Service.

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 attached Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) 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)) (request) 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 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 appropriate Office of the Solicitor (see 43 CFR 4.413) 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.

Sincerely,

  
District Manager



# 379 33850

ID: 98072299

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1997

U.S. Department of the Interior  
Bureau of Land Management  
Worland District

Environmental Assessment,  
Decision Record, and  
Finding of No Significant Impact

EA NUMBER: WY-018-EA7-131

for the

Implementation of Requirements for  
Noxious Weed-Free Forage  
on Public Lands in the  
Bureau of Land Management's  
Worland District, Wyoming

Prepared by  
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U.S. Department of the Interior  
Bureau of Land Management  
Worland District

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July 1997

# Contents

Proposed Action .....	1
Location of Proposed Action .....	1
Introduction .....	1
Need for the Proposed Action .....	1
Conformance Statement .....	3
Alternatives Including the Proposed Action .....	3
Proposed Action .....	3
No Action (Existing Management) .....	4
Environmental Consequences .....	5
Impacts of the Proposed Action .....	5
Mandatory Critical Elements .....	6
Impacts of the No Action Alternative .....	7
Mitigation Measures and Cumulative Impacts .....	7
Consultation and Coordination .....	8
Preparer .....	8
Agency Reviewers .....	8
Persons or Agencies Consulted or Contacted .....	8
APPENDIX 1: Regional Forage Certification Standards .....	11
APPENDIX 2: Copy of Federal Register Notice .....	19

# **Implementation of Requirements for Noxious Weed-Free Forage on BLM-Administered Public Lands in the Worland District, Wyoming**

## **Environmental Assessment EA NUMBER: WY-018-EA7-131**

### **PROPOSED ACTION**

The BLM proposes to implement a Noxious Weed-Free Forage Rule under 43 CFR 8365.1-6 on Bureau of Land Management-administered Public Lands in the Worland District, Wyoming.

### **LOCATION OF PROPOSED ACTION**

All BLM-administered public lands in the Bighorn Basin of Wyoming encompassing portions of Hot Springs, Park, Big Horn, and Washakie counties.

### **INTRODUCTION**

This environmental assessment (EA) incorporates by reference, and is tiered to, the Cody Resource Management Plan (USDI, BLM 1990) and the Washakie Resource Management Plan (USDI, BLM 1988). This EA also incorporates by reference the Final Environmental Impact Statement Grass Creek Planning Area [Proposed] Resource Management Plan (USDI, BLM 1996). These documents contain descriptions of the affected environment and the two RMPs also provide general management prescriptions for their respective planning areas.

### **NEED FOR THE PROPOSED ACTION**

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, dalmatian toadflax, purple loosestrife, houndstongue, and other non-native weeds have no natural controls to keep their populations in balance. These undesirable weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and damage grazing

land and wildlife habitat. Widespread infestations lead to soil erosion and stream sedimentation. Furthermore, weed invasions weaken revegetation efforts, reduce livestock and wildlife grazing capacity, occasionally affect the health of public land users by aggravating allergies and other ailments, and threaten federally-protected or native plants and animals.

Within the Bighorn Basin approximately 30,000 acres are known to be infested by noxious weeds; however, less than 30 percent of the Bighorn Basin has been inventoried. No breakdown of infested acreage by landownership is available, but substantial public land acres are involved. There are approximately 3,089,600 acres of BLM-administered public land in the Bighorn Basin. Currently nine "Weed Management Areas" (WMAs) have been designated in the Bighorn Basin under Wyoming State law. The origin of noxious weeds in four of the designated Weed Management Areas is attributed directly to contaminated forage that was transported into the area (the South Fork, Big Trails, Bighorn River, and Deep Creek WMAs). The Weed and Pest District Board of Directors for Big Horn, Washakie, Hot Springs and Park counties have submitted recommendations that the BLM require the use of certified forage on all BLM-administered public lands in their counties. Park County and Bighorn County have quarantines in place requiring that no agricultural crop be harvested and removed from the land without inspection and release by the Weed and Pest District. All agricultural crops being imported into Park and Bighorn counties must also comply with the quarantine.

Numerous laws, regulations and policies provide a foundation for weed management by the BLM. 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 that they become as productive as feasible. The *Carson-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 Undesirable Plants on Federal Lands, 1990*, authorizes the Secretary "...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." Interior Departmental 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 in Thirteen Western States, 1991*, promotes vegetation treatment using integrated weed management methods. The *Wyoming Record of Decision (ROD) for the Vegetation Treatment on BLM Lands in Thirteen Western States Environmental Impact Statement* lays out Wyoming BLM'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 nonchemical 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...." Prevention is defined in the ROD as 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." *The Wyoming Weed and Pest Control Act of 1973* requires control of designated weeds and pests and requires agencies administering federal lands to contribute the total cost of treatment programs for those lands.

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 shown in Appendix 1. Wyoming participates with Colorado, Idaho, Montana, Nebraska, and Utah in a Regional Hay Certification Program. Growers of noxious weed-free forage and crops can have their fields inspected and certified by the appropriate agency. In Wyoming the Weed and Pest Districts perform the inspection and certification. There is currently no charge for most District 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 United States Forest Service, Department of Agriculture, implemented a policy requiring the use of noxious weed-free hay, straw, and mulch on National Forest Lands in Wyoming. The Wyoming BLM implemented a standard stipulation on all Special Recreation Permits in 1994, requiring permit holders who use livestock to use certified noxious weed-free products. Noxious weed-free forage requirements have been placed on individual use authorizations such as major recreational permits and construction projects. This proposal will provide a standard regulation for all users of BLM-administered public lands in the Worland District and will provide for more coordinated and consistent management with the U.S. Forest Service.

## **CONFORMANCE STATEMENT**

Execution of this supplementary rule to require the use of certified noxious weed-free forage is in conformance with the Washakie, Cody, and Grass Creek land use plans.

## **ALTERNATIVES INCLUDING THE PROPOSED ACTION**

### **PROPOSED ACTION**

As a part of an overall weed management program, the Worland BLM District proposes to implement a supplementary rule under 43 CFR 8365.1-6 to require the use of certified noxious weed-free forage on BLM-administered public lands in the Bighorn Basin of Wyoming. Forage subject to this rule would include hay, cubes, straw and mulch.

Pelletized feed and grain are included in the regional forage certification standard but are not available commercially. Because they are not available they will not be required to be certified at the current time and their use will be allowed. When commercial sources of certified weed-free pellets, grain and grain products become available the supplemental rule will be modified to require their use.

Specifics of the certification requirements, emergency provisions, and penalties will be published in the Federal Register (see Appendix 2). The BLM would implement this rule on September 1, 1997. The BLM would stress education and awareness in 1997, with emphasis during the hunting season.

## **NO ACTION (EXISTING MANAGEMENT)**

The Worland District does not have a requirement for the use of noxious weed-free forage on BLM-administered public lands. Specific actions permitted by the BLM, such as activities by outfitters and guides who use livestock, and projects like the Wyoming Centennial Wagon Train and Express Pipeline have been required to use certified noxious weed-free forage. The U.S. Forest Service requires the use of certified hay, straw, and mulch on the Shoshone and Bighorn national forests which adjoin the Worland BLM District.

The BLM's livestock grazing regulations (43 CFR 4140.1(3)) prohibit placing supplemental feed on BLM-administered public lands without authorization. (Hay is considered a supplemental feed.) According to BLM Manual Section H-4130-1, the authorized officer may include terms and conditions in permits or leases to direct the placement of supplemental feed on public lands by a permittee or lessee. The Worland District administers 709 grazing allotments used by 370 permittees. Each year fewer than 20 requests are made to place supplemental forage on public lands. Some supplemental feeding is done on state or privately-owned lands within the grazing allotments, which does not require BLM authorization. There is probably some unauthorized supplemental feeding occurring on public lands as well.

The BLM's Manual Section 4130-1 also addresses emergency feeding which may be required as a result of an unforeseen event which limits the forage available for livestock. Examples are emergency feeding because of fire, flood, or deep snow. Feeding is allowed on the public lands for a short period during the emergency or until the livestock can be removed. When emergency feeding occurs on public lands, the authorized officer must evaluate the circumstances to determine if action is needed to reduce grazing use or to close the allotment to livestock grazing. Emergencies account for most of the use of hay for feeding on public lands.

Maintenance feeding is defined in BLM Manual Section 4130-1 as "...providing feed to supplement the forage in meeting dry matter requirements for adequate livestock nutrition beyond the period of emergency feeding." An example is feeding during periods of drought when available forage is inadequate. Maintenance feeding is not allowed on the public lands.

The use of hay or other forage products to feed horses used on public land for livestock grazing operations and by recreationists is not currently regulated by the BLM.

# ENVIRONMENTAL CONSEQUENCES

## IMPACTS OF THE PROPOSED ACTION

There are no known negative environmental impacts that would result from the implementation of this supplemental rule. Prevention of weed introduction is the most effective and economical method for weed management. Forage contaminated with weed seed have resulted in serious weed infestations in the Bighorn Basin. The use of noxious weed-free forage for livestock, reclamation of disturbed ground, and other purposes would help reduce the risk of additional weed infestations on public lands.

The public land users, permittees, and governmental agencies could incur some additional expense in growing or purchasing noxious weed-free forage and crops. The public from outside the Bighorn Basin may encounter some inconvenience because they are unaware of the requirement. Once users are accustomed to the rule, the noxious weed-free-forage requirement should become part of "business-as-usual." The impact would primarily fall on permittees who grow their own hay or forage crops for emergency use and do not wish to participate in the certification program. There is a provision in the grazing regulations to allow the BLM to exempt livestock permittees if an emergency exists and certified noxious weed-free forage is not available.

There should be an economic benefit to growers who currently certify their hay and crops, and that benefit should increase because of a larger market for their product when the rule is implemented. There could be a similar benefit for permittees who grow and certify their own hay. That would be cheaper than buying hay from another grower, and selling their excess certified hay may be another source of income.

Certified weed-free grain and grain products are not available commercially, although the regional standards provide for their certification. The regional standards also provides for the certification of pellets either by field inspection or laboratory testing. Research completed on pelletized feeds at Montana State University has shown that the grinding, regrinding, and pellet extrusion process are very effective in destroying weed seed viability. Certified pellets are also not available commercially although most manufacturers state that their products are weed-free. The U. S. Forest Service in Wyoming has excluded pellets and grain in their current weed-free forage rule because of the lack of commercial availability.

## MANDATORY CRITICAL ELEMENTS

Element	Relevant Authority	Affected	Not Affected
Air Quality	The Clean Air Act, as amended (42 USC 7401 et seq.)		✓
Areas of Critical Environmental Concern	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.)		✓
Cultural Resources	National Historic Preservation Act, as amended (16 USC 470)		✓
Farm Lands (prime or unique)	Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.)		✓
Floodplain	Floodplain Management, E.O. 11988, as amended, May 24, 1977		✓
Native American Religious Concerns	American Indian Religious Freedom Act of 1978 (42 USC 1966)		✓
Threatened or Endangered Species	Endangered Species Act of 1973 as amended (16 USC 1531)		✓
Wastes, Hazardous	Resource Conservation and(or) Solid Recovery Act of 1976 (42 USC 6907 et seq.) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 USC 9615)		✓
Water: Drinking/ Ground/Quality	Safe Drinking Water Act, as amended (42 USC 300f et seq.) Clean Water Act of 1977 (33 USC 1251 et seq.)		✓
Wetlands/Riparian Zones	Protection of Wetland , E.O. 1990, May 24, 1977		✓
Wild and Scenic Rivers	Wild and Scenic Rivers Act, as amended (16 USC 1271)		✓
Wilderness	Federal Land Policy and Management Act of 1976 (43 USC 1701 et seq.) Wilderness Act of 1964 (16 USC 1131 et seq.)		✓

## IMPACTS OF THE NO ACTION ALTERNATIVE

The BLM has estimated the spread of noxious weeds on BLM-administered public lands in the western U.S. to be 2,300 acres per day. The size of a weed infestation is thought to increase at an average of 14 percent each year. Without additional preventive measures, such as the use of certified weed-free forage, weeds may be introduced into new areas that are currently not infested. Inventories have only been completed for about 30 percent of the Bighorn Basin but it is certain that substantial areas of public land have been impacted by weeds and additional lands are at risk. The risks are especially great on the most productive grazing lands and wildlife habitat because of the favorable plant growth conditions often found there. The long-term productivity and health of the land can be severely impacted by weed infestations.

Additional impacts include increased cost of weed control and increases in the amount of herbicide used as a result of the increasing weed infestations. According to the *Vegetation Treatment of BLM Lands Final Environmental Impact Statement*, actual control work cost from \$25 to \$235 per acre in 1987, depending on the control method used. Multiple treatments are often required to eradicate the more persistent weed species once they become established. Additional expenses are often incurred in reestablishing desirable vegetation once the weeds are controlled or eradicated.

## MITIGATION MEASURES AND CUMULATIVE IMPACTS

If the Proposed Action Alternative is implemented, mitigation would not be needed because the anticipated effects of the alternative are beneficial. Compared to the No Action Alternative, cumulative impacts of the proposed action would be:

- ◆ a decline in the number of new weed infestations;
- ◆ maintenance of healthy and productive grazing lands and wildlife habitat;
- ◆ an economic benefit to growers of noxious weed-free hay and crops and to the agencies that control noxious weeds;
- ◆ a greater consistency among county, state, and federal agencies that have weed requirements;
- ◆ an increase in public awareness and understanding of how noxious weeds spread and a greater compliance with county, state, and federal rules pertaining to weeds; and
- ◆ a slight increase in cost for public land users to purchase or grow certified noxious weed-free forage for their use.

# **CONSULTATION AND COORDINATION**

## **PREPARER**

This Environmental Assessment was prepared by Roger Inman, Resource Advisor, Worland District Office.

## **AGENCY REVIEWERS**

Steve Christy, Worland District Weed Coordinator  
Karen Hepp, Rangeland management Specialist  
Gary Blincow, Natural Resource Specialist  
Jim Honn, District Engineer  
Kate Moore, Range Conservationist  
Tim Stephens, Wildlife Biologist  
Craig Mowry, Range Conservationist  
Tom Ball, Range Conservationist  
Chet Wheelless, Wildlife Biologist  
Bill Wilson, Hydrologist  
Mike Bies, Archeologist  
Steve Kiracofe, Soil Scientist  
Dave Baker, Outdoor Recreation Planner  
Margy Tidemann, Formatting/Editing

Duane Whitmer, Cody Area Manger  
Chuck Wilkie, Bighorn Basin Area Manager

## **PERSONS OR AGENCIES CONSULTED OR CONTACTED**

Mike Wille, Washakie County Weed and Pest District  
Alan Pomeroy, Big Horn County Weed and Pest District  
Rick Johnson, Hot Springs County Weed and Pest District  
Bob Parsons, Park County Weed and Pest District

A Public Notice of the proposed rule was sent to a mailing list of 1115 individuals, organizations and businesses on May 15, 1997. A news release was also issued on May 16, 1997 detailing the proposed rule. The unsigned EA with the proposed rule was provided to the Wyoming Game and Fish Department, the Governor's Clearing House, The Wyoming Weed and Pest Manager, six Big Horn Basin Conservation Districts, The Department of Plant, Soil, and Insect Sciences at the University of Wyoming, the County Weed and Pest Districts, and the County Commissioners for all four affected counties. Copies of the unsigned EA were provided to six individuals, agencies or businesses requesting copies as a result of the Public Notice. The proposed rule was discussed at a County Commissioner Meeting in each of the affected counties. Nineteen public comments were recieved and considered in the preparation of this EA.

**DECISION RECORD AND FINDING OF NO SIGNIFICANT IMPACTS**

I have reviewed this environmental assessment, including the explanation and resolution of any potentially significant environmental impacts. I have determined that the proposed action will not have any significant impact on the human environment and that an Environmental Impact Statement is not required. I have determined that the proposed action is in compliance with the land use plans in the Worland District. It is my decision to implement the supplemental rule to require the use of certified noxious weed-free forage on all BLM-administered public lands the Worland District.

*Danell Barnes*

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District Manager  
Bureau of Land Management  
Worland District

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July 29, 1997  
Date

# NOT RECOMMENDED FOR FINAL ACTION

## DECISION RECORD AND FINDINGS OF NO SIGNIFICANT IMPACTS

The proposed project is located in the unincorporated area of the County. The project is a residential development consisting of 10 single-family units. The project is located on a 2.5-acre parcel. The project is consistent with the County's General Plan and the applicable zoning ordinance. The project is not expected to have any significant impacts on the environment. The project is consistent with the County's General Plan and the applicable zoning ordinance. The project is not expected to have any significant impacts on the environment.

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Check for the City and County  
Check for the right to use the property

## PERSONS OR AGENCIES CONSULTED OR CONTACTED

- Mr. Mike Williams, Contra Costa County Planning Department
- Mr. John Smith, Contra Costa County Planning Department
- Mr. Bob Johnson, Contra Costa County Planning Department

A Public Hearing of the proposed project was held on May 10, 1997 at the County Administration Center. The project was also discussed at a meeting of the Planning Commission on May 10, 1997. The project was also discussed at a meeting of the Board of Supervisors on May 10, 1997. The project was also discussed at a meeting of the County Board of Directors on May 10, 1997. The project was also discussed at a meeting of the County Board of Supervisors on May 10, 1997. The project was also discussed at a meeting of the County Board of Directors on May 10, 1997. The project was also discussed at a meeting of the County Board of Supervisors on May 10, 1997.



# APPENDIX 1

## REGIONAL

### Forage Certification Standards

For

## REGIONAL

# Forage Certification Standards For Noxious Weed-Free Forage

1. Forage shall be inspected in the State of Origin by proper officials or authority.
2. Forage shall also be inspected by 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 weed growing to the degree that there is no danger of dissemination of the seed, or any noxious 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 middle 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 topping, (3) mechanical methods, or (4) chemical.
7. Interstate and intrastate shipments 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.

APPENDIX 1

REGIONAL

Forge Certification Standards

Forge

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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 rogueing, (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 of 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 of 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 of 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.

- c. Interstate or intrastate shipment of forage need not be certified if covered in a prescribed manner as not to allow the dissemination of weed seed, or undesirable plant seed, or propagating parts of the plant.
11. Photo copy of Certificate of Inspection (RFCS/WDA-69) or Transit Certificate (RFCS/WDA-70) will not be accepted. Photocopy of Transit Certificate (RFCS/WDA-70) will not be accepted by another State, Law Enforcing Agencies, or Port of Entry Authority, nor is it to be accepted by the consignor, consignee, or end user.
12. Using a Transit Certificate or Certification Tag for forage from other fields than the one specified shall constitute a violation of the Wyoming Weed & Pest Control Act or Regulations and charges shall be filed with the proper district or county attorney for prosecution.

**Disclaimer:** Regional Forage Certification Standards may not meet the forage quality standards adopted by the Hay Marketing Task Force of the American Forage and Grassland Council.

Attached as part of the regional forage certification standards is Regional Designated Noxious Weed list by States. For additional information, contact the Wyoming Weed & Pest Control District in your area or Wyoming Department of Agriculture (307)777-6585 or 7321.

Approved By:

George Salisbury  
President, State Board of Agriculture

Date; 12/06/91

Frank Pexton  
President, Wyoming Weed & Pest Council

Date: 11/06/91

Don Rolston  
Commissioner, Wyoming Department of Agriculture

Date; 12/06/91

**Note: There are forage-restricted areas in Colorado, Idaho, Montana, Nebraska, Utah and Wyoming where forage must meet regional forage certification standards.**

**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)**

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- Absinth Wormwood (*Artemisia absinthium*) ND, WA, [P] [F]  
Bermudagrass (*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, SD, UT, WA, WY  
[P] [F]  
Common burdock (*Arctium minus*) AB, WY [B] [F]  
Common crupina (*Crupina vulgaris*) ID, MT, OR, WA [A] [F]  
Dalmatian toadflax (*Linaria dalmatica*) AB, ID, 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 tinctoria*) 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 leucanthemum*) AB, WA, WY [P] [F]  
Perennial pepperweed (*Lepidium latifolium*) ID, ND, OR, SD, UT WA, WY [P] [F]  
Perennial sorghum (*Sorghum almum*) 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*) ID, 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 F]  
 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]

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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 of 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.

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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.

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

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DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
2025-07-27-140

# APPENDIX 2

**Copy of the Federal Register Notice  
"Supplementary Rule Requiring the Use of  
Certified Noxious Weed-Free Forage on Public Lands  
in the Bighorn Basin, Wyoming  
and the  
Availability of the Environmental Assessment,  
Decision Record, and Finding of No Significant Impact  
for Implementation of Requirements for Weed-Free Forage  
on Public Lands in the Bureau of Land Management's  
Worland District, Wyoming"**

The Worland District administers approximately 200,000 acres of public land in Big Horn, Hot Springs, Park, and Teton National Monuments in northwestern Wyoming. This rule will affect public land users who use or sell forage products on the BLM-administered public lands in the Worland District. The rule requires users and producers of forage products to use only certified noxious weed-free forage products, with up to 1% administered public lands in the Worland District, Wyoming.

**EFFECTIVE DATE:** The rule will become effective September 1, 2027 and will remain in effect until modified or rescinded by the Authorized Officer.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Worland District Office, Roger Jensen, Technical Advisor, P. O. Box 119, 101 South 22nd Street, Worland Wyoming 82401-0119, or telephone (307) 247-5242.

**SUPPLEMENTARY INFORMATION:** The environmental assessment (EA) is consistent with the land-use plan for the Worland District.

Noxious and undesirable weeds are a major problem in the western United States. Estimates of the total burden of weeds in the United States include 2,200 acres per day on BLM-administered public lands and 4,000 acres per day on all federally-administered land in the west. Species such as leafy spurge, spiny cholla, and Russian knapweed, along with other deleterious species, cause livestock losses, degrade soil and other non-value fibers and undesirable weeds have no natural enemies in the United States.

APPENDIX 2

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DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
(WY-985-0777-66)

Supplementary Rule Requiring the Use of Certified Noxious Weed-Free Forage on Public Lands in the Bighorn Basin, Wyoming and the Availability of the Environmental Assessment, Decision Record, and Finding of No Significant Impact for Implementation of Requirements for Weed-Free Forage on Public Lands in the Bureau of Land Management's Worland District, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notices

SUMMARY: The Worland District of the Bureau of Land Management (BLM) recently prepared an environmental assessment (EA) documenting the analysis of two alternatives for managing noxious weeds on public lands in the Bighorn Basin of Wyoming. The EA's proposed action consisted of a supplementary rule under 43 CFR 8365.1-6 to require the use of certified noxious weed-free forage on those public lands. Forage subject to this rule would include hay, cubes, straw, and mulch. The District Manager of the BLM's Worland District has issued a decision record that the EA's proposed action and supplemental rule will not have any significant impact on the human environment and that an environmental impact statement is not required. Therefore, the District Manager is requiring that public land users, including permittees and local, state, or federal government agents conducting administrative activities, use certified noxious weed-free forage on BLM-administered public lands in the Worland District, Wyoming. In addition to certified weed-free forage, the use of pelletized feeds and grain products is authorized.

The Worland District encompasses approximately 3,089,600 acres of public land in Big Horn, Hot Springs, Park, and Washakie counties in Northwestern Wyoming. This rule will affect public land users who use hay or other forage products on the BLM-administered public lands in the Worland District such as recreationists using pack and saddle stock, ranchers with grazing permits, outfitters, and contractors who use straw or other mulch for reclamation purposes. These individuals or groups would be required to use only certified noxious weed-free forage products, while on BLM-administered public lands in the Worland District, Wyoming.

EFFECTIVE DATES: The rule will become effective September 1, 1997 and will remain in effect until modified or rescinded by the Authorized Officer.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Worland District Office, Roger Inman, Resource Advisor, P. O. Box 119, 101 South 23rd Street, Worland Wyoming 82401-0119, or telephone (307) 347-5292.

SUPPLEMENTARY INFORMATION: The environmental assessment (EA) is consistent with the land-use plans for the Worland District.

Noxious and undesirable weeds are a serious problem in the western United States. Estimates of the rapid spread of weeds in the west include 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 such as leafy spurge, spotted knapweed, Russian knapweed, musk thistle, dalmatian toadflax, purple loosestrife, houndstongue, and other non-native noxious and undesirable weeds have no natural controls to keep their populations in

balance. Consequently, these weeds invade healthy ecosystems, displace native vegetation, reduce species diversity, and damage wildlife habitat. Widespread infestations lead to soil erosion and stream sedimentation. Furthermore, noxious weed invasions weaken revegetation efforts, reduce livestock and wildlife grazing capacity, occasionally affect the health of public land users by aggravating allergies and other ailments, and threaten federally-protected or native plants and animals.

To help reduce the spread of noxious weeds, a number of Western States have jointly developed noxious weed-free forage certification standards, and, in cooperation with various federal, state, and county agencies, passed weed management laws. Because hay and other forage products containing noxious weed seed are part of the infestation problem, Wyoming has developed a state crop inspection; a certification-identification process; participates in a regional inspection certification-identification process; and encourages forage producers in Wyoming to grow noxious weed-free products and have them certified.

Region II of the United States Forest Service, Department of Agriculture, implemented a similar policy for all National Forest lands in Wyoming in 1996. The Wyoming BLM implemented a standard stipulation on all Special Recreation Permits in 1994, requiring permit holders who use livestock to use certified noxious weed-free products. This proposal will provide a standard regulation for all users of BLM-administered public lands in the Worland District and will provide for coordinated and consistent management with the U.S. Forest Service.

In cooperation with the State of Wyoming and the U.S. Forest Service, the Worland District is implementing a ban of the use of forage that has not been certified, on all BLM-administered lands within the Worland District. This proposal includes public information to insure that: (1) this ban is well publicized and understood, and (2) visitors to and land users of public lands administered by the Worland District BLM will know where they can purchase state-certified hay and other forage products.

These supplementary rules will not appear in the Code of Federal Regulations. The principal author of these supplementary rules is Roger Inman, Resource Advisor, of the Worland District, Wyoming BLM.

For the reasons stated above, under the authority of 43 Code of Federal Regulations 8365.1-6, the Worland District Manager issues supplementary rules to read:

Supplementary Rules to Require the Use of Certified Noxious Weed-Free Forage on Bureau of Land Management-Administered Public Lands in the Worland District, Wyoming.

1. To help prevent the spread of weeds on BLM-administered lands in Big Horn, Hot Springs, Park, and Washakie counties of Wyoming, effective September 1, 1997, all BLM-administered public lands within the BLM's Worland District of Wyoming, shall be closed to possessing, transporting or storing hay, cubes, straw, and mulch that has not been certified as free of noxious weed seed.
2. Certification will comply with "Regional Weed Free Forage Certification Standards," jointly developed by the states of Wyoming, Idaho, Montana, Colorado, Utah, and Nebraska, for noxious weed-free forage.



BLM Library  
Denver Federal Center  
Bldg. 50, OC-521  
P.O. Box 25047  
Denver, CO 80225



Excerpts from:  
"NOXIOUS WEEDS A GROWING CONCERN"  
USDI, Bureau of Land Management,  
BLM/MT/GI-93/001+4340  
(Brochure available at all BLM offices)

## FRONT COVER

**Weed seeds contained in feed for pack animals can be lost along the trail.**

**SPOTTED KNAPWEED** is a small cluster of leaves during its first year of growth. Knapweed is often spread by hitchhiking on vehicles. Spotted knapweed forms a flowering stalk up to three feet tall during its second year.

**PURPLE LOOSESTRIFE** can exceed eight feet in height. It quickly replaces cattails, bulrushes, and other plants in wetlands, reducing the quality of food and shelter for fish and wildlife. **Purple Loosestrife**, a pretty flower, is often spread when it is picked for floral arrangements. It can reproduce from seed or broken plant parts.

**HOUNDSTONGUE** is a cluster of leaves during its first year of growth, but it attains heights up to four feet during its second year. Bur-like seed of **Houndstongue** attach to camping gear and clothing, much like Velcro® , a hook and loop fastener.

**LEAFY SPURGE PLANTS** contain a milky substance which, if rubbed on the face, can cause blindness or a rash around the mouth and eyes. **Leafy Spurge** grows up to three feet tall. It is often spread as a contaminant in livestock feed. **Leafy Spurge** invades an area, crowding out other plants and reducing the area's value for many wildlife species.

**MUSK THISTLE** can grow to heights of six feet. Its aggressive nature allows it to spread rapidly, forming extremely dense stands which crowd out desirable plants.

**DALMATION TOADFLAX** [Not shown on cover] grows up to three feet tall and reproduces from seed and broken root parts. [The flowers of the **dalmation toadflax** are **bright yellow** tinged with orange and resemble a snapdragon with a long spur.] An extensive and deep root system makes this an extremely difficult plant to control. It was introduced to the United States as an ornamental and is now a serious pest in several western states.

**HOW IT HAPPENS:** When a vehicle is driven through a weed infested area, weed seeds may become lodged between the tire treads, in the coils of a winch, behind the license plate, or in cracks and crevices on the underside of the vehicle. Seeds may travel hundreds of miles before becoming dislodged in an area where the weeds were not previously found. The source of many weed infestations has been traced to roads, trails, railroads, and other travel ways.

**WEED SEEDS CAN PASS THROUGH AN ANIMAL'S DIGESTIVE SYSTEM AND STILL GROW. PACK ANIMALS THAT RECEIVE CONTAMINATED FOOD BEFORE BEING MOVED TO HUNTING OR RIDING AREAS CAN DEPOSIT WEED SEEDS IN THE NEW LOCATION DAYS LATER. ANIMALS TO BE MOVED SHOULD THEREFORE RECEIVE ONLY FOOD THAT IS CERTIFIED WEED FREE AT LEAST 96 HOURS BEFORE ENTERING BACK COUNTRY AREAS. PACK ANIMALS SHOULD ALSO BE BRUSHED BEFORE MOVING AND THEIR HOOVES SHOULD BE CLEANED, TO ELIMINATE ANY WEED SEEDS. [Emphasis added.]**

