

Worksheet
Determination of NEPA Adequacy (DNA)
U.S. Department of the Interior
Bureau of Land Management

Office: Burns District, Three Rivers Resource Area

Tracking Number (DNA #): DOI-BLM-OR-B050-2015-0010-DNA

Case File/Project Number: Lower Hat Butte Well Range Improvement Project Systems (RIPS) #716461

Proposed Action Title/Type: Lower Hat Butte Well

Location/Legal Description: W.M., T. 23 S., R. 24 E., section 15. See attached map.

Applicant (if any): Bureau of Land Management (BLM)/Hat Butte Allotment Permittee

A. Description of the Proposed Action and any applicable Project Design Elements

The Bureau of Land Management (BLM) and Hat Butte Allotment Permittee propose to develop a water well consisting of 2–4 troughs, approximately 3600 feet of new pipeline, a storage tank, and overflow ponds. The power will be provided either by windmill, generator, or solar (or any combination of those) and the area around the well head and power source would be fenced (not to exceed 250 feet of fence total). Maintenance of the Potato Hills Road and Potato Hills Powerline Road may be completed as minimally necessary for access, with brush clearing as necessary for up to 500 feet (approximately 14 feet in width) to reach the well site. The proposed well development would take place over a period of 1–2 months.

The proposed well development location is described as follows: Lower Pasture of Hat Butte Allotment #07007; W.M., T. 23 S., R. 24 E., section 15 (exact location is dependent on location of water source, see attached map). The project would not result in an increase in permitted Animal Unit Months (AUM), nor would it alter grazing management specified in the Hat Butte Allotment Management Plan (AMP). Associated pump, storage tank, pipeline, 2–4 water troughs with float valves, power source, and overflow ponds would be included in the project design, as needed.

Well drilling would be for typical water development, the well would be cased and sealed to prevent cave-ins and contamination, and 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 the well head and power source would be fenced and protected from livestock trampling. A metal storage tank may be placed at the well site (painted to blend in with the surrounding landscape). Grazing management in service areas associated with this development would be controlled through well operation. Cooperative agreements between the BLM and grazing permittee would be developed to fill associated storage devices (i.e. troughs, storage tanks, and overflow ponds) after livestock are removed to provide water for wildlife.

Heavy equipment (e.g. drill rigs and trenchers) and manual labor would be used during construction of these developments. The well pad may be leveled for the drilling rig, water trough installation, and storage tank as necessary. The disturbed area would measure approximately 100 feet in diameter. Maintaining existing roads may be required to access the proposed well site. Maintenance would be to allow the well rig and any well construction vehicles access to the site, as well as for future maintenance of the well. Brush clearing may be necessary for no more than 500 feet (approximately 14 feet wide) in order to reach the well site from the existing road. During pipeline installation, a ripper tooth mounted to a dozer would be used to trench up to 36 inches deep into the soil. Windmills, solar power, fuel type generators, or any combination of these would be used to power the pump for the well. The required design for the proper function of the water supply would vary to accommodate the associated storage tank, capacity, number of water troughs (2–4), and size of outlet overflow ponds.

Project Design Elements

Project Design Elements (PDE) were developed to aid in meeting project goals and objectives. These features are nonexclusive and are subject to change based on site-specific terrain characteristics (topography and vegetation). Changes, additions, or deletions would be made through coordination with appropriate BLM specialists and approved by the Authorized Officer. The Industrial Fire Precaution Levels (IFPL) will be followed during construction, where appropriate. These PDEs are a combination of those used in the Keg Springs Environmental Assessment (EA) and in the Capehart Lake AMP/EA.

- Proposed rangeland improvement sites would be surveyed for cultural values prior to implementation. If cultural resources are found, historic property documentation and evaluation would be completed. National Register eligible archaeological sites would be avoided and, if avoidance is not possible, mitigation plans would be developed in consultation with the State Historic Preservation Office (SHPO). Mitigation measures can include protective fencing, surface collection and mapping of artifacts, subsurface testing, and complete data recovery (full-scale excavation).
- The proposed site would be surveyed for Special Status plant species prior to implementation. If present, Special Status plant sites would be avoided.
- Well development (including water well, power source, fencing, troughs, pipeline, storage tank, and overflow ponds) would not be constructed within 0.6 miles of known sage-grouse lek sites.
- No project construction or maintenance would occur April 1 through June 15 during sage-grouse nesting.
- The proposed well development site would be surveyed for noxious weed populations prior to implementation. Weed populations identified in or adjacent to the proposed projects would be treated using the most appropriate methods in accordance with the Burns District Noxious Weed Management Program Environmental Assessment/Decision Record (EA/DR) OR-020-98-05 or current guidance.
- Water troughs would be equipped with escape ramps for birds and small mammals.
- Re-seeding would take place in areas disturbed by implementation of the project. Soil displaced for pipeline installation would be pulled in and returned to original slope and grade then seeded. The seed mix used for the project area would be a mixture of native and non-native seeds including, but not limited to: crested wheatgrass, squirreltail, and native forbs. Crested wheatgrass would be used in the seed mix because it is drought tolerant, competitive with invasive species, has a long seed viability period, and has aggressive germination characteristics therefore reducing the chance of noxious weed establishment.
- One to two inch diameter plastic pipe is generally used for pipelines. The pipeline is generally buried with a pipe-laying device consisting of a modified ripper tooth mounted on a tractor. The pipe is generally laid as deeply as possible under the ground, but no deeper than 36 inches. Where obstructions (e.g. rock) prohibit burying, the pipe would be laid on the surface and covered with borrowed soil.
- The grazing permittee would be responsible for all fence maintenance. Proper fencing would be a stipulation for turnout each year.

B. Land Use Plan (LUP) Conformance

Three Rivers Resource Management Plan (RMP)/Record of Decision (ROD)

Date Approved/Amended: September, 1992

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

Grazing Management

RMP page 2-33, GM 1.3: Utilize rangeland improvements, as needed, to support achievement of multiple-use management objectives for each allotment as shown in Appendix 9 and Map RM-3. Range improvements will be constrained by the Standard Procedures and Design Elements shown in Appendix 12.

RMP Appendices Page 123, Appendix 9: Hat Butte Allotment Management Objectives are to maintain or improve rangeland condition and productivity through a change in management practices and/or reduction in active use.

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.

Hat Butte Wells EA, (OR-025-2000-29)
Date Approved 01/25/2001

Capehart Lake AMP/EA, (OR-08-025-033)
Date Approved 02/01/2012

Keg Springs Well EA, (DOI-BLM-OR-B060-2013-0023-EA)
Date Approved 09/17/2013

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).

BLM National Sage-grouse Habitat Conservation Strategy
Date Approved 11/2004

Greater Sage-Grouse Conservation Assessment and Strategy for Oregon
Date Approved 04/22/2011

Hat Butte Allotment Evaluation
Date Approved 03/30/2005

Hat Butte Allotment Management Plan
Date Approved 10/02/1980

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?

This DNA proposed action is specifically provided for in the proposed action of the Hat Butte Well EA (OR-025-2000-29) on pages 1 and 2. There are new PDEs in this DNA which were not part of the original Hat Butte

Well EA in 2001; however, they provide for increased resource protection and were analyzed in the Keg Springs Well EA, 2013, beginning on page 7, and in the Capehart Lake AMP/EA beginning on page 14. The EA analyzed development of a new water well, troughs, storage tank, and power source. The use of solar (new technology) was not analyzed in the 2001 Hat Butte EA but there would be no new issues related to solar, only those analyzed in the Keg Springs Well EA, 2013, in Chapter 3 beginning on page 11, and in the Capehart Lake AMP/EA in Chapter 3 beginning on page 18; in addition, the disturbance area would remain the same.

The DNA proposed action was analyzed in detail in the Keg Springs Well EA in Chapter 3, beginning on page 13. The EA analyzed a new water well, troughs, pipeline, power source, fence, and access road maintenance.

The DNA proposed action is similar to the well building feature of the Capehart Lake AMP/EA discussed therein on pages 12–13. The Capehart Lake AMP/EA analyzed a new water well; new troughs; new pipeline; storage tank; overflow ponds; power from either windmill, generator, or solar (or any combination of those); fencing of the well area; and the construction of an access road.

The Hat Butte Well EA, Kegs Springs Well EA, and a component of the Capehart Lake AMP/EA each analyzed the proposed action to drill and case a new water well and included a power supply (windmill, generator, solar or any combination of those) in a fenced area as well as the associated troughs, storage tank, pipeline, overflow ponds, and any necessary road work. These did not result in an increase in permitted AUMs. All the PDEs identified would also be required for the Lower Hat Butte Well.

The Lower Hat Butte Well that is being proposed is not in the same analysis area as the existing EAs however, the analyses are sufficiently similar because the topography/terrain (less than 10 percent slope at well locations) and conditions (fair to good ecological status in each area) are similar. Also, Standards for Rangeland Health (standards) are the same or better than in the areas analyzed in the Hat Butte Well EA, Keg Springs Well EA, and Capehart Lake AMP/EA (all standards are being achieved or are not present in the Hat Butte and Keg Springs Allotments; two standards were not being achieved in the Capehart Lake Allotment at the last evaluation). Additionally, the elevations (between 4000 feet and 5000 feet) are within the same range as identified in the Capehart Lake AMP/EA, Keg Springs EA, and Hat Butte Wells EA, as discussed in Chapter 3, Affected Environment (Chapter 3 begins on page 18 in the Capehart Lake AMP/EA, on page 11 in the Keg Springs Well EA, and on page 2 in the Hat Butte Wells EA). The resource values present and affected in this DNA project area are the same as those present when similar projects were analyzed in the Hat Butte Wells EA (vegetation, wildlife, threatened and endangered species (T & E), cultural resources, recreation, visual resources, soils, and noxious weeds), in the Keg Springs Well EA (grazing management, migratory birds, noxious weeds, soils, vegetation, wildlife), and in the Capehart Lake AMP/EA (cultural resources, grazing management, migratory birds, noxious weeds, recreation/visual resources, soils, special status species (SSS), vegetation, and wildlife).

Therefore, an analysis of the effects of the proposed action for Lower Hat Butte Well would be the same as the proposed actions analyzed in the Hat Butte Wells EA, Capehart Lake AMP/EA, and Keg Springs Well EA.

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, the proposed actions in the Hat Butte Wells EA (beginning on page 1), the Capehart Lake AMP/EA (beginning on page 12), and the Keg Springs Well EA (beginning on page 9) are still appropriate with respect to the new proposed action given current environmental concerns, interests, and resource values. The same equipment, staff, timelines, and PDEs would be required for the proposed action in the Lower Hat Butte Well DNA as those analyzed in the existing EAs. The Hat Butte Well, Capehart Lake AMP, and Keg Springs Well

EAs each analyze a no action alternative and an alternative for or including the work being identified in this DNA proposed action (alternatives analyzed can be found on page 1, page 8, and page 7, respectively). The Keg Springs Well EA also analyzed the alternative of water hauling, involving the use of water tankers to haul water to and fill two troughs twice a week. No issues were identified in the existing EAs (Hat Butte Wells EA, Capehart Lake AMP/EA, and Keg Springs Well EA) that would generate additional alternatives and none were identified for this proposed action for the Lower Hat Butte Well after internal interdisciplinary discussions.

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?

Yes, the analyses of the proposed actions in the Hat Butte Wells EA, Capehart Lake AMP/EA, and Keg Springs EA remain valid and sufficient in light of any new information or circumstances. No new T & E species or SSS or environmental concerns have been identified in the proposed DNA project area since the 2001, 2012, and 2013 EAs for Hat Butte Wells, Capehart Lake AMP, and Keg Springs Well.

The proposed action meets goals and objectives of current management strategies to meet sage-grouse habitat needs. Hat Butte Well project area is within Preliminary General Habitat (PGH) as well as non-habitat, Keg Springs Well is located in Preliminary Priority Habitat (PPH), and Capehart Lake AMP project area is located within PGH; the nearest lek to both the Hat Butte Well and Capehart Lake AMP project areas is more than 5 miles away and the nearest lek to the Keg Springs Well is 3.6 miles.

The only new information needed for the Lower Hat Butte Well would be a botanical survey or waiver. The survey or waiver would be conducted prior to project activities occurring. If any botanical concerns are identified, avoidance of the area of concern will be required.

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?

Each of the project locations is in a similar area in regards to elevation (4000 feet–5000 feet), sage-grouse habitat (PPH or PGH), and distance from nearest lek (greater than 3 miles). The direct, indirect, and cumulative effects of the current proposed action are unchanged from those identified in the Hat Butte Wells EA (page 6), Keg Springs Well EA (beginning on page 37) and the Capehart Lake AMP/EA (beginning on page 52). There are no reasonably foreseeable future actions (RFFA) planned in the proposed project area. The EAs sufficiently document the site-specific impacts related to the current proposed action.

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

Interested publics and local, State and Federal agencies are essentially the same as participated in the Hat Butte Wells EA, Capehart Lake AMP/EA, and Keg Springs Well EAs (other than permittee) and their issues and input were the same for Lower Hat Butte Well as documented in the project file or administrative record. Although there are different permittees in the Lower Hat Butte Well project area the issues brought up were the same as those for Hat Butte Wells EA, Capehart Lake AMP/EA, and Keg Springs Well EA; those were discussed in question 3 above. The project files identified issues raised by the Hat Butte Allotment Permittee.

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the NEPA analysis and preparation of this worksheet.

Specialist Signature and Date: Lesley Richman 3/15/2015
Lesley Richman, District Weed Coordinator

Specialist Signature and Date: Nick Miller 3/10/14
Nick Miller, Wildlife Biologist

Specialist Signature and Date: Scott Thomas 3/11/15
Scott Thomas, District Archaeologist

Specialist Signature and Date: Lindsay Davies 3/10/2015
Lindsay Davies, Fisheries/Riparian Specialist

Specialist Signature and Date: Caryn Burri 3.10.15
Caryn Burri, Botanist

Specialist Signature and Date: Eric Haakerson 3-10-15
Eric Haakerson, Recreation

Specialist Signature and Date: Bill Dragi 3/17/2015
Bill Dragi, Supervisory Natural Resource Specialist

Specialist Signature and Date: Connie Pettyjohn 3-17-15
Connie Pettyjohn, Program Analyst/FAMS Data Steward

Note: Refer to the EAs for a complete list of the team members participating in the preparation of the original environmental analyses or planning documents.

F. Others Consulted: Identify other individuals, agencies or entities that were consulted with as part of completing the NEPA analysis.

Hat Butte Allotment Permittee
Harney County Weed Control
Adjacent Private Land Owners
BLM Interdisciplinary Team

Conclusion (If you found that one or more of these criteria is not met, you will not be able to check this box.)

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 the NEPA.

Rachel Beaubien, Rangeland Management Specialist
Title and Signature of Project Lead: Rachel Beaubien Date: 3/17/15

Holly Orr, Planning and Environmental Coordinator
Title and Signature of NEPA Coordinator: Holly Orr Date: 03/17/15

Richard Roy, Three Rivers Field Manager
Title and Signature of the Responsible Official: Richard Roy Date: 3/17/15

Decision: It is my proposed decision to implement the Proposed Action with Project Design Elements as described above.

Protest and Appeal Procedures:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under Section 43 CFR 4160.1 and 4160.2, in person or in writing to Richard Roy, Field Manager, Three Rivers Resource Area, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

A written protest electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a protest. A written protest must be on paper.

In the absence of a protest, the proposed decision will become the final decision of the authorized officer without further notice unless otherwise provided in the proposed decision.

Any applicant, permittee, lessee, or other person whose interest is adversely affected by the final decision may file an appeal of the decision. An appellant may also file a petition for stay of the decision pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted above, within 30 days following receipt of the final decision, or within 30 days after the date the proposed decision becomes final. The petition for a stay and a copy of the appeal must also be filed with the Office of Hearings and Appeals at the following address:

United States Department of the Interior
Office of Hearings and Appeals
351 South West Temple, Suite 6.300
Salt Lake City, Utah 84101

The appeal must be in writing and shall state the reasons, clearly and concisely, why the appellant thinks the final decision is in error and also must comply with the provisions of 43 CFR 4.470. The appellant must also serve a copy of the appeal by certified mail on the Office of the Solicitor, U.S. Department of the Interior, 805

SW Broadway, Suite 600, Portland, Oregon 97205, and person(s) named (43 CFR 4.421 (h)) in the Copies sent to: section of this Decision.

Standards for Obtaining a Stay: except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards (43 CFR 4.21(b)).

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

As noted above, the petition for stay must be filed in the office of the authorized officer.

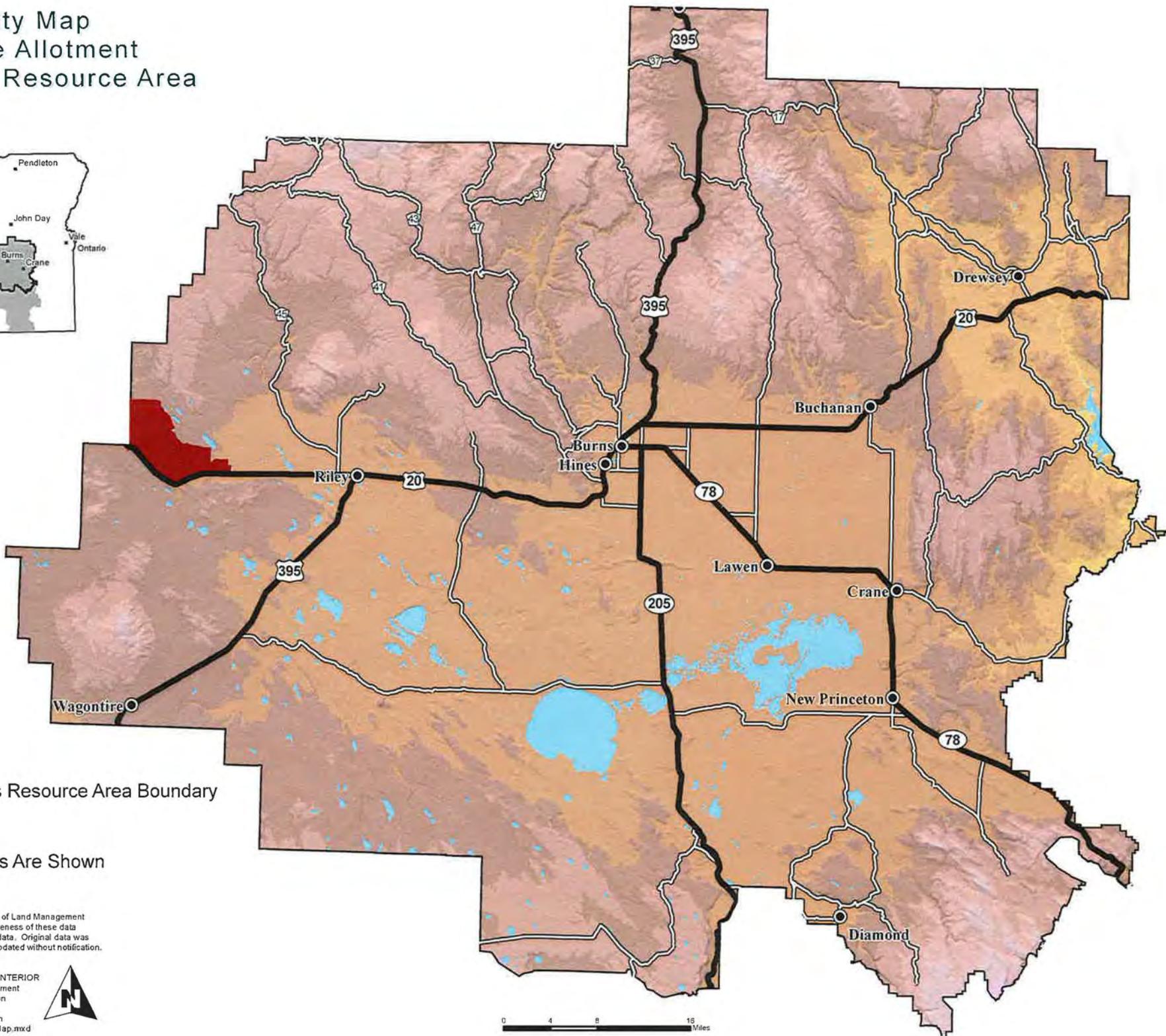
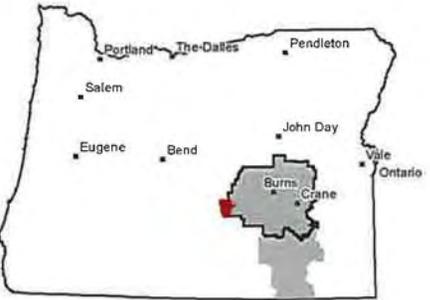
A notice of appeal and/or request for stay electronically transmitted (e.g., email, facsimile, or social media) will not be accepted. A notice of appeal and/or request for stay must be on paper.

Authorized Officer:

Signature: 
Richard Roy, Three Rivers Field Manager

Date: 3/17/15

Vicinity Map Hat Butte Allotment Three Rivers Resource Area

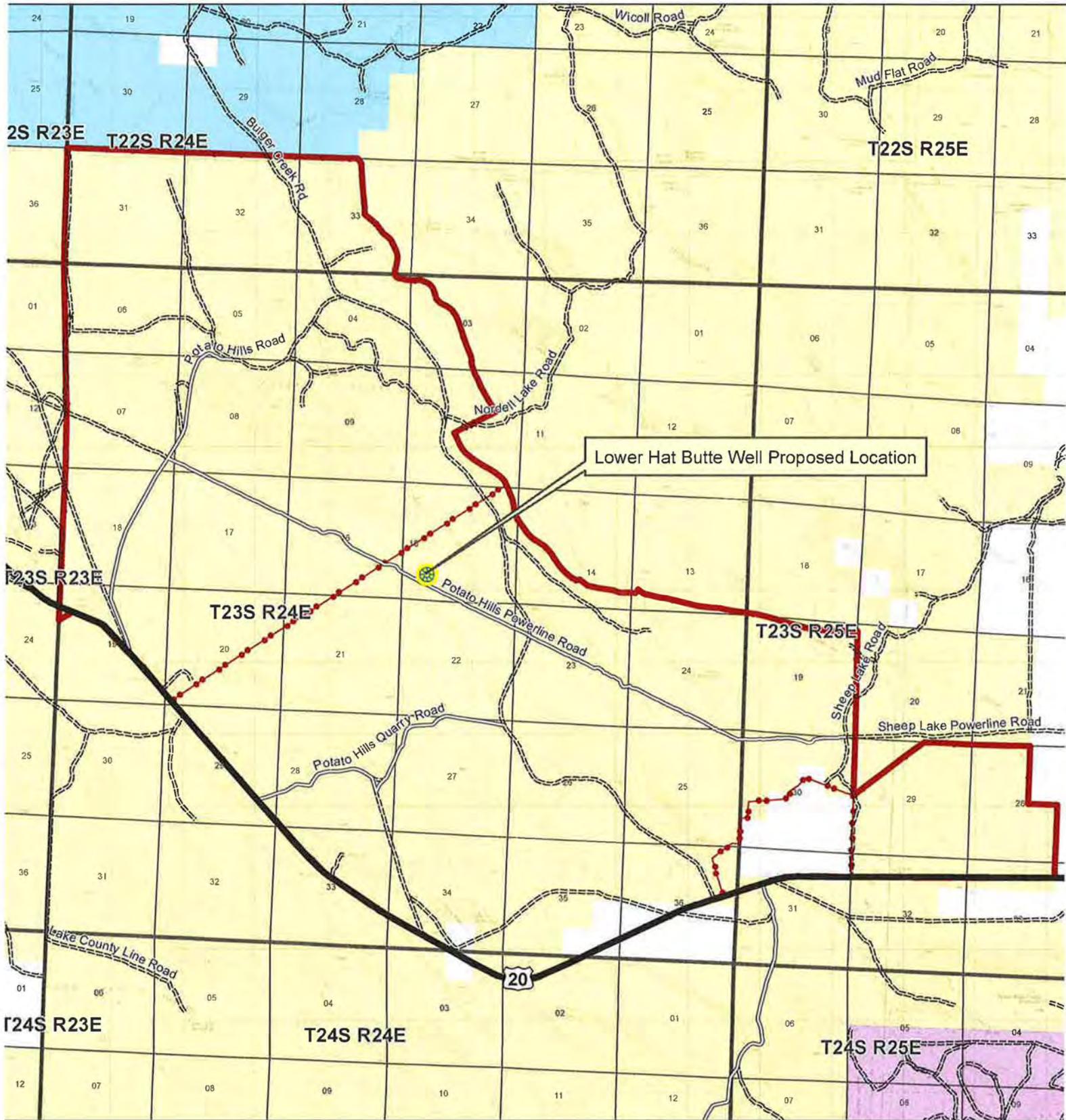


-  Allotment
-  Three Rivers Resource Area Boundary
-  Highways
-  Not All Roads Are Shown

Note: No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of these data for individual or aggregate use with other data. Original data was compiled from various sources and may be updated without notification.



Lower Hat Butte Well



- Allotments
- Pastures
- Bureau of Land Management
- State
- Other Federal
- Private/Unknown
- Highways
- Non-Paved Improved Road
- Natural/Unknown Road Surface
- Well-Water



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US DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Burns District, Oregon

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