

**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-100-2007-052 DNA

PESTICIDE USE PROPOSAL NUMBERS: 07-CO-100-02 and 07-CO-100-03

PROJECT NAME: Herbicide applications to control noxious weeds and undesirable vegetation along the Wyoming Interstate Company (WIC) and El Paso pipeline rights-of way through Moffat County.

LEGAL DESCRIPTION: T.4 to 12 N., R. 94 to 96 W., 6th PM, Moffat County. All public lands along the Wyoming Interstate Company (WIC) and El Paso Pipeline rights-of way and access roads. See Attachment 1 (map) for location of the pipeline right-of-ways.

APPLICANT: Rocky Mountain Weed Management

A. Describe the Proposed Action

Chemical herbicide applications will be applied along the Wyoming Interstate Company (WIC) and El Paso Pipeline rights-of ways which are adjacent to one another in the same corridor. Herbicides will be applied as spot treatments on areas recently disturbed along the WIC pipeline which are in the early stages of revegetation and on areas of established vegetation along the El Paso pipeline right-of-way not disturbed with installation of the newer WIC pipeline. One tank mix of Escort XP (Metsulfuron methyl) and 2,4-D Amine 4 will be applied to control hoary cress (whiteweed), perennial pepperweed, halogeton, houndstongue and Canada thistle. A second tank mixture of Tordon 22K and 2,4-D Amine 4 will be applied to control weeds such as leafy spurge, Scotch Thistle, musk thistle, dalmation toadflax, Russian knapweed and spotted knapweed. The treatment areas would vary, depending on area of weed infestations, but it is not likely to exceed 10 acres annually. Each tank mixture will be confined in separate tanks mounted on a truck. A hydraulic pump with hand gun attached to each tank will be used for the spot applications of these herbicide mixes. All label precautions will be followed for each of the mixes.

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 will occur in association with all surface disturbing activities and management of public land. The 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 APD's 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 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 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/Riparian Zones	OO	4/6/07
Robin Morris	Archaeologist	Cultural Resources, Native American Concerns	RWM	4/9/07
Louise McMinn	Realty Specialist	Environmental Justice	LM	4/13/07
Ole Olsen	Environmental Coord. NEPA	Hazardous Materials	OO	4/13/07
Hunter Seim	Rangeland Management Specialist	Sensitive Plants, T&E Plant Species	JHS	4/2/07
Tim Novotny	Wildlife Biologist	T&E Animal Species	TM	4/16/07
Jennifer Maiolo	Petroleum Geologist	Water Quality-Ground	JAM	4/13/07
Jim McBrayer	Recreation Specialist	WSA, W&S Rivers, VRM, ACEC	JDM	4/16/07
Standards				
Tim Novotny	Wildlife Biologist	Animal, T&E Animal	TM	4/16/07
Hunter Seim	Rangeland Management Specialist	Plant, T&E Plant	JHS	4/2/07
Ole Olsen	Natural Resource Specialist	Water Quality, Upland Soils, Riparian Systems	OO	4/6/07

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 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 2

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. 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.