

**U.S. Department of the Interior
Bureau of Land Management
Little Snake field office
455 Emerson Street
Craig, CO 81625**

**DOCUMENTATION OF LAND USE PLAN
CONFORMANCE AND NEPA ADEQUACY**

NUMBER: CO-100-2007-115 DNA

PESTICIDE USE PROPOSAL NUMBER: 07-CO-100-06

PROJECT NAME: Telar DF applications to control halogeton on saltbush rangelands and other arid environments within the Little Snake Resource Area in Moffat County.

LEGAL DESCRIPTION: All BLM lands administered by the Little Snake Field Office within Moffat County. T3-12N, R89-104W

APPLICANT: Moffat County Pest Management (Northwest Weed Partnership) through the Colorado First Soil Conservation District.

A. Describe the Proposed Action

Chemical applications would be applied to control halogeton on rangelands within the Moffat County portion of the Little Snake Field Office. These applications would be made by fixed wing aircraft and by truck or ATV mounted boom sprayers. Hand sprayers may be used near sensitive areas to control spray drift. Telar DF at a rate of 0.1875 ounces plus Activator 90 would be used to control halogeton mostly in arid environments dominated by Gardner or Nutall saltbush. Six treatment areas (Attachment 1) encompassing 50 to 100 acres have been selected for large scale testing of Telar DF in September 2007 and halogeton will be flowering or it would be prior to seed set. Monitoring of these sites would be conducted to determine if halogeton control and saltbush injury mimics the results of the Dupont test plots, as discussed below.

The application rate of Telar DF has been chosen amid a variety of herbicides, combinations of herbicides and different rates that have been field tested with Gardner or Nutall saltbush. Two separate studies conducted by Colorado State University (CSU) and Dupont have been ongoing since 2005. The CSU study tested many herbicides and higher rates of Telar were used with unacceptable damage to saltbush. Lower rates of Telar were applied in the Dupont study and lower rates were also initiated by CSU in June 2007. The recent results of the Dupont study were provided in August 2007 (Attachment 2) and the recommended application rate of 0.1875 ounces of Telar DF has been selected. This rate was applied on the following dates as Treatments A, B or C: June 29, 2005 is Treatment A; September 30, 2005 is Treatment B; and June 1, 2006 is Treatment C. Results of the Dupont study are promising with an average of 97% control

of halogeton after 25 months (Treatment A) and 94% control after 14 months (Treatment C). Damage to saltbush was reported to be less than 15% with this lower rate of Telar.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

Final RMP/EIS, September 1986

Draft RMP/EIS, February 1986

Other Documents

Standards for Public Land Health and Guidelines for Livestock Grazing in Colorado

Date Approved: February 12, 1997

The Federal Land Policy and Management Act of 1976, as Amended (43 USC 1752)

Rangeland Reform Final Environmental Impact Statement, December 1994

The proposed action is in conformance with the decision of the RMP, as weed control would occur in association with all surface disturbing activities and management of public land. This action conforms with county use plans.

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

Final Environmental Impact Statement (FEIS) Vegetation Treatment on BLM Lands in Thirteen Western States, June 5, 1991, and the Colorado Record of Decision (ROD), July 1991.

EA #CO-016-1994-056, was signed March 30, 1994, which resulted in a finding of No Significant Impact. This Environmental Assessment considered the options of Integrated Pest Management as outlined in the FEIS and adopted the standard operation procedures for vegetation treatment program implementation.

Page 3: Land use authorization, rights-of-way, oil and gas APDs and mineral permits require weed control as a result of the surface disturbance activity and stipulate this responsibility to the holder or lessee.

Noxious Weed Treatment in the Little Snake Resource Area, EA #CO-016-056, as amended, May 4, 1994, expanded the use of herbicide application methods to include broadcast and aerial applications.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document?

Yes. There are no changes from the Proposed Action analyzed in the 1994 Environmental Assessment. The site includes all BLM land within the Little Snake Resource Area, congruent with pesticide use proposal stipulations (see Attachment 3). The Pesticide Use Proposals that are reviewed and approved based on the existing NEPA documents complete the site-specific analysis for these herbicide applications.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with the respect to the current proposed action, given current environmental concerns, interests, and resource values?

Yes, the range of alternatives analyzed in the Final EIS, Vegetation Treatment on BLM Lands in Thirteen Western States is still appropriate. The Proposed Action Alternative which was selected included the use of all Integrated Pest Management techniques to control weeds and manage vegetation. Other alternatives considered not using some of these techniques, such as no herbicide applications, no aerial application of herbicides and no prescribed burning.

3. Is the existing analysis valid in light of any new information or circumstances?

Yes. The Proposed Action would have no disproportionate impacts on minority populations or low income communities per Executive Order (EO) 12898 and would not adversely impact migratory birds per EO 13186.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Yes. The methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed action. Impacts to all resources were analyzed.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action?

Yes. Direct and indirect impacts of the current proposed action are unchanged from those identified in the existing NEPA documents. The Pesticide Use Proposals that are reviewed and approved based on the existing NEPA documents complete the site-specific analysis for these herbicide applications.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Yes. The cumulative impacts that would result from implementation of the proposed action would remain unchanged from those identified in the existing NEPA documents.

7. Are the public involvement and interagency review associated with existing NEPA documents(s) adequate for the current proposed action?

Yes. Extensive public outreach through scoping and involvement of the publics and other agencies occurred in the development of the Little Snake Resource Management Plan and the Final Environmental Impact Statement (FEIS), Vegetation Treatment on BLM Lands in Thirteen Western States. The appropriate individuals were contacted during the development of these documents and for the Environmental Assessment completed in 1994; there have been no significant changes since.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource	Initials	Date
Ole Olsen	Natural Resource Specialist	Air Quality, Floodplains, Prime/Unique Farmlands, Invasive Non-native Species, Water Quality-Surface, Wetlands and Riparian Zones	OO	9/7/07
Robyn Morris	Archaeologist	Cultural Resources, Native American Concerns	RWM	9/12/07
Mike Andrews	Realty Specialist	Environmental Justice	MAA	09/7/07
Ole Olsen	Environmental Coord. NEPA	Hazardous Materials	OO	9/7/07
Hunter Seim	Rangeland Management Specialist	Sensitive Plants, T&E Plant Species	JHS	9/11/07
Charlie Sharp	Wildlife Biologist	T&E Animal Species	CMS	09/11/07
Marilyn Wegweiser	Petroleum Geologist	Water Quality - Ground	MDW	09/12/207
Amy Sharp	Recreation Technician	WSA, W&S Rivers, VRM, ACEC	AJS	09/13/07
Standards				
Charlie Sharp	Wildlife Biologist	Animal, T&E Animal	CMS	09/11/07

Hunter Seim	Rangeland Management Specialist	Plant, T&E Plant	JHS	9/11/07
Ole Olsen	Natural Resource Specialist	Water Quality, Upland Soils, Riparian Systems	OO	9/7/07

CONCLUSION

- Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and the existing NEPA documentation fully covers the proposed action and constitutes BLM’s compliance with the requirements of NEPA.

Note: If on or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made, this box cannot be checked.

Signature of Preparer

Signature of Environmental Coordinator

Signature of Authorized Officer

Date

Note: the signed Conclusion is part of an interim step in the BLM’s internal decision process and does not constitute an appealable decision.

Land Health Assessment

This action has been reviewed for conformance with the BLM’s Public Land Health Standards adopted February 12, 1997. This action meets Public Land Health Standards. Land health assessments have been conducted in multiple landscapes and watersheds within the Field Office Planning Area. Invasive plants, especially halogeton and other annuals weeds have been found to be a problem on many sites and once established are a threat to the herbaceous component of the plant communities.

Attachment 3

PESTICIDE USE PROPOSAL STIPULATIONS

LSFO 1994
Amended 5/4/94

1. Certification

All personnel involved in pesticide application shall be trained and work under the direct supervision of a person certified to apply pesticides and shall follow EPA and label requirements for pesticide application.

(FEIS-ROD p. 10)

2. Safety

The safety of the general public and the pesticide applicators shall be a primary consideration when designing and implementing pesticide application projects. Proper protective clothing shall be worn by applicators as prescribed in manuals and on EPA approved labels.

(FEIS-ROD p. 10)

3. Spray Drift

Application operations shall be suspended when wind velocity exceeds 6 miles per hour. Applications should be made only when there is no hazard of spray drift. Use course sprays to minimize drift.

(FEIS pp. 1-33;
per labels)

4. Buffer Strips

Buffer Strips, where no spraying is allowed, shall be maintained adjacent to dwellings, domestic water sources, agricultural land, streams, lakes, ponds, wetlands, and riparian areas. A minimum buffer strip 100 feet wide will be maintained for aerial application, 25 feet for vehicle application and 10 feet for hand application. Pesticides, not approved for water use, shall be wiped on individual plants within 10 feet of water where application is critical. Any deviation must be in accordance with the label for the pesticide.

(FEIS-ROD p. 10)
Amended 5/4/94

5. Threatened and Endangered Species (T&E)

No aerial applications of pesticides will occur in areas of known T&E plant species. No pesticides shall be applied within 25 feet of known T&E plant species populations, unless approved by the authorized officer.

(Amended 5/4/94)

6. Spills

Individuals involved in the pesticide handling or application shall be instructed on the safety plan and spill procedures. Precautions will be taken to assure that equipment used for storage, transport, and mixing or application will not leak into water or soil creating a contamination hazard. All spills will be immediately reported to the authorized officer.

(FEIS pp. 1-33)

7. Cleanup, Storage, Disposal

All cleanup of equipment, storage of pesticides and disposal of used pesticide containers shall comply with EPA and label requirements.

(FEIS pp. 1-34)

8. Pre-Treatment, Surveys

A field survey shall be completed prior to proposed pesticide application to determine the level of noxious weed infestation, the soils, biological, and riparian factors which would limit treatment, and an analysis of the most effective method to treat the infestation.

(FEIS-ROD p. 9)

9. Post-Treatment Surveys

Post-treatment surveys shall be conducted to evaluate the effectiveness and impacts of the treatment practices used. An Application Record will be completed for each treatment project within 24 hours and submitted to the LSFO by the end of the spray season.

(FEIS pp. 1-37)

10. Application Rates

The maximum herbicide application rates shall not exceed those listed in FEIS Table I-8, pp. 1-26 for the areas listed; said rate will be noted on the PUP approval.

11. Regulation and Liability

All use of pesticides under this agreement shall be subject to regulations resulting from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and Rules and Regulations established by the State of Colorado for the use and application of pesticides. The federal government will be held harmless and the applicator will be held fully liable for any violation of the above laws or any other laws relevant to the use, misuse, disposal, spillage, contamination, or cleanup caused by the applicator's use of pesticides under this agreement.

12. Notification

The BLM, Little Snake Field Office, at 970-826-5000 will be notified at least five (5) days prior to spraying weeds on the BLM administered land in the LSFO.

13. Historic or Archaeological Sites

The following standard stipulations apply for this project:

A. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and

Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

14. Guidelines for Moffat County Herbicide Application

WILDLIFE

All Herbicide Applications:

Prior to spraying herbicides on public lands, operators will refer to current GIS data or, if data are unavailable, will consult with a BLM biologist to determine if project modifications are necessary to mitigate impacts on wildlife.

Aerial Application:

Raptors

To protect raptors (eagles, osprey, accipiters, butteos, owls, falcons; NOT kestrel), aerial application of herbicides will not occur within ½ mile radius of nests or roosts. This buffer distance may be modified by a BLM biologist if it is determined that adequate visual screening is present and that no essential nesting or foraging structures would be negatively altered. Any proposed aerial treatment inside this protection buffer will require additional site-specific analysis and may require ESA Section 7 consultation with the U.S. Fish and Wildlife Service.

Sage Grouse

To protect the greater sage grouse, no aerial application of herbicides will occur within ½ mile of active leks. This buffer distance may be modified by a BLM biologist if it is determined that sage grouse would be unaffected or would otherwise benefit from treatments.

Ground Application:

Raptors

To protect raptors (eagles, osprey, accipiters, butteos, owls, falcons; NOT kestrel), ground application of herbicides will not occur during Dec.15-Aug 31 within ¼ mile of occupied nests (if nest-building is occurring or if pairs are observed in the area, such nests are considered “occupied”). Also, no ground application of herbicides will occur during Nov.16-Apr.15 within ¼ mile of active roosts. Areas within 100 feet of eagle nests and roosts would be treated using only hand/spot-spraying techniques, preferably outside the stated timing restrictions. These buffer distances may be modified by a BLM biologist if it is determined that adequate visual screening is present and that no essential nesting or foraging structures would be negatively altered. Any proposed treatment within this protection buffer will require additional site-specific analysis and may require Section 7 consultation with the U.S. Fish and Wildlife Service.

Sage Grouse

To protect the greater sage grouse, no ground application of herbicides will occur during Mar.1 through June 30 within a ¼ mile radius of active leks. Areas within 100 feet of leks will be treated using only hand/spot-spraying techniques, preferably outside the stated timing restriction. These buffer distances may be

modified by a BLM biologist if it is determined that sage grouse would be unaffected or would otherwise benefit from treatments.

Fish

To protect special status fishes, chemical label guidelines will be strictly followed. A BLM biologist will be notified prior to spraying herbicides within 300 feet of potential special status fish habitat. Project modification may be necessary in order to avoid impacts on special status fish species.

PLANTS

Prior to conducting spraying operations on public lands that occur within the areas listed below, Moffat County Pest Management will provide specific locations of treatment areas to the Authorized Officer to ensure the avoidance of BLM special status plant populations. Spraying operations on state or county rights-of-way within these areas are exempt from this requirement.