

**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-110-2011-0050-DNA

PROJECT NAME: Energy Transfer and PUPs

LEGAL DESCRIPTION:

<b>Township</b>	<b>Range</b>	<b>Sections, Lots, or Portions thereof</b>
2 South	96 West	8
1 South	101 West	18
3 South	100 West	17

APPLICANT: Monty Elder

DESCRIPTION OF PROPOSED ACTION: Under the terms of rights-of-way and approved applications for permits to drill (APDs), the holder is responsible for controlling noxious species and conducting bare ground treatments. With approval of this document and Pesticide Use Proposal (PUP), Monty Elder would be approved to treat access rights-of-way, pipeline rights-of-way, compressor facilities, and well pads used for oil and gas production by Energy Transfer. Target species are knapweeds, houndstongue, mullein, and black henbane.

Both cultivation and herbicide control would be used to control knapweeds, houndstongue, black henbane, and mullein depending on specific circumstances described below.

Cultivation would be a control option for infestations of houndstongue, mullein, and black henbane that are sparse and isolated. Cultivation would entail pulling 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 would be used on dense patches of houndstongue, mullein, and black henbane along with other noxious weeds listed above which are impractical to control by digging. Application would be by a combination of truck mounted sprayer, all terrain vehicle (ATV) sprayer, Solo backpack sprayer, and Buffalo Turbine 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 or Roundup Pro will occur around well heads and production facilities. Bare ground treatments will be limited to a 10 foot buffer around production facilities and well-heads.

All herbicidal control will be under the control of a certified herbicide applicator and a current PUP which specifies the area targeted, the chemical to be used, and sensitive areas.

Intended rates of application for each chemical will be as follows: Sahara DG 10 lbs./acre, 2,4-D Ester 1 qt/acre, and Escort XP 2 oz/ac. All herbicide application will be in compliance with herbicide labels and BLM guidelines. It is estimated that approximately five acres will be treated annually (based on the amount of chemical used and not on actual areas treated). There will be one bare ground treatment per year occurring between 4/1 to 9/15 and one noxious weed treatment per year from 5/1 to 10/15 depending on the species being treated.

All 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).

#### 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. There is no new information or circumstances that would substantially change the analysis of the 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: Identify those team members conducting or participating in the NEPA analysis and preparation of this work sheet (by name and title).

The proposed action was presented to, and reviewed by the White River Field Office interdisciplinary team on January 25, 2011. A list of resource specialists who participated in this review is available upon request from the White River Field Office.

REMARKS:

*Cultural Resources:* Provided that all herbicide applications using motorized vehicles and all cultivation practices are strictly confined to previously disturbed ground, as specified in the Proposed Action, there will be no new impacts to any known cultural resources. (MRS 1/27/2011)

*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 1/27/11)

*Threatened and Endangered Wildlife Species:* No wildlife-related issues or concerns for treatments occurring in 2S 96W Section 8 or 1S 101W Section 18. The site which occurs in 3S 100W Section 17 is located in the East Douglas Creek/Soldier Creek Area of Critical Environmental Concern (ACEC), which was designated because aquatic systems within this ACEC (Lake Creek, Soldier Creek, Cathedral Creek and East Douglas Creek) provide habitat for BLM sensitive Colorado River cutthroat trout. Portions of East Douglas Creek and Cathedral

Creek are also occupied by northern leopard frog, a BLM sensitive species. Although treatments will be confined to a previously disturbed site, special care should be given when applying herbicide near aquatic habitats (see Mitigation section). (LRB 01/26/11)

*Threatened and Endangered Plant Species:* There are no special status plant species located within the vicinity of this proposed action. (MLD 1/27/11)

#### MITIGATION:

Aquatic Wildlife: 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.

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.

In order to minimize the amount of chemical entering aquatic habitats, buffer strips will be provided for streams and riparian areas when using terrestrial formulations. A minimum buffer strip of 25 ft (7.6m) will be provided for vehicle applications (e.g., ATV sprayers). Within 25 ft (7.6m) of water, herbicides will be applied using a backpack sprayer. Herbicides that pose a moderate to high risk to fish (e.g., bromacil, diquat, diuron, terrestrial formulations of glyphosate, imazapyr, picloram, and triclopyr BEE at any application rate or 2,4-D and triclopyr TEA at maximum application rates) will not be used within 10 ft (3m) of water.

When possible (i.e., when compatible with specific chemical formulations or tank mixes), Agri-Dex shall be the preferred surfactant to use within 10 ft (3m) of riparian areas that support special status fisheries or critical habitat.

Care should be taken when treatments include riparian vegetation which is a critical habitat component for all special status aquatic wildlife species. Efforts should be taken to avoid or minimize involvement and damage to woody riparian shrubs and trees by using manual control, minimizing the wetting of desirable plant foliage with herbicide, and using less persistent herbicides beneath or within 25 feet (7.6 m) of desirable plant canopies.

Limit the use of diquat in water bodies that have native fish and aquatic resources.

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.

Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.

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.

#### Metsulfuron methyl (Escort XP)

- This chemical has not been specifically evaluated for effects on amphibians. Where feasible, avoid the use of this herbicide in occupied amphibian habitats.

#### Glyphosate (Sahara DG)

- Do not use terrestrial formulations to treat aquatic vegetation within riparian systems that support special status aquatic wildlife.
- Do not broadcast spray terrestrial formulations in upland habitats adjacent to riparian systems that support special status aquatic wildlife under conditions that would likely result in off-site drift.

#### Cultural Resources

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.

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.

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. Pesticide application records (PARs) are required to be submitted to the White River Field Office by September 30<sup>th</sup> of each year.

NAME OF PREPARER: Matthew Dupire

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

DATE: 2/24/11

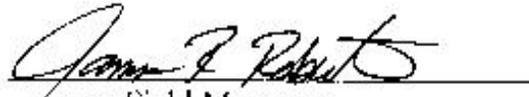
ATTACHMENTS: Figure 1: Map of Compressor Station at the top of Collins Gulch  
Figure 2: Map of Compressor Station at West Four-Mile Creek  
Figure 3: Map of Compressor Station in East Douglass Creek

## 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: 3/1/2011

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.





Figure 2: Map of Compressor Station at West Four-Mile Creek

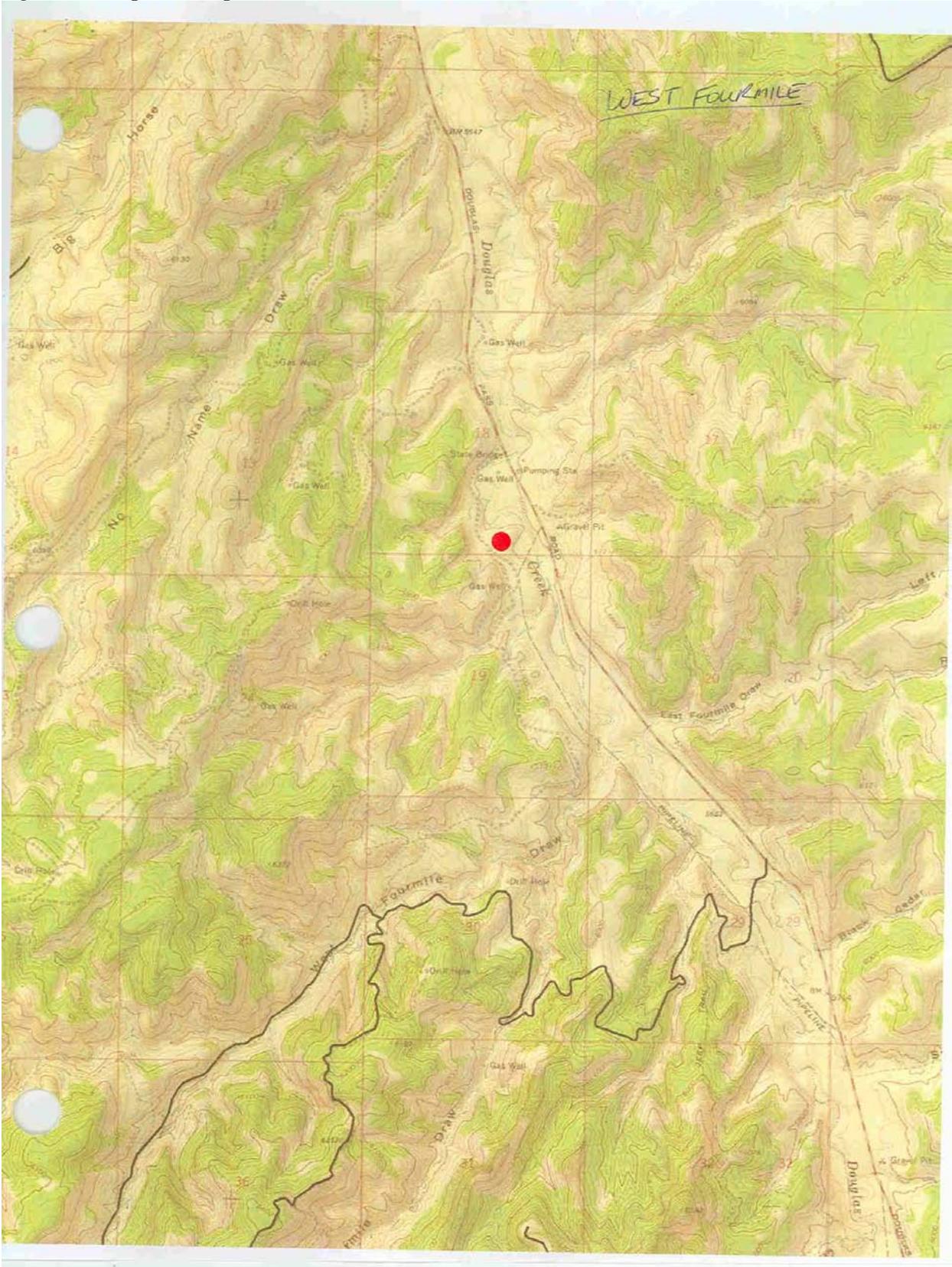


Figure 3: Map of Compressor Station in East Douglas Creek

