

**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-110-2012-0025-DNA

PROJECT NAME: Argali Bareground and Noxious Weed Pesticide Use Proposals (PUP)

LEGAL DESCRIPTION:

Township	Range	Sections
2 South	100 West	SESW 29 and SESW 32
2 South	101 West	SESW 21
2 South	102 West	NWNE 13 and SWSE 15
3 South	101 West	NWSW 1, NESE 2, SENE 2, SESE 3, NWNE 10, NENE 11, and SENW 11
3 South	102 West	SWSE 24 and SWSW 36

APPLICANT: Argali Exploration Company

DESCRIPTION OF PROPOSED ACTION: Argali Exploration Company has hired William Eckstrom, applicator number 4566, to apply bareground and noxious weed treatments on 14 well pads controlled by Argali. Bareground treatments will be broadcast applied around well heads and production facilities to protect these areas from fires. Treatments will be limited to a 10 foot buffer around these facilities with the estimated number of acres treated for bareground at approximately 4 acres.

Noxious weed treatments are targeted for Colorado listed noxious weeds that occur on or around well pads, access roads, and facilities. Species that are known to occur in the area are houndstongue, spotted knapweed, Canada thistle, bull thistle, common mullein, yellow toadflax, and leafy spurge. Noxious weed treatments will be spot-spray treatments using back-pack or ATV mounted sprayers with hand-guns. Travel with ATVs and trucks will take place on existing roads and trails. Hi-lite spray indicator dye will be used to identify treated areas and prevent double treatment, and a non-ionic spray adjuvant will be used to improve spray efficacy. It is estimated 5 acres will be treated for noxious weeds. Herbicides that will be used and rates are outlined in Table 1.

Table 1: Proposed Herbicides and Rates

Trade Name	Common Name	Rate
Sahara DG	Imazapyr + Diruon	10 lbs/acre
Cornbelt 6 lb LoVol ester + Tordon 22K	2,4-D + Picloram	3 pints + 2 quarts/acre

Decision to be Made: The BLM will decide whether or not to approve the applicant's PUPs and 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 White River Field Office webpage.

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 12/13/2011. A complete list of resource specialists who participated in

this review is available upon request from the White River Field Office. 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	01/03/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	02/02/2012
Zoe Miller	Ecologist	Special Status Plant Species	02/28/2012

**REMARKS:**

*Cultural Resources:* All treatments are proposed for previously disturbed ground (well pads and access roads) which should have been previously inventoried for the various developments, and if they had not they would meet the BLM criteria in the BLM 8100 manual for waiver of inventory requirements. Two of the treatment locations are within the boundaries of sites that are eligible for the National Register of Historic Places (5RB312- Eligible, and 5RB984- Listed Historic District). The normal half-life of herbicides is not expected to cause any impacts to cultural resources. There should be no new impacts to cultural resources provided all vehicular traffic is restricted to existing roads and trails. 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 in the area. Should future consultations with Ute tribal authorities reveal the existence of such sensitive properties, or 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. One of the treatment locations lies adjacent to West Creek. This system is not known to support higher order aquatic vertebrate populations, but does support riparian communities. All of the proposed treatment sites are located on previously disturbed areas (well pads, etc.) and are not anticipated to have any additional impacts to aquatic or terrestrial wildlife than what was addressed in the original environmental assessment.

*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 measure from DOI-BLM-CO-110-2010-0005-EA will be 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. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
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.
4. Restrict all vehicle traffic to existing roads and trails.
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. 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. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
10. 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.

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 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 Argali Exploration Well Pads

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.



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**DECISION RECORD**

**PROJECT NAME:** Argali Bareground and Noxious Weed Pesticide Use Proposals (PUP)

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-2012-0025-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0025-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. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the applicant must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
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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. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
10. 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.

#### **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 12/13/2011 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:**

*Theresa E. Walter*

Field Manager

**DATE SIGNED:**

*03/21/12*