DECISION MEMO

FOR

MEDORA RANGER DISTRICT
ALLOTMENTS 258
REPLACEMENT WATER WELL

USDA FOREST SERVICE
DAKOTA PRAIRIE GRASSLANDS
LITTLE MISSOURI NATIONAL GRASSLAND
MEDORA RANGER DISTRICT
SLOPE, GOLDEN VALLEY, AND BILLINGS COUNTIES, NORTH DAKOTA

Responsible Official: Ronald W. Jablonski Jr.,
District Ranger
Medora Ranger District
99 23rd AVE W, Suite B
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(701) 227-7832
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Overview
The Medora Ranger District, Dakota Prairie Grasslands, has proposed to drill a livestock water well in the NW ¼, NE ¼ of Section 18 T142N R100W. This new well will replace the existing water well in the NE ¼, SW ¼, SW ¼ of Section 17 T142N R100W. (see figures 1 and 2).

The purpose of drilling a new water well in the NW ¼, NE ¼ of Section 18 T142N R100W is because the existing water well is located on a Whiting Tank Battery site. There are safety concerns with redrilling the well on the tank battery site and with the maintenance which warranted moving the site due to H₂S, along with amount of facilities on site. Because the well site will be moved additional ground distribution will occur. Approximately three hundred feet of power line will be trenched from a overhead transformer site to the new well site (See Maps Attached). An electrical meter will be installed at the overhead transformer site to determine the power used. A new pressure pit will be installed next to the new well. The pit would include the pressure tank and shut off valves.

Grassland Plan Consistency:
This document tiers to the Dakota Prairie Grasslands Land and Resource Management Plan (DPG LRMP). The proposed project is located in Management Area (MA) 3.65 Rangelands with Diverse Naturally Occurring Landscapes. This MA emphasizes maintaining or restoring a diversity of desired plants and animals and ecological processes and functions. It also provides for a mix of uses with limits on facilities to maintain a naturally appearing landscape (DPG LRMP, 3-32).

Decision
I have, as the responsible official, the authority to approve, modify, or deny of this proposal.

In the course of making my decision, I considered the following: public and other agency comments, The Dakota Prairie Grasslands Land and Resource Management Plan, and information provided by the Forest Service Specialists.

I have decided to approve the water well project, subject to the following:

• Plugging of the old well (as per a well driller) will occur once the new well is completed.
• Since the existing well is located on a Whiting Tank Battery site Range, Minerals, and Engineering departments will work together on the plugging of the well.

Categorical Exclusion
The Forest Service National Environmental Policy Act Regulations (36 CFR 220) provides that a proposed action may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment
(EA) only if there are no extraordinary circumstances related to the proposed action and if:

- The proposed action is within one of the categories in the Department of Agriculture (USDA) NEPA policies and procedures in Title 7 Code Of Federal Regulations Part 1b (7 CFR Part 1b), or
- The proposed action is within a category listed in 36 CFR 220.6 (d) or (e).

This project falls under Category 36 CFR 220.6(e)(9) as “Implementation or modification of minor management practices to improve allotment condition or animal distribution when an allotment management plan is not yet in place. Examples include but are not limited to:

(i) Rebuilding a fence to improve animal distribution;
(ii) Adding a stock watering facility to an existing water line; and
(iii) Spot seeding native species of grass or applying lime to maintain forage condition.”

In review of this project, effects to the following list of resource conditions have been analyzed:

**Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species**

The District Forest Service Botanist and Wildlife Biologist have reviewed the project areas and Biological Evaluations (BE’s) were completed for the projects. There are no resident threatened or endangered (T&E) wildlife species or designated critical habitat on the Little Missouri National Grasslands (LMNG). There are no species proposed for Federal listing or proposed critical habitat on the LMNG. The wildlife biological evaluation concluded that there would be no impacts to sensitive species and there is no proposed mitigation.

There are neither federally listed T&E plant species nor designated critical habitat on the LMNG. There are no species proposed for Federal listing or proposed critical habitat on the LMNG. No sensitive plant sensitive plant populations were discovered during the field survey (June 2013) and habitat conditions were primarily suitable for Missouri pincushion, one of the most abundant sensitive species on the LMNG. Development for the water well site may impact individuals ( undiscovered) or habitat for Missouri foxtail, but would not likely contribute towards a trend of federal listing or cause a loss of viability on the LMNG. The affected habitat tend to be only marginally suitable for the species due to the history of oil pad disturbances and high amounts of invasive grasses. Similar or increased habitat conditions in the surrounding area, and active populations of the species in other areas of the LMNG would contribute to continued viability of Missouri foxtail.

**Flood plains, wetlands, or municipal watershed** – The proposed project is not located in a flood plain, wetland, or municipal watershed on National Forest System lands.

**Inventoried Roadless Areas (IRA)** – This project is not within an inventoried Roadless area. The project area is approximately 3 miles from the nearest inventoried Roadless area.

**Congressionally designated areas, such as wilderness, wilderness study areas, or National Recreation Areas** – This project area is not proposed for wilderness designation under the DPG Land and Resource Management Plan nor does it lie in MA 1.2A Suitable for Wilderness.

**Research Natural Areas (RNA)** – The project will not occur in these areas.

**American Indian and Alaska Native religious or cultural sites** – No American Indian religious sites or cultural sites have been identified in the areas of effect. The Standing Rock Sioux Tribal chairman, Standing Rock Sioux Tribal
Preservation Office, Three Affiliated, Lower Brule Sioux, and Fort Berthold Tribal chairman, along with the Fort Berthold Preservation Office were notified of the project proposal through scoping with no comments received or sites identified to the district office.

**Archaeological sites, or historic properties or areas** – No archaeological sites or historic properties will be impacted by this project. The Forest Service Archeologist cleared the project and to proceed.

**Scoping & Public Involvement**

A scoping letter was sent to sixty-two individuals, groups, and agencies on May 15, 2013. A legal notice was also posted in the Bismarck Tribune on May 20, 2013. The period for public comment was 30 days.

Four comment letters were received. The North Dakota Department of Health reviewed the project and stated in their letter that the proposed construction will be minor and can be controlled by proper construction methods.

The North Dakota Park and Recreation Department concerns with rare, threatened, sensitive or endangered species were taken into consideration in the wildlife and botany biological evaluations. The Department also supports this proposed reclamation projects and encourage selecting a proper seed mix for the sites.

The U.S. Army Corps of Engineers stated that if the proposed project and/or associated construction activities result in the discharge of dredged or fill material into waters of the Unit States, a Corps permit may be required. If however, the project and associated work can be accomplished by avoiding impacts to waters of United States, a Corps permit would not be required.

One permittee (from Little Missouri Grazing Association) stated “They are all good projects. The projects will be good for the management of the grasslands”.

**Applicable Laws and Regulations**

The proposed Medora Ranger District Allotments 258 Replacement Water Well project is consistent with the 2002 Record of Decision for the DPG Land and Resource Management Plan.

The proposed project is consistent with the National Historic Preservation Act of 1966, as amended. A cultural resource survey was completed and reviewed by the Forest Service Archeologist. Mitigation measures will be followed so there will be no historic properties affected in the project area.

The proposed actions are consistent with the Endangered Species Act of 1973. The Forest Service Botanist and Wildlife Biologist reviewed the proposed project area and considered potential impacts on Threatened and Endangered (T&E) plant and wildlife species and their habitats. Both of these specialists concur that there will be no impacts to T&E species.

Migratory Bird Treaty Act: On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. Upon review of the information regarding neotropical migratory birds and the scope of the project, the Forest Service Wildlife Biologist determined that there will be a temporary loss of migratory bird habitat for the length and time of the project resulting in minimal impacts to their populations from implementation of this project. Since the pipeline is adjacent to the road there is expected to be fewer impacts due to the influence of the road over species preferences.

The proposal is consistent with the Clean Water Act of 1972, as amended. Direction provided in Forest Service Handbook 2509.22 will be used
to implement applicable portions of the Clean Water Act for this proposal.

Executive Order 12898, issued in 1994, ordered federal agencies to identify and address the issues of environmental justice (i.e. adverse human health and environmental effects of agency programs that disproportionately impact minority and low income populations) in which this proposal would have any affect on minority or low-income populations. The environmental justice analysis is located in the Project File.

**Implementation and Review**

Implementations of this project are scheduled for September 2013.

Pursuant to 36 CFR 215.8 (a)(4), this decision is not subject to a higher level of review and implementation of this decision may begin immediately.

Pursuant to 36 CFR 214.5, this decision is not subject to appeal by the Medora Grazing Association because the decision is not suspending or a cancellation of their grazing permit, in whole or in part.

For additional information, please contact Ronald W. Jablonski Jr., District Ranger, or Jack D. Dahl, Rangeland Management Specialist by letter at the Medora Ranger District, 99 23rd AVE W Suite B, Dickinson, ND 58601), by telephone ((701) - 227-7800.

/s/ Ronald W. Jablonski, JR.  7/1/2013

RONALD W. JABLONSKI, JR.    DATE
District Ranger
Medora Ranger District
Allotment 258
Plugging Well in
SW 1/4, SW 1/4
Section 17
and
Redrilling Well in
NW 1/4, NE 1/4
of Section 18
T142N R100W
Allotment 258
Proposed Redrill Well Site
NW 1/4, NE 1/4
of Section 18
T142N R100W