

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-110-2013-0055-DNA

PROJECT NAME: American Shale Oil LLC Pesticide Use Proposal (PUP)

LEGAL DESCRIPTION: T 2 South, R 98 West Section 21

APPLICANT: American Shale Oil LLC

ISSUES AND CONCERNS: None

DESCRIPTION OF PROPOSED ACTION: American Shale Oil, LLC has hire Rocky Mountain Weed Management, license number 00857, to spray cheatgrass on their oil shale lease. Application will be completed with back-pack sprayers or with ATV/truck mounted sprayers and hand-guns. Vehicular travel will be limited to existing roads and/or disturbance. A non-ionic surfactant such as Activator 90 will be used to improve spray efficacy, and Hi-Lite marker dye will be used to prevent double treatment. It is estimated 12 acres will be treated annually. Products proposed for use and rates are shown in Table 1.

**Table 1: Products Proposed for use and Intended Rates**

Trade Name	Active Ingredients	Rate
Journey	Glyphosate + Imazapic	16 oz/ac
Plateau	Imazapic	4 oz/ac

Decision to be Made: BLM White River Field Office (WRFO) will decide whether to issue 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?

*Documentation of answer and explanation:* 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 3/12/2013. 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	3/12/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	4/9/2013
Baili Foster	Ecologist Intern	Special Status Plant Species	3/14/2013

#### REMARKS:

*Cultural Resources:* 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:* There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. The nearest aquatic habitat supporting higher order vertebrate populations is Piceance Creek which is approximately one mile from the project area boundary. Proposed treatments are not anticipated to have any impact on aquatic systems. See general wildlife mitigation listed below.

*Threatened and Endangered Plant Species:* The closest known suitable habitat is over 600 m to the west of the project area. There are no other habitats associated with special status plant species within the survey buffers required in DOI-BLM-CO-110-2010-0005-EA. There are no concerns related to special status plant species associated with the Proposed Action

#### MITIGATION:

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

1. To minimize risks to terrestrial wildlife, do not exceed the typical application rate for applications of glyphosate, where feasible.
2. Where practical, limit glyphosate to spot applications in rangeland and wildlife habitat areas to avoid contamination of wildlife food items.
3. Use herbicides of low toxicity to wildlife, where feasible.
4. Use spot applications or low-boom broadcast operations where possible to limit the probability of contaminating non-target food and water sources, especially non-target vegetation over areas larger than the treatment area.
5. 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.
6. 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.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff application. Specific mitigation developed in this

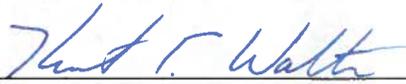
document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

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

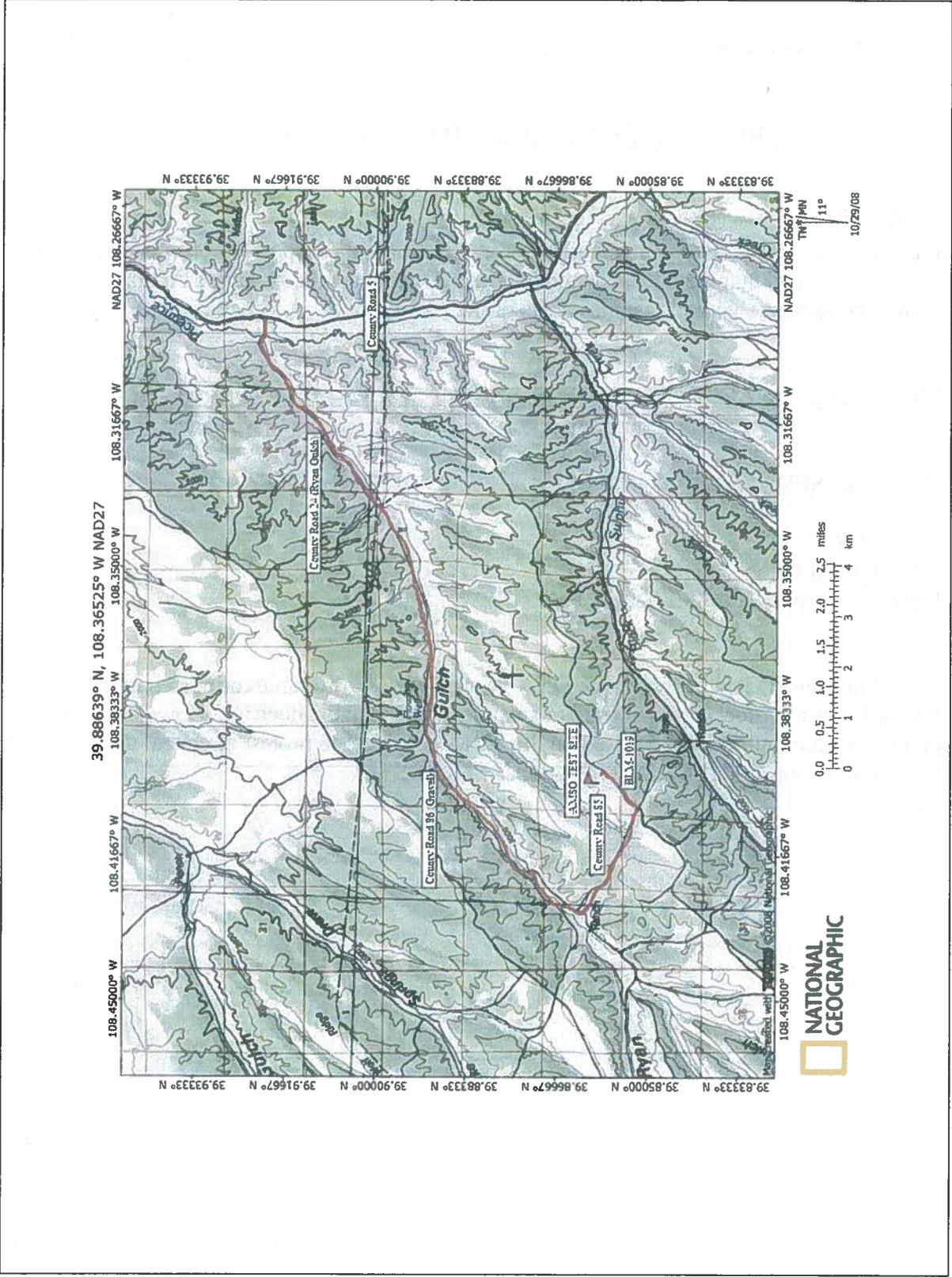
DATE SIGNED: 04/23/13

ATTACHMENTS:

Figure 1: Map of AMSO Test Site PUP

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 AMSO Test Site PUP



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## **DECISION RECORD**

**PROJECT NAME:** American Shale Oil LLC Pesticide Use Proposal (PUP)

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-110-2013-0055-DNA

### **DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0055-DNA, authorizing the Pesticide Use Proposal.

### **Mitigation Measures**

1. To minimize risks to terrestrial wildlife, do not exceed the typical application rate for applications of glyphosate, where feasible.
2. Where practical, limit glyphosate to spot applications in rangeland and wildlife habitat areas to avoid contamination of wildlife food items.
3. Use herbicides of low toxicity to wildlife, where feasible.
4. Use spot applications or low-boom broadcast operations where possible to limit the probability of contaminating non-target food and water sources, especially non-target vegetation over areas larger than the treatment area.
5. 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.
6. 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.

### **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 5/22/2012 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 in the White River Field Office.

**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:**

04/23/13