Determination of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management
Rawlins Field Office

DNA (Tracking) Number: DOI-BLM-WY-D030-2016-0129-DNA
Case File/Project Number: WYD030-16-009-P
Proposed Action Title/Type: Wesco Operating, Inc. Pesticide Use Proposal
Location/Legal Description: See attached site list
Applicant: Wesco Operating, Inc.

A. Describe the Proposed Action and any applicable mitigation measures

Chemical vegetation treatment for invasive weeds would be conducted on multiple well pads, access roads, and ancillary facilities per the Conditions of Approval and Terms and Conditions on their permits. The legal locations are on the attached site list; the well sites are located on public lands administered by the BLM Rawlins Field Office (RFO). However, some access roads and pipelines do cross state and private lands. Portions of the well pads and ancillary facilities would be maintained devoid of vegetation for fire safety; while the reclaimed portions of well pads, access roads, and pipelines would be treated to control invasive species. The proposed action would be monitored by Wesco Operating, Inc. and RFO staff. Monitoring would include vegetation transects, photographs, and ocular reconnaissance.

Treatment would consist of ground application of imazapyr, diuron, picloram, 2,4-D, dicamba, metsulfuron methyl, chlorsulfuron, imazapic, or glyphosate containing herbicides. Some of these may be combined and applied as a tank mix. Herbicide(s) would be applied by a certified pesticide applicator or under their direct supervision following an approved Pesticide Use Proposal (PUP)(attached). The applicator would apply the herbicide(s) using a truck, tractor, atv with a boom sprayer, or backpack sprayer. Offsite drift would be controlled by spraying at low wind speeds (less than 10 mph) and when rain is not forecasted for that day. The PUP (WYD030-16-009-P) would be approved prior to herbicide application. Application could occur at any time during spring through fall—outside of the wild horse herd management area, could be applied up to twice per year (depending upon the herbicide), and would generally take less than two hours to complete per site. All standard operating procedures and mitigation measures from the RFO Programmatic EA (*Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs*--WY-030-2008-0150-EA; tiered to the *Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement* (FEIS)(2007)) would be followed, as applicable.

The project would occur within general habitat (General Habitat Management Area—GHMA) for Greater Sage-Grouse, but are all previously disturbed areas. No specific mitigation measures were added for Greater Sage-Grouse. Some locations are within a designated wild horse Herd Management Area (HMA), or within potential Special Status Species habitat. The following mitigation would be applied:

- Do not apply bromacil or diuron in grazing lands within herd management areas, and use appropriate buffer zones (see Vegetation section in Chapter 4 [FEIS]) to limit contamination of vegetation in off-site foraging areas.

- Do not apply 2,4-D, bromacil, or diuron in herd management areas during the peak foaling season (March through June, and especially in May and June), and do not exceed the typical application rate of Overdrive® or hexazinone in HMAs during the peak foaling season.

- In areas identified on the PUP Avoidance/Consultation Areas map(s), herbicide treatments shall be restricted to the existing disturbance. If weed infestations requiring treatment extend beyond the disturbed area within these potential sensitive plant habitat areas, the BLM Authorized Officer (Weed Coordinator) shall be notified prior to treatment so that a check of the area can be conducted.

The company would provide copies of their daily pesticide application records for the treated sites within 30 days of the application.

B. Land Use Plan (LUP) Conformance

LUP Name: Record of Decision and Approved Resource Management Plan (RMP), as amended
Date Approved/Amended: December 24, 2008/September 21, 2015

The Proposed Action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions for vegetation:

2.3.16 Vegetation, page 2-46, Management Goal 4: "Manage to control noxious and invasive species."

Management Actions 2: "All forms of control for noxious and invasive species are allowed in the RMPPA on a case-by-case basis (Appendix 19)."

Appendix 19, Vegetation Treatments, p. A19-1: "All chemical applications will be preceded by an approved pesticide use proposal (PUP) and appropriate NEPA review."

2.3.18 Wildlife and Fisheries, page 2-52, Management Goal 2: "Manage or restore habitat to conserve, recover, and maintain populations of native, desirable nonnative, and Special Status Species (e.g., BLM State Sensitive Species, WGFD Species of Greatest Conservation Need, Native Species Status (NSS) 1-2 species, USFWS listed/proposed/candidate species) consistent with appropriate local, state, and federal management plans and policies."

Management Objective 3: "Maintain, restore, or enhance designated BLM State Sensitive Species habitat to prevent listing under the ESA, in coordination and consultation with other local, state, and federal agencies and consistent with other agency plans, policies, and agreements."

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the Proposed Action.

List by name and date all applicable NEPA documents that cover the Proposed Action.

Vegetation Treatments using Herbicides Final Environmental Impact Statement, June 2007

Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs (DOI-BLM-WY-030-2008-0150-EA), April 2011

List by name and date other documentation relevant to the Proposed Action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Request for Wildlife/Fisheries/Rare Plants Review Determination of RMP Conformance, Need for ESA Section 7 Consultation, and Biological Evaluation for Other Species Form, June, 2016 (per RMP Appendix 19, Vegetation Treatments, p. A19-2).

D. NEPA Adequacy Criteria

1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? 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(s)? If there are differences, can you explain why they are not substantial?
Yes.

Documentation of answer and explanation:

The new Proposed Action is the same as the previously analyzed action, which is "to halt the spread of weeds and eradicate new patches, or … to remove the vegetation around facilities." (p. 5). The Programmatic EA encompassed the entire field office. Soils, water, vegetation, livestock, wildlife, recreation, visual quality, social and economic, and human health and safety resources are described in the Affected Environment sections and effects to these resources are analyzed in the Environmental Effects sections.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?
Yes.

Documentation of answer and explanation:

The range of alternatives analyzed in the referenced EA is appropriate. The alternatives considered were: A) Proposed Action (chemical, biological, physical, and mechanical methods), B) No Aerial Herbicide Application, and C) No use of Herbicides.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listing, 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?
Yes.

Documentation of answer and explanation:

The existing referenced EA contains recent and sufficient analyses pertinent to the new Proposed Action. Although new guidance for Greater Sage-Grouse (GRSG) may be issued following the recent USFWS decision to not list GRSG, the proposed action would be consistent the RMP, as amended. No other new information or circumstances have materialized which would influence the new Proposed Action or the Environmental Effects.

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?
Yes.

Documentation of answer and explanation:

Direct, indirect, and cumulative impacts of the new Proposed Action would be the same as those analyzed in the Noxious and Invasive Weed Control and Commercial Site Vegetation Control Programs EA (See Section C above). Standard operating measures in Appendix 1 of the EA would be followed, where applicable. Interdisciplinary review identified no additional impacts as a result of implementing this Proposed Action.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?
Yes.

Documentation of answer and explanation:

The referenced EA was developed by a BLM RFO interdisciplinary team and interagency review (County Weed and Pest District Supervisor).

E. Persons/Agencies/BLM Staff Consulted:

Name	Title	Agency Represented
Susan Foley	Weed Coordinator	BLM RFO
Andy Warren	Supervisory Rangeland Management Specialist	BLM RFO
Frank Blomquist	Wildlife Biologist	BLM RFO
Kelly Owens	Hydrologist	BLM RFO
Bonni Bruce	Archeologist	BLM RFO
Benjamin Smith	Wild Horse and Burro Specialist	BLM RFO
David Hullum	Outdoor Recreation Planner	BLM RFO
Cade Powell	Supervisory Natural Resource Specialist	BLM RFO
Nancy Baker	Assistant Field Manager, Minerals and Lands	BLM RFO
Tim Novotny	Assistant Field Manager, Resources	BLM RFO

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

Susan Foley

Signature of Project Lead

Signature of NEPA Coordinator

Signature of the Responsible Official

JUN 16 2016

Date