

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-B050-2015-0003-DNA

Case File/Project Number: Rangeland Improvement Project System (RIPS) #018359

Proposed Action Title/Type: Weaver Lake Wells DNA

Location/Legal Description: See attached map.

Willamette Meridian, T. 24 S., R. 29 E., section 27, SW1/4SE1/4.

Willamette Meridian, T. 24 S., R. 30 E., section 31, NW1/4NW1/4.

Willamette Meridian, T. 25 S., R. 29 E., section 14, NE1/4NE1/4.

Applicant (if any): Bureau of Land Management (BLM) and Permittee (#3601983)

A. Description of the proposed action and any applicable mitigation measures

The BLM and Weaver Lake Allotment permittee (#3601983) have proposed to development three well locations within the Weaver Lake Allotment #07021 (two in the north pasture and one in the south pasture), described as follows: Well site #1 - Willamette Meridian, T. 24 S., R. 29 E., section 27, SW1/4SE1/4; well site #2 - Willamette Meridian, T. 24 S., R. 30 E., section 31, NW1/4NW1/4; and well site #3 - Willamette Meridian, T. 25 S., R. 29 E., section 14, NE1/4NE1/4 . The well sites were selected based on the probability of water being located in them and the ability of reliable water sources in these areas to enhance grazing management. Development of each well site would include a power supply (generator and/or solar panels) within a 4-wire barbed wire enclosure to prevent damage to equipment, a rubber tire trough ranging in size from 6 to 13 feet in diameter and holding from 200 to 1,800 gallons (trough size would depend upon availability), and a small amount of pipe (approximately 150 feet at each site) from well to trough site (that would be buried). Construction would occur over a 1–3 week period in 2015 or 2016. The project would not result in an increase in permitted Animal Unit Months (AUM), nor would it alter grazing management as specified in the 2001 Weaver Lake Allotment Management Plan (AMP).

Well drilling would be for 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, 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 livestock trampling. 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 (e.g. troughs, storage tanks, overflow ponds) after livestock are removed to provide water for wildlife and wild horses, when necessary.

Heavy equipment (e.g. drill rigs, trenchers, etc...) and manual labor would be used during construction of these developments. All roads used for this project already exist on the ground and are maintained by the county, except for one unnamed road. Roads needed for access may receive intermittent maintenance which would generally consist of removing rocks, and filling/smoothing ruts or erosion areas in order to provide for safe passage by vehicles and heavy equipment. The well would be constructed with a drilling rig which would require a well pad that was level. If the well site does not have a level pad, an area no larger than 50 feet by 50 feet would be leveled to accommodate the equipment. The entire disturbed area would be seeded with a non-native seed mix to increase the rate of recovery. Following seeding/rehabilitation of the disturbed site, the permanent footprint of the well site would be no more than 20 by 20 feet. Solar power, fuel type generators, or any combination of these would be used to power the pump for the well, in order to ensure the well can continue to operate under differing conditions. Specific designs and sizes of the power sources would be dependent upon the depths of the wells, as would pump sizes. Panels for solar energy would be installed using a

tractor with an auger. Poles would be eight inches in diameter and concreted in the ground; solar panels would be mounted upon the poles. Pole height would be as low as possible while still clearing vegetation and functioning properly. Solar panels vary in size from 16 to 40 inches in length and from 40 to 70 inches in width. Reduced-glare solar panels would reduce visibility. Solar panels would only be utilized if the well has adequate water production. Fuel-powered generators would be less than 5,000 kilowatts. Generators would be expected to run 4 to 16 hours a day depending on water consumption, and may be audible up to one-quarter mile under some conditions. The well heads and power sources would be fenced, following BLM standards for a four-strand barbed wire fence, to protect them from damage caused by livestock, wild horses, and wildlife species. The fence at each site would be no more than 250 feet in total length.

Project design elements

Project design elements (PDE) were developed to aid in meeting project goals and objectives (PDEs can be found on pages 7–8 in the Keg Springs Well Environmental Assessment (EA)). 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 (IFPLs) would be followed during construction, where appropriate.

- Proposed rangeland improvement sites would be surveyed for cultural values prior to implementation. Where cultural sites are found, their conditions and *National Register* eligibilities would be evaluated. If sites are determined to be *National Register* eligible, and under threat of damage, mitigation measures to protect cultural materials would be determined. Mitigation plans would be developed in consultation with the State Historic Preservation Office (SHPO), 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 would be surveyed for special status plant species prior to implementation. Special status plant sites would be avoided.
- New wells with fence enclosures, solar panels and/or self-contained mobile fuel-type generators, pipelines, and troughs would be constructed at least one km (0.6 mile) from leks in order to avoid concentration of livestock near leks, reduce collision hazards to flying birds, and eliminate avian predator perches.
- The fence enclosures for the new wells, if constructed within 1.25 miles of a lek or known seasonal use area, would include plastic reflective clips on the wires to reduce mortality from sage-grouse hitting the fences.
- No project construction or maintenance would occur April 1 through June 15 during sage-grouse nesting.
- Proposed range improvement sites 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 1998 Burns District Noxious Weed Management Program EA/Decision Record (DR) OR-020-98-05 or current guidance.
- The risk of noxious weed introduction would be minimized by ensuring all equipment (including all machinery, 4-wheelers, and pickup trucks) is cleaned prior to entry to the sites, minimizing disturbance

activities, and completing follow-up monitoring to ensure no new noxious weed establishments occur. Should noxious weeds be found, appropriate control treatments would be performed in conformance with the 1998 Burns District Noxious Weed Program Management EA/DR OR-020-98-05 or subsequent decision.

- The grazing permittee would be responsible for all fence maintenance. Proper fence maintenance would be a stipulation for turnout each year
- Water troughs would be equipped with escape ramps for birds and small mammals.
- Re-seeding (if necessary) 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 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.

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 [GM]

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 (Three Rivers ROD pg. 2-36).

Appendix 9: Weaver Lake Allotment Management Objectives: Maintain or improve rangeland condition and productivity through a change in management practices and/or reduction in active use. (Three Rivers ROD Appendices 135).

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.

Capehart Lake AMP/EA (OR-08-25-033)

Date approved: February 1, 2012

Keg Springs Well EA (DOI-BLM-OR-B060-2013-0023-EA)

Date approved: September 17, 2013

Palomino Butte Well and Pipeline EA (EA-OR-020-1-11)

Date approved: January 14, 1991

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: 2004

Greater Sage-Grouse Conservation Assessment and Strategy for Oregon

Date approved: April 22, 2011

Weaver Lake Allotment Evaluation

Date approved: March 12, 2001

Weaver Lake AMP

Date approved: March 1, 2002

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?

The proposed action is specifically provided for in the proposed action of the Palomino Buttes Well and Pipeline EA (EA-OR-020-1-11) on page 1, in the proposed action of the Keg Springs Well EA (DOI-BLM-OR-B060-2013-0023-EA) as described in detail on pages 9–10, and as a feature of the Capehart Lake AMP/EA (OR-08-25-033) on page 2. In these analysis documents, drilling and casing of a single well and placement of troughs and pipelines and all other potential disturbing activities are described and analyzed (Palomino Buttes EA pg. 1, Capehart Lake EA pg. 5, and Keg Springs Well EA pg. 9), however the installation of three wells is not specifically provided for in the original EAs. The potential disturbances caused by each of the proposed wells in this document are the same as those for each well described in the other analysis documents; while there may be more well sites, the disturbances and potential resource concerns at each site are adequately analyzed per Chapter 5 of the NEPA Handbook (H-1790-1).

The proposed Weaver Lake Allotment Wells project is not in the same analysis area as the Keg Springs Well EA, however, the analysis is applicable because the topography, terrain, and condition, as well as the elevation are sufficiently similar to those described in Chapter 3, Affected Environment, on pages 13–37 in the Keg Springs Well EA. The project is in the same affected environment as the Palomino Buttes Well and Pipeline EA as described on pages 1–3.

Therefore, an analysis of the effects of the proposed action would be the same as for the proposed actions analyzed in the Palomino Buttes Well and Pipeline 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 and alternatives in the Palomino Buttes Well and Pipeline EA, the Capehart Lake AMP/EA, and the Keg Springs Well EA are still appropriate with respect to the new proposed action given current environmental concerns, interests, and resource values. The same equipment, staff, timelines, and project design features would be required for the Weaver Lake Allotment Wells as those analyzed in the existing EAs. No issues were identified in the existing EAs that would have generated additional alternatives and none were identified for this 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, and 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 Palomino Buttes Well and Pipeline EA, Capehart Lake AMP/EA, and Keg Springs Well EA remain valid and sufficient in light of any new information or circumstances. No new threatened/endangered or Special Status Species (SSS) or environmental concerns have been identified in the project area since the 2012 and 2013 EAs for Capehart Lake AMP and Keg Springs Well. The proposed action meets goals and objectives of current management strategies to meet sage-grouse habitat needs. Palomino Buttes Well and Pipeline project area is within preliminary general habitat (PGH), Keg Springs Well is located in preliminary priority habitat (PPH), and Capehart Lake AMP project area is located within PGH. The Weaver Lake Allotment Wells project areas are completely within PGH. The nearest active lek to both the Palomino Buttes Well and Pipeline and Capehart Lake AMP project areas is more than 5 miles away and the nearest active lek to the Keg Springs Well is 3.6 miles; the nearest active lek to the Weaver Lake Allotment Wells is 3.09, 4.16, and 0.86 miles away from well sites #1, #2, and #3 respectively. The only new information needed for the Weaver Lake Allotment Wells would be a botanical survey or waiver and cultural survey or waiver. The surveys or waivers would be conducted prior to project activities occurring. If any concerns are identified, avoidance of the areas of concern would be required.

Sage-grouse are on the BLM's sensitive species list and, as such, potential impacts to them and their habitat were analyzed in the Keg Springs EA in Chapter 3, specifically on pages 23–30; it is reasonable to conclude that this analysis is more than adequate for the proposed Weaver Lake Wells as the sites and resource conditions are sufficiently similar.

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, sage-grouse habitat, and distance from nearest lek. The direct, indirect, and cumulative effects of the current proposed action are unchanged from those identified in the Keg Springs EA (on pages 37–38). The EAs that are being used to demonstrate NEPA adequacy were only used to clear singular well sites and associated pipelines and troughs and this DNA is for three separate locations within an allotment, however the scopes of the previous analyses and the project designs and the conditions at each site are similar enough that the

effects in the current project - direct, indirect, or cumulative - would likely be the same as or similar to a singular well site. 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, local, State, and Federal agencies are essentially the same as participated in the Palomino Buttes Well and Pipeline EA, Capehart Lake AMP/EA, and Keg Springs Well EA (other than the permittees) and their issues and input were the same for Weaver Lake Allotment Wells. Although there were different permittees in the project area, the issues brought up were the same as those for Palomino Buttes Well and Pipeline EA, Capehart Lake AMP/EA, and Keg Springs Well EA.

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

Specialist signature and date: Kyle W. Jackson 8/3/15
Kyle Jackson, Rangeland Management Specialist

for
Specialist signature and date: William Dragt 8/10/15
Lesley Richman, District Weed Coordinator

Specialist signature and date: Frank Miller 8/10/15
Frank Miller, Wildlife Biologist

Specialist signature and date: Scott Thomas 8/12/15
Scott Thomas, District Archaeologist

Specialist signature and date: Lindsay Davies 8/3/2015
Lindsay Davies, Fisheries/Riparian Specialist

Specialist signature and date: Caryn Burri 8/4/15
Caryn Burri, Botanist

Specialist signature and date: Eric Haakenson 8-3-2015
Eric Haakenson, Recreation

Specialist signature and date: William Dragt 8/4/2015
Bill Dragt, Supervisory Natural Resource Specialist (NRS)

Note: Refer to the EAs or Environmental Impact Statements (EIS) 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.

Grazing Permittee
Harney County Weed Control
Private Land Owners

Conclusion: Based on the review documented above, I conclude that this proposal conforms to the applicable LUP and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

Project lead signature and date: Kyle W. Jackson 8/10/15
Kyle Jackson, Rangeland Management Specialist

NEPA coordinator signature and date: Holly Orr 8/10/15
Holly Orr, Planning and Environmental Coordinator

Responsible official signature and date: Richard Roy 8/10/15
Richard Roy, Three Rivers Field Manager

Decision: It is my proposed decision to implement the proposed action with project design elements (if applicable) as described above.

Protest and Appeal Procedures:

Any applicant, permittee, lessee, or other interested public may protest a proposed decision under 43 Code of Federal Regulations (CFR) 4160.1 and 4160.2, in person or in writing to Richard Roy, Three Rivers 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) why the proposed decision is in error.

A protest electronically transmitted (e.g. email, facsimile, or social media) will not be accepted; a protest must be printed or typed on paper and submitted in person or by certified mail.

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 must 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

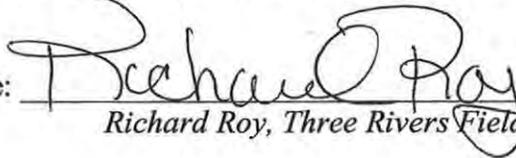
SW Broadway, Suite 600, Portland, Oregon 97205, and on any person(s) named (43 CFR 4.421(h)) in the "Copies sent to" section of this decision.

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)):

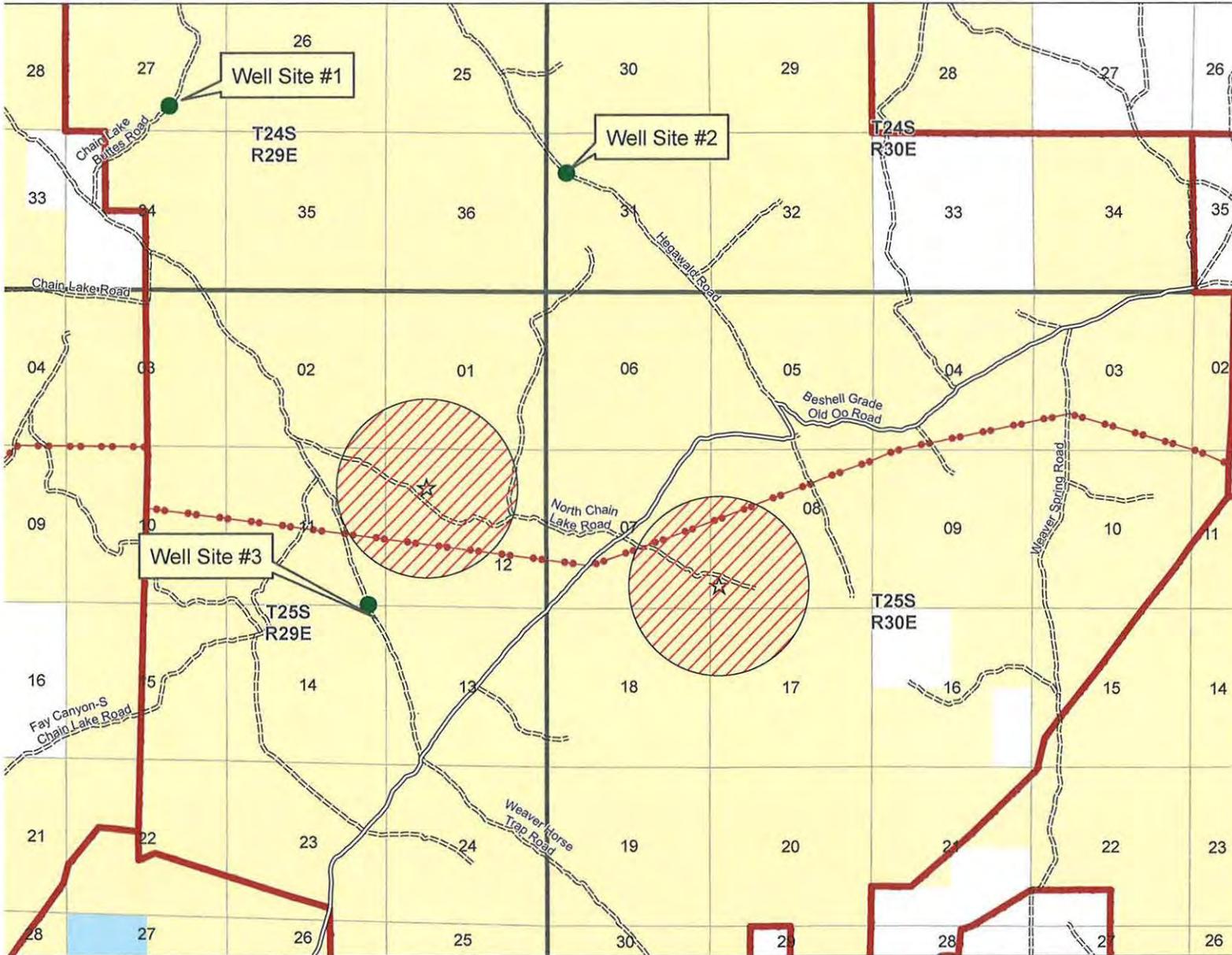
- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

As noted above, the petition for stay must be filed in the office of the authorized officer, must be written or typed on paper, and must be served in person or by certified mail at the same time the notice of appeal is served.

Authorized officer signature and date:

 8/10/15
Richard Roy, Three Rivers Field Manager

Weaver Lake Wells



Legend

- Paved Road
- Non-Paved Improved Road
- Primitive/Unknown Surface

Sage Grouse Leks

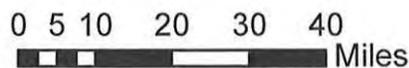
Conservation Status

- Occupied; Occupied Pending
- Historic; No Data; Unoccupied; Unoccupied Pending

- Allotments
- Pastures

- Bureau of Land Management
- U.S. Forest Service
- U.S. Fish and Wildlife Service
- State
- Bureau of Indian Affairs
- Other Federal
- Private/Unknown
- National Park Service
- Local Government

Burns



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

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 compiled from various sources and may be updated without notice.
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