UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District Office
Andrews Resource Area
Finding of No Significant Impact
Adrian Well Environmental Assessment
DOI-BLM-OR-B060-2012-0050-EA

INTRODUCTION

The Andrews Resource Area of the Burns District Bureau of Land Management (BLM) is proposing to drill a new well to provide water to an existing water storage tank, pipeline and nine troughs in Tule Springs Pasture of Tule Springs Allotment #06018.

OVERVIEW OF TULE SPRINGS ALLOTMENT

Tule Springs Allotment is located 120 miles southeast of Burns, Oregon, in Harney County and managed by the Andrews Resource Area of the Burns District BLM (Map A). The allotment contains 136,895 acres of BLM-managed land and 12,789 acres of private land. The allotment is divided into eight pastures. The proposed well is located in the south end of Tule Springs Pasture in an existing crested wheatgrass seeding. Tule Springs Pasture contains 105,204 acres of BLM-managed land and 11,689 acres private land, (Map B). The pasture lies within the Coyote Lakes-Alvord-Tule Springs (CLATS) wild horse Herd Management Area (HMA). The proposed well and existing storage tank, pipeline and troughs are not within a Wilderness Study Area (WSA).

Three Term Grazing Permits authorize 5,506 Animal Unit Months (AUMs) of Permitted Active Use for cattle on the allotment from October 1 to March 31 each year. Other forage allocations on the allotment include 108 AUMs for deer, 24 AUMs for antelope and 480 AUMs for wild horses.

SUMMARY OF THE PROPOSED ACTION

The Proposed Action is to drill and case a well within Adrian Seeding in Tule Springs Pasture of Tule Springs Allotment. The well would be located in T. 39 S., R. 36 E., Sections 10, SE 1/4 SW 1/4. The well would provide water to a nearby 33,000-gallon storage tank through a short (50 feet) inlet pipe (Map B). The project would not result in an increase in AUMs during the authorized period of use, nor would it alter grazing management specified in the Allotment Management Plan (AMP).

Well drilling would be for a typical water development; the well would be cased and sealed to prevent cave-ins and contamination, all State of Oregon water well drilling regulations would be adhered to, a safety device would be installed on any new power source(s) to prevent electrocution of raptors, and a metal storage tank would be placed at the well site (painted to blend in with the surrounding landscape), and the well would be fenced and protected from

Most migratory birds would return to the area or resume activity once drilling is complete.

Social and Economic Values: Would allow the permittee to graze all 5,506 allotted AUMs, even during drought years, and increase the revenue generated to the Federal government. Payment to the Federal government would be $7,433.10 per year at the current AUM rate of $1.35/AUM. Implementing the project could provide economic opportunities for local contractors and suppliers. Providing for sustainable grazing management that improves habitat conditions for wildlife would in turn increase economic opportunities and foster more desirable social opportunities such as hunting and wildlife viewing. However, some visitors may feel additional range improvements would detract from their recreational experience.

Soils and Biological Soil Crusts: The original pipeline was installed and functional in 1985. For the last 25+ years, the pipeline and troughs have functioned intermittently to provide water to livestock and wildlife. Because of this, the impacts to soils and Biological Soil Crusts as a result of installing the well and providing a reliable water source have already taken place. The compaction of soils has already occurred within a 50-foot radius of each of the nine troughs. Trailing routes to and from the troughs have already been established. Since there would not be an increase in AUMs, there would not be any additional impacts associated with existing range improvements.

Special Status Species: Sage-grouse: Noise and visual disturbance associated with drilling may cause temporary displacement or alter the activity level or behavior of some birds. Potential disturbance effects of well drilling would not be measurable on sage-grouse individuals and populations due to the relatively brief (few hours) amount of time required to carry out the action. The nearest lek (Table Mountain #1) is 5.3 miles southeast of the proposed drilling area, well outside of the 1.25 mile permanent structure area, and the 3 mile lek buffer.

Upland Vegetation: The Proposed Action would initially disturb a project area of approximately 50 feet by 50 feet. The project area has been utilized by livestock, wild horses, and wildlife beginning in 1985 when the original pipeline and troughs were installed, resulting in the vegetation already having been removed and/or impacted to such an extent that disturbance within the project area would have no additional impacts.

Wild Horses: Under the Proposed Action, there would be little to no direct impacts to wild horses during well drilling and associated construction, as minimal wild horse use currently occurs in the general area due to the lack of reliable water. The new well would provide opportunities for wild horse bands to develop new home ranges in areas previously unoccupied due to the their distance from water. Once the well is functional, wild horses would choose their preferred foraging habitat, decreasing the amount of grazing pressure previously placed upon the habitat surrounding the water sources on the north end of the Tule Springs #1 Pasture. Since there would be no increase in livestock or wild horse AUMs under either action alternative, forage competition between livestock

and wild horses would be further reduced as additional water and forage become available for both, allowing them to further spread out.

Wildlife: Potential noise and visual disturbance associated with well drilling activities may cause temporary displacement of some larger wildlife species or alter the activity level or behavior of animals in the area. Effects would primarily be limited to the treated areas, where the drill would be in use, and pumps and power sources (solar, generator, etc.) would be placed on the ground. Overall, disturbance effects from well drilling would not be measurable on wildlife populations due to amount of disturbance is present. Most of the affected animals would return to the area or resume activity once drilling is complete.

2. *Degree to which the Proposed Action affects public health and safety.* No aspect of the Proposed Action or alternatives would have an effect on public health and safety.

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no known historical or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas known to occur within the project area. No other unique characteristics are known to exist within the proposed Project Area.

4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the Proposed Action or preference among the alternative. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment.

6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions. No long-term commitment of resources causing significant impacts was noted in the EA. The BLM routinely drills wells to provide water for livestock, wild horses and wildlife. This particular well will be utilized in conjunction with existing infrastructure on the landscape.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those analyzed in aforementioned environmental document. The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions, and included analysis of reasonably foreseeable future actions identified in the project area.

8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no known features within the Project Area listed or eligible for listing in the *National Register of Historic Places*.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by the Proposed Action or alternatives. Greater Sage-Grouse have been listed as warranted but precluded from listing by the U.S. Fish and Wildlife Service. Effects to sage-grouse and their habitat are described above under "*Impacts that may be both beneficial and adverse*".

10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* The Proposed Action does not threaten to violate any law. The Proposed Action is in compliance with the AMU RMP/Record of Decision (ROD), which provides direction for the protection of the environment on public lands.

On the basis of the information contained in the EA and all other information available to me, it is my determination that:

1. The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the AMU RMP/ROD (2005);

2. The Proposed Action and alternatives are in conformance with the AMU RMP/ROD (2005);

3. There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and

4. The environmental effects, together with the proposed Project Design Features, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment.

Rhonda Karges
Andrew/Steens Resource Area Field Manager

6/20/13
Date

USDI, Bureau of Land Management
Andrews Resource Area, Burns District

DECISION RECORD

Adrian Well
Environmental Assessment
DOI-BLM-OR-B060-2012-0050-EA

BACKGROUND

The Burns District Bureau of Land Management (BLM) is proposing to drill and case a new water well (Adrian Well) within Adrian Seeding in Tule Springs Pasture of Tule Springs Allotment. The well will be located in W.M., T. 39 S., R. 36 E., Section 10, SE¼SW¼.

Tule Springs Allotment (allotment) is located 120 miles southeast of Burns, Oregon, in Harney County and managed by Andrews Resource Area of Burns District, BLM, see Map A. The allotment contains 136,895 acres of BLM-managed land and 12,789 acres of private land. The allotment is divided into eight pastures: Tule Springs, Kueny, Rim, Fields, Borax Lake Area of Critical Environmental Concern (ACEC), North Borax Spring, Alvord Slough, and Trout Creek Lane. The largest pasture, Tule Springs Pasture, contains 105,204 acres of BLM-managed land and 11,689 acres private land, see Map A. This pasture lies within Coyote Lakes-Alvord-Tule Springs (CLATS) Wild Horse Herd Management Area (HMA). Of the total acres, approximately 3,500 acres within Tule Springs Pasture have been seeded to crested wheatgrass (Adrian Seeding).

There are four Term Grazing Permits authorizing 5,506 Animal Unit Months (AUMs) of permitted active use for cattle on the allotment from October 1 to March 31 each year. Other forage allocations on the allotment include 108 AUMs for deer, 24 AUMs for antelope, and 480 AUMs for wild horses. In the Tule Springs Pasture, there are two permittees authorized for 1,385 AUMs annually.

COMPLIANCE

The Environmental Assessment (EA) *(Adrian Well)* DOI-BLM-OR-B060-2012-0050-EA, is tiered to the Steens Mountain Cooperative Management and Protection Area (CMPA)/Andrews Management Unit (AMU) Proposed Resource Management Plan (RMP)/Final Environmental Impact Statement (FEIS). There will be no substantial broad societal or regional impacts not previously considered in these planning documents and relevant information contained therein is incorporated by reference. The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Taylor Grazing Act (43 U.S.C. 315), 1934
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331-1340), 1971

- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- Public Rangelands Improvement Act (43 U.S.C. 1901), 1978
- August 12, 1997, Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands Administered by the BLM in the States of Oregon and Washington
- 1998 Burns District Noxious Weed Management Program EA (OR-020-98-05)
- Greater Sage-grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Protection, Management, and Control of Wild Free roaming Horses and Burros (43 CFR 4700), 2009
- Greater Sage-grouse Conservation Assessment and Strategy for Oregon (Hagen 2011)
- Trout Creek Mountain AMP, 1989
- State, local, and Tribal laws, regulations, and land use plans

DECISION

Having considered the Proposed Action, No Action Alternative, Water Hauling Alternative, and associated impacts and based on analysis in EA OR-B060-2012-0050-EA, it is my decision to implement the Proposed Action. Additionally, a Finding of No Significant Impact (FONSI) (attached) found the Proposed Action analyzed in DOI-BLM-OR-B060-2012-0050-EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

The Decision is to drill and case a new water well (Adrian Well) within Adrian Seeding in Tule Springs Pasture of Tule Springs Allotment. The well will be located in W.M., T. 39 S., R. 36 E., Section 10, SE¼SW¼. The well will provide water to a nearby 33,000-gallon storage tank through a new, 50-foot pipeline and connect to the existing pipeline system. It will include a power supply (generator or solar) in a fenced area. The project will not result in an increase in permitted AUMs, nor will it alter grazing management specified in the Allotment Management Plan.

Heavy equipment (e.g. drill rigs, dump truck, and trenchers) and manual labor will be used during drilling of the well and installation of 50 feet of pipeline. The well will be drilled with a drilling rig requiring a level well pad. If the well site does not have a level pad, an area no larger than 50 feet x 50 feet will be leveled to accommodate the equipment. Any needed materials (rocks or soil for maintenance or construction activities) will be hauled in with a dump truck. The entire disturbed area will be seeded with a non-native seed mix, to increase the rate of recovery. Following seeding and rehabilitation of the disturbed site, the permanent footprint will be no more than 20 by 20 feet. The well will be cased and sealed to prevent cave-ins and contamination, all State of Oregon water well drilling regulations will be adhered to, and a safety device will be installed on any new power source(s) to prevent electrocution of raptors. Solar power, fuel-type generators, or any combination of these will be used to power the pump for the

well, in order to ensure the well can continue to operate under differing conditions. Specific design and sizes of the power source will be dependent upon the depth of the well, as will pump size. Panels for solar energy will be installed using a tractor with an auger. Poles will be 8 inches in diameter and concreted in the ground; solar panels will be mounted upon the poles. Pole height will be as low as possible while still clearing vegetation and functioning properly. Solar panels vary in size from 16 to 40 inches in length by 40 to 70 inches in width. Reduced glare solar panels will reduce visibility. Solar panels will only be utilized if the well has adequate water production. Fuel-powered generators will be 5,000 kilowatts or smaller. Generators will be placed near the well head, possibly on a trailer in order to allow the generator to be removed from the site when not in use. Generators will be expected to run 4 to 16 hours a day depending on water consumption. Technology is now available to use satellites to start, stop and notify when problems arise with the generators; timers are also available to control times when generators operate. To limit the amount of time the generator operates, level switches could be installed in the storage tank (if present). These will only turn the generator on when the storage tank goes below one-half full and will turn off when full.

The well head and power source will be fenced, following BLM standards for a four-strand barbed-wire fence, to protect it from damage caused by livestock, wild horses, and large wildlife species. The fence will be no more than 250 feet in total length. The fence exclosure will be the minimum needed to provide adequate protection.

The 50 feet of pipeline needed to connect the well to the storage tank and existing infrastructure will be constructed using a steel-tracked crawler, with ripper and plastic pipe laying apparatus. A trench will be dug with a simple ripping tooth, no deeper than 36 inches and approximately 3 inches wide. A 2-inch black plastic (polyethylene) pipe will then be placed in the trench. All disturbed areas will be reseeded after construction, using a nonnative mix. In some areas, it may not be possible to trench in the pipeline due to a rock layer. In these areas, a portion of the black plastic pipe may lie directly on the ground or just beneath the ground's surface. Valve covers and vents will be placed as needed, but will not be more than 1-inch above ground level and will consist of a vertical piece of culvert with a lid.

Following initial construction of the well, pipeline, and fence maintenance on the new and existing range improvements will occur in order to ensure the system functions and continues to function as designed. This will include replacing troughs and sections of pipeline as needed.

The well, including the troughs and pipeline system, will be operated even after livestock are removed, when possible, to provide water for wildlife and wild horses. A cooperative range agreement between the Tule Springs Allotment permittee and Burns District BLM will be completed to address each partner's responsibilities for labor, construction, maintenance, operation, and/or supplies.

Project Design Elements

Project Design Elements (PDEs) were developed to aid in meeting project goals and objectives. These construction PDEs may be slightly modified based on site-specific terrain characteristics (topography and vegetation).

- If cultural sites are found during implementation, their condition and *National Register* eligibility will be evaluated. If sites are determined to be *National Register* eligible, and under threat of damage, mitigation measures to protect cultural materials will be determined. Mitigation plans will be developed in consultation with the State Historic Preservation Office if necessary. Mitigation measures can include protective fencing, surface collection and mapping of artifacts, subsurface testing, and complete data recovery (full-scale excavation).
- Proposed rangeland improvement sites will be surveyed for Special Status plant species prior to implementation. Special Status plant sites will be avoided.
- New livestock facilities (livestock troughs, fences, and pipeline) will be constructed at least 1 km (0.6 mi.) from leks, in order to avoid concentration of livestock near leks, reduce collision hazards to flying birds, and eliminate avian predator perches.
- All proposed wire fences, constructed within 1.25 mile of a lek or known seasonal use area (i.e. spring exclosure), will include plastic reflective clips on the wire to reduce mortality from sage-grouse hitting the fence.
- No project construction or maintenance will occur April 1 through June 15 during sage-grouse nesting.
- Proposed range improvement sites will be surveyed for noxious weed populations prior to implementation. Weed populations identified in or adjacent to the proposed projects will be treated using the most appropriate methods, in accordance with the 1998 Burns District Noxious Weed Management Program EA/Decision Record (DR) OR-020-98-05 or subsequent decision.
- The risk of noxious weed introduction will be minimized by ensuring all equipment (including all heavy equipment, 4-wheelers, and vehicles) is cleaned prior to entry to the sites, minimizing disturbance activities, and completing follow-up monitoring, to ensure no new noxious weed establishment occurs. Should noxious weeds be found, appropriate control treatments will be performed in conformance with the 1998 Burns District Noxious Weed Program Management EA/DR OR-020-98-05 or subsequent decision.

COMMENTS RECEIVED

No comments were received for this project.

RATIONALE

This Decision best meets the Purpose and Need for the action because it provides the greatest likelihood of successfully improving wild horse and livestock distribution across the allotment encouraging more uniform utilization patterns; provides a reliable water

source for livestock, wild horses and wildlife utilizing an existing pipeline and trough system; addresses the issue of limited water in the Herd Management Area as identified in the 1985 Herd Management Plan (HMP); and promoting economic stability for the local and rural economy dependent upon public land grazing and public land use.

The No Action Alternative was not selected because it takes no action to improve wild horse and livestock distribution across the allotment; and it does not provide a reliable water source for wild horses as identified in the 1985 HMP.

The Water Hauling Alternative was not selected because it is infeasible due to number of trips and condition of the area; it will require additional road maintenance; will increase the risk of weed transfer; and leave a larger overall disturbance area on the ground.

In addition I have selected Alternative B: Proposed Action – Well Installation based on the following Decision Factors:

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Andrew Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error. A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

Request for Stay

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

Rhonda Karges 6/20/13

Rhonda Karges — Date
Andrews/Steens Resource Area Field Manager