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-N05-2014-0053-DNA

PROJECT NAME: Annual Pesticide Use Proposal (PUP) Applications (Industry)

LEGAL DESCRIPTION: Resource Area Wide

APPLICANT: Genesis Oil and Gas, Robert Bayless Producer LLC., Enterprise Gas Processing LLC., Chevron USA, Piceance Weed and Pest District, Maralex, Williams Midstream, Summit Midstream, Lone Mountain Production Company, and Koch Exploration

ISSUES AND CONCERNS: Issues and concerns associated with herbicide application include impacts to special status plants and animals, fisheries, wild horses, and surface water.

DESCRIPTION OF PROPOSED ACTION: The Proposed Action is for the approval of Pesticide Use Proposals used for managing weeds and vegetation associated with oil and gas development. The White River Field Office (WRFO) has extensive oil and gas developments throughout the resource area, and management of weeds and vegetation around oil and gas pipelines, rights-of-way, and facilities is required as a condition of approval for development of these resources. Herbicide application will be either general noxious weed treatments or bareground treatments around well-heads and facilities to act as a fire break.

Bareground treatments include the use of Sahara DG (Imazapyr + Diuron), Krovar I DF (Bromacil + Diuron), Roundup (Glyphosate), and Mojave 70 EG (Imazapyr + Diuron) to remove all vegetation around oil and gas facilities. Bareground treatments will be limited to 10 foot buffers around well heads, buildings, and facilities. In instances where facilities are fenced, bareground treatments may be extended out to the fences that are enclosing facilities.

Noxious weed treatments are selective treatments used to target noxious and invasive weeds in areas around development. Table 1 shows a list of herbicides used in the WRFO for noxious weed treatment, and what they generally target.

Table 1: Herbicides used for Noxious Weed Treatments and Application Rates

Herbicide Name	Active Ingredient	Application Rates	Targeted Species
Telar XP	Chlorsulfuron	0.25-2 oz/acre	Hoary Cress, Perennial Pepperweed, Houndstongue, Yellow Toadflax, Black Henbane, Halogeton, Common Mullein
Weedone LV-6	2,4-D	1-3 pints/acre	Black Henbane, Thistles, Yellow Toadflax, Knapweeds, Hoary Cress, Houndtongue, Leafy Spurge, Perennial Pepperweed, Common Burdock, Common Mullein, Halogeton
2,4-D LV 6 Ester	2,4-D	1-3 pints/acre	Black Henbane, Thistles, Yellow Toadflax, Knapweeds, Hoary Cress, Houndtongue, Leafy Spurge, Perennial Pepperweed, Common Burdock, Common Mullein, Halogeton
Banvel	Dicamba	0.5-4 pints/acre	Bull Thistle, Musk Thistle, Spotted Knapweed, Diffuse Knapweed, Common Burdock
Plateau	Imazapic	4-6 oz/acres	Cheatgrass (Downy Brome)
Escort XP or MSM 60	Metsulfuron Methyl	0.25-3 oz/acre	Hoary Cress, Perennial Pepperweed, Houndstongue, Yellow Toadflax, Black Henbane, Halogeton, Common Mullein
Tordon 22K	Picloram	1-4 pints/acre	Black Henbane, Thistles, Yellow Toadflax, Knapweeds, Hoary Cress, Houndtongue, Leafy Spurge, Perennial Pepperweed, Common Burdock, Common Mullein, Halogeton
Garlon 3A or Garlon 4	Triclopyr	50-100% Solution	Russian-Olive and Salt Cedar
Curtail	2,4-D + Clopyralid	1-4 qts/acres	Knapweeds, Thistles, and Burdock

Spot treatments for noxious weeds will be completed using truck mounted, ATV/UTV mounted, and backpack sprayers with handguns. One to two treatments will be done per year depending on the species being treated and what chemical is being used.

For all spraying, water will be the carrier and adjuvents such as non-ionic surfactants, silicone based surfactants, and crop seed oils will be used to improve uptake of herbicides into the plants. Hi-Lite dye will be used to mark spray distribution and prevent double treatment. Vehicle travel will generally be on existing roads and trails; however in some cases where previous surveys have been completed, some vehicle travel will occur on pipelines with ATV/UTV to make treatments easier. It is estimated that 1,000 acres will be treated for noxious weeds and bareground treatments annually in the WRFO.

Design Features: The standard operating procedures, mitigation measures, and conservation measure provided in Appendices C, D, E, and F of the Integrated Weed Management Plan (DOI-BLM-CO-110-2010-0005-EA) are included in the Proposed Action and shall be standard conditions of approval for any weed treatment activities within the WRFO.

Decision to be Made: The BLM will decide whether to issue PUPs to industry for weed management, 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: 3/19/2010

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 and bareground 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 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 2/4/2014. 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
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	2/27/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	2/25/2014
Heather Woodruff	Range Management Specialist/ Acting Ecologist	Special Status Plant Species	3/4/2014
Melissa J. Kindall	Range Technician	Wild Horse Management	2/13/2014

REMARKS:

Cultural Resources: The proposed use of herbicides to control weeds and noxious vegetation under this proposal is primarily restricted to previous disturbance associate with oil and gas construction and maintenance. These areas have generally been inventoried for cultural resources prior to construction approval with appropriate cultural mitigation completed prior to approval. The application of herbicides is limited to previously disturbed areas and should have no impact on any known cultural resources or historic sites.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: Listed species that occur or have the potential to occur within the White River Resource Area (WRRA) include: Colorado pikeminnow, Canada lynx, black-footed ferret, and greater sage-grouse.

Although the Colorado pikeminnow occurs in the White River below the Taylor Draw Dam and Kenney Reservoir, the White River and its 100-year floodplain from Rio Blanco Lake to the Utah state line are designated critical habitat for the pikeminnow. The White River in Colorado does not appear to support spawning activity, young-of-year nurseries, or juvenile concentrations areas for the Colorado pikeminnow. 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 patchily distributed along the White River. Several other systems support BLM sensitive fisheries/aquatic wildlife populations including Piceance Creek (mountain and flannelmouth sucker), Black Sulphur Creek (mountain sucker and Colorado River cutthroat trout [CRCT]), Lake, Soldier, and East Douglas Creeks (CRCT), and Yellow Creek (northern leopard frog). Design features for aquatic wildlife and riparian communities outlined in the Proposed Action would be expected to reduce or eliminate impacts to aquatic species.

Preliminary priority and preliminary general habitat (PPH and PGH) for the greater sage-grouse occurs throughout the WRRA, with the majority located in the southern portion of the Piceance Basin and the Blue Mountain area (northwest corner of the Resource Area). The greater sage-grouse is candidate for listing under the Endangered Species Act and considered a BLM sensitive

species. These birds typically breed in mid-April with nest initiation beginning in early-May. Most young have hatched by early to mid-June. Design features, namely timing of herbicide application, outlined in the Proposed Action would be expected to reduce or eliminate disruption to sage-grouse nesting activities.

White-tailed prairie dogs and associates (including black-footed ferret): White-tailed prairie dogs are broadly distributed at lower elevations along the lower half of the White River valley, primarily in xeric salt-desert communities. Prairie dogs are often considered a keystone species because they alter the landscape to such an extent that they make available unique habitat for a variety of other wildlife. Black-footed ferrets, burrowing owls, and ferruginous hawks (both BLM sensitive species) are all strongly associated with prairie dog colonies. Black-footed ferrets are currently listed as endangered under the Endangered Species Act and were extirpated from the state of Colorado. Captive-bred ferrets were released into the Wolf Creek Management Area (WCMA) from 2001 – 2007. Based on the most recent surveying efforts (last conducted in 2010), it is strongly suspected that there are no surviving ferrets in the WCMA.

Lynx habitat on BLM lands is limited (less than 2,000 acres of suitable habitat) and occurs at the far eastern edge of the WRRA near the boundary of the White River National Forest and the Flat Tops Wilderness. Lynx occur in sub-alpine forest and in riparian shrub communities (e.g. willow, alder). Lynx are not thought to make substantial use of BLM administered lands within the WRRA.

Design features outlined in the Proposed Action would be expected to eliminate any impacts to special status mammal species.

Special Status Plant Species: The WRFO provides habitats for two federally threatened and two proposed threatened plant species (including proposed critical habitat) listed under the Endangered Species Act. The Field Office also provides habitats for 11 BLM Sensitive plant species. Collectively these species are referred to as special status plant species (SSPS). One additional threatened species, Ute ladies'-tresses is known to occur in Dinosaur National Monument. It has not been found within the WRFO, although habitats have been suspected to occur within the resource area. The majority of WRFO special status plant species are badland or rock outcrop soil associates, and the majority are considered "oil shale endemics" or edaphic (soil-related) endemic species.

Dudley Bluffs bladderpod and Dudley Bluffs twinpod are two wild mustards that are found exclusively in Rio Blanco County, Colorado and are surrounded by oil and gas development. Dudley Bluffs bladderpod grows on barren white shale outcrops of the Thirteen-mile Creek Tongue of the Green River Formation where it is exposed along downcutting drainages or windswept ridges. It often grows on level surfaces at the points of ridges or in pinyon/juniper savannah areas where narrow outcrops of somewhat level white shales are exposed. The Dudley Bluffs bladderpod typically blooms mid-April to May. Design features, namely timing, proximity and type of herbicide application, outlined in the Proposed Action would be expected to reduce disruption to the Dudley Bluffs bladderpod.

Dudley Bluffs twinpod grows on barren white shale outcrops of the Thirteen-mile Creek Tongue of the Green River Formation where it is exposed along downcutting drainages, sometimes occurring below or interspersed with Dudley Bluffs bladderpod habitats. The twinpod occurs primarily on the Thirteen-mile Creek Tongue but also occurs without adjacent bladderpod habitats on the Parachute Creek Member of the Green River Formation near Calamity Ridge. Dudley Bluffs twinpod typically blooms in May through late June. Design features, namely timing, proximity and type of herbicide application, outlined in the Proposed Action would be expected to reduce disruption to the Dudley Bluffs twinpod.

White River beardtongue and Graham's beardtongue are two penstemons that are found on steep exposures of the Parachute Creek member of the Green River Formation. This loosely deposited formation often forms narrow benches that occur in horizontal bands within extremely steep white shale slopes. These soils are often white or infrequently red, fine-textured, shallow, and usually mixed with fragmented shale. White River beardtongue typically blooms May to early June. Graham's beardtongue is an endemic plant found mostly in exposed oil shale strata of the Parachute Creek Member and other unclassified members of the Green River geologic formation. Graham's beardtongue typically blooms late May to mid-June. Design features, namely timing, proximity, and type of herbicide application outlined in the Proposed Action would be expected to reduce or eliminate disruption to the White River beardtongue and Graham's beardtongue.

Design features outlined in the Proposed Action and mitigation from DOI-BLM-CO-110-2010-0005-EA would be expected to reduce impacts to special status plant species.

MITIGATION:

Standard cultural and paleontological resources mitigation includes the following:

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.

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

3. 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 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: Kent T. Walter

Field Manager

DATE SIGNED: 03/06/14

ATTACHMENTS:

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.

U.S. Department of the Interior
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220 E Market St
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DECISION RECORD

PROJECT NAME: Annual Pesticide Use Proposal (PUP) Applications

DETERMINATION OF NEPA ADEQUACY NUMBER: DOI-BLM-CO-N05-2014-0053-DNA

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0053-DNA, authorizing the renewal of PUPs for industry management of weeds.

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.

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.

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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 1/4/2014 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 and create bareground to act as a fire-break around oil and gas facilities 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: 03/06/14