

**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-110-2011-0076-DNA

PROJECT NAME: Solvay Chemical PUP's

LEGAL DESCRIPTION: T. 1 S., R. 97 W. Section 20, 21, 28, 29

APPLICANT: Solvay Chemicals

ISSUES AND CONCERNS:

DESCRIPTION OF PROPOSED ACTION: Under the terms of the rights-of-way and approved APDs, the holder is responsible for controlling noxious species and conducting bareground treatments. With approval of this document and Pesticide Use Proposal (PUP), Solvay Chemical would be approved to treat access rights-of-way, pipeline rights-of-way, compressor facilities, and well pads used for oil and gas production. 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 existing disturbance (e.g., pipeline corridors, road-cuts, etc.).

Herbicidal control will 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, and backpack sprayer. The method of herbicide application would be dependent on the size and location of the weeds to be treated.

Bareground treatments using Sahara DG and Roundup Pro will occur around well heads and production facilities. Bareground treatments will be limited to a 10 foot buffer around productions facilities and well-heads.

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 15 acres will be treated on the ground. 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
Tordon 22K + 2,4-D LV6 (Picloram + 2,4-D)	1 qt/acre + 1 qt/acre
Escort XP (Metsulfuron Methyl)	1.5 oz/acre
Sahara DG + Roundup Pro (Imazapyr+Diuron+Glyphosate)	10 lbs/acre + 2 qts/acre
Plateau (Imazapic)	5 oz/acre
Vanquish + 2,4-D LV6 (Dicamba + 2,4-D)	1 pt/acre + 1 pt/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

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

Decision 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. There is no known new information or circumstances that 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 EA, 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 (<http://www.blm.gov/co/st/en/fo/wrfo.html>).

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: All treatments are proposed for previously disturbed ground which would have been previously inventoried for cultural resources. There should be no new impacts to cultural resources provided all vehicular traffic is restricted to existing roads, and trails. The normal half-life of herbicides is not expected to cause any impacts to cultural resources. An indirect impact of herbicide application is the unlawful collection of artifacts and vandalism. (KB 3/22/2011)

Native American Religious Concerns: There are no known Native American religious concerns associated with the proposed action. Should future consultations with Tribal authorities reveal the existence of such concerns, appropriate mitigation and/or protection measures may be undertaken. (KB 3/22/2011)

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. Piceance Creek, a perennial system which supports higher order aquatic vertebrates including BLM sensitive mountain sucker and northern leopard frogs, runs through the project area. With the exception of approximately 240 meters, all of Piceance Creek is either private or State owned. As proposed, chemical applications should be confined to existing disturbances (i.e., well pads, access roads etc) and would have limited potential for involvement with riparian habitats. (LRB 03/25/11)

Threatened and Endangered Plant Species: Occupied, suitable, and potential habitat for Dudley Bluff bladderpod and Dudley Bluffs twinpod does occur within the project area. Since there are special status plant species located in the project area, there is the potential for mortality due to direct spray of herbicide or off-site drift. There is also the potential for trampling or crushing during herbicide application activities. Locations of plant habitat are shown in the attached Map 2.

Lands with Wilderness Characteristics: No issues related to Lands with Wilderness Characteristics (LWC) have been identified. (CAS 04/14/2011)

MITIGATION:

Cultural Resources

1. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing archaeological sites, or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the applicant must immediately contact the appropriate BLM representative.
2. To eliminate the possibility of surface disturbing concerns, while spraying noxious weeds on BLM lands, the applicant will be limited to driving on existing roads and trails.

Terrestrial Wildlife:

3. 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:

4. 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.
5. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
6. 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.
7. 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.
8. Use appropriate buffer zones based on label and risk assessment guidance.
9. 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.
10. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
11. 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.

12. 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.
13. 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).
14. 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.
15. Do not broadcast spray 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.
16. Tordon (picloram) has not been specifically evaluated for effects on amphibians. Where feasible, avoid the use of this herbicide in occupied amphibian habitats.
17. Do not use terrestrial formulations of Sahara DG (glyphosate) to treat aquatic vegetation within riparian systems that support special status aquatic wildlife.
18. Do not broadcast spray terrestrial formulations of Sahara DG (glyphosate) in upland habitats adjacent to 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
Dicamba	1,050 feet	Ground
Diuron	1,100 feet	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Imazapic	25 feet	Ground, typical or maximum rates

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

Active Ingredient	Buffer Width	Method(s) to Which Applied
	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
Picloram	0.5 mile	All

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: 5/5/2011

ATTACHMENTS:

Map 1: Project Area for the Solvay Chemical PUPs

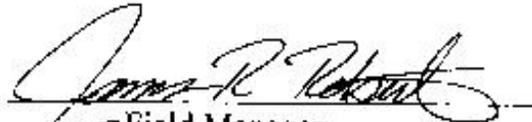
Map 2: Potential, Suitable, and Occupied Special Status Plant Species Habitat

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.

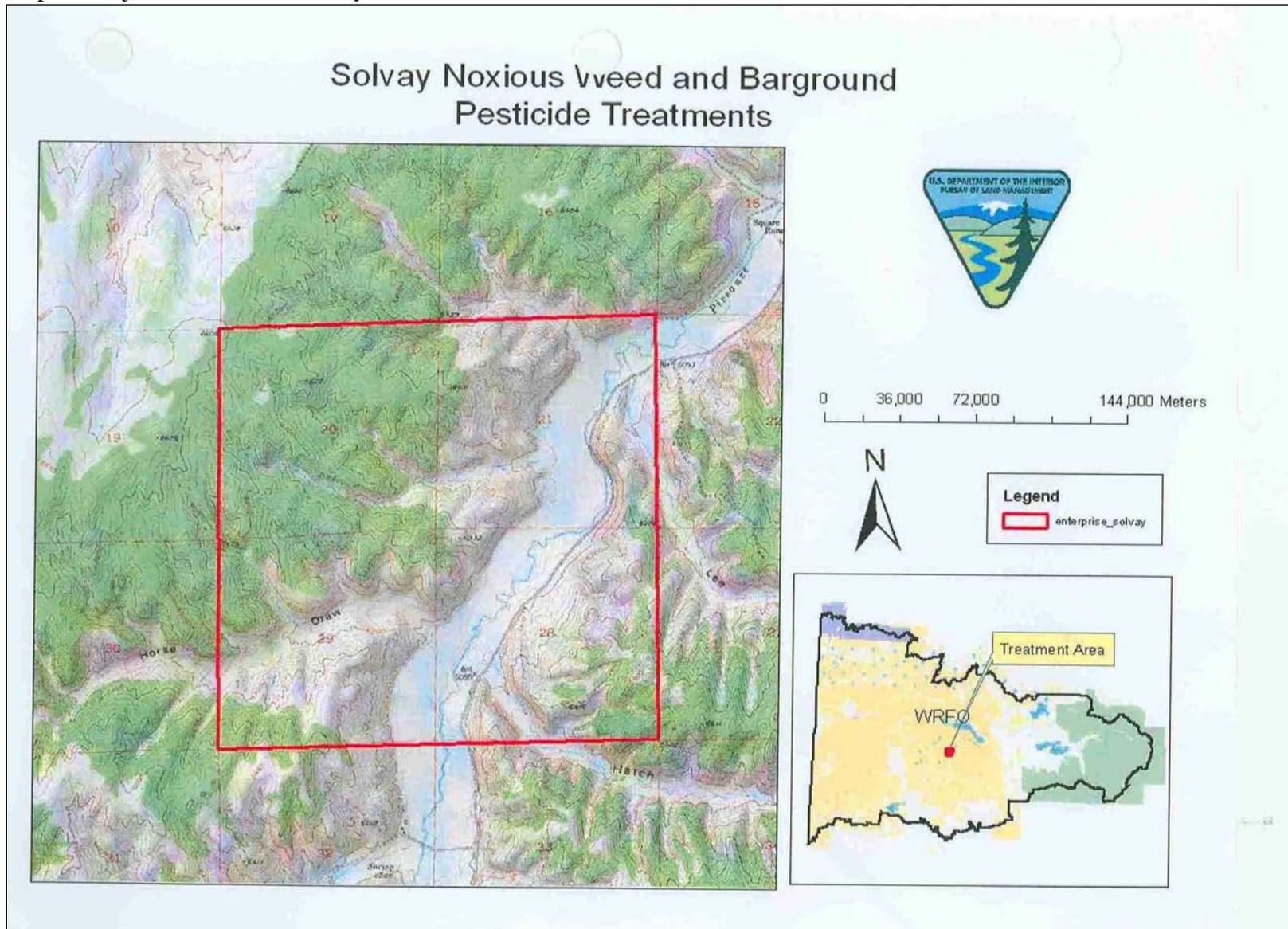
SIGNATURE OF RESPONSIBLE OFFICIAL:


FOR Field Manager

DATE SIGNED: 5/6/2011

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.

Map 1: Project Area for the Solvay Chemical PUPs



Map 2: Potential Suitable, and Occupied Special Status Plant Species Habitat

