

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-110-2013-0063-DNA

PROJECT NAME: Williams Midstream Pesticide Use Proposal (PUP)

LEGAL DESCRIPTION:

Township	Range	Sections, Lots, or Portions Thereof
2 South	96 West	5, 8, 16, 17, 20, 21, 29, 32
3 South	96 West	5, 9, 16, 22, 27, 34
4 South	96 West	3

APPLICANT: Conservation Seeding and Restoration Inc. & Williams Midstream

ISSUES AND CONCERNS: T & E Plants and Greater Sage Grouse Habitat

DESCRIPTION OF PROPOSED ACTION: Williams Midstream has hired Conservation Seeding & Restoration, Inc., applicator number 05369, to treat noxious weed species along the PGX pipeline. Application of herbicides will be done using backpack sprayers and ATV/truck-mounted sprayers with handguns. All vehicle travel will be on existing roads and trails and approximately 50 acres will be treated annually. Table 1 outlines herbicides and rates to be used for herbicide treatments.

**Table 1:** Proposed Herbicides and Rates

Trade Name	Active Ingredient	Rate
Buccaneer	Glyphosate	0.5 qt/acre
Barrage HF + Diablo	2,4-D + Dicamba	26 oz/ac+0.5 lbs/ac
Polaris	Imazapyr	24 oz/ac
Velossa	Hexazinone	3 qts/acre

Decision to be Made: BLM will determine whether or not 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 3/19/2013. 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.

<b>Name</b>	<b>Title</b>	<b>Resource</b>	<b>Date</b>
Kristin Bowen	Archaeologist	Cultural Resources, Native American Religious Concerns	3/20/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	4/12/2013
Baili Foster	Ecologist Intern	Special Status Plant Species	3/27/2013

## REMARKS:

*Cultural Resources:* All treatments are proposed for ground that has been previously disturbed, and that was surveyed for cultural resources prior to the disturbance. There should be no new impacts to cultural resources eligible to the National Register of Historic Places. 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 northern and southern terminus of the pipeline passes through priority sage-grouse habitat. The greater sage-grouse is a candidate for listing under the Endangered Species Act (ESA) and is considered a sensitive species by the BLM. Approximately 2.3 miles of pipeline (T3S 96W sections 27 and 34; T4S R96W sections 3 and 10) run along Barnes Ridge which supports some of the strongest numbers of sage-grouse in the Piceance Basin. There is a known active lek directly along the pipeline right-of-way. Roughly one mile of pipeline (T2S R96W section 8) traverses priority sage-grouse habitat in the Magnolia area. Within the last decade, the Magnolia area has become heavily industrialized, yet still supports a small number of sage-grouse. The nearest active lek is roughly one mile from the pipeline right-of-way.

The pipeline right-of-way crosses a privately-owned portion of Piceance Creek in T2S R96W section 32 and T3S R96W section 5. Piceance Creek supports several special status aquatic species including mountain sucker and northern leopard frog. Impacts to terrestrial and aquatic wildlife, including sage-grouse and sensitive aquatic species were adequately addressed in the parent document (DOI-BLM-CO-110-2010-0005-EA). Appropriate mitigation measures are listed below.

*Threatened and Endangered Plant Species:* The effects of the Proposed Action on special status plant species (SSPS) within the White River Field Office (WRFO) resource area were comprehensively analyzed in DOI-BLM-CO-110-2010-0005-EA. Design features found in DOI-BLM-CO-110-2010-0005-EA should be followed carefully. Operators should abide by the SSPS buffers detailed in Table 2 and additional consultation with the Fish and Wildlife Service should occur when treatment is needed within these buffers. All herbicide application is limited to spot treatments within 0.5 miles of special status plant species populations located in Figures 2-5. Within these areas, targeted weed spraying should occur, and spraying should be avoided on any windy days. The largest herbicide buffer requires that any spraying occur at 0.5 miles from special status plant species habitats. This buffer refers to 2,4-D and Imazapyr; any herbicide that contains either of these ingredients respectively cannot be sprayed within one half mile of any special status plant species habitat. The use of Glyphosate is required for spot treatments within Township 2 South, Range 96 West, Section 21, SW NW, SE NW, NW SW quarters (Figure 4).

**Table 2: Herbicide Buffer Distances for Special Status Plant Species**

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Dicamba	1,050 feet	Ground
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Hexazinone	300 feet	Ground, typical rate
	900 feet	Ground, maximum rate
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate

Source: BLM 2007a

**MITIGATION:**

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

1. 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, specifically those listed below:
2. To minimize disturbance to nesting sage-grouse, treatments shall not occur from April 15<sup>th</sup> through June 15<sup>th</sup> in T3S 96W sections 27 and 34, T4S R96W sections 3 and 10, and T2S R96W section 8.
3. To minimize risks to terrestrial wildlife, do not exceed the typical application rate for applications of dicamba, glyphosate, or hexazinone, where feasible.
4. Minimize the size of application areas, where practical, when applying 2,4-D, and Overdrive® to limit impacts to wildlife, particularly through contamination of food items.
5. Where practical, limit glyphosate and hexazinone to spot applications in rangeland and wildlife habitat areas to avoid contamination of wildlife food items.
6. 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.
7. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.

8. 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.

9. 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.

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.

10. 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.

11. In order to minimize the amount of chemical entering aquatic habitats, buffer strips will be provided for streams and riparian areas when using terrestrial formulations. A minimum buffer strip of 25 ft (7.6m) will be provided for vehicle applications (e.g. ATV sprayers). Within 25 ft (7.6m) of water, herbicides will be applied using a backpack sprayer. Herbicides that pose a moderate to high risk to fish (e.g. bromacil, diquat, diuron, terrestrial formulations of glyphosate, imazapyr, picloram, and triclopyr BEE at any application rate or 2,4-D and triclopyr TEA at maximum application rates) will not be used within 10 ft (3m) of water.

12. Neither Imazapyr nor Hexazinone have been specifically evaluated for effects on amphibians. Where feasible, avoid the use of these herbicides in occupied amphibian habitats (i.e., Piceance Creek).

13. 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.

14. 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 10.4I 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 during and after herbicide 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 PGX Pipeline
- Figure 2: General Location of Plant Buffers along Williams Midstream Pipeline
- Figure 3: Pesticide Buffers near Magnolia Gas Camp
- Figure 4: Herbicide Buffers in Collins Gulch
- Figure 5: Herbicide Buffers near Piceance Creek

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 PGX Pipeline

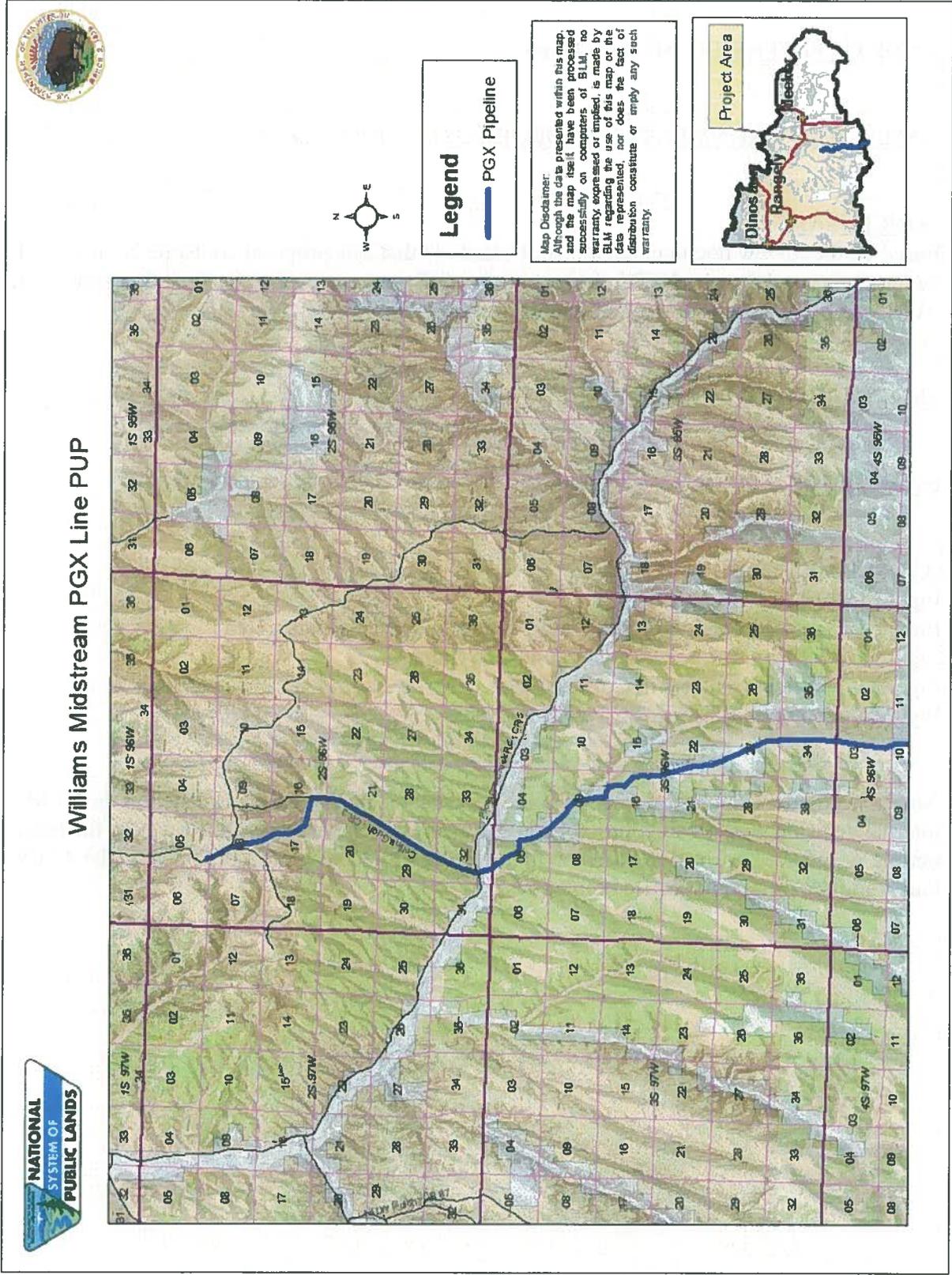


Figure 2: General Location of Plant Buffers along Williams Midstream Pipeline

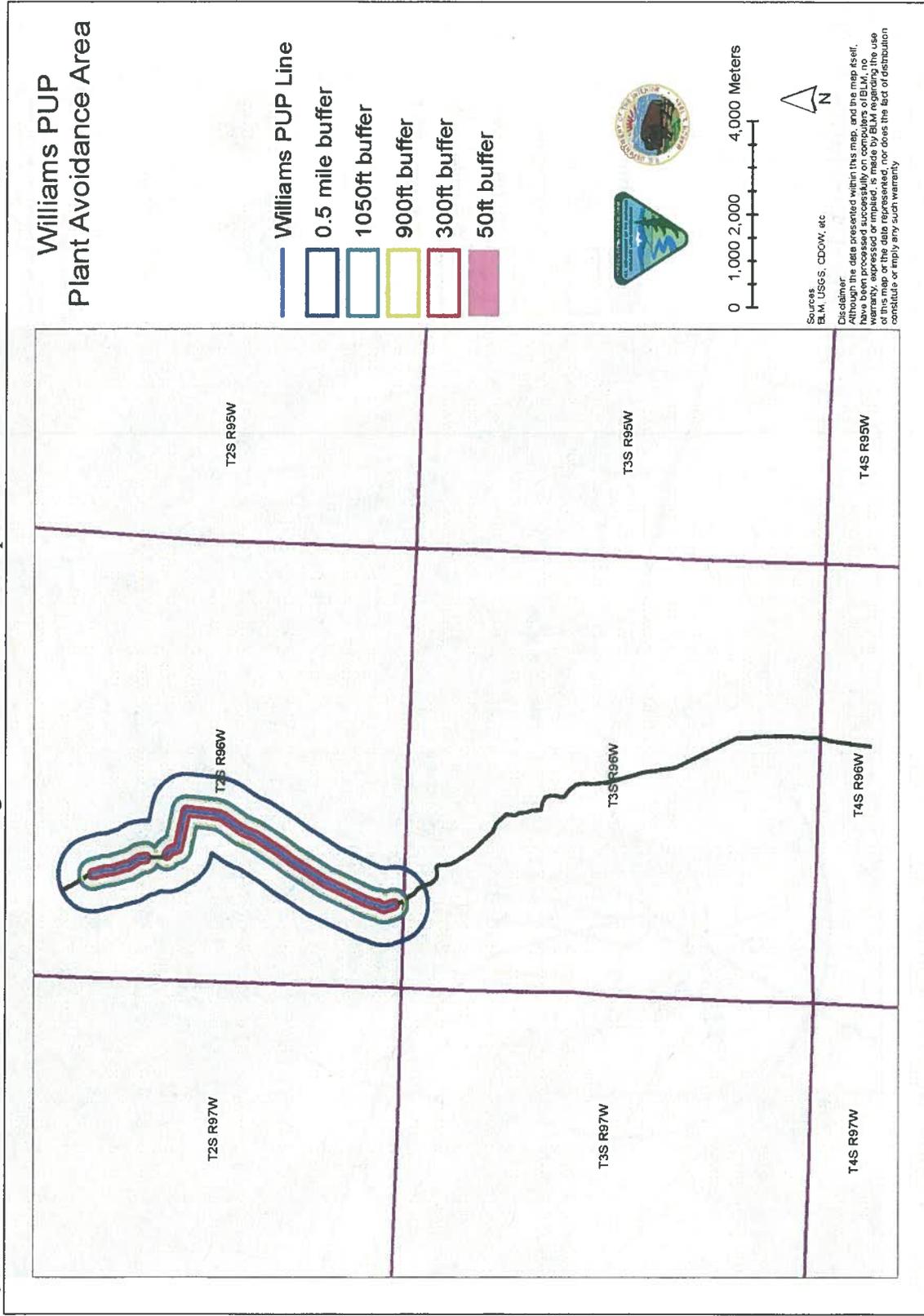


Figure 3: Pesticide Buffers near Magnolia Gas Camp

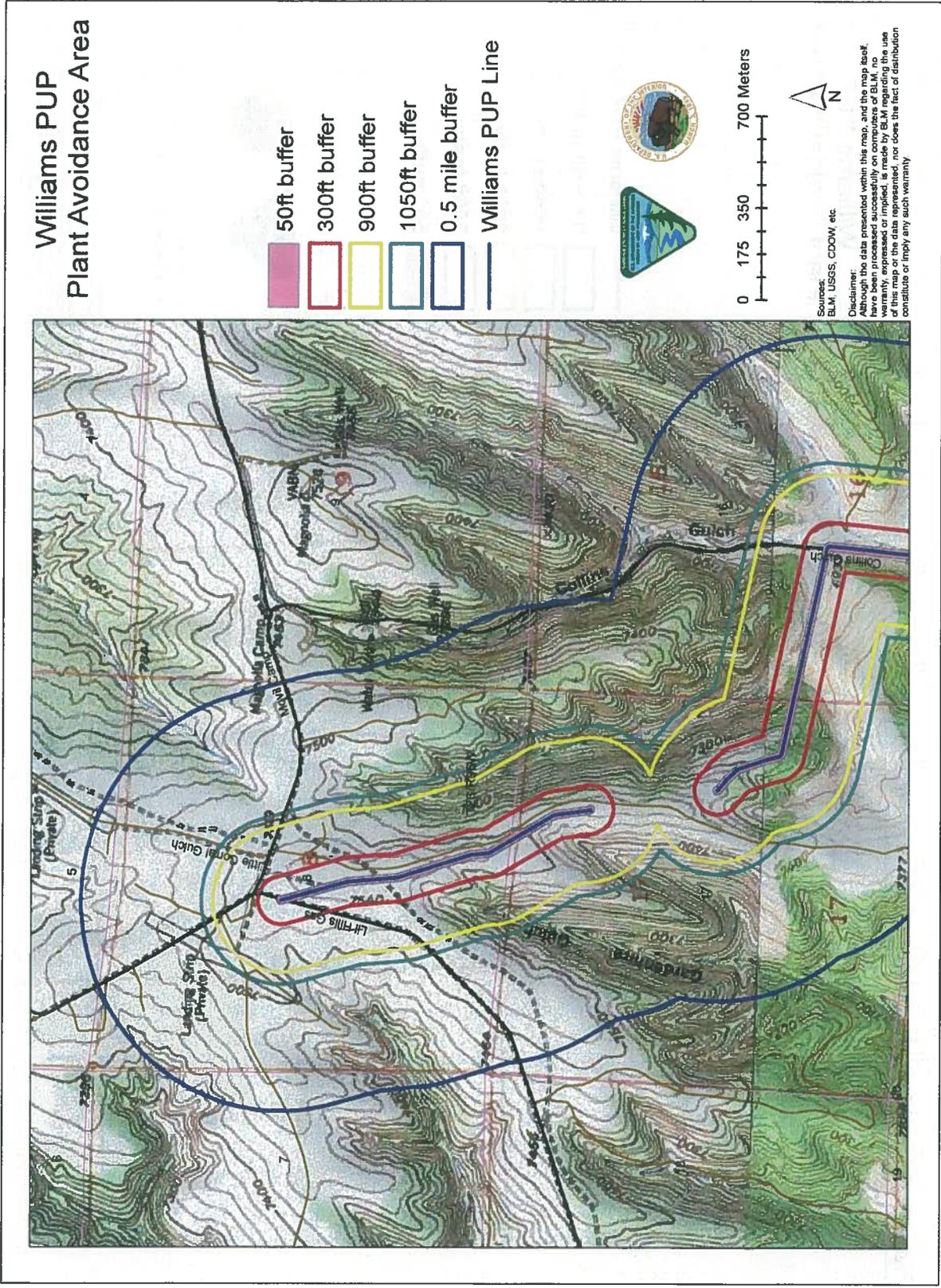


Figure 4: Herbicide Buffers in Collins Gulch

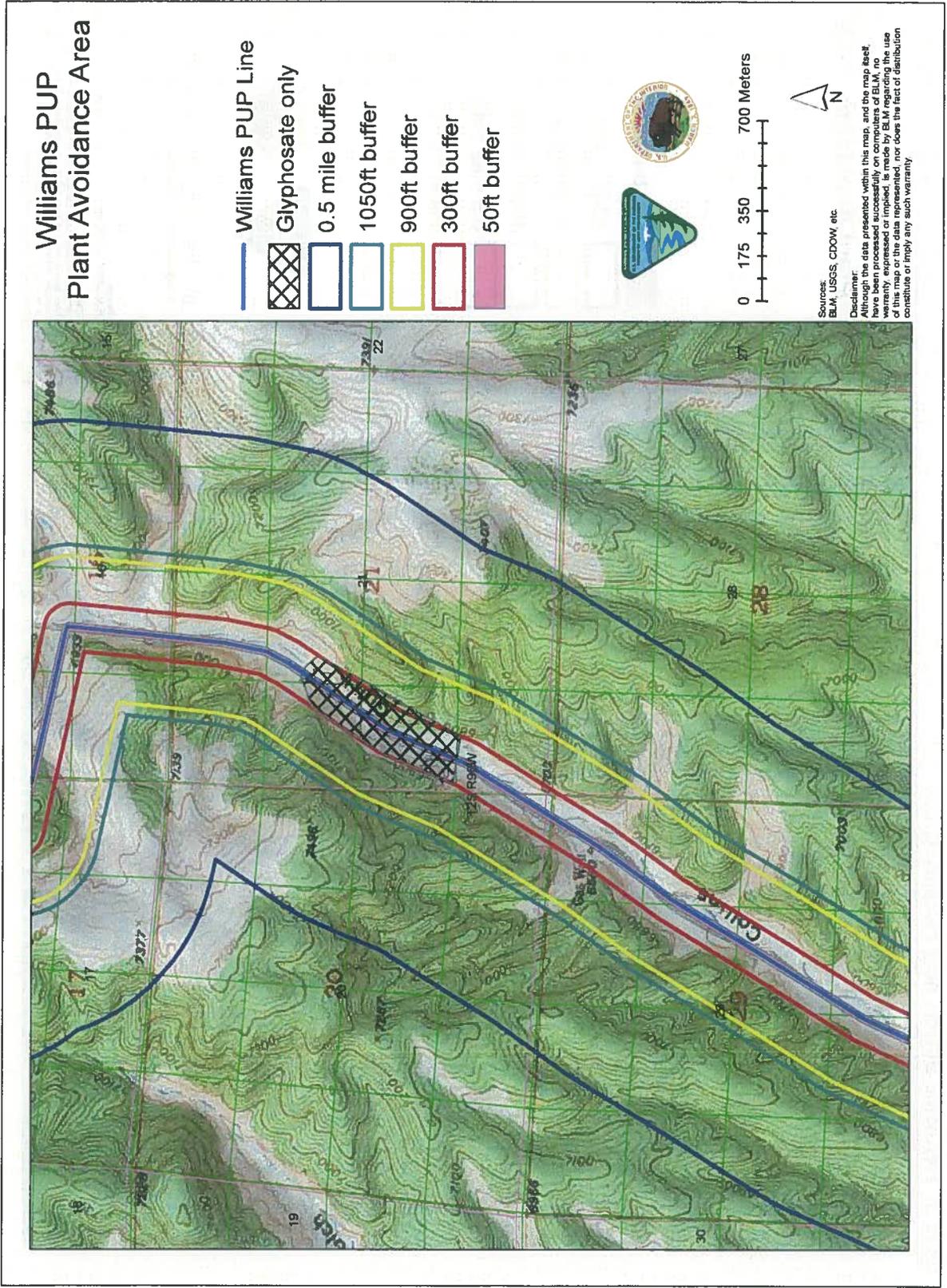
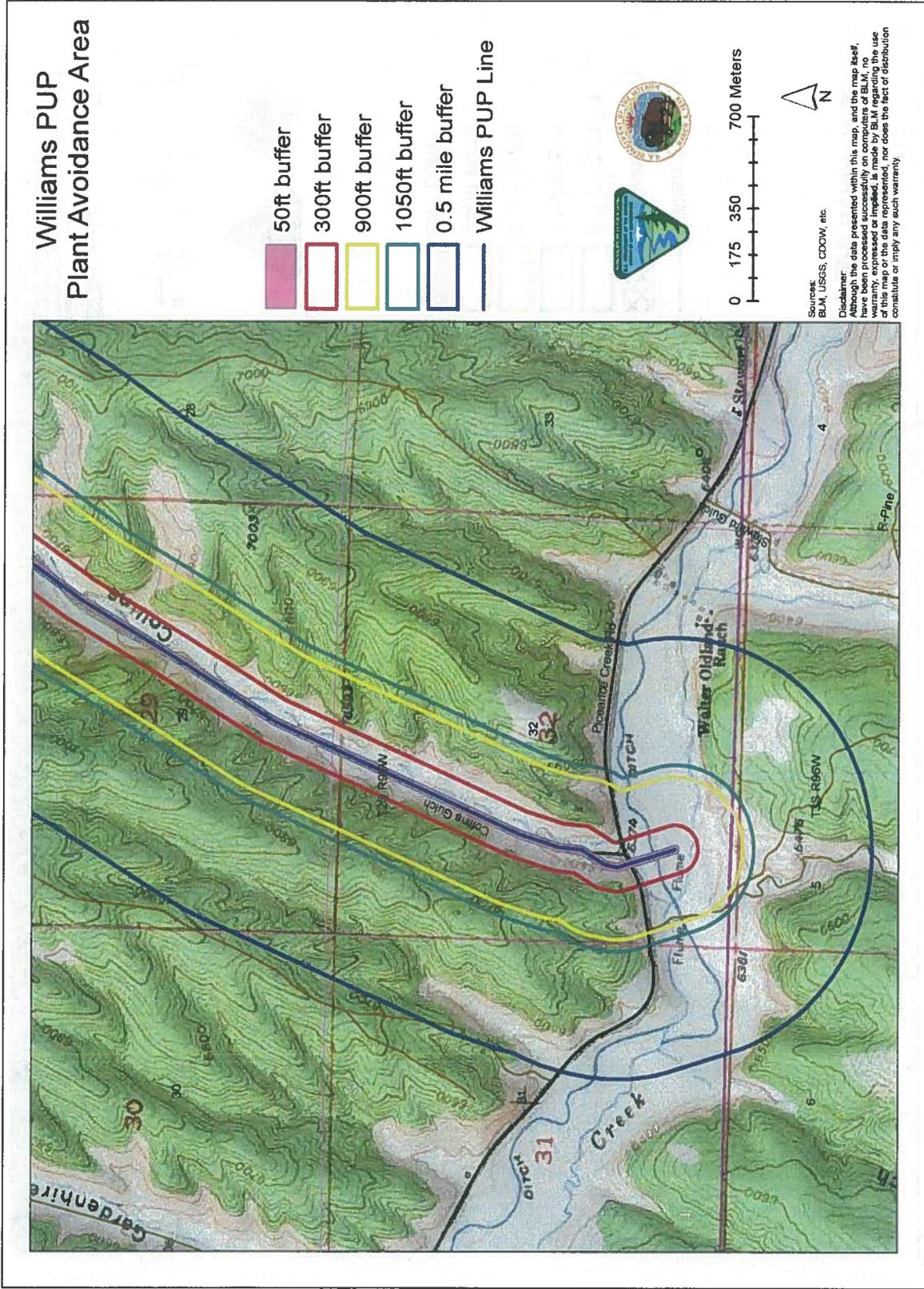


Figure 5: Herbicide Buffers near Piceance Creek



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**DECISION RECORD**

**PROJECT NAME:** Williams Midstream Pesticide Use Proposal (PUP)

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-110-2013-0063-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0063-DNA, authorizing the Pesticide Use Proposal.

**Mitigation Measures**

1. 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, specifically those listed below:
2. To minimize disturbance to nesting sage-grouse, treatments shall not occur from April 15<sup>th</sup> through June 15<sup>th</sup> in T3S 96W sections 27 and 34, T4S R96W sections 3 and 10, and T2S R96W section 8.
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#### **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 3/21/2013 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

