

**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-110-2012-0060-DNA

**PROJECT NAME:** Mesa Energy Pesticide Use Proposals (PUPs)

**LEGAL DESCRIPTION:**

| Township | Range   | Sections, Lots, or Portions Thereof |
|----------|---------|-------------------------------------|
| 3 North  | 97 West | 3-8, 16-21, 28-30                   |
| 3 North  | 98 West | 1-3, 10-15, 22-27, 34-36            |

**APPLICANT:** Mesa Energy

**DESCRIPTION OF PROPOSED ACTION:** Mesa Energy has hired Dave Allen (Applicator number 07776 to perform herbicide treatments on and around well locations, productions facilities, pipeline rights-of-way (ROW), and access ROW's. This pesticide use proposal (PUP) will cover all herbicide application for bareground and noxious weed treatments.

Bareground treatments include the use of Sahara (diuron and imazapyr) and Roundup Pro (Glyphosate). Areas receiving bareground treatments have been previously disturbed during the construction phase of the project. The area to be treated would be limited to a distance of up to 10 feet from the edge of well heads, meter houses, treaters, etc. Equipment enclosed in fences would be protected from the encroachment of vegetation out to the fence. Intended rates of application are outlined in table 1.

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

| Trade Name              | Common Name                  | Rate                |
|-------------------------|------------------------------|---------------------|
| Roundup Pro             | Glyphosate                   | 4 qts/acre          |
| 2,4-D LV 6+Telar+Banvel | 2,4-D +Chlorsulfuron+Dicamba | 1.4 pt+0.5-2oz+1qt  |
| Tordon 22K + 2,4-D LV6  | Picloram + 2,4-D             | 1 pint-1 qt+1.4 pts |
| Sahara DG               | Diuron + Imazapyr            | 9.5lbs/acre         |

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. 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 roads and trails. All spraying would be under the control of a certified herbicide applicator. It is estimated 20 acres will be treated annually for bareground and 100 acres will be treated for noxious weeds.

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 to carry forward from previous National Environmental Policy Act (NEPA) analysis.

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: 03/19/2010

NEPA ADEQUACY CRITERIA:

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document? 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 02/28/2012. 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.

| <b>Name</b>    | <b>Title</b>                    | <b>Resource</b>  | <b>Date</b> |
|----------------|---------------------------------|--|-------------|
| Kristin Bowen  | Archaeologist                   | Cultural Resources, Native American Religious Concerns | 03/06/2012  |
| Lisa Belmonte  | Wildlife Biologist              | Special Status Wildlife Species                        | 04/12/2012  |
| Matthew Dupire | Rangeland Management Specialist | Special Status Plant Species                           | 04/12/2012  |

**REMARKS:**

*Cultural Resources:* All treatments are proposed for ground that should have been previously inventoried for the various developments, however without the exact locations of treatments it is impossible to check. 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. There is the potential for many eligible sites to be located in the sections identified for treatment, therefore the applicant must drive only on existing roads and be aware of cultural resource protection laws.

*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:* There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. A small portion of the White River, which supports higher order aquatic vertebrate species, is located within the project area. The White River between Rio Blanco Lake and the Utah state line is designated critical habitat for the endangered Colorado pikeminnow, although present occupation is confined to the reach below Taylor Draw dam (approximately 25 river miles downstream from the project area). In addition, several BLM sensitive fish species inhabit the White River including roundtail chub, bluehead sucker, and flannelmouth sucker. Nearly all of Crooked Wash, a perennial tributary of the White River is located in the project area. BLM sensitive fish species including flannelmouth sucker are located near the mouth of this system and extend upstream a minimum of one mile. Northern leopard frog, another BLM sensitive species have been documented along Crooked Wash and likely occur along the White River as well. Both the White River and Crooked was support healthy riparian communities.

Much of the eastern half of the project area is located in overall range of the greater sage-grouse, a BLM-sensitive species and candidate for listing under the Endangered Species Act. There is one known active lek (located in the Little Snake Resource Area) within the proposed treatment

area. Overall range occurs in T3N R98W sections 1, NE ¼, NENW section 12 and T3N R97W sections 3 – 8, 16, 17, N2 and SE ¼ section 18, N2, SW ¼, NESE, NWSE section 20, N2, SE ½, NESW, NWSW section 21, and E2 section 28. These areas are located in sage-grouse nesting and brood-rearing habitat. Treatments should be postponed as late as possible to avoid the majority of the lekking and nesting period yet provide effective weed control.

*Threatened and Endangered Plant Species:* There are not special status plant species in the vicinity of the proposed action.

#### 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 and aquatic wildlife required in DOI-BLM-CO-110-2010-0005-EA.
3. To minimize disturbance to sage-grouse during the lekking and breeding season (March 15 – July 7), no treatment activities shall be conducted in the following areas prior to June 7: T3N R98W sections 1, NE ¼, NENW section 12 and T3N R97W sections 3 – 8, 16, 17, N2 and SE ¼ section 18, N2, SW ¼, NESE, NWSE section 20, N2, SE ½, NESW, NWSW section 21, and E2 section 28.
4. 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.
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 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.

**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

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 constitutes BLM's compliance with the requirements of the NEPA.

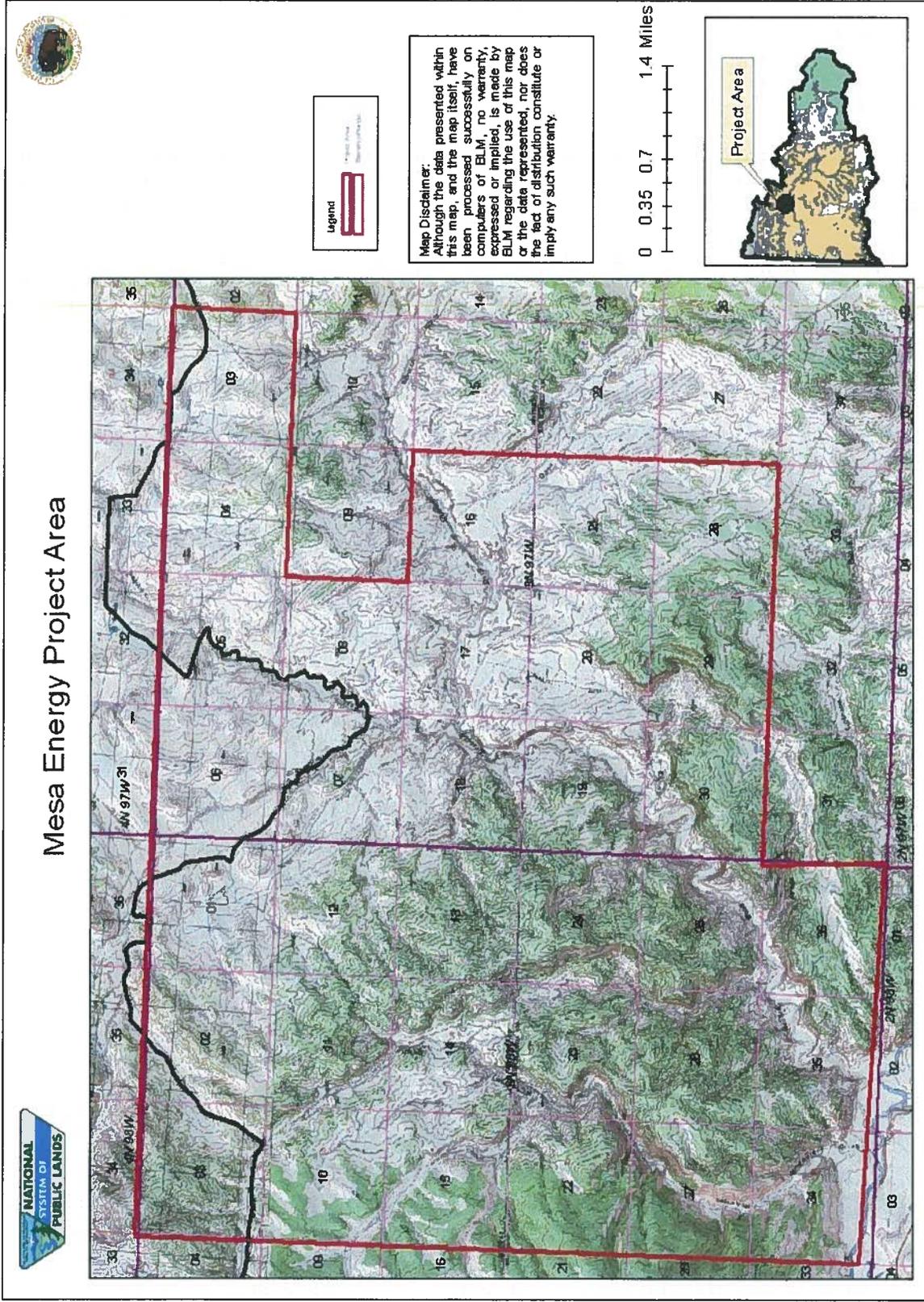
SIGNATURE OF AUTHORIZED OFFICIAL:   
Acting Field Manager

DATE SIGNED: 5/2/12

ATTACHMENTS: Figure 1: Map of Herbicide Treatment Area for Mesa Energy

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.

Figure 1: Mesa Energy Project Area



**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:** Mesa Energy Pesticide Use Proposals (PUPs)

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-2012-0060-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0060-DNA, authorizing the Pesticide Use Proposal (PUP).

**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. To minimize disturbance to sage-grouse during the lekking and breeding season (March 15 – July 7), no treatment activities shall be conducted in the following areas prior to June 7: T3N R98W sections 1, NE ¼, NENW section 12 and T3N R97W sections 3 – 8, 16, 17, N2 and SE ¼ section 18, N2, SW ¼, NESE, NWSE section 20, N2, SE ½, NESW, NWSW section 21, and E2 section 28.
4. 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.

5. 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.
6. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
7. 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.
8. 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.
9. Use appropriate buffer zones based on label and risk assessment guidance.
10. 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.
11. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
12. 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.
13. 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.
14. 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).
15. 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.
16. 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.

17. 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.

**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.

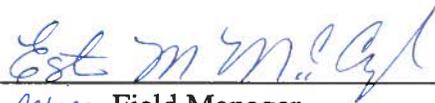
**RATIONALE**

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:**

  
Acting Field Manager

**DATE SIGNED:**

5/2/12