

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

DETERMINATION OF NEPA ADEQUACY (DNA)

NUMBER: DOI-BLM-CO-110-2011-0063-DNA

PROJECT NAME: BOPCO LLP. PUPs

LEGAL DESCRIPTION:

Township	Range	Sections, Lots, or Portions Thereof
1 North	97 West	30, 31
1 North	98 West	25-36
1 South	97 West	Section 5
1 South	98 West	1-6 and 10-14

APPLICANT: BOPCO LP

ISSUES AND CONCERNS: None.

DESCRIPTION OF PROPOSED ACTION: Under the terms of the rights-of-way and approved applications for permits to drill (APDs), the holder is responsible for controlling noxious species and conducting bare ground treatments (see Figure 1). With approval of this document and Pesticide Use Proposal (PUP), Bopco LP would be approved to chemically treat oil and gas facilities for noxious weeds and bareground treatments. Target species are knapweeds, houndstongue, mullein, black henbane, thistles, cheatgrass, and whitetop.

Both cultivation and herbicide control would be used to control weeds where appropriate. Cultivation would be used to control of infestations of houndstongue, mullein, black henbane and biennial thistles that are sparse and isolated. Cultivation would entail pulling of the weed out of the ground or severing the tap root below the basal rosette of leaves with a hand tool. If these plants have produced seed prior to treatment, the plants would be gathered following digging and placed at a site on which seedlings can be controlled or burned later. Cultivation activities will be limited to areas of exiting disturbance (e.g., pipeline corridors, road-cuts, etc.)

Herbicidal control would be used on dense weed patches of all weeds listed above which are impractical to control by digging. Application would be by a combination of truck mounted sprayer, all terrain vehicles (ATV) sprayer, or backpack sprayer. The method of herbicide application would be dependent on the size and location of the weeds to be treated.

Bare ground treatments using Sahara DG will occur around well heads and production facilities, and will be limited to a 10 foot buffer.

All herbicidal control will be under the control of a BLM Certified herbicide applicator and a current PUP which specifies the area targeted, the chemical to be used, and sensitive areas. It is estimated that 100 acres will be treated annually with chemical. Control activities would be in compliance with the Record of Decision: Vegetation Treatment on BLM Lands in Seventeen Western States (BLM 2007) and the White River Field Office Integrated Weed Management Plan (BLM 2010). Herbicides to be used and rates are listed in the table below:

HERBICIDES	RATES
Sahara DG	9.5 lbs/acre
Telar XP + Banvel + 2,4-D LV 6	0.5-2oz/acre + 1 qt/acre + 1.4 pints/acre
Tordon 22K + 2,4-D LV6	1 pint/ac-1qt/acre + 1.4 pints/acre
Telar XP	0.5-2 oz/acre
Escort XP + 2,4-D LV6	0.5-2 oz/acre + 3 pints/acre

LAND USE PLAN (LUP) CONFORMANCE REVIEW:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

X The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP decision(s):

Decision Number/Page: Page 2-13

Decision Language: “Manage noxious weeds so that they cause no further negative environmental aesthetic or economic impact.”

REVIEW OF EXISTING NEPA DOCUMENTS:

List by name and date all existing NEPA documents that cover the proposed action.

Name of Document: White River Resource Area Proposed Resource Management Plan and Final Environmental Impact Statement (PRMP/FEIS).

Date Approved: July 1, 1997

Name of Document: Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement.

Date Approved: September 30, 2007

Name of Document: White River Field Office Integrated Weed Management Plan
DOI-BLM-CO-110-2010-0005-EA

Date Approved: March 19, 2010

NEPA ADEQUACY CRITERIA:

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Documentation of answer and explanation: Yes, the proposed chemical and mechanical treatments in the proposed action were a feature of the analysis in the White River Field Office Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA). This environmental assessment (EA) covers the alternatives for doing noxious weed treatments around oil and gas facilities within the field office boundary. The integrated weed control strategy is improving vegetation conditions.

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

Documentation of answer and explanation: Four alternatives, the Proposed Action, the No Action Alternative, No Aerial Application of Herbicides Alternative, and the No Herbicide Use Alternative were analyzed in DOI-BLM-CO-110-2010-0005-EA. No reasons were identified to analyze additional alternatives and these alternatives are considered to be adequate and valid for the proposed action.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Documentation of answer and explanation: Yes, the analysis in the EA listed above is still valid. It is not expected that new information or circumstances would substantially change the analysis of the new proposed action.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Documentation of answer and explanation: Yes, the direct, indirect, and cumulative effects that would result from implementation of the new proposed action is similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document, DOI-BLM-CO-110-2010-0005-EA.

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

Documentation of answer and explanation: Yes, consultation occurred between the BLM and the US Fish and Wildlife Service for environmental assessment, DOI-BLM-CO-110-2010-0005-EA. In addition, lists of the current NEPA documents (projects) are available for review on the White River Field Office webpage.

INTERDISCIPLINARY REVIEW: The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on February 15, 2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

Cultural Resources: The areas of the proposed herbicide application have been inventoried at the Class III and appropriate mitigation for cultural resources undertaken prior to initial construction. Provided all vehicular travel is confined to existing roads, trails and disturbance there should be no new impacts to cultural resources. (MRS 2/16/2001)

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken. (MRS 2/16/2011)

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are several BLM sensitive species that occur or may occur throughout the project area including Brewer's sparrow, Townsend's big-eared bat, Yuma myotis, and fringed myotis, however these species would normally not be found inhabiting disturbed (i.e., well pads) areas where treatments are proposed. Impacts to these species, in addition to other terrestrial wildlife species, were adequately addressed in the original environmental assessment.

The lower reaches of Yellow Creek, located nearly seven channel miles downstream from the project area, support higher-order aquatic vertebrate populations including speckled dace and BLM sensitive mountain sucker and northern leopard frog. There are no records of higher order invertebrates in those BLM-administered reaches located within the overall project area. As proposed, treatments are to be confined to previously bareground/disturbed areas (i.e., oil and gas facilities) and as such should not impact aquatic wildlife or associated habitats. Impacts to aquatic wildlife and important aquatic habitats were adequately addressed in the original environmental assessment. Applicable mitigation regarding aquatic communities from CO-110-2010-0005 EA is listed below. (LRB 03/02/2011)

Threatened and Endangered Plant Species: The proposed project area has occupied, suitable, and potential habitat for Dudley Bluffs bladderpod. The locations are T1S R98W sections 1, 2, 3, 4, 5, 10, 11, 14 and T1N R98W sections 25 and 36 (see Figure 2). With suitable and occupied habitat so close to the project area, there is an increased risk of direct-spray effects on one listed plant species as well as the potential for off-site drift on to plants that could result in mortality. Other risks to plants include plants being crushed by trucks or ATV's during application. All of these impacts were adequately analyzed in the original EA and no additional mitigation measures are necessary for the proposed action. (MLD 3/02/2011)

MITIGATION:

1. The operator is responsible for informing all persons who are associated with the project 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 uncovered during any project or construction activities, the operator is to immediately stop activities in the immediate area of the find that might further disturb such materials, and immediately contact the authorized officer (AO). 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 site can be used (assuming in situ preservation is not necessary)
- a timeframe for the AO to complete an expedited review under 36 CFR 800-11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation cost. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

3. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, 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.

Terrestrial Wildlife:

1. The applicator should be aware of all SOPs (Appendix C), mitigation measures (Appendix D) and conservation measures (Appendix E) regarding terrestrial wildlife/migratory birds required in DOI-BLM-CO-110-2010-0005-EA.

Aquatic Wildlife:

1. The applicator should be aware of all SOPs (Appendix C), mitigation measures (Appendix D) and conservation measures (Appendix E) regarding aquatic wildlife required in DOI-BLM-CO-110-2010-0005-EA including:
2. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
3. Special care should be taken to follow all instructions and SOPs to avoid spill and direct spray scenarios in aquatic habitats during transport and application.
4. Use appropriate herbicide-free buffer zones for herbicides not labeled for aquatic use based on risk assessment guidance, with minimum widths of 100 feet for aerial, 25 feet for vehicle, and use of only herbicides that pose no to low risk to fish or amphibians within 10 feet of riparian areas.
5. Use appropriate buffer zones based on label and risk assessment guidance.
6. Minimize treatments near fish-bearing water bodies during periods when fish are in life stages most sensitive to the herbicide(s) used, and use spot rather than broadcast or aerial treatments.
7. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
8. For treatment of aquatic vegetation, 1) treat only that portion of the aquatic system necessary to achieve acceptable vegetation management, 2) use the appropriate application method to minimize the potential for injury to desirable vegetation and aquatic organisms, and 3) follow water use restrictions presented on the herbicide label.
9. Limit the use of terrestrial herbicides in watersheds with characteristics suitable for potential surface runoff, and have fish-bearing streams, during periods when fish are in life stages most sensitive to the herbicide(s) used.
10. Establish appropriate herbicide-specific buffer zones for water bodies, habitats, or fish or other aquatic species of interest (see Appendix C and recommendations in individual ERAs). Avoid using the adjuvant R-11® in aquatic environments and do not use

glyphosate formulations containing the POEA surfactant to reduce risks to aquatic organisms.

11. Do not broadcast spray triclopyr BEE or Tordon (picloram) in upland habitats adjacent to the 100-year floodplain of the White River or riparian systems that support special status aquatic wildlife under conditions that would likely result in off-site drift.
12. Chlorsulfuron and Tordon (picloram) have not been specifically evaluated for effects on amphibians. Where feasible, avoid the use of this herbicide in occupied amphibian habitats.
13. Do not use terrestrial formulations of Sahara DG (glyphosate) to treat aquatic vegetation within the 100-year floodplain of the White River or within riparian systems that support special status aquatic wildlife.
14. Do not broadcast spray terrestrial formulations of Sahara DG (glyphosate) in upland habitats adjacent to the 100-year floodplain of the White River or riparian systems that support special status aquatic wildlife under conditions that would likely result in off-site drift.

Special Status Plant Species

1. Buffer distances outlined in table 7 of the WRFO IWMP (see below) will be adhered to while treating weeds around occupied, suitable, or potential habitat.

Table 7. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ^{1,2}

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Bromacil	1,200 feet	All
Chlorsulfuron	1,200 feet	Ground
	1,500 feet	Aerial
Clopyralid	900 feet	Ground, typical rate
	0.5 mile	Ground, maximum rate; aerial
Dicamba	1,050 feet	Ground
Diflufenzopyr	100 feet	Low boom, typical rate
	500 feet	Low boom, maximum rate; high boom
	900 feet	Aerial

Table 7. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ^{1,2}

Active Ingredient	Buffer Width	Method(s) to Which Applied
Diquat	900 feet	Ground, typical rate
	1,000 feet	Ground, maximum rate
	1,200 feet	Aerial
Diuron	1,100 feet	All
Fluridone	0.5 mile	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapic	25 feet	Ground, typical or maximum rates
	300 feet	Aerial, typical rate
	900 feet	Aerial, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Overdrive®	100 feet	Low boom, typical rate
	900 feet	Low boom, maximum rate; high boom
Picloram	0.5 mile	All
Sulfometuron Methyl	1,500 feet	All
Tebuthiuron	25 feet	Low boom, typical rate
	50 feet	Low boom, maximum rate; high boom, typical rate
	900 feet	High boom, maximum rate
Triclopyr	300 feet	Ground, typical rate
	500 feet	Aerial, typical rate

Table 7. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ^{1,2}

Active Ingredient	Buffer Width	Method(s) to Which Applied
	0.5 mile	Ground or aerial, maximum rate

¹ Source: BLM 2007a

² See Appendix C for information related to aquatic species and other specific situations (e.g., areas vulnerable to wind erosion of treated soil).

COMPLIANCE PLAN (optional): On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Matthew Dupire

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 3/25/2011

ATTACHMENTS:

Figure 1: Map of Bopco Field

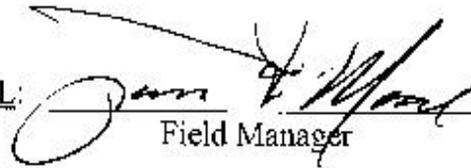
Figure 2: Map of Occupied, Suitable, and Potential Habitat of Special Status Plants

CONCLUSION

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Based on the review documented above, I conclude that this proposal in consort with the applied mitigation conforms to the land use plan and that the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

SIGNATURE OF RESPONSIBLE OFFICIAL:


Field Manager

DATE SIGNED:

5/23/11

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

Figure 2: Map of Occupied, Suitable, and Potential Habitat

