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-110-2012-0094-DNA

PROJECT NAME: Bayless Bareground Pesticide Use Proposals (PUPs)

LEGAL DESCRIPTION:

Township	Range	Sections, Lots, or portions thereof
1 South	104 West	23, 24, 27
1 South	101 West	19-22, 27-36
2 South	101 West	1-4, 14-16

APPLICANT: Robert Bayless

DESCRIPTION OF PROPOSED ACTION: Robert Bayless has hired Monte Elder to perform bareground treatments using herbicides around production facilities associated with oil and gas development (see Figures 1 and 2).

Bareground treatments will be accomplished using Sahara DG and Roundup Pro to kill all vegetation around production facilities. A 10 foot buffer will be treated around all production facilities and well heads, and facilities enclosed in fences will be treated all the way up to the fence. Herbicides to be used and rates are shown in Table 1.

Table 1: Herbicides Proposed for Chemical Treatments and Rates

Trade Name	Common Name	Rate
Sahara DG	Imazapyr + Diuron	10 lbs/acre
Roundup Pro	Glyphosate	5 qts/acre

The carrier would be water, and Hilite dye would be used to mark spray distribution. Application would be by truck sprayer with a handgun, and 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 5 acres will be treated annually.

Decision to be Made: The White River Field Office will decide whether or not to approve the Pesticide Use Proposal (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 National Environmental Policy Act (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 White River Field Office interdisciplinary team on 05/22/2012. 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	06/11/2012
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	07/24/2012
Amber Shanklin	Biological Technician - Plants	Special Status Plant Species	08/02/2012

REMARKS:

Cultural Resources: All treatments are proposed for previously disturbed ground. 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 potentially eligible to the National Register of Historic Places (NRHP). Indirect impacts of herbicide application are human impacts such as unlawful collection of artifacts, inadvertent damage, and intentional vandalism. Several of the areas identified for treatment lie within the boundary of Canyon Pintado, a historic district listed on the NRHP, 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 wildlife species that are known to inhabit or derive important use from the project area. One of the treatment sites is located within 100 meters of Douglas Creek. Douglas Creek is a perennial stream which supports populations of speckled dace, a native fish species and northern leopard frog, a BLM-sensitive species. Douglas Creek drains into the White River downstream from the project area. The White River and its 100-year flood plain 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 15 valley 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. Northern leopard frog, another BLM sensitive species, is also common along the White River.

All treatments will occur on previously disturbed areas and with proper mitigation, should have no impact on aquatic wildlife or associated habitats.

Threatened and Endangered Plant Species: In T1S R101W and T2S R101W there are no known special status plant species populations within the herbicide buffer distances as 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 in these locations.

However, new populations of BLM sensitive plant species were discovered by a survey crew in T1S R104W in early summer 2012 (WestWater 2012). This has expanded the known occupied, suitable, and potential habitat of these species and since a full site survey is lacking, care needs to be taken to protect these species while using herbicide in the Weaver Ridge area.

- All applicators will be familiar with the species of concern (species can be found in Table 2). A qualified botanist must train the weed crew to properly identify the species.
- All herbicide application in T1S R104W Sec 23, 24, and 27 will use Roundup Pro only.

- If new SSP species are found by applicators, buffer distances from Table 3 will be followed.
- If SSP species are found by applicators, please notify the BLM immediately and halt all herbicide use until BLM approval. Herbicide application in these areas should be limited to spot treatment with Roundup Pro in accordance with buffer distances in Table 3.

Table 2: U.S. Fish and Wildlife Service Threatened, Endangered, and Candidate Plant Species and WRFO BLM Sensitive Plant Species with the Potential to Occur in the Proposed Project Area

Species	Status[1]	Habitat Description
White River beardtongue (*Penstemon scariosus* var. *albifluvis*)	Candidate	Sparsely-vegetated shale slopes associated with the Green River Formation in mixed desert shrub and pinyon-juniper communities
Narrow-stem gilia (*Aliciella stenothyrsa*)	BLM S	Silty and gravelly loams associated with the Green River and Uinta Formations
Debris milkvetch (*Astragalus detritalis*)	BLM S	Rocky and sandy soils in pinyon-juniper or mixed desert shrub communities
Duchesne milkvetch (*Astragalus duchesnensis*)	BLM S	Sandstone or shale outcrops in pinyon-juniper or desert shrub communities
Ephedra buckwheat (*Eriogonum ephedroides*)	BLM S	White shale slopes associated with the Green River Formation
Rollins cryptanth (*Cryptantha rollinsii*)	BLM S	White shale slopes associated with the Green River Formation
Tufted cryptanth (*Cryptantha caespitosa*)	BLM S	Shale knolls with sparse vegetation
Graham's beardtongue (*Penstemon grahamii*)	Proposed	Sparsely-vegetated shale slopes and knolls associated with the Green River Formation

[1] E = Federally Endangered, T = Federally Threatened, C = Federal Candidate species, P = Federal Proposed species, BLM S = BLM Sensitive species

Table 3. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
Diuron	1,100 feet	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

[1] Source: BLM 2007

[2] See Appendix C for information related to aquatic species and other specific situations (e.g., areas vulnerable to wind erosion of treated soil)

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. 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 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. Do not use terrestrial formulations of Sahara DG (glyphosate) to treat aquatic vegetation within the 100-year floodplain of the White River or within riparian systems that support special status aquatic wildlife.

14. Do not broadcast spray terrestrial formulations of Sahara DG (glyphosate) 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.

15. All applicators will be familiar with the species of concern (species can be found in Table 2). A qualified botanist must train the weed crew to properly identify the species.

16. All herbicide application in T1S R104W Sec 23, 24, and 27 will use Roundup Pro only.

17. If new SSP species are found by applicators, buffer distances from Table 3 will be followed.

18. If SSP species are found by applicators, please notify the BLM immediately and halt all herbicide use until BLM approval. Herbicide application in these areas should be limited to spot treatment with Roundup Pro in accordance with buffer distances in Table 3.

REFERENCES:

BLM. 2007. Vegetation Treatments Using Herbicides on BLM lands in 17 Western States, Final Programmatic Environmental Impact Statement (PEIS). Reno, Nevada.

WestWater Engineering. 2012. Biological Survey Report for Robert L. Bayless, Producer LLC Weaver Ridge Pads: 14-15H & 23-7H

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: 09/12/12

ATTACHMENTS: Figure 1: Map of Herbicide Treatment Areas near Douglas Creek
Figure 2: Map of Herbicide Treatment Areas near Rabbit Mountain

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 Overland Pass Pipeline #1

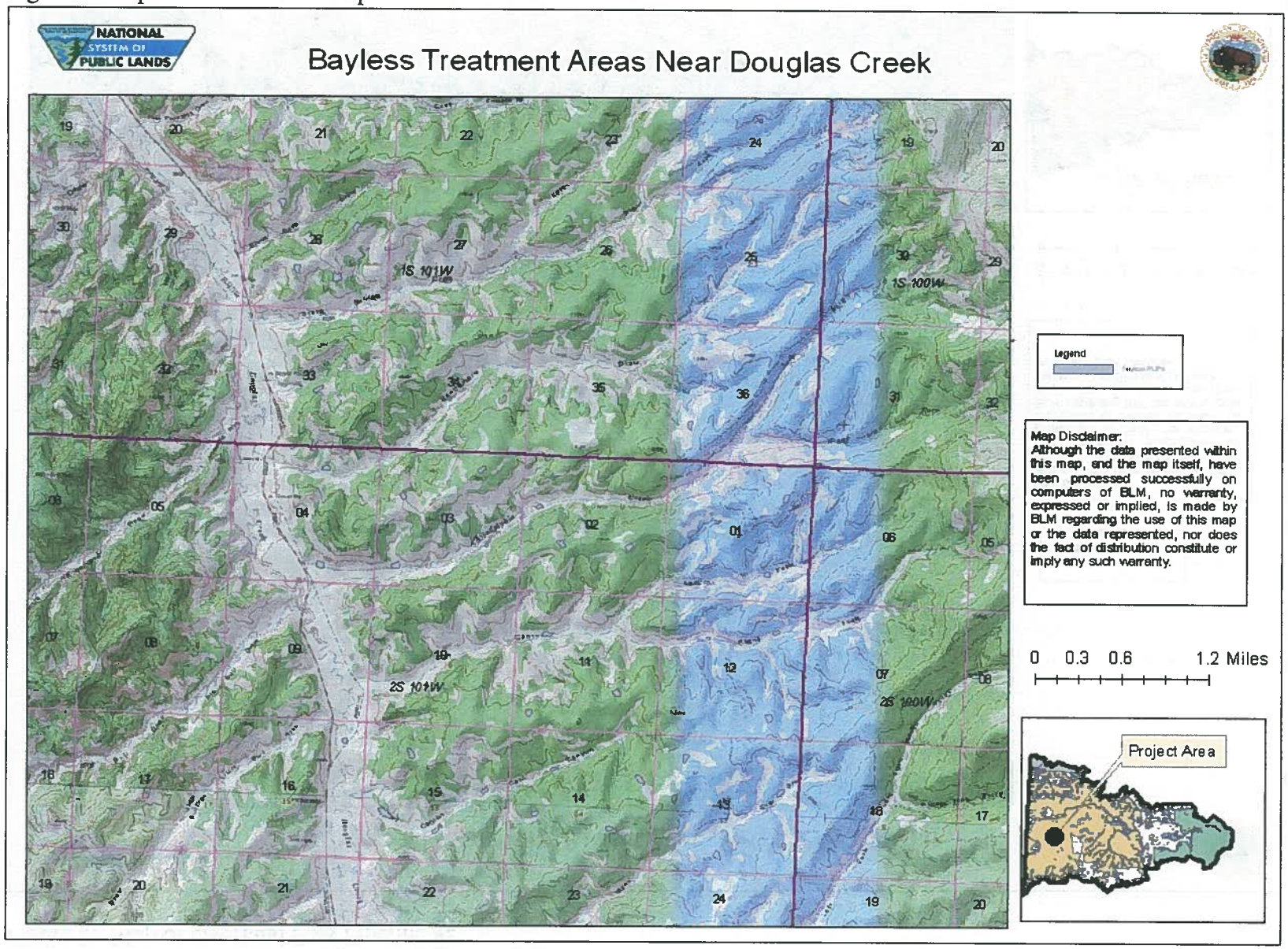
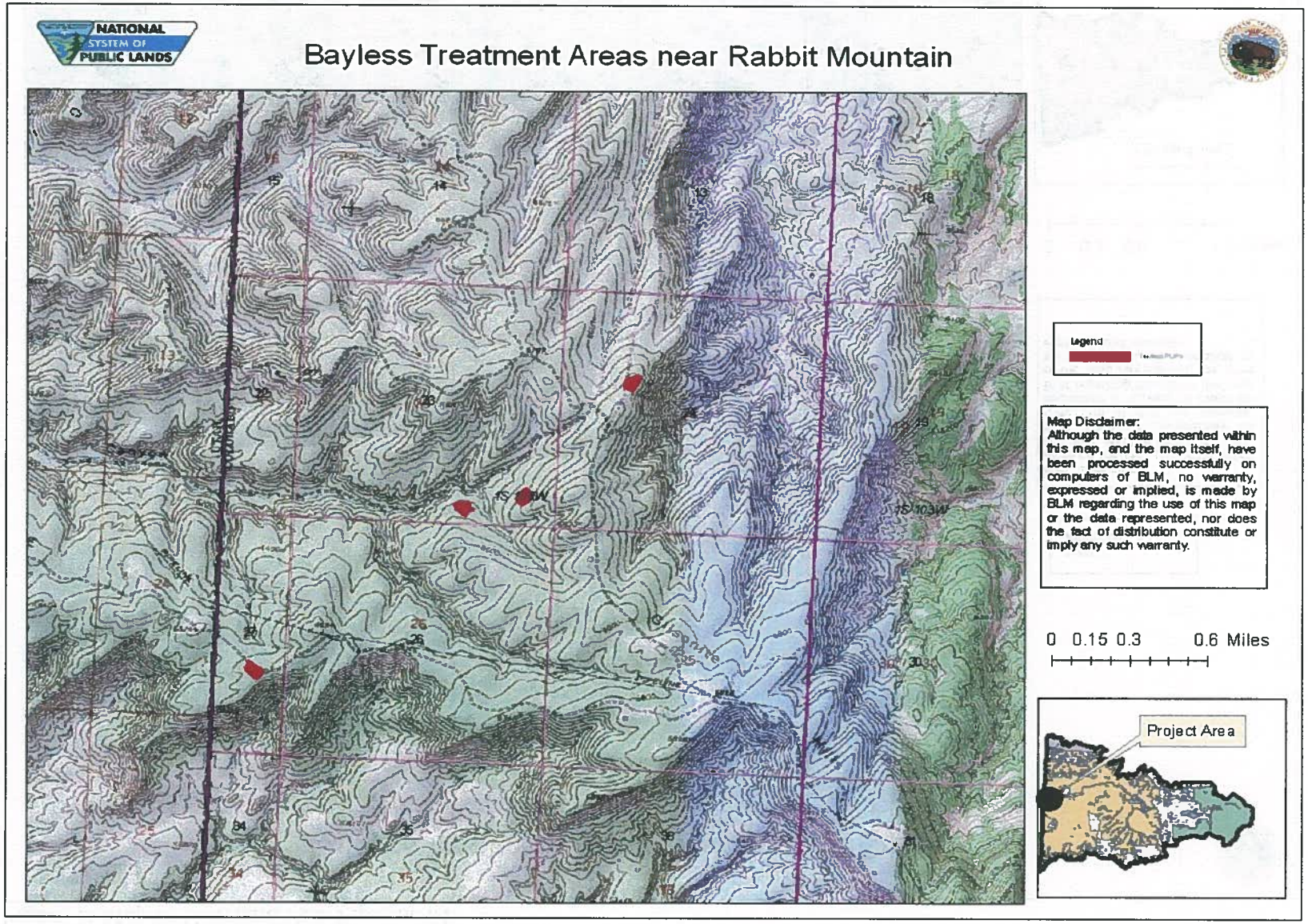


Figure 2: Map of Overland Pass Pipeline #2



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: Bayless Bareground Pesticide Use Proposals (PUPs)

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-2012-0094-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2012-0094-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.

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. Do not use terrestrial formulations of Sahara DG (glyphosate) to treat aquatic vegetation within the 100-year floodplain of the White River or within riparian systems that support special status aquatic wildlife.

14. Do not broadcast spray terrestrial formulations of Sahara DG (glyphosate) 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.

15. All applicators will be familiar with the species of concern (species can be found in Table 2). A qualified botanist must train the weed crew to properly identify the species.

16. All herbicide application in T1S R104W Sec 23, 24, and 27 will use Roundup Pro only.

17. If new SSP species are found by applicators, buffer distances from Table 3 will be followed.

18. If SSP species are found by applicators, please notify the BLM immediately and halt all herbicide use until BLM approval. Herbicide application in these areas should be limited to spot treatment with Roundup Pro in accordance with buffer distances in Table 3.

Table 2: U.S. Fish and Wildlife Service Threatened, Endangered, and Candidate Plant Species and WRFO BLM Sensitive Plant Species with the Potential to Occur in the Proposed Project Area

Species	Status[1]	Habitat Description
White River beardtongue (*Penstemon scariosus* var. *albifluvis*)	Candidate	Sparsely-vegetated shale slopes associated with the Green River Formation in mixed desert shrub and pinyon-juniper communities
Narrow-stem gilia (*Aliciella stenothyrsa*)	BLM S	Silty and gravelly loams associated with the Green River and Uinta Formations
Debris milkvetch (*Astragalus detritalis*)	BLM S	Rocky and sandy soils in pinyon-juniper or mixed desert shrub communities
Duchesne milkvetch (*Astragalus duchesnensis*)	BLM S	Sandstone or shale outcrops in pinyon-juniper or desert shrub communities
Ephedra buckwheat (*Eriogonum ephedroides*)	BLM S	White shale slopes associated with the Green River Formation
Rollins cryptanth (*Cryptantha rollinsii*)	BLM S	White shale slopes associated with the Green River Formation
Tufted cryptanth (*Cryptantha caespitosa*)	BLM S	Shale knolls with sparse vegetation
Graham's beardtongue (*Penstemon grahamii*)	Proposed	Sparsely-vegetated shale slopes and knolls associated with the Green River Formation

[1] E = Federally Endangered, T = Federally Threatened, C = Federal Candidate species, P = Federal Proposed species, BLM S = BLM Sensitive species

Table 3. Herbicide Buffer Distances from Terrestrial Special Status Plant Species [1, 2]

Active Ingredient	Buffer Width	Method(s) to Which Applied
Diuron	1,100 feet	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

[1] Source: BLM 2007

[2] See Appendix C for information related to aquatic species and other specific situations (e.g., areas vulnerable to wind erosion of treated soil)

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 05/22/2012 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 around the well pad as required in the NEPA documents that approved the well pad.

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: Kent T. Walter

Field Manager

DATE SIGNED: 09/12/12