

**United States Department of the Interior
Bureau of Land Management**

DOI-BLM-MT-C020-2016-0050-EA

January 11, 2016

**FINDING OF NO SIGNIFICANT IMPACT
(FONSI)**

**BUTTE PIPELINE
REACTIVATION AMENDMENT**

Location:

**Carter County, Montana
Fallon County, Montana
(See Attachment 1 for legal descriptions)**

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**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
MILES CITY FIELD OFFICE
FINDING OF NO SIGNIFICANT IMPACT
BUTTE PIPE LINE REACTIVATION AMENDMENT
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BACKGROUND

The origin of the environmental assessment was due to a request from Butte Pipe Line Company for amending the construction timeline in the Plan of Development (POD) in repairing the Original Butte Pipeline. ROW grant MTM-108412 was issued on October 24, 2015 to repair the pipeline. However the construction for repairing the pipeline in the amended POD was changed from the work completed prior to December 1, 2015 to a time period between August 1, 2016 and December 1, 2016.

FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2016-0050-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 Miles City Approved Resource Management Plan.
- (2) The Proposed Action is in conformance with the Record of Decision for the Miles City Approved Resource Management Plan; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

Context

The proposed action is a site-specific action which would occur in Carter County, Montana. This proposed action is in conformance with the BLM 2015 Miles City Approved Resource Management Plan (ARMP) which was approved in September, 2015. On page 2-8 the ARMP, "In all GRSG habitat, in undertaking BLM management actions, and, consistent with valid existing rights and applicable law, in authorizing third-party actions that result in habitat loss and degradation, the BLM will require and ensure mitigation that provides a net conversation gain to the species including accounting for any uncertainty associated with the effectiveness of such mitigation. This will be achieved by avoiding, minimizing, and compensating for impacts by applying beneficial mitigation actions. Furthermore on page 2-9 (Sage Grouse Habitat- Priority Habitat Management Areas) of the ARMP, it states; "PHMA is managed according to the following prescriptions: All applicable required design features are applied; and (if applicable)

the activity is permissible under specific subregional screening criteria.” And on page 2-11 (GRSG Habitat- Restoration Areas), “Surface-disturbing and disruptive activities will be allowed with required design features to minimize disturbance to GRSG habitat.” The ARMP also addresses the application of the Greater sage-grouse Disturbance Cap (Appendix E, GRSG DIST-1) which states that “Habitat Degradation and Density of Energy and Mining will be evaluated under the Disturbance Cap and Density Cap respectively.....and will be considered during the NEPA process for projects authorized or undertaken by the BLM.” In 2014 maintenance of the Butte Pipeline right-of-way occurred which included habitat removal (blading) of the 50-foot right-of-way and negates application of the disturbance cap as direct disturbance of the subject area has already occurred. The proposed action includes pipeline repairs with no new disturbance to habitats in the Priority Habitat Management Area (PHMA) or the Restoration Habitat Management Areas (RHMA) of which the southern portion of the proposed action is within.

Under the Proposed Action, the BLM would allow Butte Pipe Line to repair, maintain and reactivate the Original Butte Pipe Line in the existing 50 foot ROW corridor during August 1, to December 1, 2016. Once construction efforts are initiated, Butte would continue construction with due diligence until complete.

The approved ROW grant MTM-108412 is 50 feet wide, 155, 165.25 feet long, and consist of 177.8 acres, more or less. It was authorized for a term of 30 years. The project will be constructed, used, maintained, and terminated in conformance with the amended Butte Plan of Development, application and ROW grant. Butte will be subject to cost recovery and rental fees in accordance with 43 CFR 2884.12, 2885.15, and 2885.23. The ROW grant is subject to the terms and conditions in 43 CFR 2800/2880, the Amended Plan of Development, the application, and the stipulations listed below.

Intensity

I have considered the potential intensity/severity of the impacts anticipated from the proposed action and all alternatives relative to each of the ten areas suggested for consideration by the CEQ.

1. Impacts that may be both beneficial and adverse. The effects from the proposed project are described in the EA. In addition to mitigation measures included in the project design, BLM developed additional mitigation measures to further minimize or eliminate adverse impacts to other resources and land uses. These additional mitigation measures are identified in the proposed action and are attached to this document as Stipulations. The EA also disclosed a beneficial impact from the proposed project time line by minimizing the effects on wildlife and sage grouse habitat as well as the additional compensation. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Miles City Approved Resource Management Plan.

2. The degree to which the proposed action affects public health and safety. No aspect of the proposed action would have an effect on public health and safety.

3. Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The Butte Pipeline crosses through or is adjacent to 29 cultural sites, eight in Fallon County and 21 in Carter County. The pipeline is over 50 years old and is considered a cultural resource. One prehistoric site partially on BLM and fee lands would be impacted by pipeline repairs. The site has been determined not eligible for listing on the National Register of Historic Places. Paleontological inventories have only identified common variety invertebrate fossils. BLM has determined that the pipeline reactivation would have no effect to historic properties. The Montana SHPO concurred with BLM's determination of effect on April 20th, 2016 (See report number listed in the EA). No parks, prime farmlands, or wild and scenic rivers were found in the area.

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action. "Highly controversial" in the context of 40 CFR 1508.27(b)(4), refers to substantial disagreement within the scientific community about the environmental effects of a proposed action. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

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

6. The degree to which the action may establish a precedent for future actions with significant effects 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. The proposed action is consistent with actions appropriate for the area as designated by the ARMP.

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 already analyzed in the EISs which accompanied the ARMP.

8. The 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 or may cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources. The proposed action would have no effect to historic properties.

9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973. There are no threatened or endangered species or habitat in the area of the proposed action.

10. Whether the action threatens a violation of Federal, State, Tribal or Local law or requirements imposed for the protection of the environment. The proposed action does not threaten to violate any Federal, State, Tribal, or local law. Furthermore, the project is consistent with applicable land management plans, policies, and programs.

/s/ Wendy Warren
Wendy Warren
Acting Field Manager

6/13/2016
Date