

**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-110-2013-0066-DNA

**PROJECT NAME:** Natural Soda Pesticide Use Proposals (PUP's)

**LEGAL DESCRIPTION:**

TOWNSHIP	RANGE	SECTIONS, LOTS OR PORTIONS THEREOF
1 South	98 West	13, 14, 15, 16, 17, 19-30, 33, 35

**APPLICANT:** Natural Soda

**ISSUES AND CONCERNS:** Special Status Plants

**DESCRIPTION OF PROPOSED ACTION:** Natural Soda Inc. has hired Dave Allen of Noxious Weed Management, applicator number 07776, to conduct bareground and noxious weed treatments around production facilities, rights-of-way, and well pads used for mining operations. Bareground treatments are designed to keep areas around well pads and production facilities completely devoid of vegetation for fire safety. Treatments will be limited to a 10 foot buffer around well heads and production facilities.

Noxious weed treatments are spot-spray treatments that target state listed noxious weeds and undesirable annual invasive species. Treatments will be completed using backpack sprayers or ATV/truck mounted sprayers with hand-guns. All vehicle travel will be limited to existing roads and ground disturbance. Water will be the carrier, and a non-ionic surfactant will be used to improve uptake into the plants. Hi-lite dye will be used to mark spray distribution and prevent double treatment. It is estimated 100 acres will be treated annually. Herbicides proposed for use are outlined in Table 1.

**Table 1:** Herbicides Names and Rates Proposed

Trade Name	Active Ingredient	Treatment Type	Rate
Tordon 22K	Picloram	Noxious Weed	1 qt/acre
Low Vol 6 Ester Weed Killer	2,4-D	Noxious Weed	1.4 pts/acre
Sahara DG	Diuron+Imazapyr	Bareground	10 lbs/acre
Roundup Pro	Glyphosate	Bareground or Noxious	2 qts/acre

Escort XP	Mesulfuron Methyl	Noxious Weed	0.5-2 oz/acre
Telar XP	Chlorsulfuron	Noxious Weed	0.5-2oz/acre
Banvel	Dicamba	Noxious Weed	2 qts/acre

**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 03/26/2013. 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	04/02/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	04/15/2013
Baili Foster	Ecologist	Special Status Plant Species	04/10/2013

**REMARKS:**

*Cultural Resources:* All treatments are proposed for ground that should have been previously inventoried prior to the various developments. 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. Many eligible sites, including wickiup villages, containing fragile features that are often not recognized by non-specialists, are recorded within the Natural Soda lease areas. The applicant must drive only on existing roads or disturbed ground and be aware of cultural resource protection laws. Additionally, due to the wickiups in the area, the applicant must not pick up dead and down firewood while spraying in the Natural Soda lease areas.

*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. Privately-owned portions of Yellow Creek are located adjacent to the project area (between 100 – 200 meters). The upper reaches of Yellow Creek do not support higher order vertebrate populations and likely support limited riparian communities due to the ephemeral nature of the stream. All treatments will be confined to areas with existing disturbance and would not directly involve aquatic/riparian habitats. All wildlife issues and concerns were adequately addressed in the original EA (DOI-BLM-CO-110-2010-0005-EA).

*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 2-4. 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, Picloram; any herbicide that contains any of these ingredients respectively cannot be sprayed within one half mile of any special status plant species habitat.

**Table 2. Herbicide Buffer Distances from Terrestrial Special Status Plant Species <sup>1</sup>**

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Chlorsulfuron	1,200 feet	Ground
Dicamba	1,050 feet	Ground
Diuron	1,100 feet	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Imazapyr	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Metsulfuron Methyl	900 feet	Ground or aerial, typical rate
	0.5 mile	Ground or aerial, maximum rate
Picloram	0.5 mile	All

<sup>1</sup> 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.
2. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
3. 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.
4. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
5. Use a selective herbicide and a wick or backpack sprayer.
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. 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. Additionally, due to the wickiups in the area, the applicant must not pick up dead and down firewood while spraying in the Natural Soda lease areas.

8. 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 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.

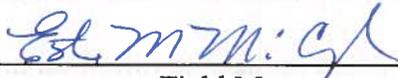
NAME OF PREPARER: Matthew L Dupire

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:

  
Acting Field Manager

DATE SIGNED: 4/30/13

ATTACHMENTS:

- Figure 1: Map of Proposed Treatment Areas
- Figure 2: General Map of Special Status Plant Buffers
- Figure 3: Special Status Plant Species Buffers near Duck Creek
- Figure 4: Special Status Plant Species Buffers near Yellow 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 Proposed Treatment Areas

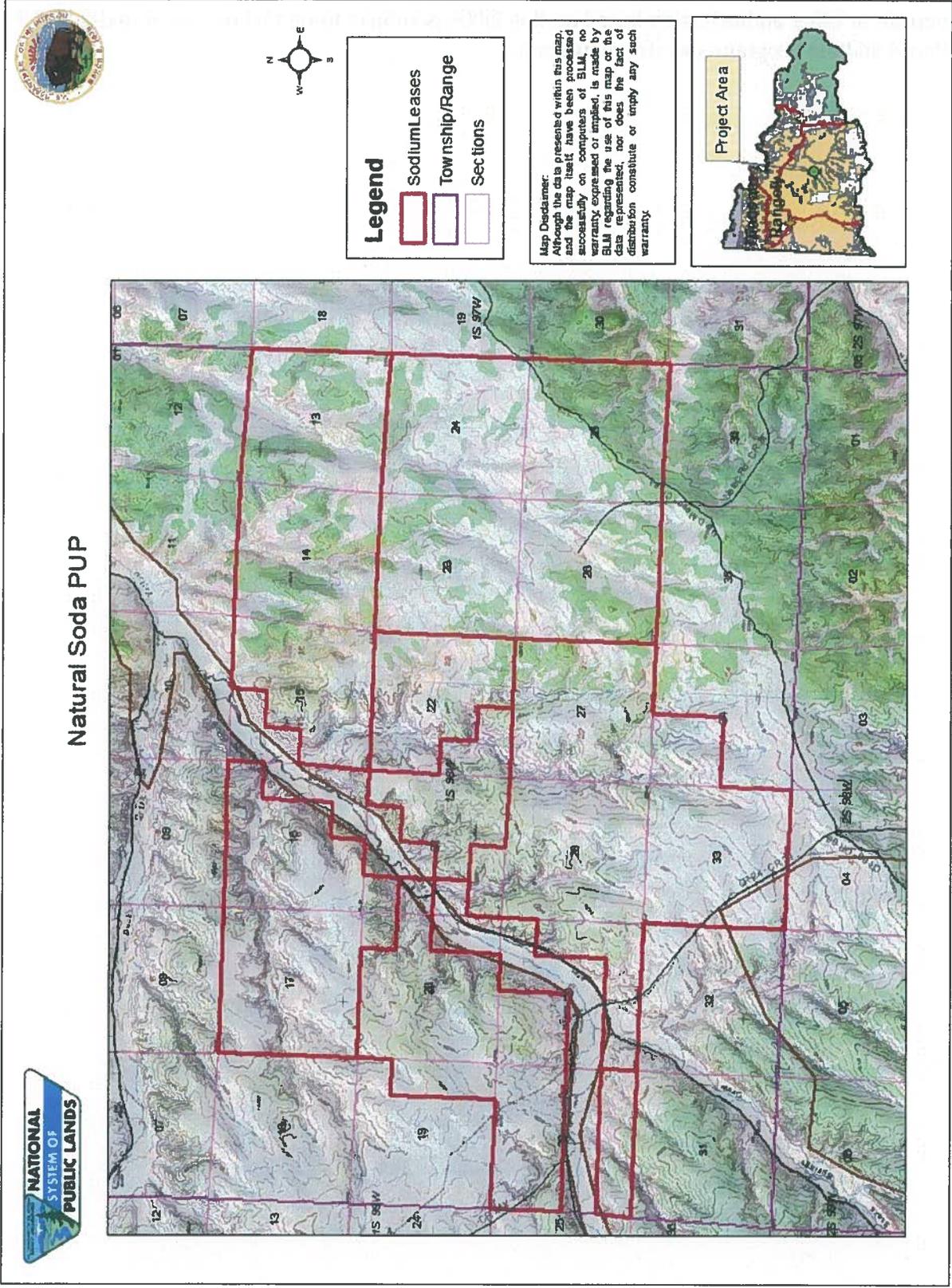


Figure 2: General Map of Special Status Plant Buffers

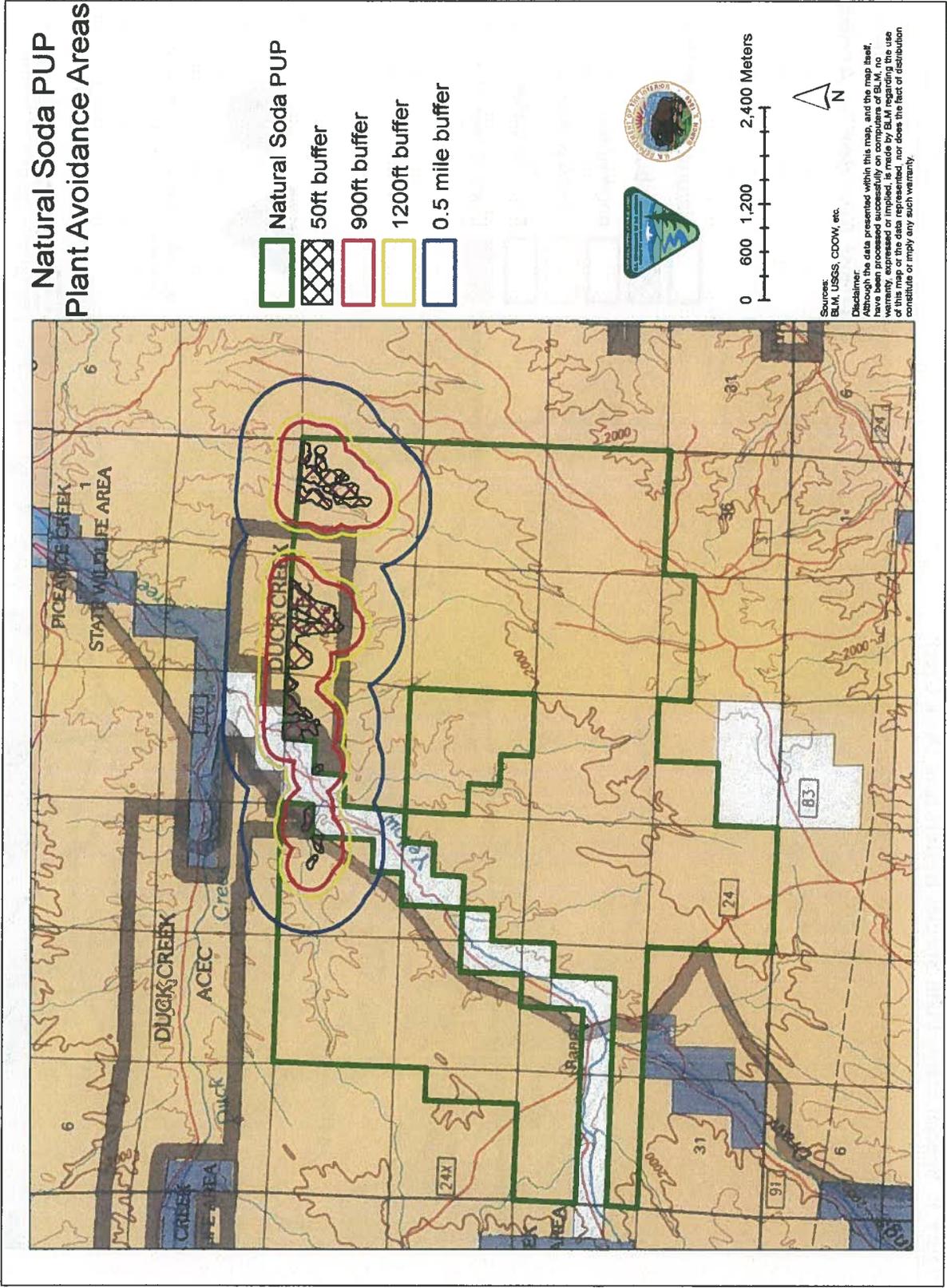


Figure 3: Special Status Plant Species Buffers near Duck Creek

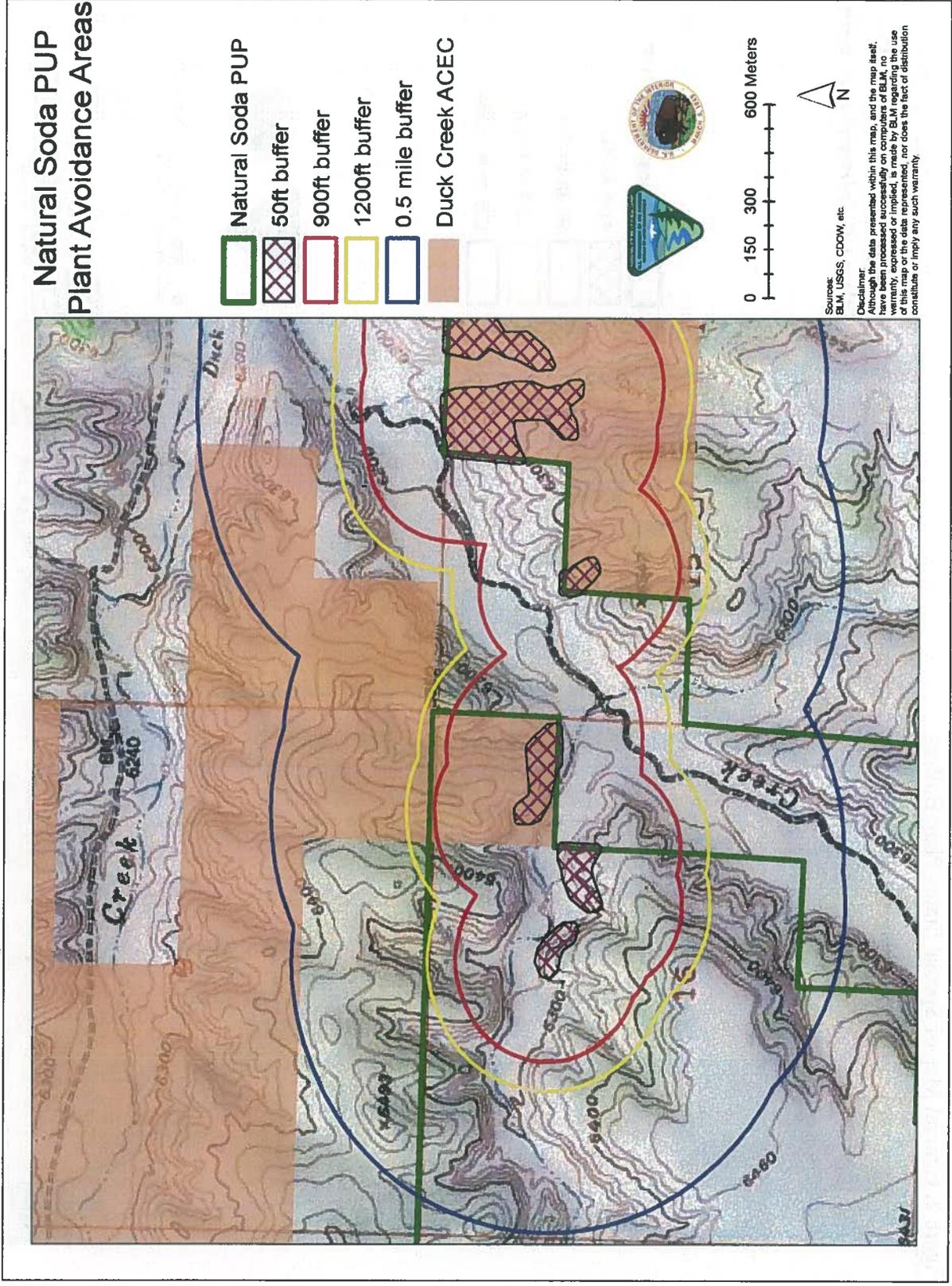
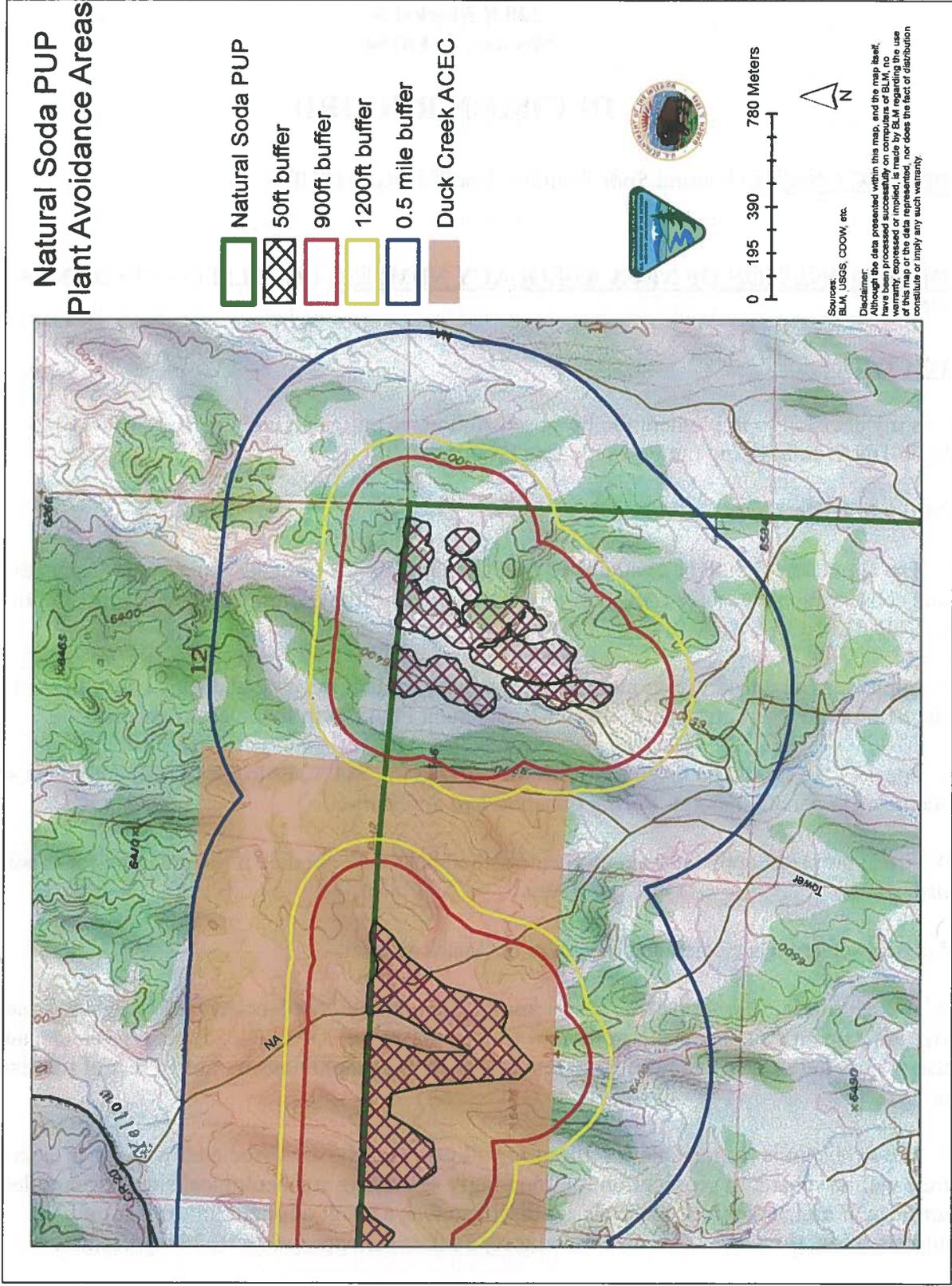


Figure 4: Special Status Plant Species Buffers near Yellow Creek



**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:** Natural Soda Pesticide Use Proposals (PUP's)

**DETERMINATION OF NEPA ADEQUACY NUMBER:** DOI-BLM-CO-110-2013-0066-DNA

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0066-DNA, authorizing the Pesticide Use Proposals.

**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.
2. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
3. 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.
4. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
5. Use a selective herbicide and a wick or backpack sprayer.
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. 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.

Additionally, due to the wickiups in the area, the applicant must not pick up dead and down firewood while spraying in the Natural Soda lease areas.

8. 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 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:**   
Acting Field Manager

**DATE SIGNED:** 4/30/13

