

**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-110-2012-0071-DNA

**PROJECT NAME:** Overland Pass Pipeline PUP

**LEGAL DESCRIPTION:**

<b>Township</b>	<b>Range</b>	<b>Sections, Lots, or portions thereof</b>
2 South	97 West	24, 25, 36
2 South	96 West	5, 8, 17, 18, 19
1 South	96 West	1, 2, 3, 10, 15, 21, 28, 32, 33
1 South	95 West	6
1 North	95 West	32
1 North	96 West	1, 2, 11
2 North	95 West	12
3 North	95 West	20
4 North	96 West	24

**APPLICANT:** Overland Pass (Williams)

**DESCRIPTION OF PROPOSED ACTION:** Overland Pass Pipeline (Williams) has hired Monte Elder to perform herbicide treatments on and around productions facilities, pipeline rights-of-way (ROW), and access ROWs. This pesticide use proposal (PUP) will cover all herbicide application for noxious weed treatments.

Noxious weed control would be accomplished using multiple herbicides depending on the timing and the species being treated. Table 1 shows the types of herbicides proposed and the application rates.

Table 1: Herbicides Proposed for Chemical Treatments and Rates

<b>Trade Name</b>	<b>Common Name</b>	<b>Rate</b>
Escort XP+2,4-D LV 6	Mesulfuron Methyl+2,4-D	1.25oz+1qt
Tordon 22K+2,4-D LV6	Picloram + 2,4-D	1qt + 1 qt

The carrier would be water, and Hilite dye would be used to mark spray distribution. Application would be by a combination of backpack, truck, or all-terrain vehicle (ATV) sprayer with

handguns. The method of herbicide application would be dependent on the size and location of the weeds to be treated. Use of motorized vehicles would be restricted to existing disturbance. All spraying would be under the control of a certified herbicide applicator. It is estimated that 1 acre will be treated annually.

Decision to be Made: The White River Field Office (WRFO) will decide whether or not to approve the PUP, and if so, with what terms and conditions.

#### PLAN CONFORMANCE REVIEW:

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

Date Approved: July 1, 1997

Decision Number/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: June 1996

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

Date Approved: March 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? 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? If there are differences, can you explain why they are not substantial?

*Documentation of answer and explanation:* Yes, the proposed chemical 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), which analyzed

alternatives for doing noxious weed treatments within the field office boundary using these herbicides. The integrated weed control strategy is improving vegetation conditions.

2. Is the range of alternatives analyzed in the existing NEPA document 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?

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. Is the public involvement and interagency review associated with existing NEPA documents 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 WRFO webpage.

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the WRFO interdisciplinary team on 03/13/2012. A complete list of resource specialists who participated in this review is available upon request from the WRFO. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	03/20/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	04/02/2012
Matthew Dupire	Rangeland Management Specialist	Special Status Plant Species	05/02/2012

**REMARKS:**

*Cultural Resources:* All treatments are proposed for rights-of-ways that should have been previously inventoried prior to the various developments. The normal half-life of herbicides is not expected to cause any impacts to cultural resources. There should be no new direct impacts to cultural resources. Indirect impacts of herbicide application are human impacts such as unlawful collection of artifacts, inadvertent damage, and intentional vandalism.

*Native American Religious Concerns:* No Native American religious concerns are known for pesticide use in the WRFO. Should future consultations with Ute tribal authorities reveal concerns, and the desire to be consulted with on weed spraying actions, additional measures may be taken.

*Threatened and Endangered Wildlife Species:* The pipeline right-of-way crosses the White River approximately 11 river miles upstream from Rio Blanco Lake. The White River, from Rio Blanco Lake downstream to the Utah border, is designated as critical habitat for the Colorado pikeminnow, a federally endangered species. Occupied habitat is located below Taylor Draw Dam which is approximately 45 valley miles from the right-of-way crossing. Additionally, the pipeline right-of-way crosses Piceance Creek which supports populations of mountain sucker and northern leopard frogs, both BLM sensitive species. See specific mitigation requirements for aquatic wildlife listed below.

Approximately 4.5 miles of the pipeline right-of-way (located in T1S R 98W sections 28, 32 and 33 and T2S R98 W sections 5, 8 and 18) passes through overall range of the greater sage-grouse, a candidate for listing under the Endangered Species Act and a species considered sensitive by the BLM. There is an active lek approximately two miles from the pipeline right-of-way. To minimize disturbance to breeding sage-grouse, from March 15<sup>th</sup> through May 7<sup>th</sup> no activity shall occur during the early morning or evening near leks. This is specific to the area between UTM X: 226208, Y: 4419626 and X: 2288161, Y: 4425975 (NAD 83 Zone 13). Activity would be permitted between the hours of 9 am and 4 pm. To minimize disturbance to nesting sage-grouse, it is critical that no-off road vehicle use (including using ATVs along pipeline corridors) be permitted. Critical nesting times for sage-grouse are from April 15<sup>th</sup> through July 7<sup>th</sup>. Applicators should work as quickly and quietly (e.g., using backpack sprayers) as possible during these timeframes, especially when working between the UTM locations listed above.

*Threatened and Endangered Plant Species:* Approximately 3 miles of the pipeline crosses potential habitat for Dudley Bluffs Twinpod (*Physaria obcordata*) and Dudley Bluffs Bladderpod (*Physaria congesta*) which are federally threatened species. The locations of potential plant

habitat are shown in Table 2. Figures 6 and 7 are maps of the potential habitat with 1,000 foot and 0.5 mile buffers.

Table 2: Location of Potential Plant Habitat along the Overland Pass Pipeline

Township	Range	Sections, Lots, or Portions Thereof
1 South	96 West	28, 33
2 South	96 West	4, 5, 8, 9, 17, 19
2 South	97 West	24, 35, 36

**MITIGATION:**

The following applicable mitigation from DOI-BLM-CO-110-2010-0005-EA has been carried forward:

1. The applicant is responsible for informing all persons who are associated with the project 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. 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.
3. Since 2,4-D poses a high risk to a variety of migratory birds and special status species, it is recommended that its use be restricted within suitable habitats for these species. Other herbicides that are not as toxic to these species could be used to treat most of the weeds (except for leafy spurge and toadflax) that can be treated using 2,4-D. Site specific proposals shall be evaluated based on the application method (i.e., spot spray or broadcast), condition of the treatment area in respect habitat requirements, and whether or not there are other effective treatment methods for the target weed. It should not be used as a matter of convenience or habit when there are other treatment methods available and site specific proposals should document the reason why the use of 2,4-D is critical to achieving objectives.
4. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
5. 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.
6. 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.

7. Use appropriate buffer zones based on label and risk assessment guidance.
8. 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.
9. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
10. 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.
11. 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.
12. 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).
13. To minimize disturbance to nesting sage-grouse, no-off road vehicle use (including using ATVs along pipeline corridors) is permitted during critical nesting times for sage-grouse, from April 15th through July 7th. Applicators should work as quickly and quietly (e.g., using backpack sprayers) as possible during these timeframes, especially when working between the UTM locations listed above.
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 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.
16. 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.
17. Within habitat for special status plants (T1S, R96W, Sections 28,388; T2S R96W, Sections 4, 5, 8, 9, 17, 19; T2S, R97W Section 24, 35, 36), all herbicide buffers based on the active ingredient will be adhered to. Table 3 outlines the buffer distances based on EA DOI-BLM-CO-110-2012-0005-EA.

Table 3. Herbicide Buffers for Special Status Plant Species

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Metsulfuron Methyl	1,200 feet	Ground
	1,500 feet	Aerial
Picloram	0.5 mile	All

**COMPLIANCE PLAN:** 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

**CONCLUSION**

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

**SIGNATURE OF AUTHORIZED OFFICIAL:**



Field Manager

**DATE SIGNED:**

05/30/12

**ATTACHMENTS:**

- Figure 1: Overland Pass Pipeline Route
- Figure 2: Overland Pass Pipeline Route
- Figure 3: Overland Pass Pipeline Route
- Figure 4: Overland Pass Pipeline Route
- Figure 5: Overland Pass Pipeline Route
- Figure 6: Map of Overland Pass Pipeline with 1,000 foot and 0.5 Mile Buffers #1
- Figure 7: Map of Overland Pass Pipeline with 1,000 foot and 0.5 Mile Buffers #2

Note: The signed Conclusion in this DNA Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

1000	1000	1000
1000	1000	1000
1000	1000	1000
1000	1000	1000

...the BLM will review the proposed action and determine if it is consistent with the BLM's mission and the National Forest Management Act (NFMA). The BLM will also consider the impact of the proposed action on the environment and the interests of the public. The BLM will provide a written decision on the proposed action within 90 days of the date of the request. The BLM will also provide a copy of the decision to the requester.

DATE SIGNED: 12/30/15

SIGNED: [Signature]

...the BLM will review the proposed action and determine if it is consistent with the BLM's mission and the National Forest Management Act (NFMA). The BLM will also consider the impact of the proposed action on the environment and the interests of the public. The BLM will provide a written decision on the proposed action within 90 days of the date of the request. The BLM will also provide a copy of the decision to the requester.

[Signature]  
Field Manager

DATE SIGNED: 12/30/15

ATTACHED:

- Figure 1: Overhead Pass Position Map
- Figure 2: Overhead Pass Position Map
- Figure 3: Overhead Pass Position Map
- Figure 4: Overhead Pass Position Map
- Figure 5: Overhead Pass Position Map
- Figure 6: Map of Overhead Pass Position with 1000 foot and 0.5 mile Buffer
- Figure 7: Map of Overhead Pass Position with 1000 foot and 0.5 mile Buffer

Figure 1: Map of Overland Pass Pipeline #1

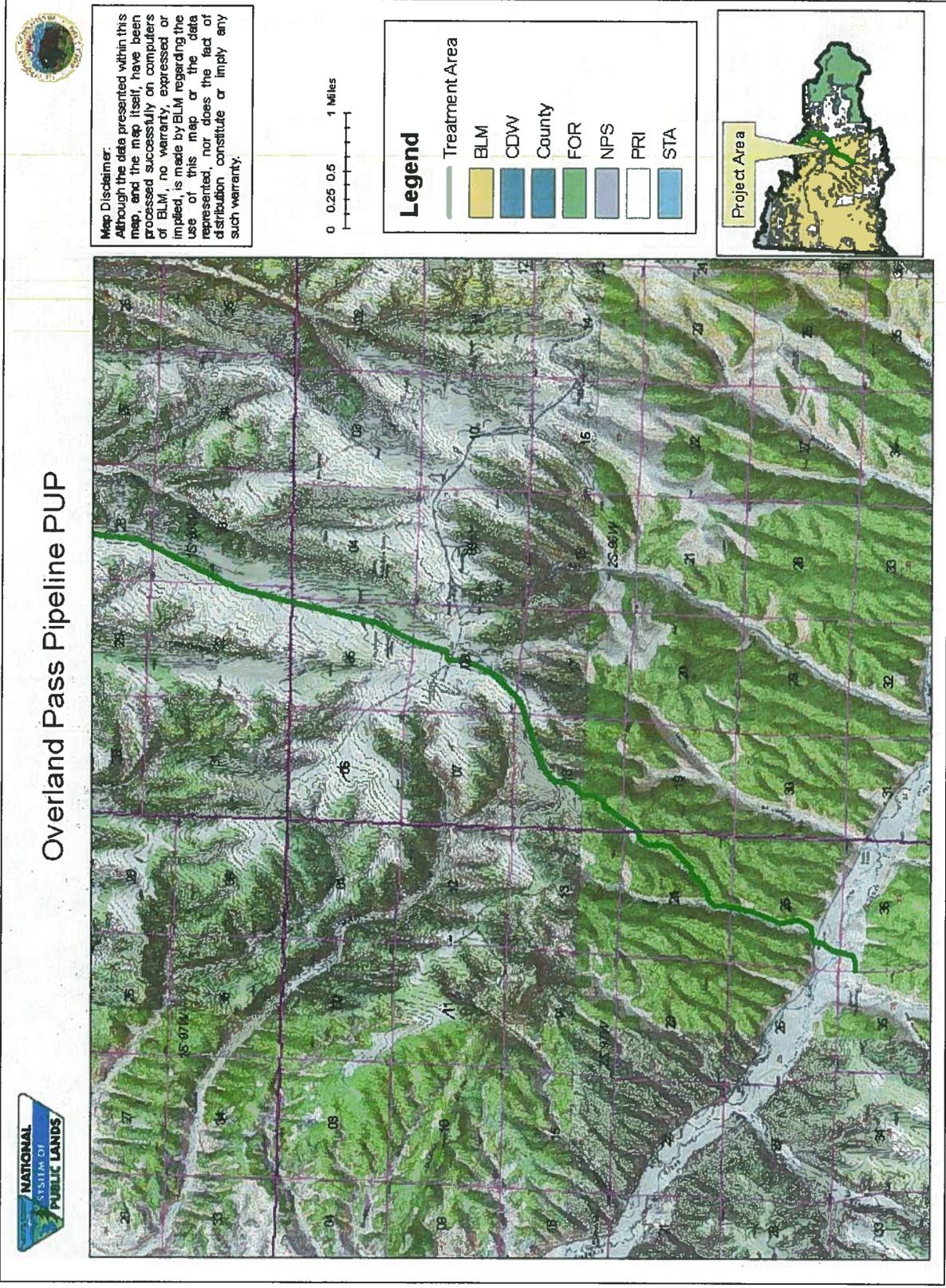


Figure 2: Map of Overland Pass Pipeline #2

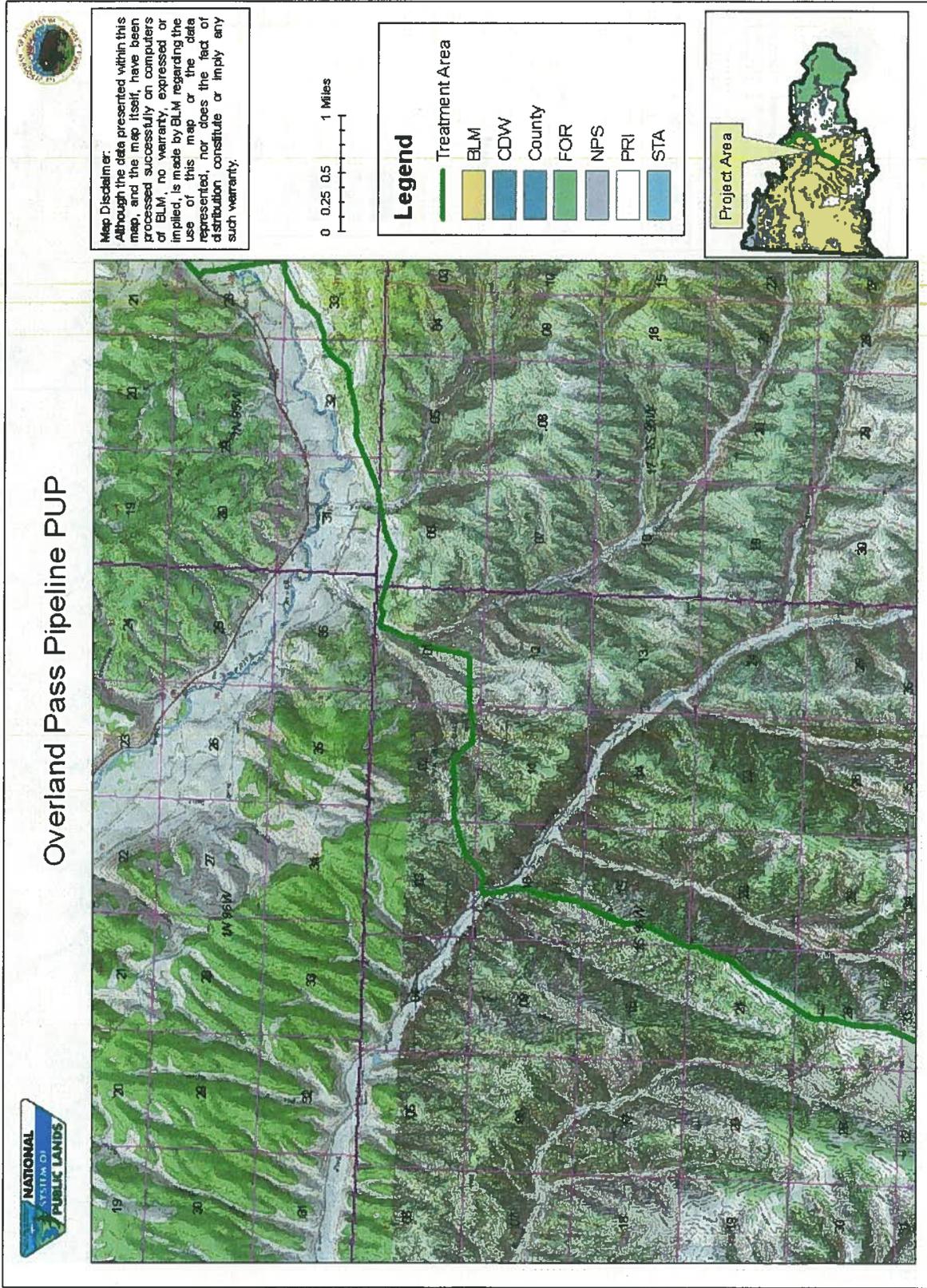


Figure 3: Map of Overland Pass Pipeline #3

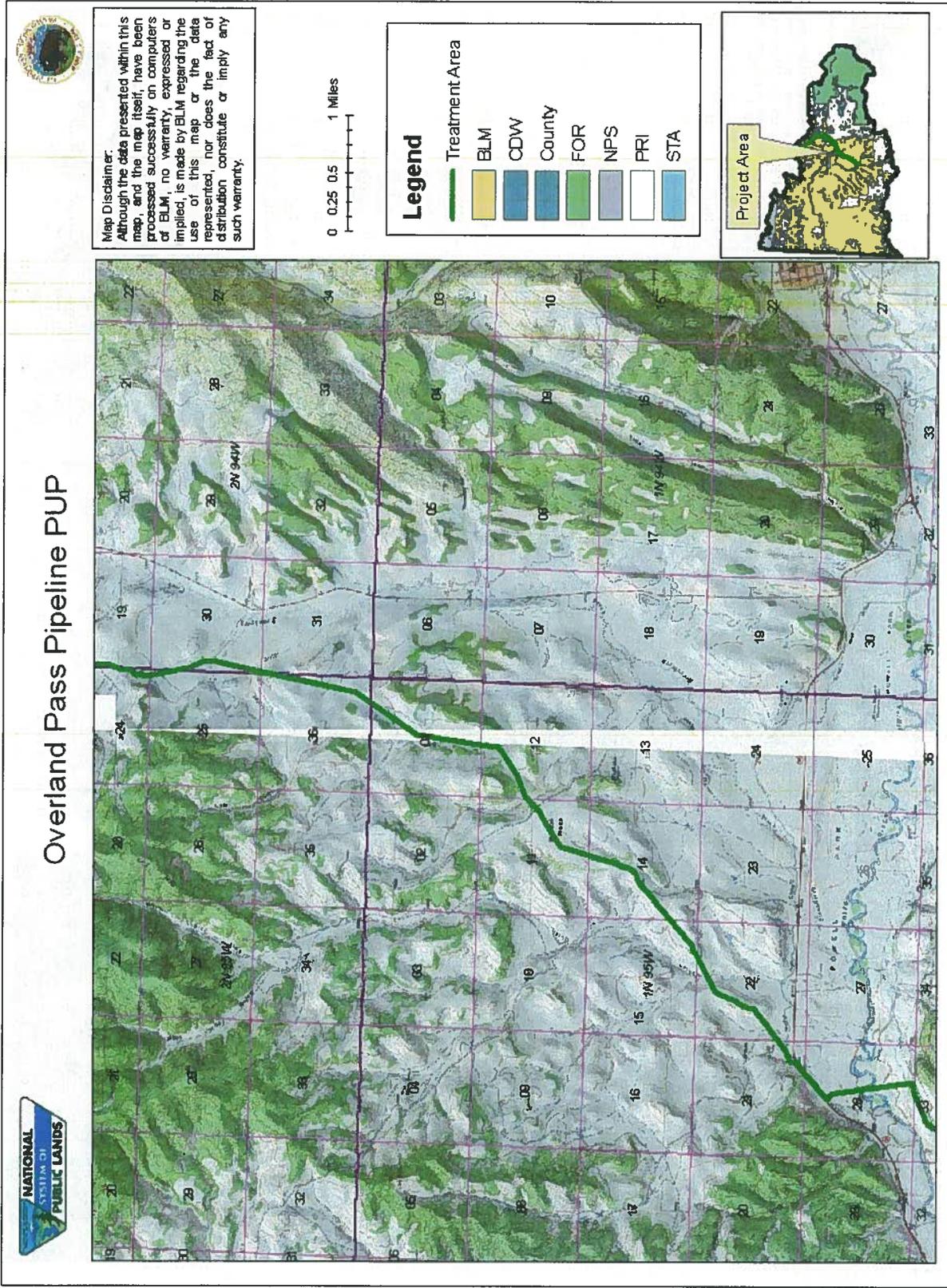


Figure 4: Map of Overland Pass Pipeline #4

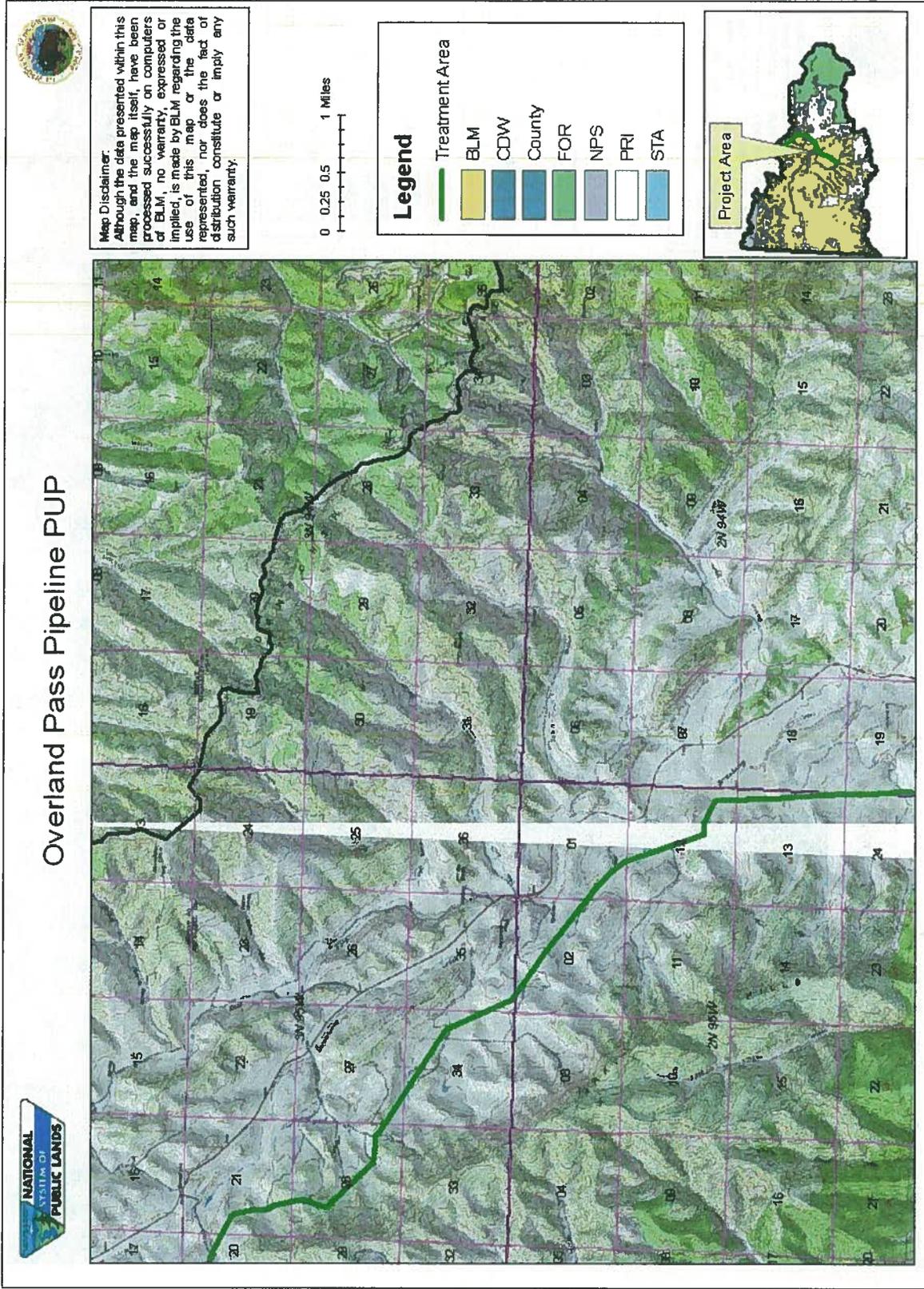


Figure 5: Map of Overland Pass Pipeline #5

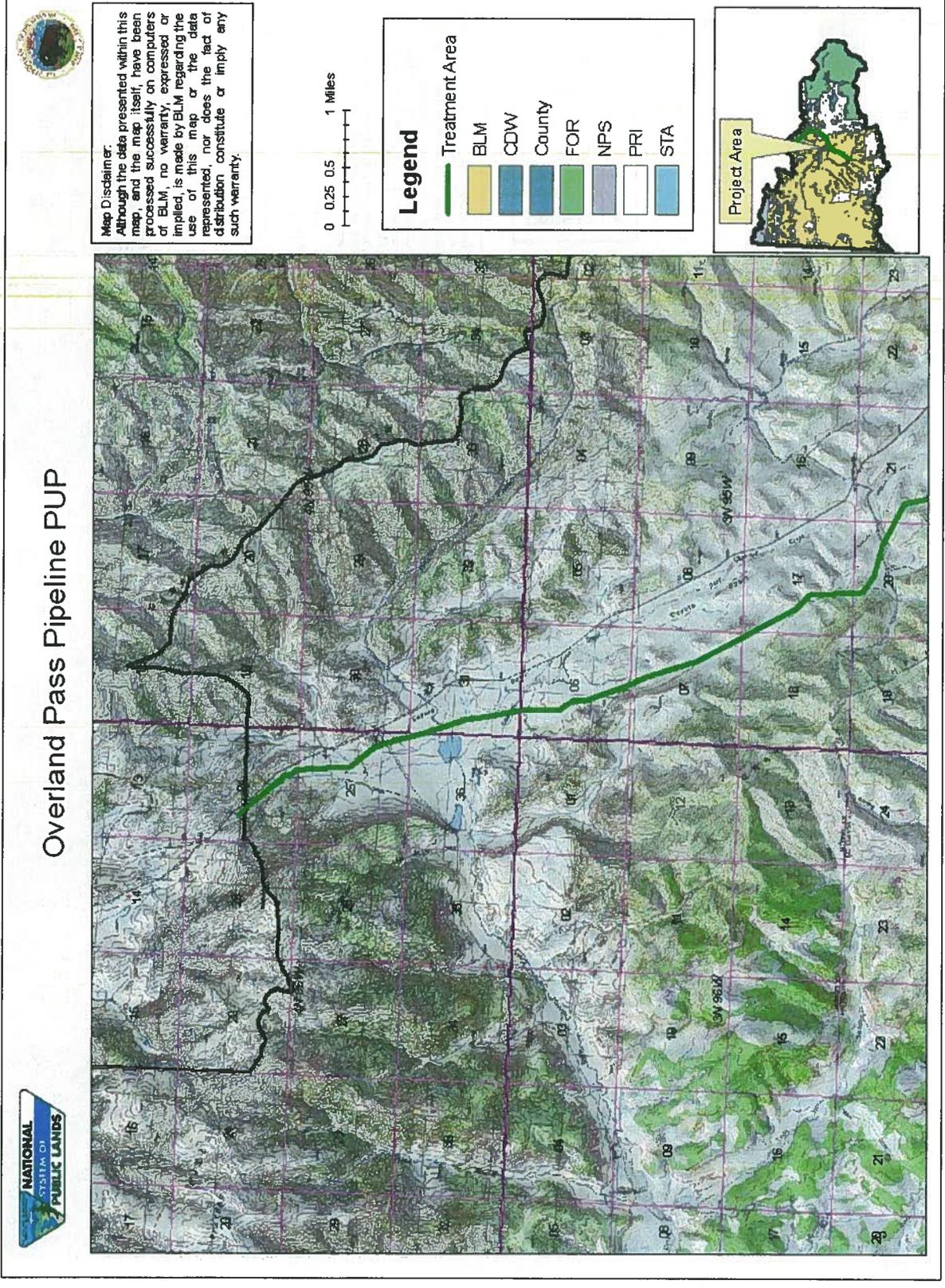


Figure 6: Map of Overland Pass Pipeline with 1,000 foot and 0.5 Mile Buffers #1

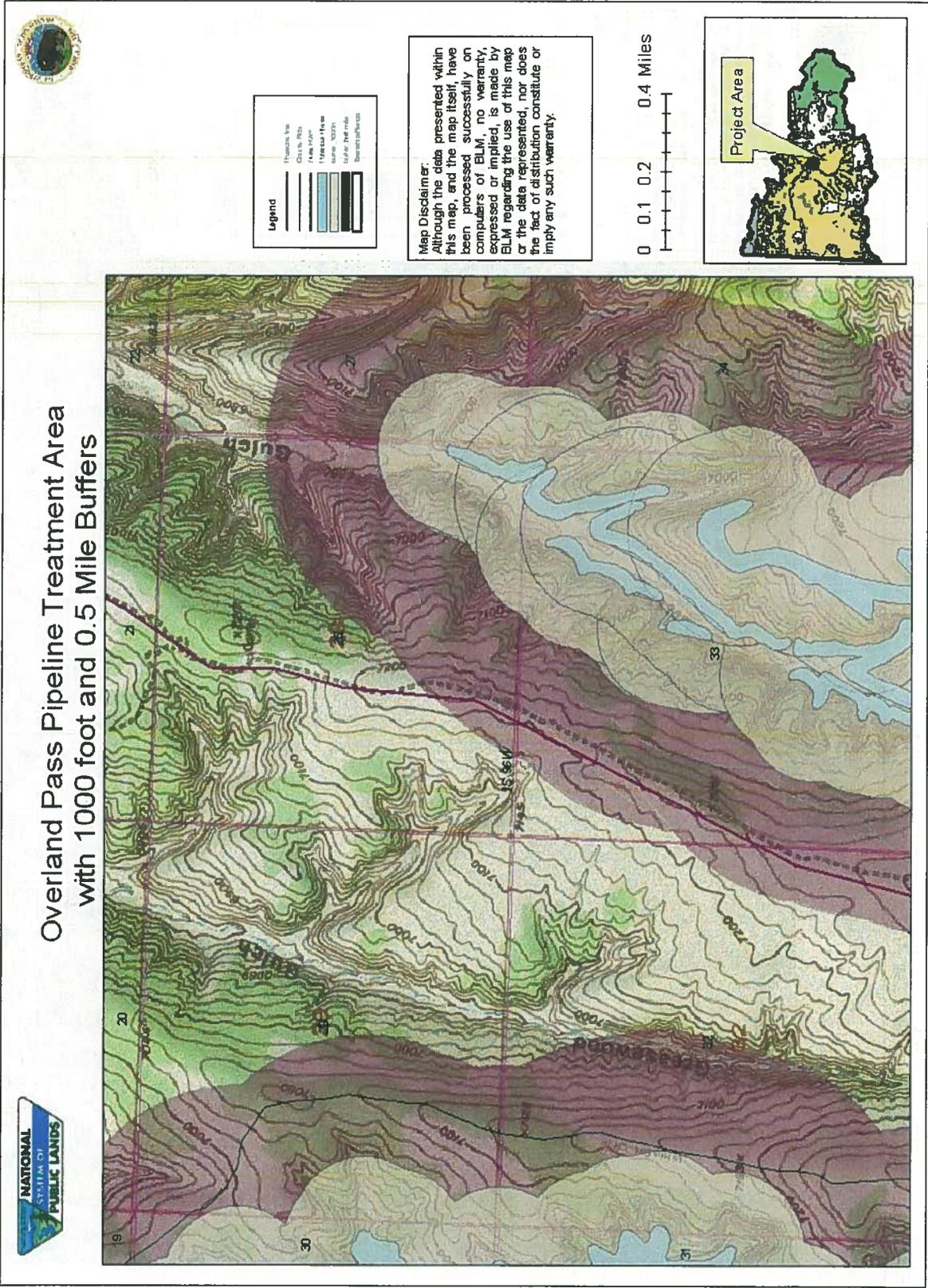
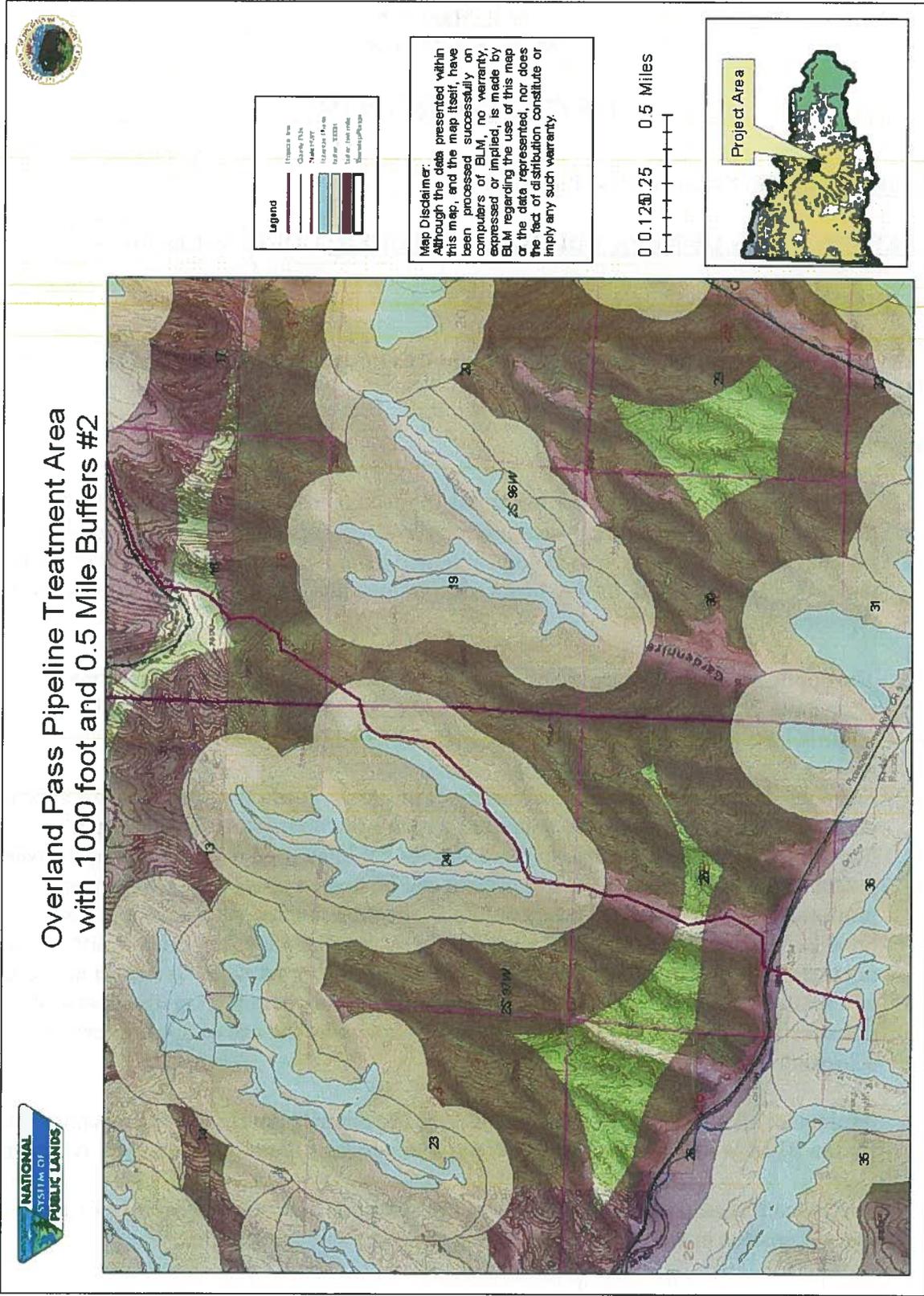


Figure 7: Map of Overland Pass Pipeline with 1,000 foot and 0.5 Mile Buffers #2



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

**DECISION RECORD**

**PROJECT NAME:** Overland Pass Pipeline PUP

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-2012-0071-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0071-DNA, authorizing the Pesticide Use Proposal

**Mitigation Measures**

1. The applicant is responsible for informing all persons who are associated with the project 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. 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.
3. Since 2,4-D poses a high risk to a variety of migratory birds and special status species, it is recommended that its use be restricted within suitable habitats for these species. Other herbicides that are not as toxic to these species could be used to treat most of the weeds (except for leafy spurge and toadflax) that can be treated using 2,4-D. Site specific proposals shall be evaluated based on the application method (i.e., spot spray or broadcast), condition of the treatment area in respect habitat requirements, and whether or not there are other effective treatment methods for the target weed. It should not be used as a matter of convenience or habit when there are other treatment methods available and site specific proposals should document the reason why the use of 2,4-D is critical to achieving objectives.
4. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
5. 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.

6. 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.
7. Use appropriate buffer zones based on label and risk assessment guidance.
8. 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.
9. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
10. 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.
11. 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.
12. 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).
13. To minimize disturbance to nesting sage-grouse, no-off road vehicle use (including using ATVs along pipeline corridors) is permitted during critical nesting times for sage-grouse, from April 15th through July 7th. Applicators should work as quickly and quietly (e.g., using backpack sprayers) as possible during these timeframes, especially when working between the UTM locations listed above.
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 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.
16. 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.

17. Within habitat for special status plants (T1S, R96W, Sections 28,388; T2S R96W, Sections 4, 5, 8, 9, 17, 19; T2S, R97W Section 24, 35, 36), all herbicide buffers based on the active ingredient will be adhered to. Table 3 outlines the buffer distances based on EA DOI-BLM-CO-110-2012-0005-EA.

Table 3. Herbicide Buffers for Special Status Plant Species

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Metsulfuron Methyl	1,200 feet	Ground
	1,500 feet	Aerial
Picloram	0.5 mile	All

**COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

**PUBLIC INVOLVEMENT**

The BLM informed the public about this project by listing it on the online White River Field Office National Environmental Policy Act Register on 02/28/2012 and a copy of the completed Documentation of NEPA Adequacy will be posted on the WRFO website.

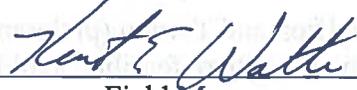
**RATIONALE**

The proposal for a PUP in concert with the applied mitigation conforms to the land use plan and the NEPA documentation previously prepared fully covers the Proposed Action and constitutes BLM’s compliance with the requirements of NEPA. A PUP is needed to control noxious weeds along the pipeline right-of-way as required in the NEPA documents that approved the rights-of-way and well pads.

**ADMINISTRATIVE REMEDIES**

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

**SIGNATURE OF AUTHORIZED OFFICIAL:**

  
 Field Manager

**DATE SIGNED:**

05/30/12