

**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-110-2013-0073-DNA

PROJECT NAME: XTO and Exxon Mobile Pesticide Use Proposals (PUP)

LEGAL DESCRIPTION: See Attached Maps

APPLICANT: XTO Energy

ISSUES AND CONCERNS: Special Status Plants and Sage Grouse

DESCRIPTION OF PROPOSED ACTION: XTO Energy and Exxon Mobile have hired Elder Weed Spraying, applicator number 05622, to conduct noxious weed and bareground treatments around wells, pipelines rights-of-way, and access roads associated with oil and gas production. Bareground treatments will broadcast sprayed to target all vegetation around well heads and productions facilities out to a 10 foot buffer.

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
Plateau	Imazapic	Noxious (cheatgrass)	4 oz/acre
Sahara DG	Imazapyr+Diuron	Bareground	10 lbs/acre
Roundup Pro	Glyphosate	Bareground & Noxious	2 qts/acre
Weedone LV6	2,4-D	Noxious Weeds	1 qt/acre
Escort XP	Metsulfuron Methyl	Noxious Weeds	1.5 oz/acre
Rodeo	Glyphosate	Noxious	4-6 pints/ac
Tordon 22K	Picloram	Noxious	1 qt/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 04/09/2013. 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	04/16/2013
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	04/15/2013
Baili Foster	Ecologist	Special Status Plant Species	04/16/2013

REMARKS:

Cultural Resources: All treatments are proposed for wells and rights-of-ways 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. Indirect impacts of herbicide application are human impacts such as unlawful collection of artifacts, inadvertent damage, and intentional vandalism. Eligible sites are located in the sections identified for treatment, 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. Both general and priority sage-grouse habitat is located within the project area. The greater sage-grouse is a candidate for listing under the Endangered Species Act (ESA) and is considered a BLM sensitive species. Priority habitat, which supports nearly all of this species lekking (courtship), nesting and brood-rearing functions is located in T1S R96W sections 31 – 34; T2S R96W sections 1 – 15 (Magnolia area) and in and around the Barnes Ridge area in T3S R96W sections 25 – 27 and 34 – 36; T3S R 95W sections 30 and 31; T4S R96W sections 1 – 4, and 9 – 15; T4S R95W sections 6, 7, and 18. Within the past decade, the Magnolia area has become heavily industrialized, yet still supports a small number of sage-grouse. The area in and around Barnes Ridge supports some of the strongest sage-grouse numbers in Piceance Basin. There are several active leks within the project area.

Several aquatic systems supporting higher order aquatic vertebrate populations occur within the project area including: Piceance Creek, Black Sulphur Creek and Fawn Creek. All three systems support mountain sucker, a BLM sensitive species, with Northern leopard frog, also a BLM sensitive species located along Piceance Creek.

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 3-15. 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 Picloram; any herbicide that contains any of these ingredients respectively cannot be sprayed within one half mile of any special status plant species habitat. Glyphosate will be required in designated area indicated in Figures 3-15.

Table 2. Herbicide Buffer Distances from Terrestrial Special Status Plant Species ¹

Active Ingredient	Buffer Width	Method(s) to Which Applied
2,4-D	0.5 mile	All
Diuron	1,100 feet	All
Glyphosate	50 feet	Ground, typical rate
	300 feet	Ground, maximum rate; aerial
Imazapic	25 feet	Ground, typical or maximum rates
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

¹ 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 15th through June 15th in T1S R96W sections 31 – 34; T2S R96W sections 1 – 15; T3S R96W sections 25 – 27 and 34 – 36; T3S R 95W sections 30 and 31; T4S R96W sections 1 – 4, and 9 – 15; T4S R95W sections 6, 7, and 18.
3. To minimize risks to terrestrial wildlife, do not exceed the typical application rate for applications of diuron and glyphosate where feasible.
4. Minimize the size of application areas, where practical, when applying 2,4-D, and diuron to limit impacts to wildlife, particularly through contamination of food items.
5. Where practical, limit glyphosate 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. Do not apply diuron in rangelands, and use appropriate buffer zones to limit contamination of offsite vegetation, which may serve as forage for wildlife.
8. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.
9. 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.
10. 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.
11. 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.
12. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
13. 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.
14. 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.
15. Do not broadcast spray terrestrial formulations of glyphosate in upland habitats adjacent to riparian systems that support special status aquatic wildlife (Piceance Creek) under conditions that would likely result in off-site drift.
16. Do not use terrestrial formulations of glyphosate to treat aquatic vegetation within riparian systems that support special status aquatic wildlife (i.e., Piceance Creek).
17. 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., diuron, terrestrial formulations of glyphosate, imazapyr, or 2,4-D at maximum application rates) will not be used within 10 ft (3m) of water.

18. Neither Imazapyr, Imazapic or Metsulfuron methyl have been specifically evaluated for effects on amphibians. Where feasible, avoid the use of these herbicides in occupied amphibian habitats (i.e., Piceance Creek).

19. Do not broadcast spray Diuron in upland habitats adjacent to riparian systems that support special status aquatic wildlife (i.e., Piceance Creek) under conditions that would likely result in off-site drift.

20. Do not apply Diuron in upland habitats within ½ mile upslope of riparian systems that support aquatic wildlife (Piceance Creek) under conditions that would likely result in surface runoff.

21. For aquatic habitats that support vertebrate aquatic wildlife, maintain the following minimum buffers for broadcast applications of diuron:

- Typical Rate, High Boom (50 inches): 100 ft Minimum Buffer
- Maximum Rate, Low Boom (20 inches): 100 ft Minimum Buffer
- Maximum Rate, High Boom: 900 ft Minimum Buffer

22. Diuron shall not be used within the buffers mentioned above for special status aquatic wildlife. If a proposed bare ground treatment occurs within the buffers, alternative chemicals (e.g. glyphosate) or treatment methods (e.g. gravel) should be used.

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:

Est M M S Cyl
Acting Field Manager

DATE SIGNED: 4/30/13

ATTACHMENTS:

- Figure 1: Map of XTO/Exxon Mobile Project Area in North Piceance Creek
- Figure 2: Map of XTO/Exxon Mobile Project Area in South Piceance Creek
- Figure 3: General Map of Special Status Plant Species Buffers
- Figure 4: Special Status Plant Buffers in Barcus Creek
- Figure 5: Special Status Plant Buffers on Big Jimmy Ridge
- Figure 6: Special Status Plant Buffers in Collins Gulch
- Figure 7: Special Status Plant Buffers in Duck Creek
- Figure 8: Special Status Plant Buffers in Jessup Gulch
- Figure 9: Special Status Plant Buffers in Little Corral Gulch
- Figure 10: Special Status Plant Buffers around McKee Gulch
- Figure 11: Special Status Plant Buffers around Oldland Peak
- Figure 12: Special Status Plant Buffers around Piceance Creek
- Figure 13: Special Status Plant Buffers around Post Gulch
- Figure 14: Special Status Plant Buffers around Roan Cliffs
- Figure 15: Special Status Plant Buffers around Schutte Gulch

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 XTO/Exxon Mobile Project Area in North Pizance Creek

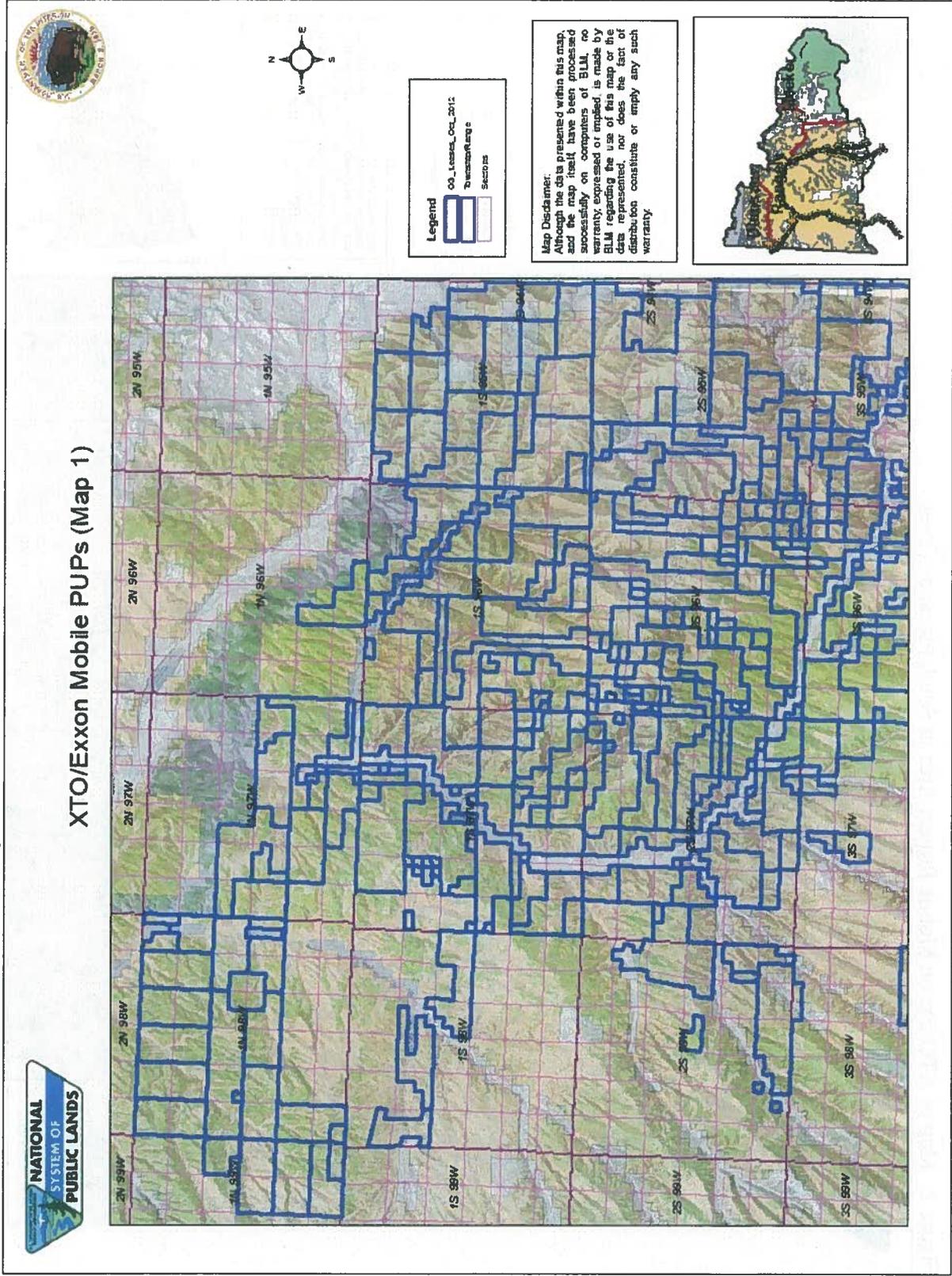


Figure 2: Map of XTO/Exxon Mobile Project Area in South Piceance Creek

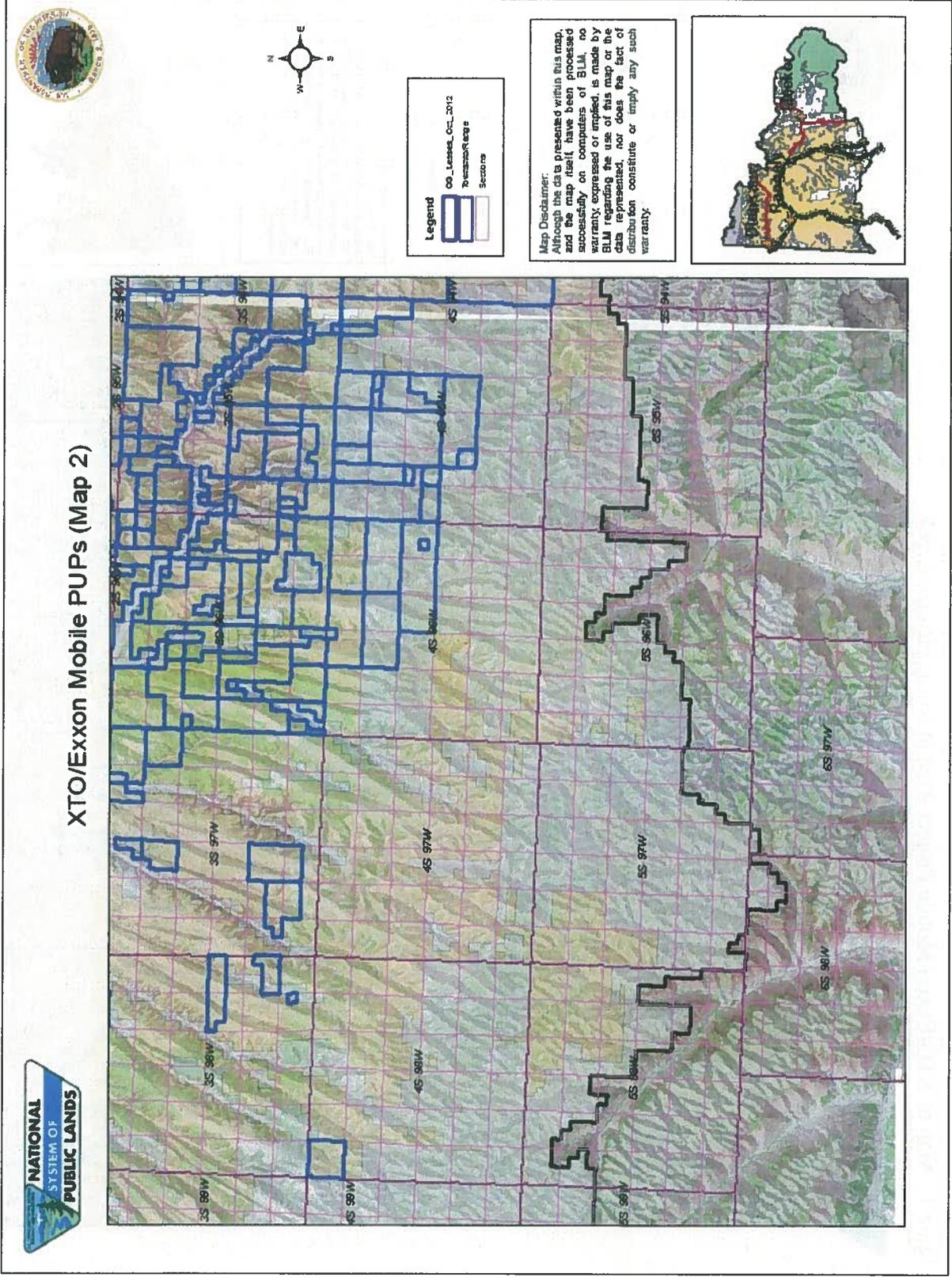


Figure 3: General Map of Special Status Plant Species Buffers

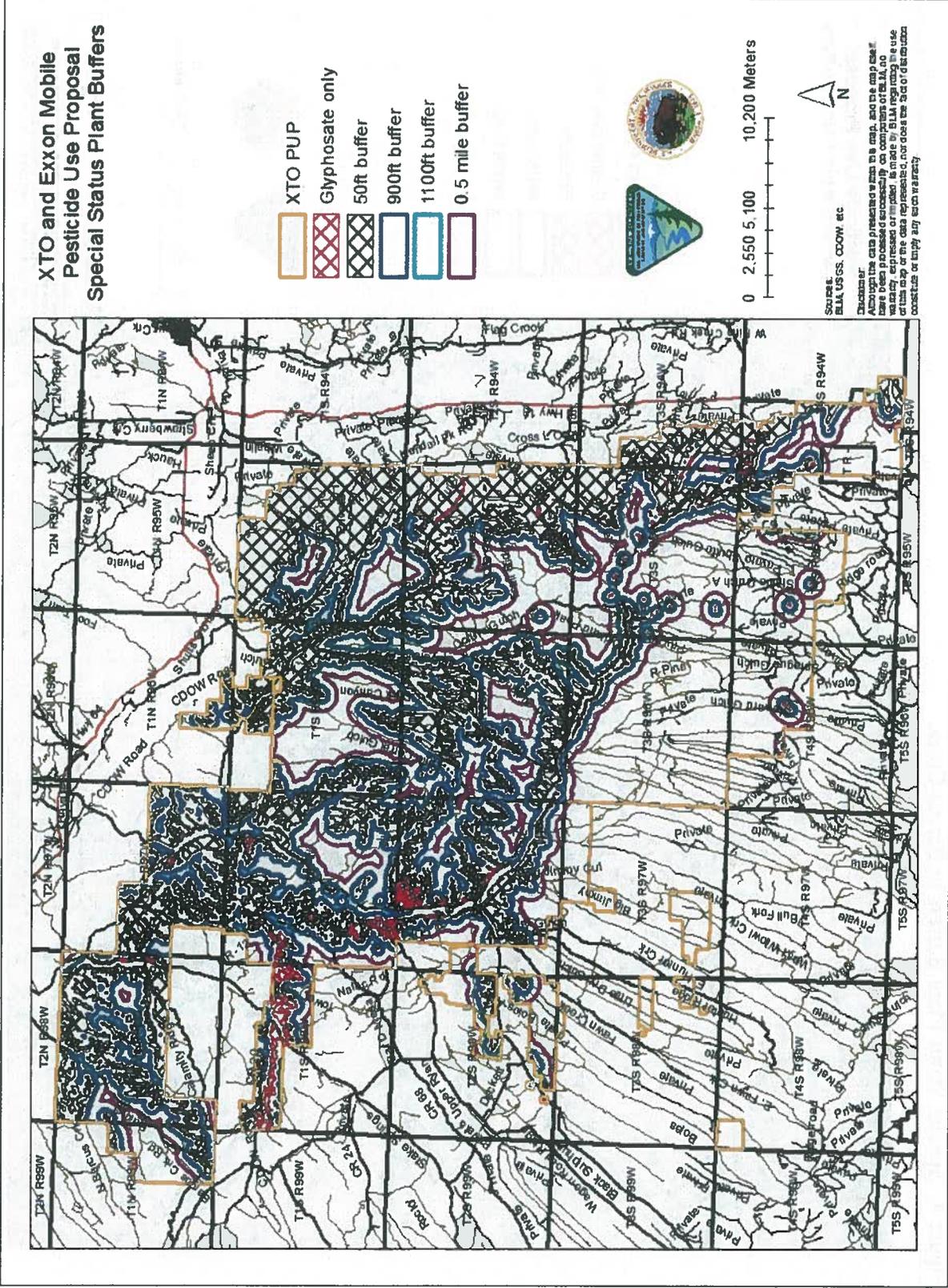


Figure 4: Special Status Plant Buffers in Barcus Creek

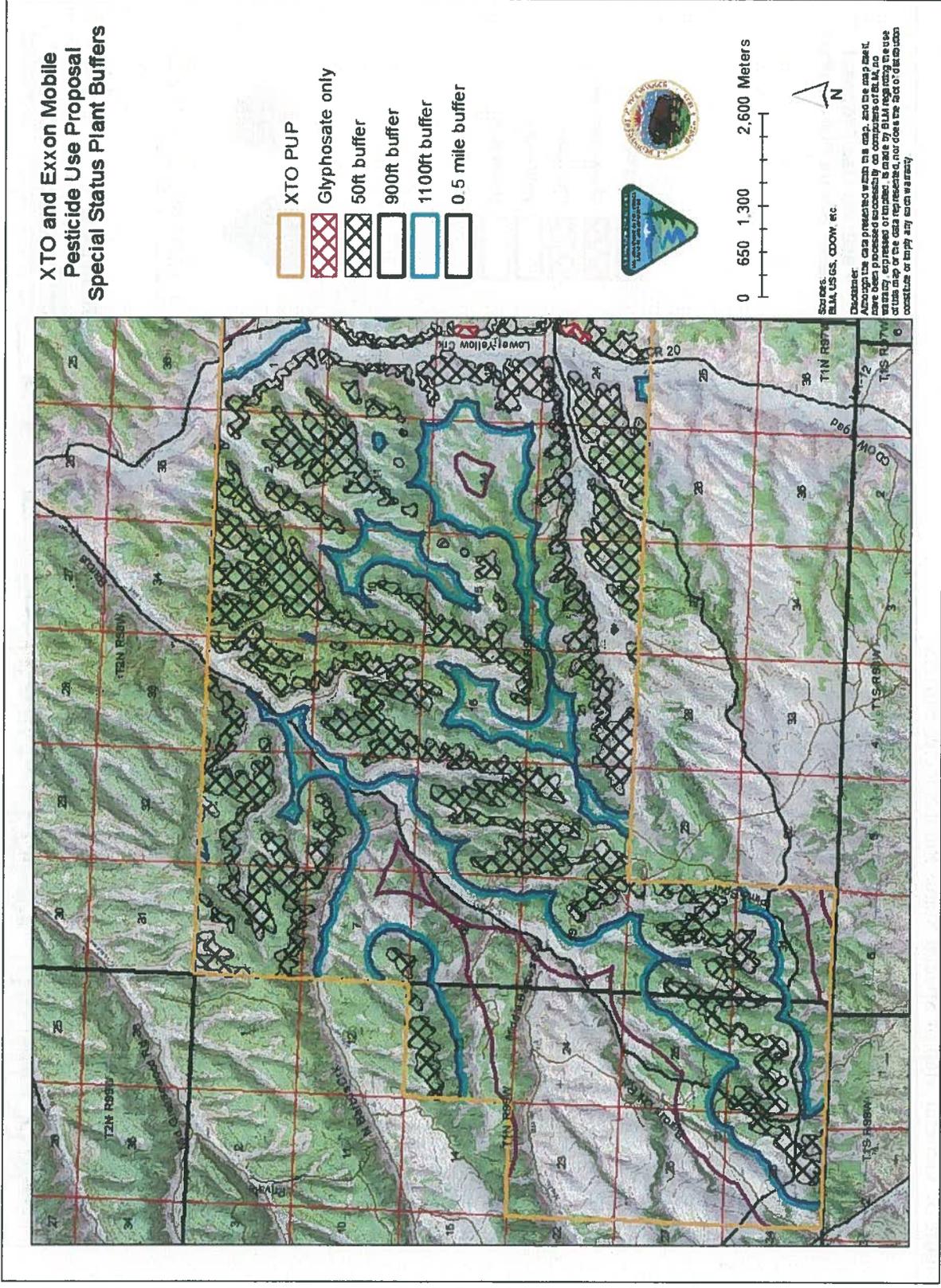


Figure 5: Special Status Plant Buffers on Big Jimmy Ridge

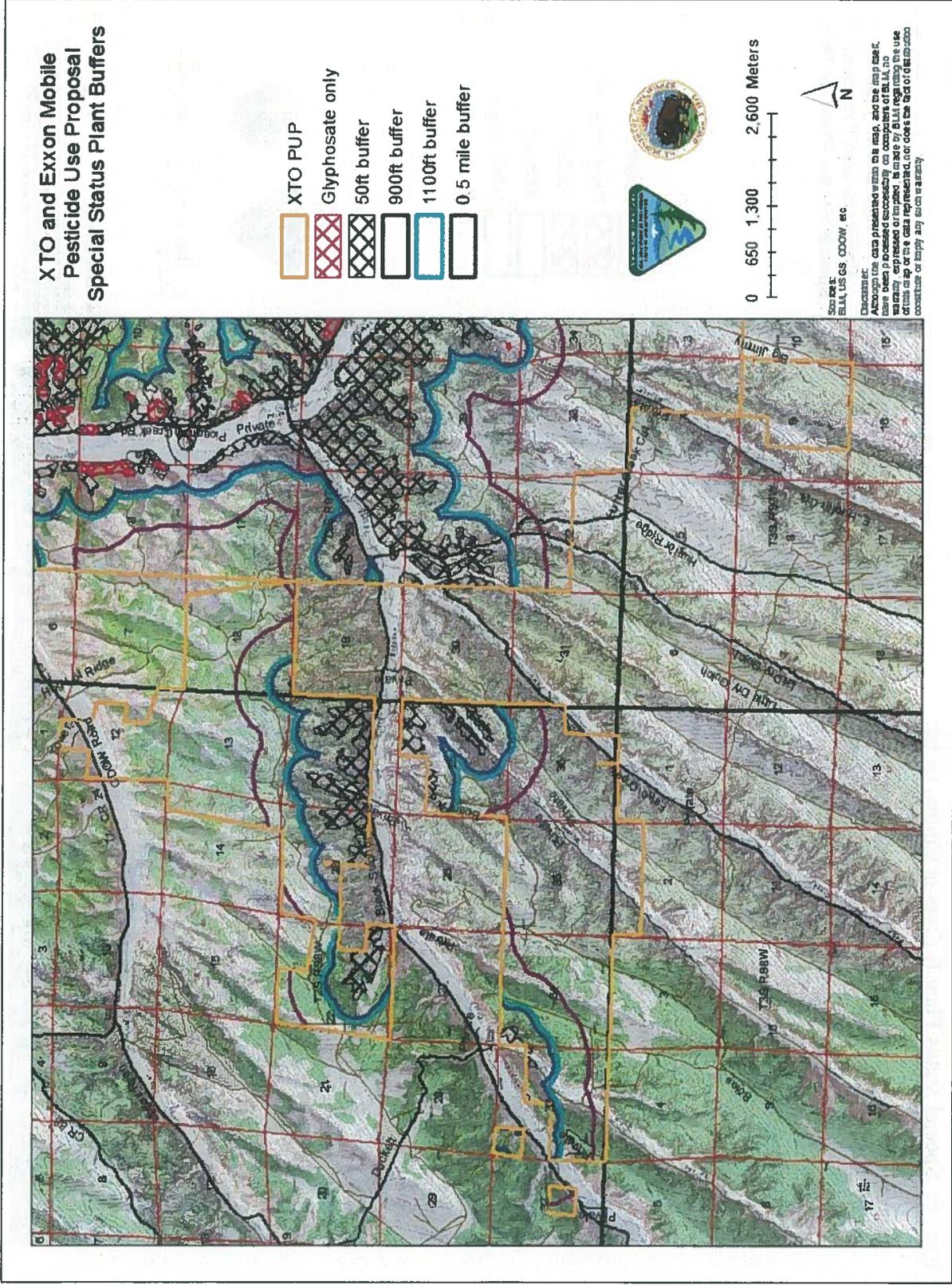


Figure 6: Special Status Plant Buffers in Collins Gulch

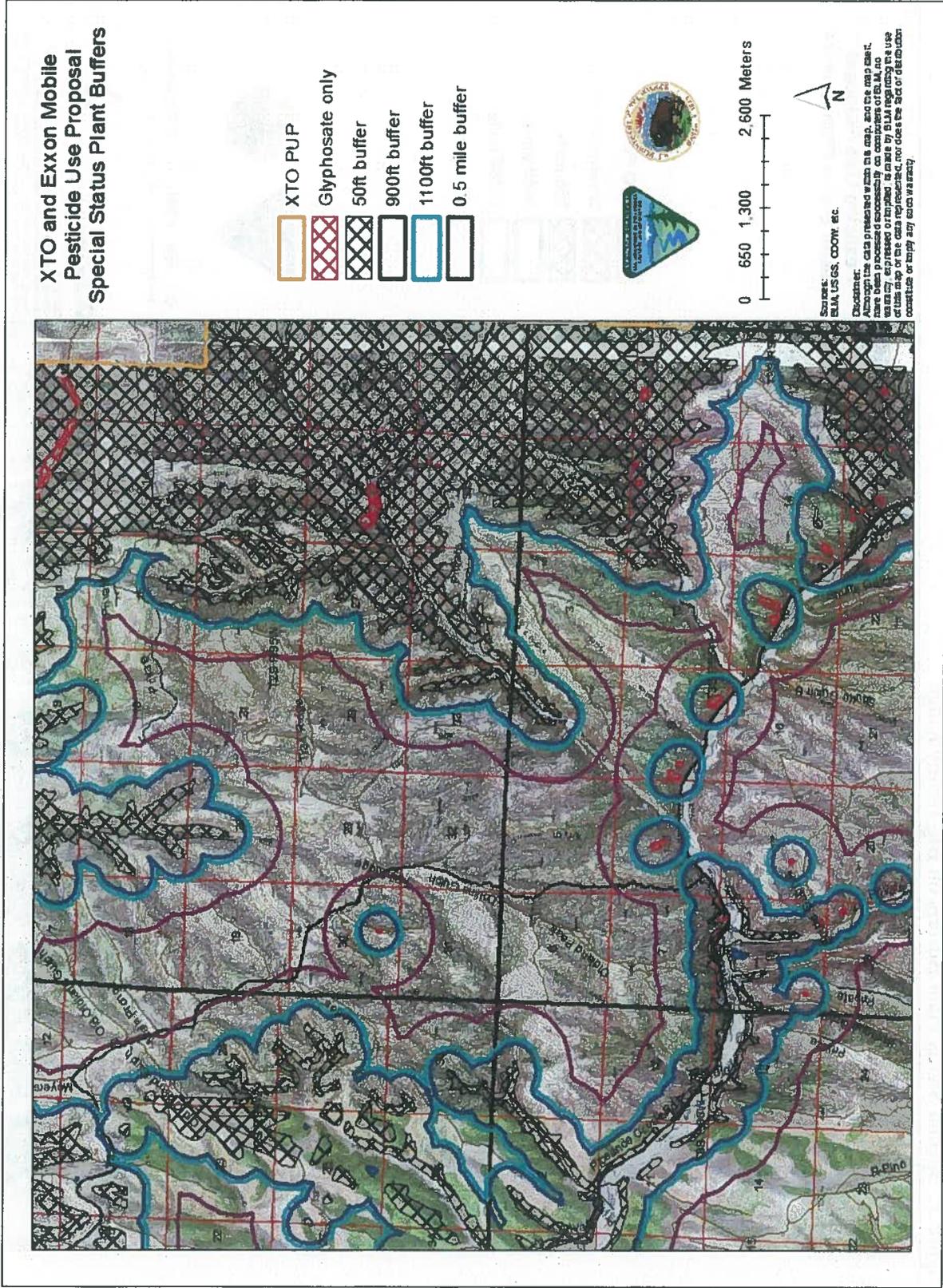


Figure 7: Special Status Plant Buffers in Duck Creek

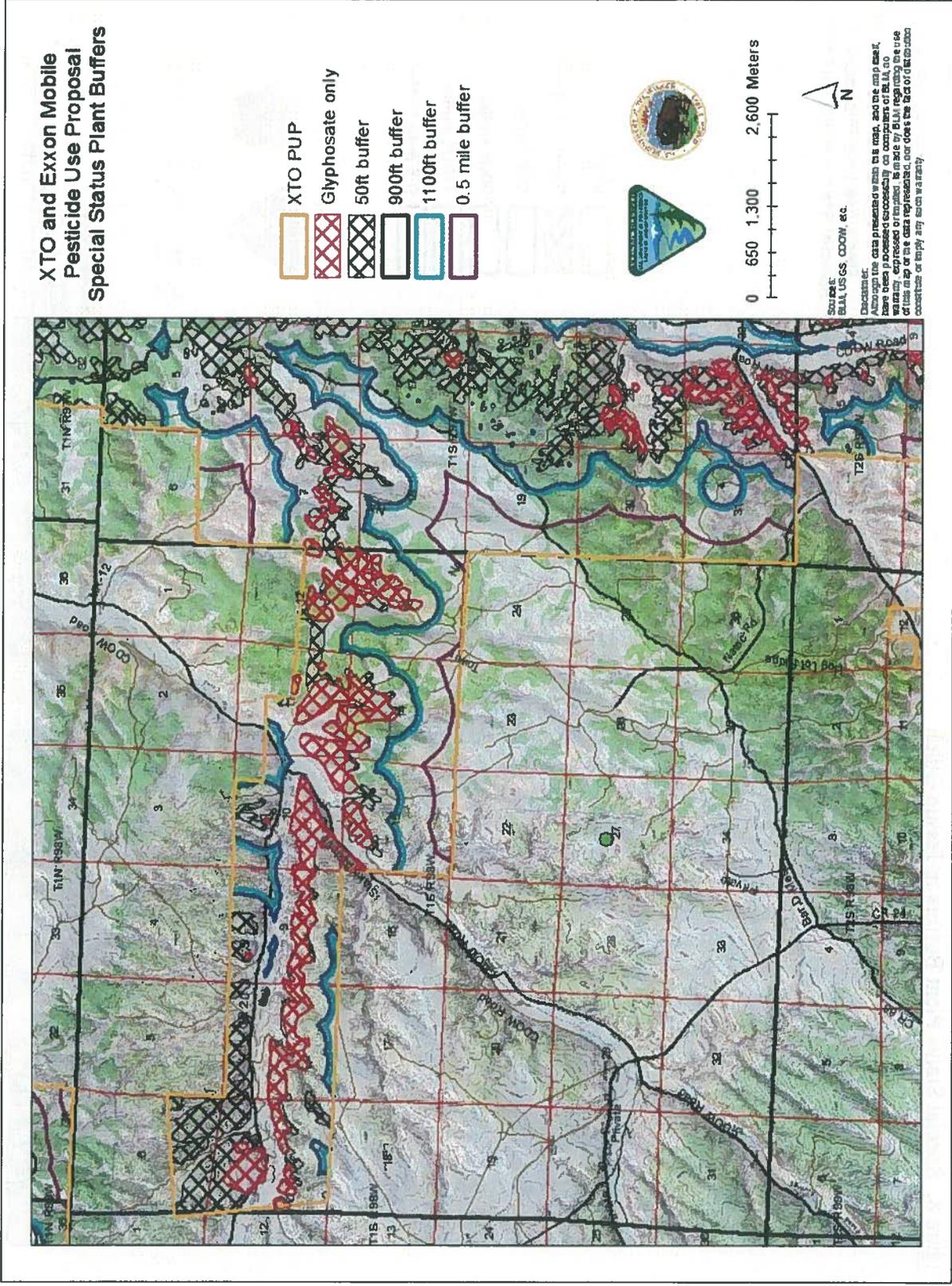


Figure 8: Special Status Plant Buffers in Jessup Gulch

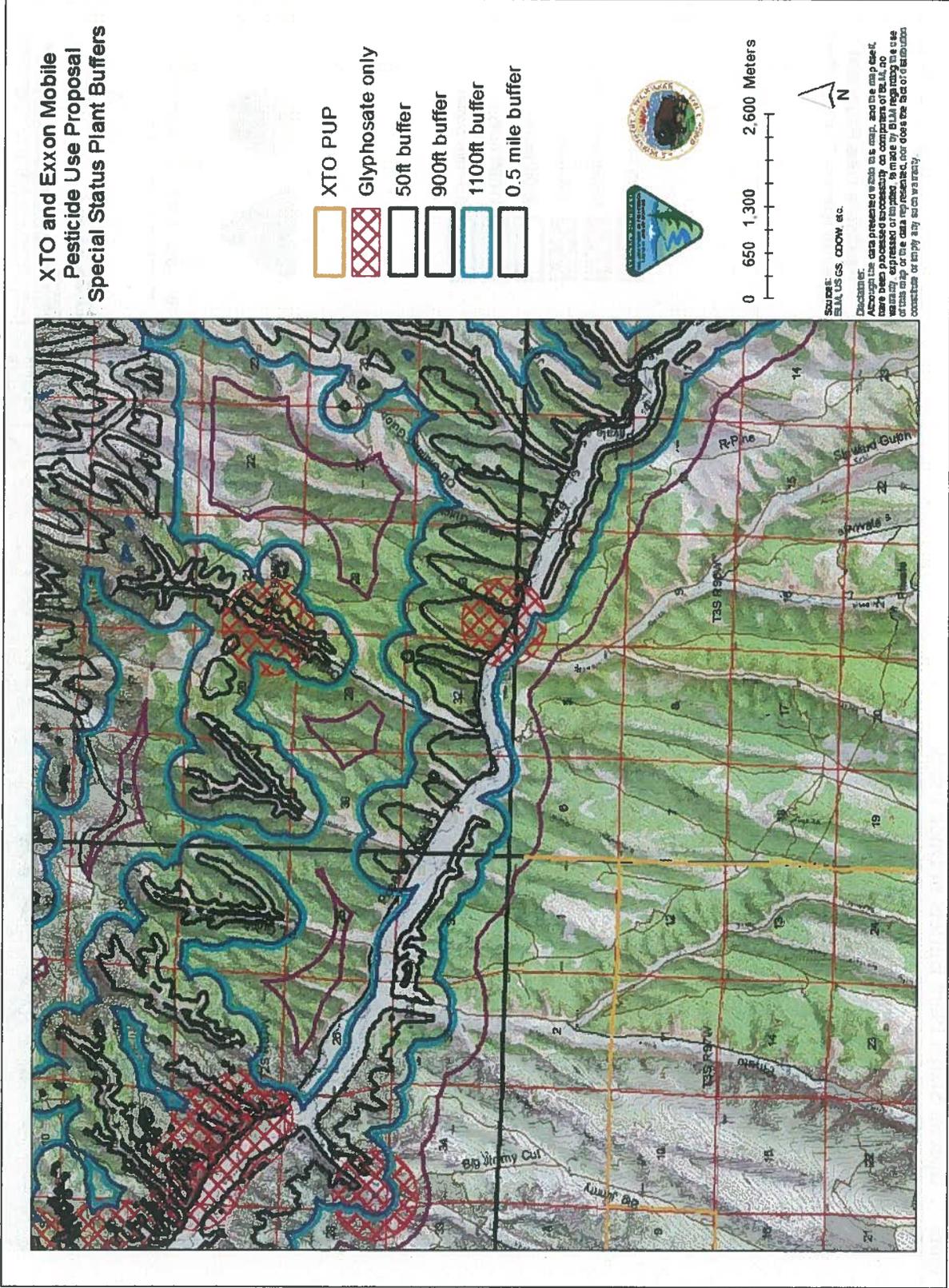


Figure 9: Special Status Plant Buffers in Little Corral Gulch

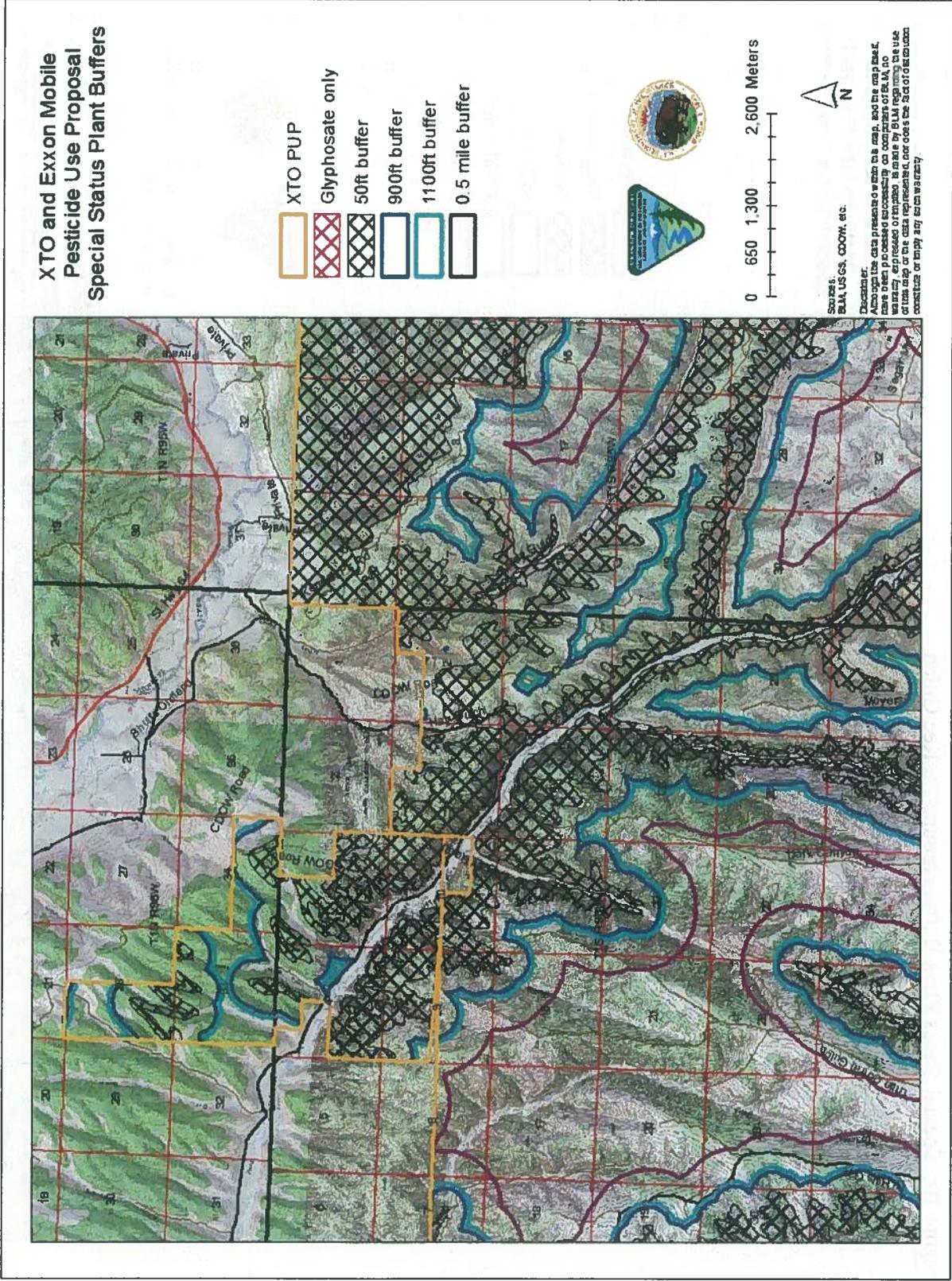


Figure 10: Special Status Plant Buffers around McKee Gulch

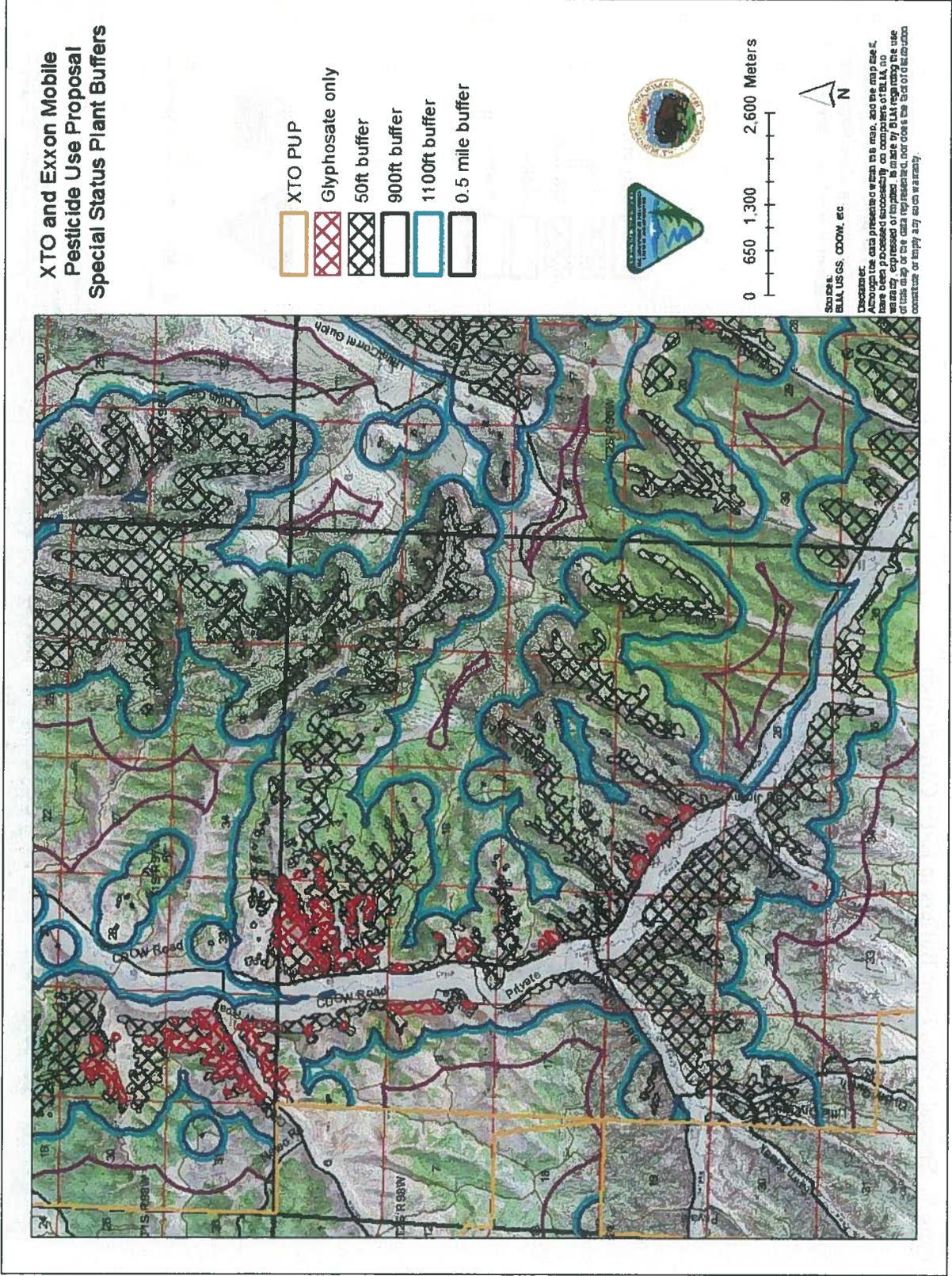


Figure 11: Special Status Plant Buffers around Oldland Peak

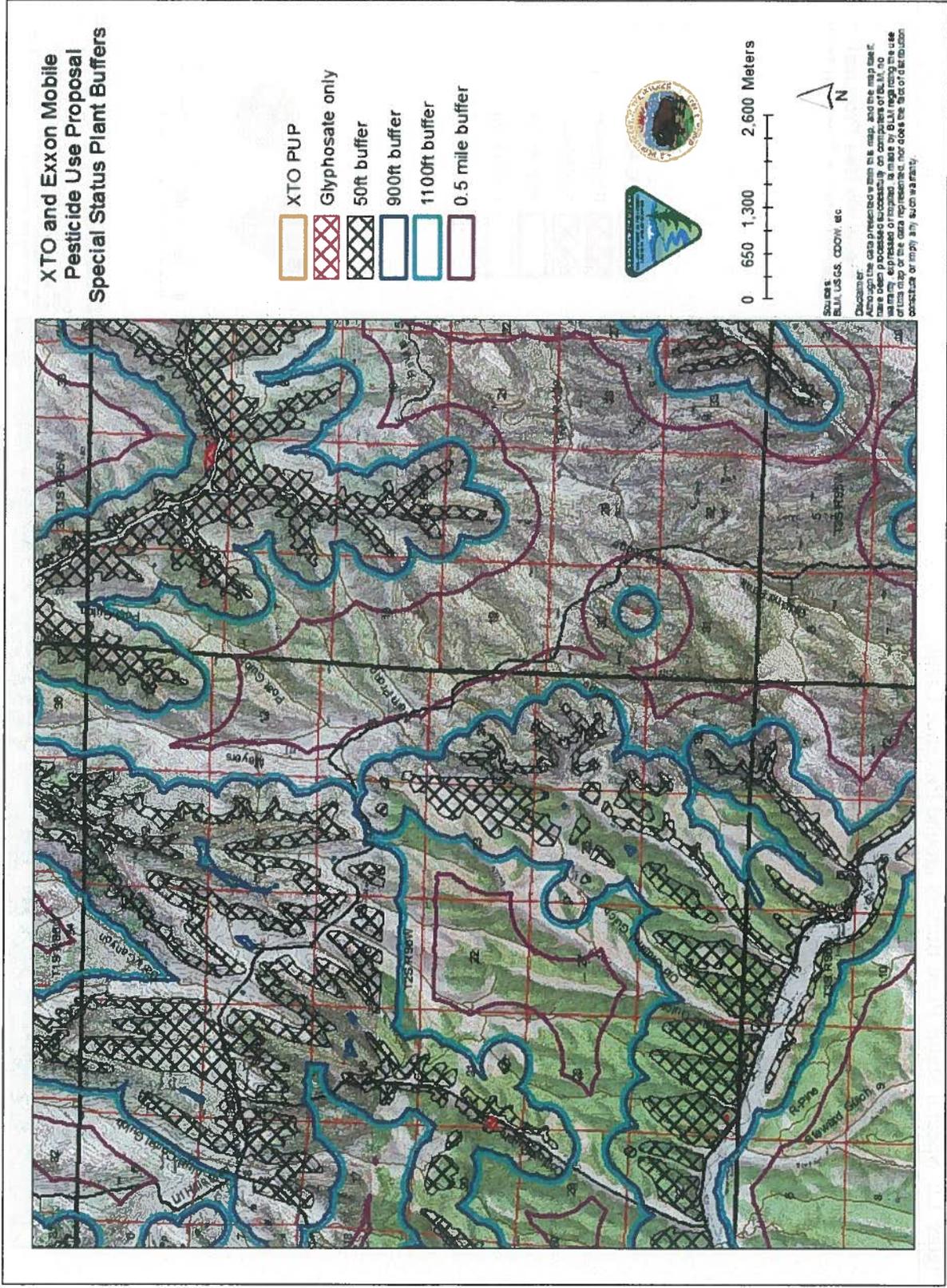


Figure 12: Special Status Plant Buffers around Piceance Creek

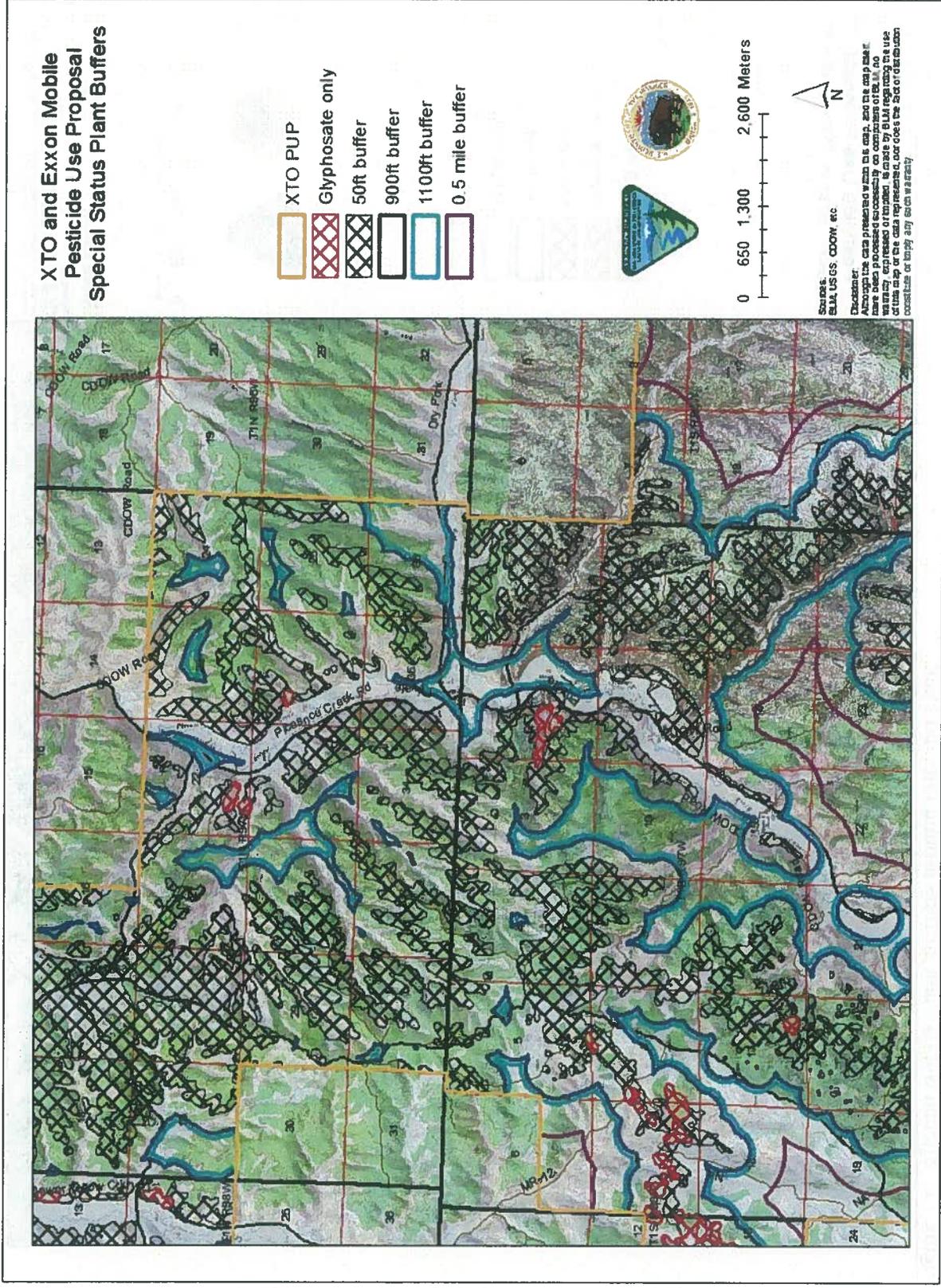


Figure 13: Special Status Plant Buffers around Post Gulch

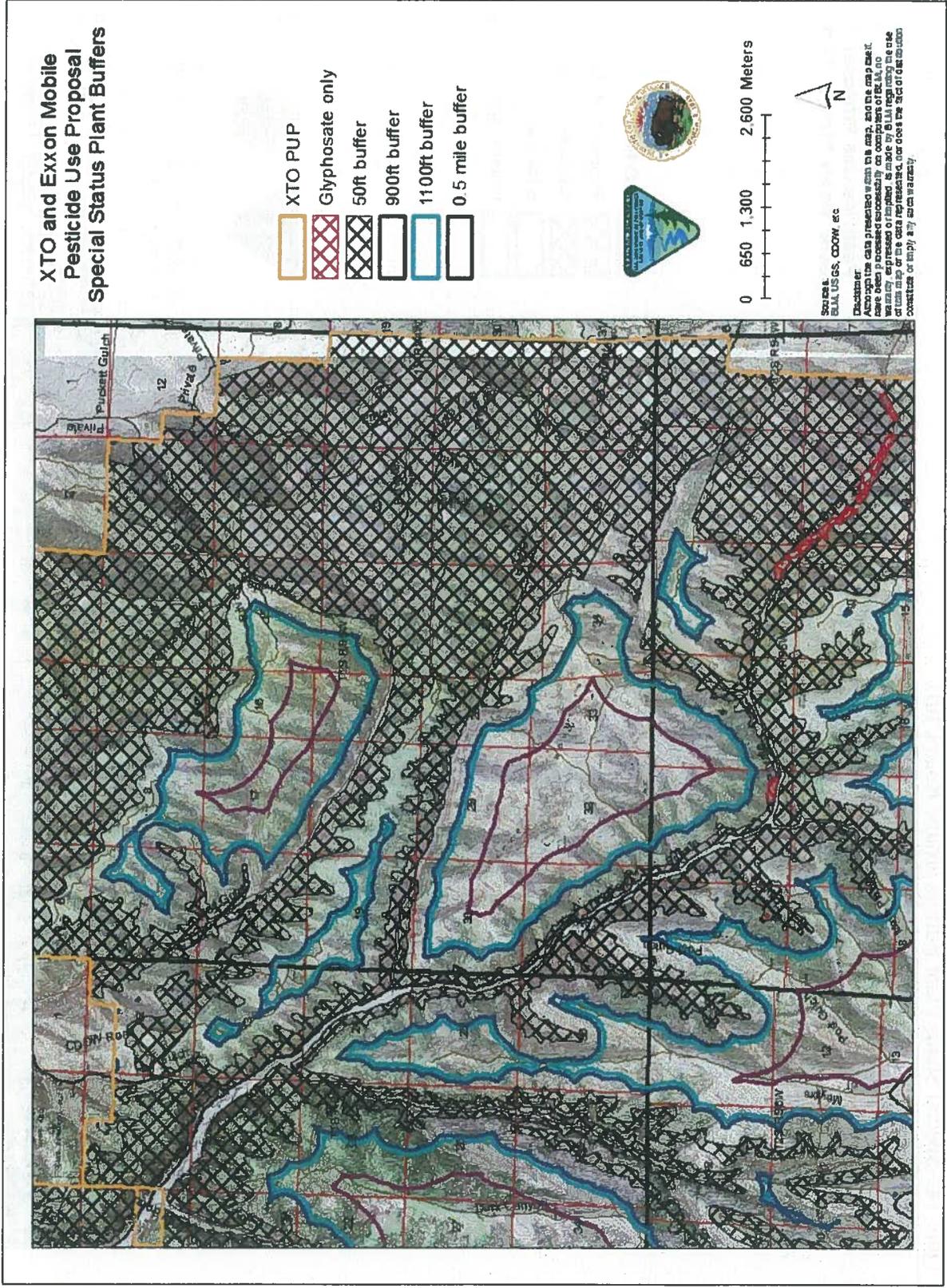


Figure 14: Special Status Plant Buffers around Roan Cliffs

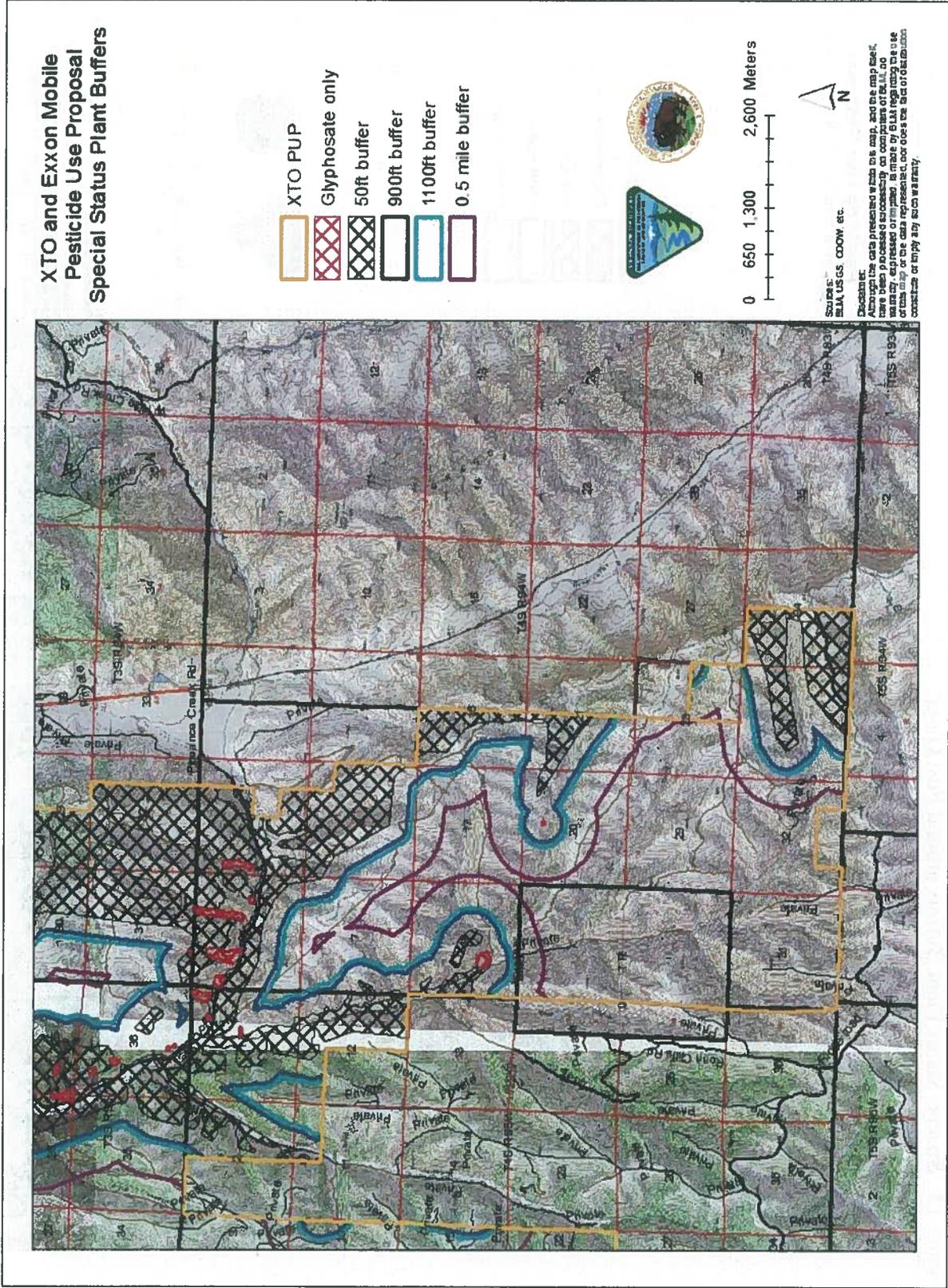
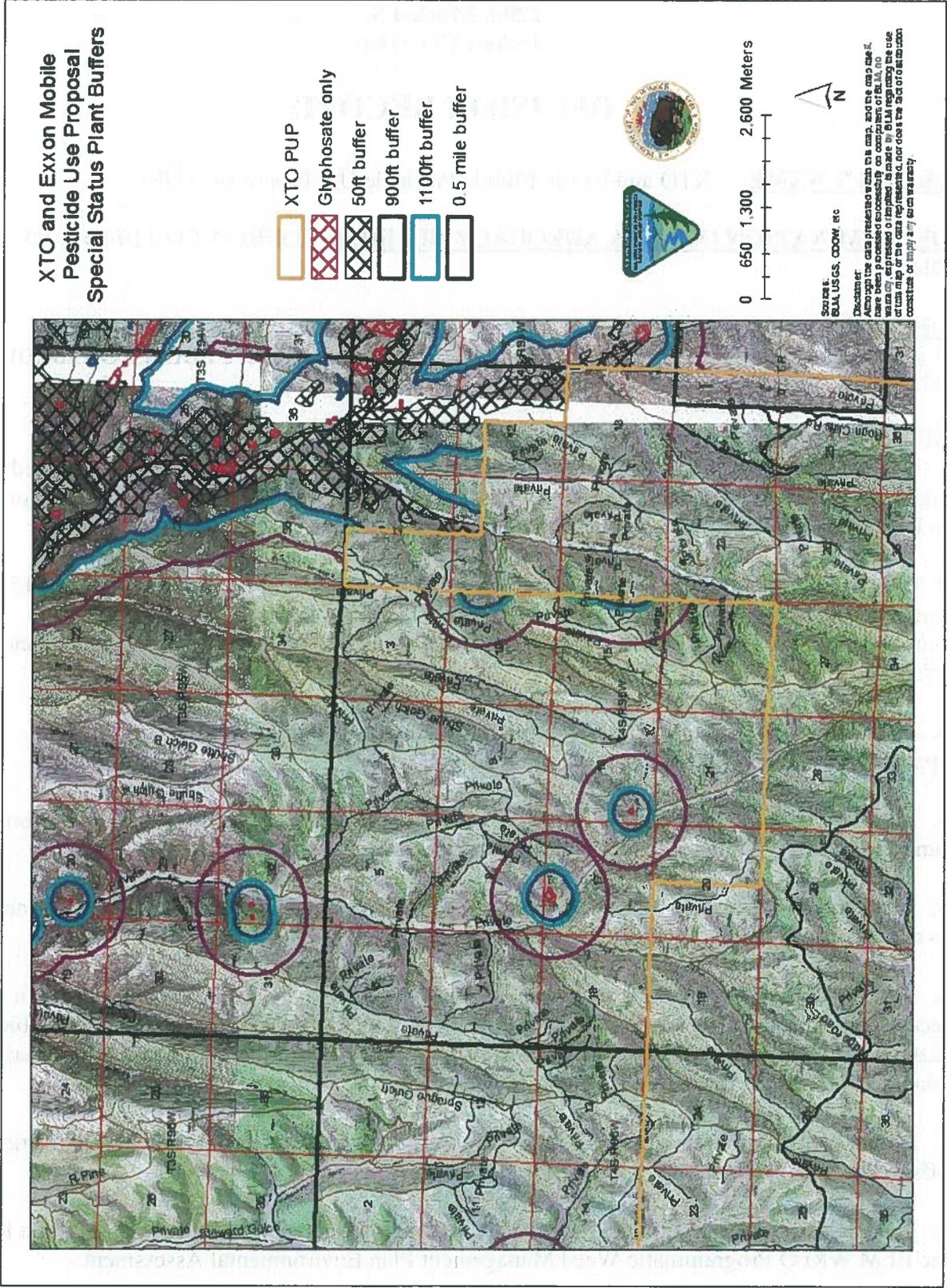


Figure 15: Special Status Plant Buffers around Schutte Gulch



**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: : XTO and Exxon Mobile Pesticide Use Proposals (PUP)

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-110-2013-0073-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-110-2013-0073-DNA, authorizing the Pesticide Use Proposal (PUP).

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 15th through June 15th in T1S R96W sections 31 – 34; T2S R96W sections 1 – 15; T3S R96W sections 25 – 27 and 34 – 36; T3S R 95W sections 30 and 31; T4S R96W sections 1 – 4, and 9 – 15; T4S R95W sections 6, 7, and 18.
3. To minimize risks to terrestrial wildlife, do not exceed the typical application rate for applications of diuron and glyphosate where feasible.
4. Minimize the size of application areas, where practical, when applying 2,4-D, and diuron to limit impacts to wildlife, particularly through contamination of food items.
5. Where practical, limit glyphosate 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. Do not apply diuron in rangelands, and use appropriate buffer zones to limit contamination of offsite vegetation, which may serve as forage for wildlife.
8. Implement all conservation measures for aquatic animals developed during consultation for the BLM WRFO Programmatic Weed Management Plan Environmental Assessment.

9. 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.
10. 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.
11. 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.
12. Use appropriate application equipment/method near water bodies if the potential for offsite drift exists.
13. 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.
14. 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.
15. Do not broadcast spray terrestrial formulations of glyphosate in upland habitats adjacent to riparian systems that support special status aquatic wildlife (Piceance Creek) under conditions that would likely result in off-site drift.
16. Do not use terrestrial formulations of glyphosate to treat aquatic vegetation within riparian systems that support special status aquatic wildlife (i.e., Piceance Creek).
17. 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., diuron, terrestrial formulations of glyphosate, imazapyr, or 2,4-D at maximum application rates) will not be used within 10 ft (3m) of water.
18. Neither Imazapyr, Imazapic or Metsulfuron methyl have been specifically evaluated for effects on amphibians. Where feasible, avoid the use of these herbicides in occupied amphibian habitats (i.e., Piceance Creek).
19. Do not broadcast spray Diuron in upland habitats adjacent to riparian systems that support special status aquatic wildlife (i.e., Piceance Creek) under conditions that would likely result in off-site drift.

20. Do not apply Diuron in upland habitats within ½ mile upslope of riparian systems that support aquatic wildlife (Piceance Creek) under conditions that would likely result in surface runoff.

21. For aquatic habitats that support vertebrate aquatic wildlife, maintain the following minimum buffers for broadcast applications of diuron:

- Typical Rate, High Boom (50 inches): 100 ft Minimum Buffer
- Maximum Rate, Low Boom (20 inches): 100 ft Minimum Buffer
- Maximum Rate, High Boom: 900 ft Minimum Buffer

22. Diuron shall not be used within the buffers mentioned above for special status aquatic wildlife. If a proposed bare ground treatment occurs within the buffers, alternative chemicals (e.g. glyphosate) or treatment methods (e.g. gravel) should be used.

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 04/18/2013 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