

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

**DOI-BLM-MT-C020-2016-0051-EA
January 13, 2016**

**Cenex Gas/Diesel Pipeline Right-of-way
MTM-108502 and TUP MTM-108502-01**

Location:

Dawson County, Montana, PMM
T. 16 N., R. 55 E., Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$ (375 feet)

Dawson County, Montana, PMM
T. 18 N., R. 56 E., Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (1,150 feet)
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (358 feet)

Richland County, Montana, PMM
T. 22 N., R. 58 E., Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (795 feet)

U.S. Department of the Interior
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

ENVIRONMENTAL ASSESSMENT REVIEW

OFFICE/AREA: Miles City Field Office	DOI-BLM-MT-C020-2016-0051-EA
	DATE ENTERED: 1/13/2016
NAME: Cenex Pipeline, LLC 10-inch gas/diesel Pipeline ROW MTM-108502 and TUP MTM-108502-01	DATE DUE: 1/27/2016
	FUNDING: Applicant
LOCATION: See Legal Descriptions Below in Dawson and Richland Counties, Montana, PMM	SERIAL #: MTM-108502 ROW MTM-108502-01 TUP

ORIGINATOR DATE/INITIALS	TITLE	ASSIGNMENT
Dalice Landers 1/13/16 <i>DDL</i>	Realty Specialist	Project Coordinator and Lands and Realty

REVIEWERS	TITLE	ASSIGNMENT	DATE/INITIALS
Kent Undlin	Wildlife Biologist	Wildlife/T&E	2/29/16 KU
Doug Melton	Archaeologist	Cultural/Paleo	3/28/2016 DM Cultural Report MT-020-16-022
Christopher E. Morris	Outdoor Rec. Planner	VRM/Rec/Wilderness	CM 3/24/2016
Drea Traeumer	Hydrologist	Hydrology/Riparian	3/21/16 DET

/s/ Kathy Bockness
ENVIRONMENTAL COORDINATOR

3/30/2016
DATE

/s/ Christopher Morris
SUPERVISORY LAND USE SPECIALIST

3/30/2016
DATE

ENVIRONMENTAL ASSESSMENT

EA NUMBER: DOI-BLM-MT-C020-2016-0051-EA **Serial Number: MTM-108502**
MTM-108502-01

PROPOSED ACTION/TITLE TYPE:

Cenex Gas/Diesel Pipeline Right-of-way MTM-108502 and TUP MTM-108502-01

LOCATION OF PROPOSED ACTION:

T. 16 N., R. 55 E., Section 2: SE $\frac{1}{4}$ NE $\frac{1}{4}$ (375 feet), Dawson County, Montana, PMM;
T. 18 N., R. 56 E., Section 28: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (1,150 feet), Dawson County, Montana, PMM;
Section 32: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (358 feet), Dawson County, Montana, PMM; and
T. 22 N., R. 58 E., Section 26: NW $\frac{1}{4}$ NW $\frac{1}{4}$ (795 feet), Richland County, Montana, PMM.

PREPARING OFFICE: Miles City Field Office

APPLICANT: Cenex Pipeline, LLC
P. O. Box 909
Laurel, Montana 59044

DATE OF PREPARATION: January 13, 2016

CONFORMANCE WITH APPLICABLE LAND USE PLAN: 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 3-8 of the ARMP, it states; “On the remaining surface acres in the planning area, Major ROWs are allowed on 445,170 surface acres (16%) and Minor ROWs are allowed on 1,809,798 surface acres (66%).” The proposed action has been reviewed for conformance with this plan and its terms and conditions as required by 43 CFR 1610.5.

PURPOSE AND NEED: Cenex Pipeline, LLC would like to upgrade a 48-mile portion of their gasoline and diesel fuel pipeline that runs from Laurel, Montana to Fargo, North Dakota. Portions of the pipeline are experiencing external corrosion. Replacement of the pipeline will reduce operational risk by eliminating areas of corrosion. In order to supply their distributors between Laurel, Montana and Fargo, North Dakota with adequate gasoline and diesel fuel, Cenex needs to install a new pipeline for the 48-mile stretch where they are experiencing problems.

PROPOSED ACTION: Cenex Pipeline, LLC would like to upgrade a 48-mile portion of their gas/diesel fuel pipeline that runs from Laurel, Montana to Fargo, North Dakota. This portion of pipeline replacement will be located in Dawson and Richland Counties. Portions of the existing pipeline were installed in 1960 and are experiencing external corrosion. The right-of-way which authorized the existing pipeline is MTM-038869. The new pipeline will parallel the existing pipeline. Replacement of the pipeline will reduce operational risk by eliminating areas of corrosion. In order to supply their distributors between Laurel, Montana and Fargo, North Dakota with

adequate gas and diesel fuel, Cenex needs to install a new 10-inch diameter steel pipeline for the 48-mile stretch where they are experiencing problems. This pipeline is a “common carrier” pipeline which is needed by the public to supply fuels that are consumed in the region of the pipeline and beyond. The pipeline is considered a liquid “mainline” as opposed to a gathering line, distribution line, or trunk line. The pipeline will transport up to approximately 30,000 barrels per day of fuel in the vicinity of this project. It is necessary for the pipeline to traverse public land because it is difficult to avoid the scattered Federal land.

The proposed pipeline would cross the following parcels of Federal land (Public Domain):

T. 16 N., R. 55 E., Section 2: SE¹/₄NE¹/₄ (375 feet), Dawson County, Montana, PMM;
T. 18 N., R. 56 E., Section 28: NW¹/₄NW¹/₄ (1,150 feet), Dawson County, Montana, PMM;
Section 32: NW¹/₄NW¹/₄ (358 feet), Dawson County, Montana, PMM; and
T. 22 N., R. 58 E., Section 26: NW¹/₄NW¹/₄ (795 feet), Richland County, Montana, PMM.

The permanent right-of-way (ROW) MTM-108502 would be 50 feet wide, 2,678 feet long, and consist of 3.07 acres, more or less. The temporary use permit (TUP) MTM-108502-01 would be 25 feet wide, 2,678 feet long, and consists of 1.54 acres, more or less. The temporary use area is located on the south side of the permanent right-of-way. The total disturbance would be 4.61 acres.

The new steel pipe will be nominal 10-inch diameter pipe with a wall thickness of 0.203 inch. During construction, the trench will be excavated to a sufficient depth to provide a final minimum cover of 42 inches between the top of the pipe and ground level except where rock excavation is required. The minimum cover there will be 36 inches. The width of the trench will be a maximum of 30 inches except at bell holes where OSHA sloping requirements will be followed. No components such as pumping stations, valves, cathodic protection rectifiers or ground beds, etc. will be installed on Federal lands.

The pipeline will be constructed in accordance with Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations (49 CFR 195) pertaining to design, construction, operation and maintenance of liquid petroleum pipelines. The pipeline will also be designed and constructed to meet the requirements of various industry standards including those of the American Petroleum Institute, National Association of Corrosion Engineers, ANSI, and American Society of Mechanical Engineers.

The pipeline will be installed in a manner that will minimize erosion associated with construction activities. The following can minimize the effects of construction activities:

- Limiting the disturbance to the smallest area possible;
- Avoiding areas of sensitive habitats, if possible;
- Minimizing the amount of cut and fill area;
- Diverting upslope runoff to more stable locations;
- Utilizing the appropriate Best Management Practices (BMP's); and
- Stabilizing slopes and revegetating disturbed areas as soon as practicable.

In order to minimize soil disturbance, the entire right-of-way width generally will not be graded. Vegetation will be cut from working areas, where necessary. With the possible exceptions of steep areas, crossings and firebreaks, topsoil and plant root mass will only be removed from the ditchline and adjacent soil stockpile area; not from other areas of the right-of-way. The ditching techniques used will help protect topsoil resources and reduce sediment transport. Topsoil will be removed from the ditch line to a maximum depth of 12 inches and stockpiled in a windrow on the non-working side of the right-of-way (ROW), where possible.

The primary objectives of stabilization and rehabilitation are to restore the topography, water resources, soil, and vegetation as near pre-construction conditions as possible, as well as minimize the impacts resulting from construction activities to land uses and water resources by controlling sedimentation and erosion. Specific objectives consist of the following:

1. Restore the approximate original contours to all areas of the ROW;
2. Re-establish and stabilize all waterways, wetlands and drainages;
3. Salvage quality topsoil in disturbed areas for replacement and revegetation;
4. Revegetate disturbed areas with compatible native species to quickly stabilize soils;
5. Prevent and control the spread of noxious weeds;
6. Implement appropriate sediment and erosion control procedures; and
7. Monitor and maintain Best Management Practices along the ROW.

Following the completion of backfilling, all graded areas will be restored to as near the natural grade as feasible. However, in areas of unstable slopes, steep cuts may be restored to a stable position and protected by appropriate erosion control measures.

Prior to operation, the maximum operating pressure of the pipeline will be established at 1440 psi by hydrostatic test. The maximum operating pressure will be significantly lower than the test pressure and substantially below the actual burst pressure of the pipe. The water from the test will not be discharged on BLM land; nor will the source of the test water be from the BLM land. The water from the test would be obtained and disposed of in accordance with State permits and requirements.

Prior to commencement of construction, a Site Safety Plan will be in place. The site safety plan will address safety hazards of the job, and will include information about local emergency medical resources. There will be a comprehensive safety meeting/briefing prior to commencement of construction. In addition, contractors will conduct daily “tailgate” safety meetings during the construction of the pipeline.

Fire prevention is one of the safety concerns that would be addressed on this pipeline construction project. Prevention methods include clearing and grading of the right of way, the use of a ROW water truck equipped with sprayers, having fire extinguishers available, and use of a “fire watch” person during welding activities.

The work force would consist of 30 people. There would be 10-20 pickups, backhoe/loader, welding trucks, trenching machine, excavator, side boom dozer, pipe trucks, grader, tractors, mowers, clearing/grading equipment, and padding machine. There are not stream crossing on

Federal land. The possibility exists that some drainages may be crossed by using horizontal directional drilling, which would require the use of a drilling machine and support vehicle(s). Construction activities on Federal land would start after April of 2016 and would probably be completed by November of 2016. Access would be from existing road. No new roads would be needed. The line would be operated on a year-around basis. Construction activities would cease if precipitation occurs and would not resume until the ground is sufficiently dry to eliminate surface damage by construction equipment. No known hazardous materials would be used during construction or any time on the right-of-way. No site clearing or topsoil removal would be necessary. Once constructed, the line would require minimal expenditures for operation and maintenance. Periodic inspections would be conducted by Cenex to ensure the line's structural integrity. Right-of-way construction and use would be monitored by the BLM.

Termination activities for the Federal surface area would be conducted in much the same manner as construction activities. Access would be available along the same route. Their above-ground appurtenances would be removed and disposed of in a licensed landfill. The buried line would be cleaned and abandoned in place or removed.

The right-of-way and temporary use permit would be issued pursuant to 43 CFR 2800 and 2880 and Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) for the construction, operation, maintenance, and termination of the proposed project. The right-of-way and temporary use permit would be subject to the terms and conditions in 43 CFR 2800 and 2880, the terms and conditions and stipulations specified below, and mitigations set forth in the application. They requested a right-of-way term for a period of 30 years and be renewable and a three-year term for the temporary use permit. Cenex would be subject to cost recovery and rental fees.

The standard stipulations for cultural and/or paleontological resource protection and toxic substances would be made a part of the right-of-way grant and temporary use permit, as would the standard stipulation that all activities associated with the right-of-way would be conducted within the authorized limits of the grant and temporary use permit. The applicant shall be responsible for weed control and use of the appropriate seedmix on disturbed areas within the limits of the right-of-way and temporary use permit. There would be no construction or routine maintenance when the soils are too wet. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the regulations of the Secretary of the Interior issued pursuant thereto. The right-of-way and temporary use permit would be subject to mitigations set forth in the application and plan of development. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands. There would be a timing stipulation for the protection of migratory birds. The holder shall protect survey monuments, paint the above-ground structures Covert Green, and provide as-built drawings and certification of construction after construction is complete.

ALTERNATIVE 1 - NO ACTION: The no action alternative would be to not allow Cenex Pipeline, LLC a right-of-way and a temporary use permit across Federal land.

AFFECTED ENVIRONMENT:

The following resources have been evaluated in this EA:

ELEMENTS		
Determination*	Resource	Rationale for Determination*
NI	Air Quality	Cenex would utilize standard abatement methods to control dust along roads and the construction areas. Water would be applied to these access routes and construction areas needed to ensure impacts to surrounding vegetation and aquatic features from fugitive dust is minimized.
NP	Areas of Critical Environmental Concern	There are no areas of critical environmental concerns within the project area.
	Cultural Resources	
NP	Environmental Justice	Environmental justice is not associated with the project.
NP	Farmlands (Prime or Unique)	There are no prime or unique farmlands in the project area.
NP	Fire	
NI	Floodplains	No surface disturbing activities would occur within the 100-yr floodplain areas that are present in the project area.
NP	Forestry	There are no forest sites in the project area.
NP	Geology/Minerals	There would be no direct impacts to fluid or solid minerals associated with this project.
NI	Invasive, Non-native Species	Invasive and nonnative species would be inventoried, mapped and treated for the life of the ROW.
NI	Lands and Realty	No impacts would occur to existing land use authorizations.
NP	Lands With Wilderness Characteristics	This area has been inventoried and no wilderness characteristics were found to be present at the time of the current inventory.
NP	Livestock Grazing	There would be no impacts to livestock grazing.
	Native American Religious Concerns	
NP	Recreation	There would be no significant impact to recreation associated with the project.
NI	Socio-economics	

ELEMENTS		
NI	Soils	All disturbances would be within in the existing 50-foot ROW corridor and the 25-foot TUP. Best Management Practices (BMP) would be implemented during the reclamation to minimize soil loss as a result of storm run-off.
NP	Threatened, Endangered or Candidate Plant Species	T&E plant species do not exist within project area.
NP	Threatened, Endangered or Candidate Animal Species	T&E species habitat does not exist within project area.
NI	Vegetation	Vegetation disturbance would be limited to 4.61 acres on Federal land. Reclamation and monitoring would be conducted on this acreage.
NI	VRM	The project area falls in a VRM II and IV. VRM II: The objective of this class is to retain the existing character of the landscape. VRM IV: The objective of this class is to provide for management activities which requires major modification of the existing character of the landscape. This disturbance associated with this project would be minimal and with reclamation it would not change the landscape character.
NP	Wastes (hazardous or solid)	No hazardous or solids concerns would be associated with the project.
NI	Water Quality (surface/ground)	A Storm Water Pollution Prevention Plan (SWPPP) would be implemented to ensure adequate erosion control. Hydrostatic testing water would be tested and meet surface and ground water quality standards, and would not be discharged to BLM lands.
NI	Wetlands/Riparian Zones	No surface disturbing activities will occur in or within 300ft of the boundary of the riparian-wetland areas that are present in the project area.
NP	Wild and Scenic Rivers	There are no wild and scenic rivers in the project area.
NP	Wilderness	There is no wilderness or Wilderness Study Areas in the project area.
PI	Wildlife	Numerous wildlife habitats including migratory bird habitats exist in the proposed action area and may be directly and indirectly affected.
NP	GRSG Habitat (General)	The proposed action is not within GRSG GHMA (general).
NP	GRSG Habitat (Priority)	The proposed action is not within GRSG PHMA (priority habitat).
NP	GRSG Habitat (Restoration)	The proposed action is not within GRSG RA

ELEMENTS	
	(restoration area).
<p>*NP = not present in the area impacted by the proposed or alternative actions NI = present, but not affected to a degree that detailed analysis is required PI = present and may be impacted to some degree. Will be analyzed in affected environment and environmental impacts. (NOTE: PI does not mean impacts are likely to be significant in any way).</p>	

Cultural/Paleontology: The project was inventoried for cultural resources in November and December 2015. A total of six previously recorded cultural sites, four isolated finds, and four newly discovered sites were recorded in the inventory. The inventory was conducted by KLJ Engineering from Bismarck, ND. The sites consists of three railroad grades a portion of the Buffalo Rapids Irrigation Project, two dumps, two lithic scatters, and a historic homestead. The pipeline being replaced is also recorded as historic sites since it older than 50 years old. The dumps, homesteads, lithic scatters, existing pipeline and isolated finds were recommended as not eligible for listing on the National Register of Historic Places. The three railroad grades and Buffalo Rapids Irrigation Project have been previously determined eligible for listing on the National Register. One of the not eligible lithic scatters is partially on BLM managed lands (See BLM Cultural Resources Report MT-020-16-022 for additional details). Geologically, the pipeline crosses the Lebo and Tongue River Members of the Fort Union Formation and Quaternary deposits including terraces, alluvium, and till. All of the deposits have a Potential Fossil Yield Classification (PFYC) rating of 3a. Paleontological resources are not expected to be an issue in the pipeline reconstruction. BLM has determined there would be no adverse effect to historic properties from the pipeline reconstruction.

Lands/Realty: In three of the parcels, there is one existing, BLM-issued right-of-way in the area of the proposed project. This pipeline right-of-way is MTM-038869 and was issued to Cenex Pipeline, LLC for transportation of petroleum products. This right-of-way is also located in Section 32, T. 18 N., R. 56 E. in Dawson County, but there are also three other existing rights-of-way in this section too. The other existing rights-of-way are MTM-92235, MTM-92375, and MTM-94388. MTM-92235 is issued to McCone Electric Cooperative, Inc. for an overhead 7.2 kV electric line. MTM-92375 is issued to WBI Energy Transmission, Inc. for an 8-inch natural gas line. MTM-94388 is issued to Mid-Rivers Telephone Cooperative, Inc. for buried telephone line.

Soils: Soils generally developed from alluvium or residuum weathered from the Tullock member of the Fort Union Formation. Soils range from shallow (on ridges) to very deep (alluvial deposits) and are well (residuum) to excessively (alluvium) drained. The principal ecological site is shallow to gravel (SWG, MLRA 58A, 10-14). Surface textures are typically loams. Terrain is gentle with some rolling hills, slopes range around 10 percent, but reach about 25 percent. The elevation is approximately 2,400 feet. Soils within the project area are resilient to disturbance.

Vegetation: The principal forage species are blue grama, western wheatgrass, and needle-and-thread. The distinguishing feature is the general prevalence of shadscale saltbush and it has the common occurrence of greasewood. The common grass species are Sandberg bluegrass, green needlegrass, bluebunch wheatgrass, plains muhly, needle-and-thread, buffalograss, little bluestem, and prairie sandreed. Common shrubs are sagebrush, rabbitbrush, Nuttall saltbush, plains

pricklypear, silver sagebrush, broom snakeweed, and creeping juniper. Common forbs are phlox, wildbuckwheat, scarlet globemallow, and lambsquarter.

Water Resources & Riparian-Wetland Areas: The proposed action would occur on BLM-administered lands in the following watersheds that are located within the Lower Yellowstone River subbasin (HUC 1010004): Deer Creek (HUC 1010000413), Dry Creek-Yellowstone River (HUC 1010000419), Fox Creek (HUC 1010000421), and Thirteen Mile Creek (HUC 101000415). Fox Creek and a reach of the Yellowstone River downstream of the project area are listed by the Montana Department of Environmental Quality (MDEQ) under of Section §303(d) of the Clean Water Act as impaired for water quality. The downstream reach of the Yellowstone River is §303(d) listed as impaired for alteration in stream-side or littoral vegetative covers, nitrogen, chromium, sedimentation/siltation, pH, phosphorus, copper, lead, and total dissolved solids. The probable causes of impairment are rangeland grazing, irrigated crop production, streambank modifications/destabilization, impacts from hydrostructure flow regulation/modification, natural sources, and unknown sources. Fox Creek is §303(d) listed as impaired for physical substrate, habitat alteration, low flow alteration, excess algal growth, sulfates, nitrogen, phosphorous, lead, mercury, iron, arsenic, solids (suspended/bedload), and total dissolved solids. The probable causes of impairment are irrigated crop production, channelization, natural sources, and unknown sources.

Several unnamed, intermittent tributaries to Deer Creek in the Deer Creek watershed are present on BLM lands in the project area. Deer Creek is not §303(d) listed as water quality impaired. The replacement pipeline would cross one of these intermittent tributaries approximately 0.50 miles upstream of Deer Creek, and approximately 22 miles upstream from the impaired reach of the Yellowstone River. No floodplains or riparian-wetland areas are present on BLM lands within the project area.

One unnamed, intermittent tributary to Thirteen Mile Creek in the Thirteen Mile Creek watershed is present on BLM lands in the project area. The proposed project would not cross this intermittent tributary. The intermittent tributary is located 75 ft. from closest surface disturbance activities, and 20 ft. from the boundary of the TUP. Thirteen Mile Creek is not §303(d) listed as water quality impaired. Thirteen Mile Creek is located approximately 0.50 miles downstream of closest surface disturbance activities, and the impaired reach of the Yellowstone River is located approximately 4.5 miles downstream of the surface disturbing activities. No floodplains or riparian-wetland areas are present on BLM lands within the project area.

Two unnamed, intermittent tributaries to Morgan Creek in the Dry Creek-Yellowstone River watershed are present on BLM lands in the project area. Morgan Creek is not §303(d) listed as water quality impaired. No floodplains or riparian-wetland areas are present on BLM lands within the project area. The proposed project would not cross either of these intermittent tributaries, and would be located approximately 600 ft. upslope of one of the intermittent tributaries.

Fox Creek and two unnamed, intermittent tributaries to Fox Creek in the Fox Creek watershed are present on BLM lands in the project area. Additionally, 49.4 acres of lotic riparian-wetland areas and 103 acres of 100-yr floodplain are located in the project area adjacent to Fox Creek. The proposed project would not cross the intermittent tributary, Fox Creek, or Fox Creek's riparian-wetland areas; nor would it encroach within the 100-yr floodplain or within 300 ft. of Fox Creek's

riparian-wetland areas. The closest surface disturbing activities would be located 700 ft. from the intermittent tributaries, and 975 ft. from Fox Creek.

Wildlife: A wide variety of wildlife species and habitats exist in the federal parcels, including habitats for white-tailed and mule deer, sharp-tailed grouse and numerous non-game wildlife species including migratory birds. Mule deer winter range exists within the Section 2 and 28 parcels. No sharp-tailed grouse strutting grounds are known to exist in the subject areas. BLM Sensitive Species in the proposed action areas are primarily migratory bird species such as loggerhead shrike, brewers sparrow, chestnut-collared longspur and bairds sparrow. No threatened, endangered or other special status species inhabit the proposed action areas.

Visual Resource Management (VRM): The proposed project lies within two VRM Management Class's II (T16N, R55E, Sec. 2 and T18N, R56E, Sec. 32) and IV (T22N, R58E, Sec. 26 and T18N, R56E, Sec. 28). The objective of VRM class II is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape.

The objective of VRM class IV is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

ENVIRONMENTAL IMPACTS:

DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:

Cultural/Paleontology: The proposed action would not have an adverse effect to historic properties. The pipeline being replaced is over 50 years in age and is considered a historic resource. The pipeline is not eligible for listing on the National Register. Cultural properties previously determined eligible would be bored under to avoid adverse impacts. No paleontological resources would be impacted. Unanticipated discoveries of cultural or paleontological materials located during construction on BLM managed lands would be handled through application of the cultural/paleo stipulation attached to the ROW grant.

Vegetation: Approximately 4.61 acres of vegetation could be disturbed. The area will be reseeded with the appropriate seedmix.

Water Resources and Riparian-Wetland Areas: Direct impacts in the Deer Creek, Dry Creek-Yellowstone River, Fox Creek, and Thirteen Mile Creek watersheds would result from construction activities. Impacts could include increased soil compaction and disturbance, and reduced vegetative cover within the right-of-way. This could increase overland flow and sediment delivery to streams; however, with SWPPP and BMP implementation, these impacts would be minimal and short-term.

There would be no direct impacts to surface or groundwater resources, floodplains, or riparian-wetland areas in Deer Creek, Dry Creek-Yellowstone River, Fox Creek, or Thirteen Mile Creek watersheds. No surface disturbing activities are proposed in floodplains or riparian-wetland areas, hydrostatic testing water would be tested to meet surface and groundwater quality standards prior to use, and directional drilling would be used to cross the unnamed intermittent tributary to Deer Creek.

Wildlife: Effects to wildlife species include minimal direct habitat loss of approximately 4.61 acres and indirect effects from construction activities including noise which can cause displacement to numerous wildlife species. Effects to migratory bird species in the proposed action areas could include direct habitat loss and potential nest abandonment. The migratory bird stipulation (timing, survey, habitat manipulation options) will reduce effects to nesting migratory birds in the subject parcel. See the Mitigation Section for specifics concerning the migratory bird stipulation. Due to the timing of the proposed action, potential effects would be negligible to wintering mule deer as the construction would not take place during that time period. Those areas directly disturbed would be revegetated with native species by the proponent to reduce direct loss of habitat.

Soils: Approximately 4.61 acres of soils could be disturbed by pipeline trenching, vegetation removal, and vehicle traffic, resulting in soil mixing, compaction, and ground-cover removal. Such surface disturbing acts alter soil characteristics and reduce ground cover exposing soils to accelerated erosion by wind and water. Compaction would decrease nutrient cycling, and increase runoff until the site returns to natural rates due to freeze-thaw cycles. However, the project was routed to avoid areas especially susceptible to erosion and compaction. Avoiding vehicle use during conditions which lead to ruts greater than four-inches deep would reduce such impacts. Soil recovery following disturbance would be accelerated by measures that minimize the total area of disturbance, control wind and water erosion, maintain topsoil viability, and reduce compaction, as well as rapid implementation of reclamation. Generally soils would return to natural rates of erosion and compaction and support stable and productive vegetation within 2-5 years following reclamation.

Visual Resource Management (VRM): Line, color and texture of the landscape will all be impacted by the proposed action. New surface disturbance from upgrading the existing pipeline would create an impact to the color on the landscape causing it to be lighter than the surrounding shade causing focus of viewer attention. Soil being disturbed during construction activities will affect the texture of the landscape as well. However, these effects on the landscape should not attract the attention of the casual observer due to the distance from the river, and once construction is completed and re-vegetation is established. After re-vegetation and proper mitigation of the pipeline, the casual observer should not notice the basic elements of line, color and texture affecting the natural characteristics within this VRM Class II and IV.

DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:

There could be an impact to the Cenex distributors and their customers between Laurel, Montana and Fargo, North Dakota if we did not allow Cenex Pipeline, LLC to obtain a right-of-way to install a new pipeline to transport diesel and gasoline.

CUMULATIVE IMPACTS:

The pipeline ROW corridor (50 feet wide) and the TUP corridor (25 feet wide) will be bladed and disturbed to the minimum extent practicable to install the new 10-inch pipeline. Design features through timing stipulations, mitigation, and compensation will be part of the terms and conditions to minimize the cumulative effects.

There will be no other cumulative impacts from this project in addition to those identified in Miles City Field Office Resource Management Plan which was completed in 2015. A detailed discussion of these cumulative impacts can be found on Pages 107 to 124 of the Miles City Field Office EIS.

MITIGATION:

The right-of-way grant and temporary use permit would be issued under the authority of Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185) and subject to the terms and conditions in 43 CFR 2800/2880, the application, mitigations as mentioned in the plan of development, and subject to the following stipulations:

1. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder. *(The three railroad grades crossed by the pipeline and portion of the Buffalo Rapids Irrigation Project (Unlined Canal) crossed by the pipeline shall be bored under from no closer than 50 feet. This would be done to avoid direct adverse impacts to historic properties.)*
2. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
3. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
4. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support construction equipment.
5. The holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.

6. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et. seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

7. The holder shall coordinate with the parties holding authorized rights on the adjacent and affected lands.

8. This grant is issued subject to the holder's compliance with the mitigations set forth in the application/plan of development.

9. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part 2800, including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

10. The holder shall design and construct adequate water-control structures in each drainage crossing to prevent excessive erosion along the pipeline and protect the pipeline from the natural erosion process within the drainage.

11. Hydrostatic testing water will be tested and processed, if necessary, before use to ensure that Montana surface and groundwater quality standards are met.

12. If during any phase of the construction, operation, or termination of the pipeline or related facilities any oil or other pollutant should be discharged from the pipeline system, or from containers or vehicles impacting Federal lands, the control and total removal, disposal, and cleanup of such oil or other pollutant, wherever found, shall be the responsibility of the holder, regardless of fault. Upon failure of holder to control, cleanup, or dispose of such discharge on or affecting Federal lands, or to repair all damages to Federal lands resulting therefrom, the authorized officer

may take such measures as he deems necessary to control and cleanup the discharge and restore the area, including, where appropriate, the aquatic environment and fish and wildlife habitats, at the full expense of the holder. Such action by the authorized officer shall not relieve the holder of any liability or responsibility.

13. No surface disturbance or construction activity will be allowed within 50 feet of streams if flowing or anticipated to flow at the time of construction which shall be clearly marked as specified by the authorized officer. Any deviation from this requirement shall have the prior written approval of the authorized officer. Spoils will not be placed within the streambed or streambanks.

14. Construction activity and surface disturbance will be prohibited during the period from April 15 to July 15 for the protection of migratory bird nesting activities. *(The Operator is responsible for compliance with provisions of the Act by implementing one of the following measures; a) **avoidance by timing**; ground disturbing activities will not occur from April 15 to July 15, b) **habitat manipulation**; render proposed project footprints unsuitable for nesting prior to the arrival of migratory birds (blading or pre-clearing of vegetation must occur prior to April 15 within the area scheduled for activities between April 15 and July 15 of that year to deter nesting, or c) **survey-buffer-monitor**; surveys will be conducted by an operator funded, BLM approved biologist within the area of the proposed action and a 300 foot buffer from the proposed project footprint between April 15 to July 15 if activities are proposed within this timeframe. If nesting birds are found, activities would not be allowed within 0.1 miles of nests until after the birds have fledged. If active nests are not found, construction activities must occur within 7 days of the survey. If this does not occur, new surveys must be conducted. Survey reports will be submitted to the BLM-Miles City Field Office.)*

15. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.

16. The holder shall seed all disturbed areas with the seed mixture listed below. The seed mixture shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no primary or secondary noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within six months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed shall be planted using a drill equipped with a depth regulator to ensure proper depth of planting where drilling is possible. The seed mixture shall be evenly and uniformly planted over the disturbed area. (Smaller/heavier seeds have a tendency to drop to the bottom of the drill and are planted first. The holder shall take appropriate measures to insure this does not occur.) Where drilling is not possible, seed shall be broadcast and the area shall be raked or chained to cover the seed. When broadcasting the seed, the pounds per acre noted below are to be doubled. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of seven (7) days prior to seeding of the project.

Seed Mixture (clayey) - Western wheatgrass must be included in the mix. Thickspike wheatgrass may be substituted only when western wheatgrass is unavailable. The combination for the seed mixture must include at least four of the following species including Western wheatgrass:

<i>Species of Seed</i>	<i>(Variety)</i>	<i>Common Name</i>	<i>Pounds/acre</i> <i>*(PLS)</i>
<u>Pascopyrum smithii</u>	(Rosanna)	Western wheatgrass	3.00
<u>Pseudoroegneria spicata</u>	(Goldar)	Bluebunch wheatgrass	2.00
<u>Stipa viridula</u>	(Lodom)	Green needlegrass	2.00
<u>Elymus trachycaulus</u>	(Pryor)	Slender wheatgrass	2.00
<u>Stipa comata</u>		Needleandthread	1.00
<u>Bouteloua curtipendula</u>		Sideoats Grama	2.00
<u>Schizachyrium scoparium</u>		Little bluestem	2.00

**Pure Live Seed (PLS) formula: % of purity of seed mixture times % germination of seed mixture = portion of seed mixture that is PLS.*

17. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.

18. The holder shall protect all survey monuments found within the right-of-way. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management right-of-way monuments or references are obliterated during operations, the holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in the United States, latest edition. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the holder shall be responsible for the survey cost.

19. All above-ground structures not subject to safety requirements shall be painted by the holder to blend with the natural color of the landscape. The paint used shall be a color which simulates “Standard Environmental Colors” designated by the Rocky Mountain Five-State Interagency Committee. The color selected for this pipeline is Covert Green.

20. Within 60 days after placing the pipeline in service, the holder will submit to the Authorized Officer (AO), as-built drawings and a certification of construction verifying that the facility has been constructed (and tested) in accordance with design, plans, specifications, and applicable laws and regulations.

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