

Reclamation Manual

Directives and Standards

Subject: Public Notification of Aerial Pesticide Applications on Lands Managed Directly by Reclamation

Purpose: To provide directives and standards for Reclamation personnel involved in aerial applications of pesticides to lands managed directly by Reclamation.

Authority: The authority for Reclamation's undesirable plant management policy and programs is provided by Federal law and departmental regulation. The authorities are summarized in paragraph 3.

Contact: Environmental and Planning Coordination Office, D-5100

1. **Public Notification Prior to Aerial Pesticide Applications.** Programs for the control of undesirable plants and other pests on the Department of Interior lands, waters, and facilities will incorporate integrated pest management (IPM) concepts and practices. When implementing these concepts and practices Reclamation has the responsibility to ensure pesticide applications on lands of the United States under its jurisdiction are conducted in such a manner protecting the environment and the public's health and safety, while also taking into consideration contractual obligations and liability issues. When these control operations include aerial applications to lands managed directly by Reclamation appropriate public notification should be considered. In order to give the regional and area offices as much flexibility as possible these directives are general rather than prescriptive. However, if public notification is not implemented prior to aerial application of pesticides on Reclamation-managed lands, a clear and easily defensible justification for not implementing public notification must be documented.

2. **Implementation.**

A. Lands defined as "managed directly" by Reclamation will include:

- (1) Reclamation acquired, withdrawn, and easement lands for which Reclamation has not entered into a specific agreement or contract with a contractor for management. Examples of directly managed lands are lands leased to others for farming, grazing, Reclamation exclusion areas at facilities, etc.
- (2) Lands provided to contractors: State, local, or Federal entities who are managing Reclamation lands under an existing agreement or contract for the benefit of others, e.g., water users, public, fish and wildlife, recreation, etc., are not considered as being managed directly by Reclamation.

B. When aerial applications of pesticides are to occur on lands managed directly by Reclamation, area offices and/or regional offices as appropriate are to provide the public with an appropriate level of notification prior to these activities. The types of

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notification shall take into consideration the level of public use projected to occur on the areas to be treated. If public uses are expected to be significant during the application, and selection of alternate dates are not conducive to effective pest control, public announcements to the appropriate media services and/or signing of the area prior to treatment could be necessary to provide adequate public safety. On the other extreme, public notification for agriculture leased lands during non-public use seasons might consist of simple information signs on field gates or fence lines.

- C. Area offices and/or regional offices as appropriate are to use their own discretion in choosing the level and complexity of public notification. Documentation of the level of public notification shall be included in an approved Pest Management/ Resource Protection (PM/RP) plan addressing the area to be treated. If a PM/RP plan has not been completed for the area the public notification plan should be documented on a completed Pesticide Use Proposal form.
- D. Any agreement or contract providing for land management responsibilities entered into after the date of this directive shall have a provision stipulating the requirements herein.

3. Authorities.

- A. Authorities providing the basis for Reclamation's aerial pesticide application policy include, but are not limited to, the following Public Laws and Federal Regulations. Statutory authority for Reclamation's aerial pesticide application policy and programs include the following, as amended or modified:
 - ! Federal Noxious Weed Act of 1974, Public Law 93-629, 88 Stat. 2148, as amended; including §15 of this Act, as added by Public Law 101-624, Title XIV, §1453, Nov. 28, 1990, 104 Stat. 3611; 7 U.S.C. 2801 to 2814
 - ! Federal Insecticide, Fungicide, and Rodenticide Act, June 25, 1947, as amended; 7 U.S.C. 136 et seq.
 - ! The *Carson-Foley Act*, Public Law 90-583, Oct. 17, 1968, 82 Stat. 1146; 43 U.S.C. 1241 et seq.
 - ! Reclamation Act of June 17, 1902, 32 Stat. 388; 43 U.S.C. 391 et seq.
- B. In addition to the aforementioned authorities, the following Public Laws, Executive Orders, Federal Regulations, the Department Manual, and the Reclamation Manual influence application of Reclamation's aerial pesticide application policy.
 - ! Endangered Species Act, Public Law 93-205, as amended by Public Law 100-478; 16 U.S.C. 1531, et seq.
 - ! National Environmental Policy Act (NEPA), Public Law 91-190 as amended; 42 U.S.C. 4321 et seq.

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- ! The Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended; 33 U.S.C. 1251 et seq.
- ! Non-indigenous Aquatic Nuisance Prevention and Control Act, Public Law 101-646, 104 Stat. 4761; 16 U.S.C. 4701 to 4723
- ! Federal Land Policy and Management Act of 1976, as amended, Public Law 94-579; 43 U.S.C. 1701 et seq.
- ! Noxious Weed Regulations, 7 CFR Part 360
- ! Pesticide Programs, 40 CFR, Chapter 1, Subchapter E
- ! Department Manual, Weed Control Program, 609 DM 1
- ! Departmental Manual, Pesticide Use Policy, 517 DM 1 (1981)
- ! Reclamation Manual, Directives and Standards, Pest Management/Resource Protection (Integrated Pest Management) Program, ENV 01-01 (10-17-96)
- ! Reclamation Manual, Policy, Pest Management Policy, ENV PO2 (12-23-96)
- ! Executive Order 11514 – Protection and Enhancement of Environmental Quality (March 5, 1970), as amended by Executive Order 11991 (May 24, 1977)
- ! Executive Order 12088 – Federal Compliance with Pollution Control Standards (Oct. 13, 1978)