

**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: DOI-BLM-CO-N010-2013-0067-DNA

PESTICIDE USE PROPOSAL NUMBER: CON010-13-018-P

PROJECT NAME: Herbicide application for control of noxious weeds on the Lower Milk Creek Allotment #04609 and the Lower Taylor Creek Allotment #04529.

LEGAL DESCRIPTION: Also see attached map (Attachment #1).

**Lower Milk Creek Allotment #04609**      T4N R93W parts of Sec. 24-27, 34-36  
T4N R92W part of Sec. 31  
T3N R92W parts of Sec. 4-6, 8-9, 16-17

**Lower Taylor Creek Allotment #4529**      T4N R93W parts of Sec. 22-23, 26-28, 34

APPLICANT: Walt Proctor, JHL Limited Partnership

### **A. Describe the Proposed Action**

Herbicide application would be made to control invasive and noxious weeds in the Lower Milk Creek Allotment #04609 and the Lower Taylor Creek Allotment #04529. This would incorporate the BLM parcels into the permittee's weed management of adjacent private land. Application would be made with boom sprayers and/or hand wand mounted on an ATV or a tractor with a trailer. Treatment method would be primarily spot spraying. Proposed herbicide applications are listed below. Approximately 5 acres total area would be treated within the allotments each year. Additional details about the treatment can be found in the Pesticide Use Proposals.

<b>PUP #</b>	<b>Trade Name</b>	<b>Common Name</b>	<b>Formulated Product</b>	<b>Application Rate (Chemical)</b>
11-CO-100-90	Tordon	picloram	4-6 oz/ac	0.094 lb ae/ac
11-CO-100-91	Telar	chlorsulfuron	0.5 oz/ac	0.0234 lb ai/ac
11-CO-100-92	Cornbelt 4 Lb. Amine	2,4-D	1 pint/ac	0.7 lb ae/ac

All herbicide applications would conform with stipulations in Attachment #2.

Applicants will be responsible for all required certifications and permits necessary to apply herbicides in the State of Colorado.

## **B. Land Use Plan (LUP) Conformance**

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

Date Approved: October, 2011

Final RMP/EIS, August, 2010

Draft RMP/EIS, January, 2007

The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

The proposed action implements Vegetation Goals and Objectives on page RMP-16 of the RMP to reduce the occurrence of noxious weeds and undesirable plant species by ensuring that all land use actions that could potentially increase the occurrence of noxious weeds are conducted by using BMPs and applying principles of integrated pest management. Additionally, Weed management will be integrated across landscape and ownership boundaries by pursuing whenever possible, the use of cooperative agreements to coordinate weed management actions and identify ways of partnering with resource users and other stakeholders to reduce the occurrence of noxious weeds. The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM MS 1601.03). The proposed action of approval of a Pesticide Use Proposal is in conformance with the Little Snake Record of Decision and Approved Resource Management Plan.

Other Documents:

Colorado Public Land Health Standards and Guidelines for Livestock Grazing

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 also conforms to county use plans.

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

Vegetation Treatments on BLM Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS) (June, 2007).

DOI-BLM-CO-N010-2009-0025-EA, Little Snake Field Office Integrated Pest Management Plan 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 in the LSFO.

#### **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 DOI-BLM-CO-N010-2009-0025-EA, congruent with pesticide use proposal stipulations (see Attachment #2). 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 respect to the current proposed action, given current environmental concerns, interests, and resource values?**

Yes. The density of some invasive noxious and undesirable plant species has been reduced in some areas, and although, noxious and undesirable weeds have been identified in new locations, there have been no changes in environmental concerns, interests or resource values since DOI-BLM-CO-N010-2009-0025-EA.

**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.

Subject to WO-IM 2011-154 and in accordance with BLM policy, the proposed projects are in areas that did not meet the minimum size requirements for inventory finding of the presence of lands with wilderness characteristics. Size requirements are based on whether parcels are within roadless areas greater than 5,000 acres or are directly adjacent to designated wilderness or WSAs.

**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 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 document(s) adequate for the current proposed action?**

Yes. Public outreach through scoping and involvement of the public and other agencies occurred in the development of the RMP/EIS and DOI-BLM-CO-N010-2009-0025-EA.

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

<b>Title</b>	<b>Resource</b>	<b>Date</b>
Ecologist	Air Quality, Floodplains Prime/Unique Farmlands, Water Quality – Surface, Wetlands/Riparian Zones	ELS 7/10/13
Archaeologist	Cultural Resources, Native American Concerns	KR 7/17/13
Realty Specialist	Environmental Justice	LM 7/11/13
Environmental Coord. NEPA	Hazardous Materials	CR 7/16/13
Rangeland Management Spec.	Invasive Non-native Species	CR 7/16/13
Rangeland Management Spec.	Sensitive Plants, T&E Plant	AH 7/15/13
Wildlife Biologist	T&E Animal	DA 7/12/13
Geologist	Water Quality – Ground	CR 7/16/13
Recreation Specialist	WSAs, W&S Rivers, LWCs, ACECs	GMR 7/10/13
Wildlife Biologist	Animal Communities	DA 7/12/13
Wildlife Biologist	Special Status, T&E Animal	DA 7/12/13
Rangeland Management Spec	Plant Communities	CR 7/16/13
Rangeland Management Spec	Special Status, T&E Plant	AH 7/15/13
Ecologist	Riparian Systems	ELS 7/10/13
Ecologist	Water Quality	ELS 7/10/13
Ecologist	Upland Soils	ELS 7/10/13

### **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 landscapes and watersheds within the Field Office Planning Area. Invasive plants, especially annual weeds have been found to be a problem on many sites and once established are a threat to the herbaceous component of the ecosystems.

### **Cultural Resources**

The implementation of truck/ATV chemical applications, mechanical treatments, drill seeding, certain hand treatments and similar projects are considered undertakings subject to compliance with Section 106 of the National Historic Preservation Act (NHPA). The BLM has the legal responsibility to consider the effects of its actions on cultural resources located on federal land. BLM Manual 8100 Series; the Colorado State Protocol; and BLM Colorado Handbook of Guidelines and Procedures for Identification, Evaluation, and Mitigation of Cultural Resources provide guidance on Section 106 compliance requirements to meet appropriate cultural resource standards. In Colorado, BLM's NHPA obligations are carried out under a Programmatic Agreement (PA) between BLM, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer (SHPO). Should an undertaking be determined to have "no effect" or "no adverse effect" by the BLM Little Snake Field Office archaeologist, the undertaking may proceed under the terms and conditions of the PA. If the undertaking is determined to have "adverse effects," project-specific consultation is then initiated with the SHPO.

The proposed treatment areas have been partially surveyed for cultural resources. Although numerous cultural resource sites are known to exist (or have existed) within the proposed application areas, pesticide applications will primarily consist of hand and/or spot treatments, thereby posing limited potential to affect historic properties. As such, the proposed action may proceed with a project affect determination of *no historic properties affected*. No additional assessments or consultations are required.

### **Conclusion**

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

Signature of Lead Specialist \_\_\_\_\_ Date \_\_\_\_\_

Signature of NEPA Coordinator \_\_\_\_\_ Date \_\_\_\_\_

Signature of the Authorizing Official /s/ Wendy Reynolds Date 07/25/13

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

**#4609 Lower Milk Creek**  
**#4529 Lower Taylor Creek**

Wildlife planting proposal areas

- Completed 2010
- ▲ Planned

- ✕ Fencelines
- Water\_Source
- Existing
- ▲ Planned

- Allotment Boundary Lower Taylor Creek
- Pasture Boundaries

**Surface Management Status**

- Private
- State Land Board
- US BLM

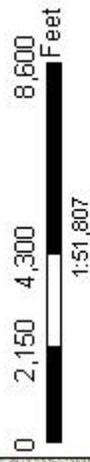
**#4609 Lower Milk Creek**

Private	3,702 acres
State LB	634 acres
BLM	2,643 acres
<b>Total</b>	<b>6,979 acres</b>

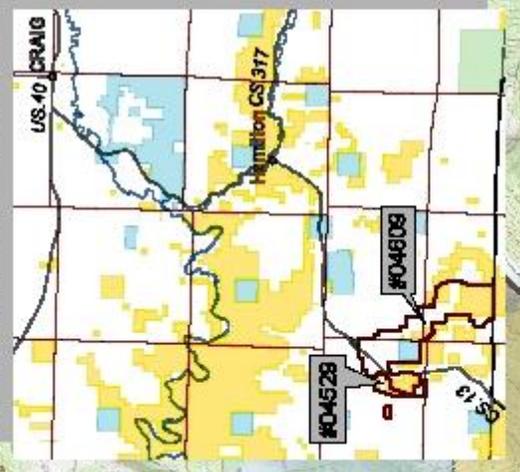
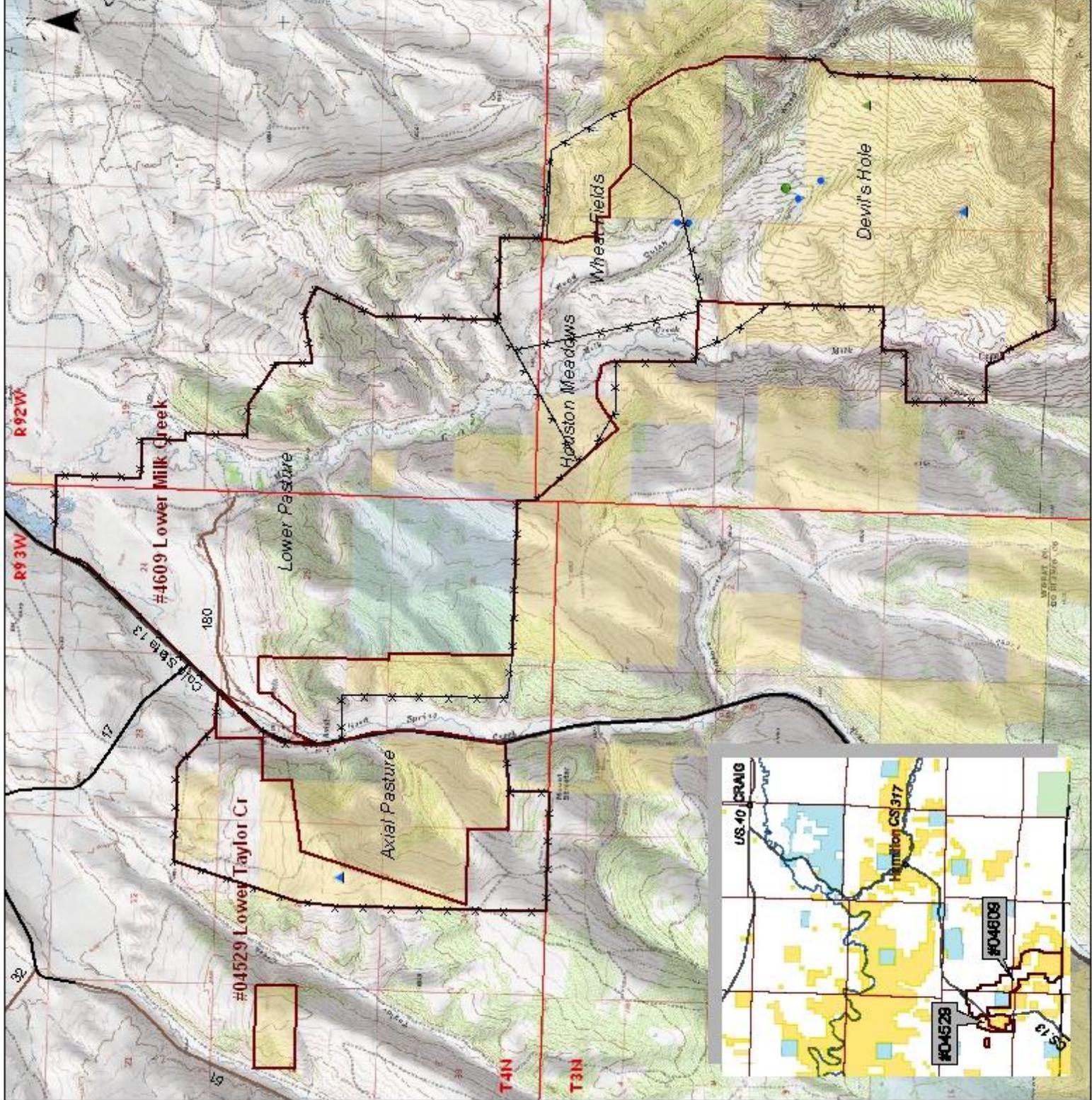
**#4529 Lower Taylor Creek**

Private	374 acres
BLM	388 acres
<b>Total</b>	<b>762 acres</b>

Axial  
 Monument Butte  
 Ninemile Gap  
 Thornburgh



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregation use with other data. All boundaries are an approximate representation.



## Attachment #2

DOI-BLM-CO-N010-2013-0067 DNA

### BLM LSFO PUP Stipulations

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#### General Stipulations:

- All herbicide treatments on BLM administered lands will comply with applicable federal and state statutory and regulatory requirements.
  - Manufacturers label directions and guidelines, including but not limited to, application rates, uses, handling instructions, storage and disposal requirements, will be followed
  - All BLM procedures (BLM Handbook H-9011-1 Chemical Pest Control) and Manuals 1112 Safety, 9011 Chemical Pest Control, and 9015 Integrated Weed Management, and any other BLM requirements will be followed. Where more restrictive, BLMs requirements for rates, uses, and handling instructions will apply.
  - Only certified applicators, or those directly supervised by a certified applicator, may apply herbicide on BLM administered public lands.
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To ensure that risks to human health and the environment from herbicide treatments are kept to a minimum, and that all practicable means to avoid or minimize environmental harm have been adopted, the following will apply:

- All herbicide treatments will be consistent with the Standard Operating Procedures (SOPs) presented in the ROD of the 2007 Final *Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States Programmatic Environmental Impact Statement* (PEIS).
  - Measures to mitigate potential adverse environmental effects as a result of herbicide treatments as found in the ROD of the PEIS.
  - All conservation measures, designed to protect plants and animals listed or proposed for listing as threatened or endangered under the Endangered Species Act, as found in the Biological Assessment of the PEIS.
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#### Cultural Resources Discovery

The applicator 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.

#### SOURCE:

DOI-BLM-CO-N010-2009-0025-EA