

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

DOI-BLM-MT-C020-2016-0081-EA

July 5, 2016

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

**CENEX ROW MTM-108614 AND TUP MTM 108614-01  
AMENDMENT TO CENEX ROW MTM-107820 AND TUP MTM-107820-01**

*Location:*                    **T. 7 N., R. 46 E., Custer County, Montana, PMM**

Section 13: S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Section 23: S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
 Section 26: E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
 Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Section 32: Lot 7;  
 Section 33: S $\frac{1}{2}$ ; and  
 Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .

**T. 7 N., R. 47 E., Custer County, Montana, PMM**

Section 4: Lot 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Section 9: Lot 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
 Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; and  
 Section 18: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

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**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT**

**CENEX ROW MTM-108614 AND TUP MTM-108614-01  
AMENDMENT TO CENEX ROW MTM-107820 AND TUP MTM-107820-01  
DOI-BLM-MT-C020-2016-0081-EA**

**BACKGROUND**

The origin of the environmental assessment was due to a request from Cenex Pipeline for a right-of-way (ROW) and a temporary use permit (TUP) to install a 10-inch steel pipeline to transport gasoline and diesel through Custer County, Montana.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2016-0081-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 Custer County, Montana which is designated as available for acceptance of ROW proposals in the Miles City Approved RMP. The RMP anticipated that ROW applications would continue to be approved in areas where rights-of-way are allowed and stipulations from the BLM Manual 2800 and 2880 will be used to protect resource values. The proposed action is in accordance with the Miles City Approved RMP.

Under the Proposed Action, ROW Grant MTM-108614 and Temporary Use Permit MTM-108614-01 would be issued to Cenex Pipeline, LLC to allow them to install a 10-inch steel pipeline across the following Federal lands (Public Domain) located on:

**T. 7 N., R. 46 E., Custer County, Montana, PMM**

- Section 13: S $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Section 23: S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Section 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- Section 26: E $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Section 27: E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Section 32: Lot 7;
- Section 33: S $\frac{1}{2}$ ; and
- Section 34: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .

**T. 7 N., R. 47 E., Custer County, Montana, PMM**

- Section 4: Lot 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Section 8: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;
- Section 9: Lot 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;
- Section 17: NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; and
- Section 18: E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ .

This facility will be authorized with a ROW and a TUP which will be issued under Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185). The right-of-way will be 50 feet wide, 51,216 feet long, and consist of 58.79 acres, more or less. The temporary use permit will be 25 feet wide, 51,216 feet long, and consists of 29.39 acres, more or less. The temporary use area is located on the south side of the permanent right-of-way. The proposed project will be constructed, used, maintained, and terminated in conformance with the company's Plan of Development which was submitted with their application. Cenex Pipeline, LLC will be subject to cost recovery and rental fees. The ROW and TUP will be subject to the terms and conditions in 43 CFR 2800 and 2880, the Plan of Development/application, and the stipulations listed below.

Also under the proposed action is an amendment to Right-of-way MTM-107820 and Temporary Use Permit MTM-107820-01. There will not be any construction on the east side of the river. However, Cenex will need to string and weld pipe on the Federal land located in Lot 2 of Section 4, T. 7 N., R. 47 E. in Custer County, Montana. This would be an amendment to the temporary use permit MTM-107820-01. This amendment would be 75 feet wide, 500 feet long, and consist of 0.86 acres, more or less. Cenex also needs access to this area by an existing two-track trail located in Tract U of Section 3, T. 7 N., R. 47 E. in Custer County, Montana. This would be an amendment to the right-of-way MTM-107820. This amendment would be 20 feet wide, 820 feet long, and consist of 0.38 acres, more or less.

## **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 proposed project would impact resources as 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 ROW Stipulations. The EA also disclosed beneficial impact from the proposed project that they would provide their distributors and their customers with gas and diesel. 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 Area 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.** One cultural resource is located on BLM managed lands in the project. This is the 1960 pipeline which is being replaced. The pipeline is not eligible for listing on the National Register of Historic Places. Four Cultural Sites and two isolated finds are located on Fort Krogh Managed Lands. None of the sites are recommended as eligible for listing on the National Register. There would be no effect to historic properties from the pipeline crossing BLM of Fort Keogh managed lands (see the 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.

**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 Miles City Approved RMP.

**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 Miles City Field Office RMP.

**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.

**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/ Todd D. Yeager**  
Todd D. Yeager  
Field Manager  
Miles City Field Office

**7/6/2016**  
Date