

**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-110-2012-0037-DNA

PROJECT NAME: Encana Bareground Treatment Pesticide Use Proposal (PUP)

LEGAL DESCRIPTION: T2S. R96W. Sec. 8
T3S. R97W. Sec. 32
T3S. R98W. Sec. 11
T2S. R103W. Sec. 11
T2S. R102W. Sec. 35
T3S. R101W. Sec. 6

APPLICANT: Monty Elder

DESCRIPTION OF PROPOSED ACTION: Encana Oil & Gas Inc. has hired Monty Elder to use herbicides to kill the existing vegetation and promote bare ground around the production facilities controlled by EnCana. The chemicals to be analyzed in this document are: Roundup Pro (glyphosate), and Sahara (diuron and imazapyr). Areas to be treated will have been previously disturbed during the construction phase of the project. The area to be treated will be limited to a distance of 10 feet from the edge of well heads, meter houses, treaters, and other production facilities. Equipment enclosed in fences would be protected from the encroachment of vegetation out to the fence.

Application would be by a combination of backpack, truck or 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 will be restricted to existing disturbance.

All spraying will be under the control of a certified herbicide applicator and it is anticipated 10 acres will be treated annually. All methods have been previously analyzed in the White River Field Office (WRFO) Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA).

Decision to be Made: The 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: 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 01/24/2012. 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	02/25/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	02/23/2012
Zoe Miller	Ecologist	Special Status Plant Species	02/29/12

REMARKS:

Cultural Resources: All treatments are proposed for previously disturbed ground. There should be no new impacts to cultural resources eligible to the National Register of Historic Places. An indirect impact of herbicide application is the unlawful collection of artifacts and 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: There are no threatened or endangered animal species that are known to inhabit or derive important use from the treatment areas. Three of the proposed treatment sites are located in mapped overall range of the greater sage-grouse; a BLM-sensitive species and one recently classified as a candidate for listing under the Endangered Species Act, although habitats surrounding the three sites provide little, if any utility to support sage-grouse. All of the treatment locations are confined to areas that have been previously disturbed (existing well pads, compressor stations etc.). Two of the proposed sites are located in areas that, due to topographical (valley bottom) and vegetative (heavily encroached with serviceberry) features, do not support birds. The nearest active lek is over four miles from these locations. The third treatment area is located in a heavily industrialized area that provides little, if any utility for sage-grouse.

One of the proposed sites (T3S R98W Section 11) is located on private surface adjacent to Fawn Creek. This perennial stream supports higher order aquatic vertebrate species including mountain sucker, a BLM-sensitive species.

Threatened and Endangered Plant Species: There are no known special status plant species populations within the herbicide buffer distances from terrestrial special status plant species designated in the White River Field Office Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA). The Proposed Action would have no conceivable influence on special status species or associated habitats.

MITIGATION: The following mitigation will be carried forward from DOI-BLM-CO-110-2010-0005-EA.

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. 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.
4. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Integrated Weed Management Plan.
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. 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.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM WRFO 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.

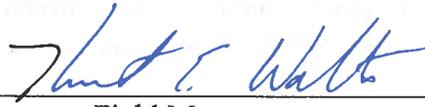
NAME OF PREPARER: Matthew Dupire

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

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

03/21/12

ATTACHMENTS:

Figure 1: Map of Encana Bareground Treatments in the Piceance Basin

Figure 2: Map of Encana Bareground Treatments in the Douglass Creek Area

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: Map of Encana Bareground Treatments in the Piceance Basin

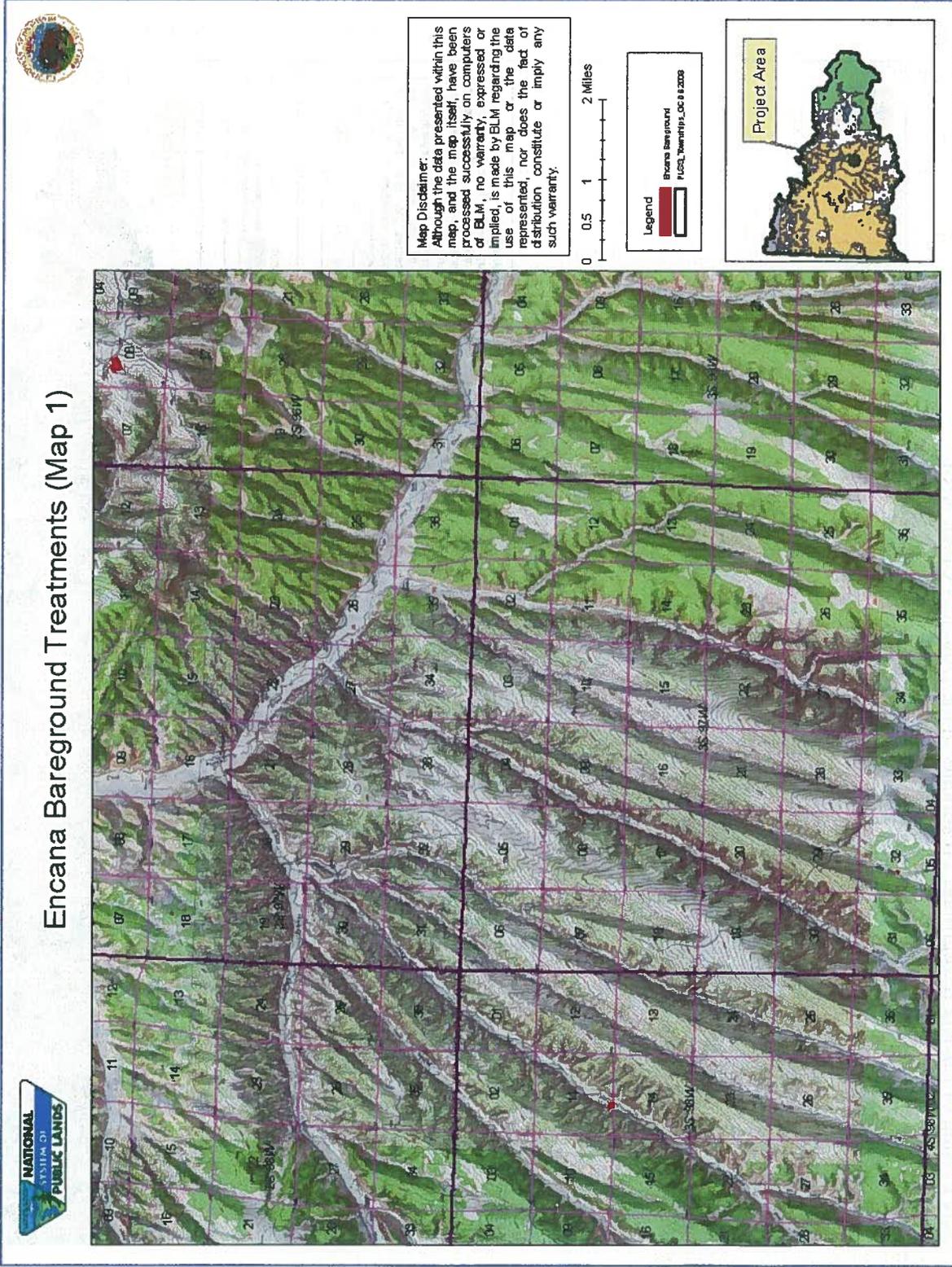
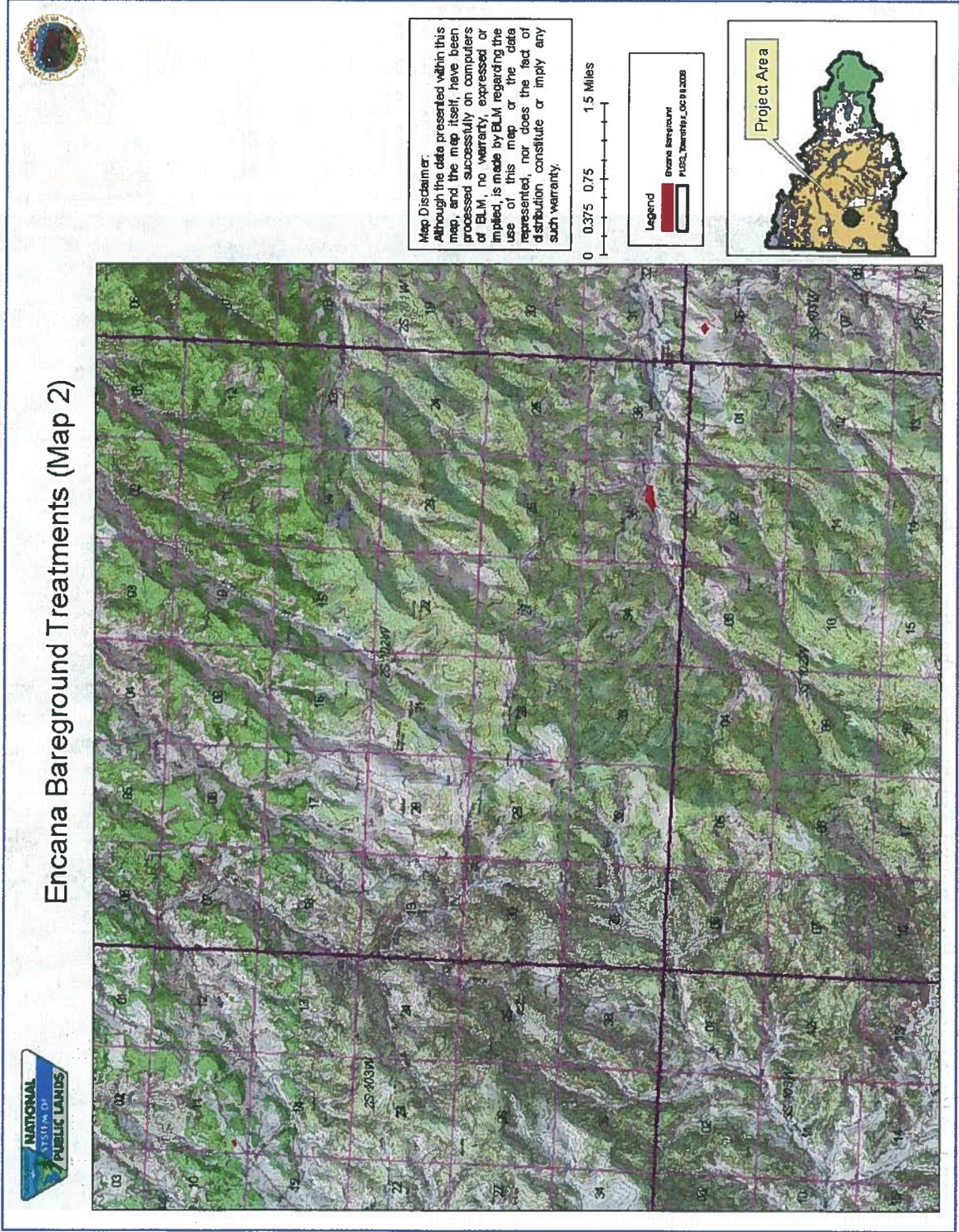


Figure 2: Map of Encana Bareground Treatments in the Douglass Creek Area



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DECISION RECORD

PROJECT NAME: Encana Bareground Treatment Pesticide Use Proposal (PUP)

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-2012-0037-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0037-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. 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.
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. 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.

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 and the White River Field Office (WRFO) Integrated Weed Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 01/24/2012 and a copy of the completed Documentation of NEPA Adequacy will be posted on the WRFO website.

RATIONALE

The proposal for a Pesticide Use Proposal (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:

~~03/20/12~~ ¹² 03/21/12

