

**DUNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
BILLINGS FIELD OFFICE**

**CX REVIEW**

<b>Document Name:</b> Baldwin Lynch Pipeline ROW	<b>NEPA #:</b> DOI-BLM-MT-A010-2016-0024-CX
<b>Location:</b> T. 9 S., R. 22 E., sections 14, 23, 24, 25, 26 Carbon County	<b>Date first posted on ePlanning website:</b> 5/5/2016
<b>Internal Scoping Date:</b> 5/2/2016	<b>Date draft/final doc posted:</b>

<b>PROJECT LEAD</b>	<b>DATE/INITIALS</b>
Nancy Bjelland	N Bjelland 5/31/2016

PREPARERS	ASSIGNMENT	DATE/INITIALS
Dustin Crowe	Range, Vegetation, Soils	D.Crowe 5/9/2016
Craig Drake	Resource Programs	C.Drake 5/19/16
Ernie McKenzie	Wildlife, Fisheries, T&E, BLM & State Sensitive Species	EMcK 5/9/16
Larry Padden	Noxious & Invasive Plants	L. Padden 05/10/2016
Carolyn Sherve-Bybee	Cultural, Paleontological, ACECs, NEPA	CSB 5/26/2016

↓ **To be filled out during scoping meeting and for Admin Record** ↓

Baseline Data Needs & Internal Coordination		
		Date completed
Migratory birds/Raptors	Y/N	5/9/16
Noxious/Invasive Weeds	Y/N	
T&E/Special Status Species Plants and/or Animals	Y/N	5/9/16
Cultural/Paleontological	Y/N	
Riparian	Y/N	5/9/16
BLM Initiated projects: coordination and/or on-site visit with MCFO engineers <i>(if project is ground disturbing)</i>	Y/N	
Project entered into RIPS	Y/N	
Project entered into FAMS	Y/N	
ID team field visit	Y/N	

External Consultations/Notifications		
		Date completed
<b>External Scoping</b>	Y/N	
<b>Native American Coordination / Consultation</b> (30 to 60 days +/-)	Y/N	
<b>SHPO Consultation</b> (SHPO response w/in 30 days after receipt of cultural report)	Y/N	
<b>Notification to Wilderness Groups</b> (30 day comment period (if located within 1 mile of WSA/WA/LWC)	Y/N	
<b>FWP Coordination</b> (sage-grouse, etc.)	Y/N	
<b>Other political entities or federal/state/local agencies</b>	Y/N	
<b>USFWS Consultation</b> (90+ days)	Y/N	
<b>NPNHT and/or LCNHT Notification</b> (if within 1 mile of NPNHT or ½ mile of LCNHT)	Y/N	
<b>Document out for Public Comment</b> (usually 30 days)	Y/N	

Carolyn Sherve Bybee  
Environmental Coordinator

5/31/2016  
Date

By signing above, the Environmental Coordinator has ensured that all documents, e-mails, and letters associated with the Administrative Record have been saved into the Admin Record file in this document's NEPA folder and/or are attached to this document.

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
Billings Field Office  
5001 Southgate Drive  
Billings, MT 59101

**CATEGORICAL EXCLUSION REVIEW AND APPROVAL**

**BACKGROUND**

**BLM Office:** Billings Field Office

**NEPA Number:** DOI-BLM-MT-A010-2016-0024-CX

**Project Name:** Baldwin Lynch O&G Pipeline ROW renewal

**Scoping Date:** May 2, 2016

**Project Location (including county):**

Principal Meridian Montana

T. 9 S., R 22 E.,

Sec. 14, SW1/4SW1/4/SW1/4;

Sec. 23, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, W1/2SE1/4;

Sec. 24, NW1/4;

Sec. 25, SW1/4SW1/4;

Sec. 26, W1/2NE1/4, N1/2SE1/4;

The area described contains 9.71 acres in Carbon County Montana.

The Oil & Gas Pipeline right-of-way is 16,922 feet in length and 25 feet wide. Pipeline is 4 inches in diameter.

**DESCRIPTION OF THE PROPOSED ACTION**

Baldwin Lynch AKA Baldwin Lynch Energy filed an application for a temporary road Right-of-Way in 2007 to reach Federal Lease MTM 96325. This application was also used for testing of existing oil and gas pipelines that had been relinquished but were still in existence in order to see if they were still in useable condition to transport gas. The initial ROW was granted for a three year term on February 1, 2008, and expired on January 31, 2011. Rent was paid up through this time.

Correspondence in the file showed Baldwin Lynch requested an extension of the ROW; however the extension was not completed. A site visit was completed on April 8, 2016, which indicated the existing ROW was in good condition. The amended portion of the ROW (above ground 2" Pipe) has been removed leaving only the underground 4" pipeline of which Baldwin Lynch

would like to renew the off-lease portion. Use of this pipeline is currently seasonal and necessary to continue drilling and development activities within the North Clark's Fork Oil Field. Extension of this ROW is requested for 30 years.

The need is to process this 2010 request and to bring the status current.

The purpose of this action is to serve the needs of Baldwin Lynch to be able to continue business with their Federal Oil & Gas Lease.

This area does fall in Greater Sage-Grouse habitat. As there is no new construction, there is no disturbance. Denial and removal of the pipeline would create major disturbance issues.

This action is being considered per 43CFR2887.12(b) which cites "BLM may modify the terms and conditions of the grant at the time of renewal, and you must pay the processing fees in advance."

#### **LAND USE PLAN CONFORMANCE:**

**Land Use Plan Name:** 2015 Billings Resource Management Plan and Rocky Mountain Record of Decision

**Date Approved/Amended:** September 2015

**Title V of the Federal Land Policy and Management Act of October 21, 1976 (90Stat.2776; 43 U.S.C. 1761)**

The proposed plan is in conformance with the **2015 Billings Resource Management Plan and Rocky Mountain Record of Decision; Chapter 3 Management Decisions** as follows:

**MD R\RLP 1: Analyze requests for land use authorizations and apply mitigation measures as appropriate (Appendix H).**

**MD R\RLP 7: Terms and conditions for ROW's corridors and development areas will incorporate BMP's.**

#### **COMPLIANCE WITH NEPA**

The proposed action described above generally does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS), as it has been found to not individually or cumulatively have significant effect on the human environment. The applicable Categorical Exclusion reference is Chapter 11 of the Department of Interior's Manual Part 516, Appendix 1 E, Realty (9) which states:

*Renewals and assignments of leases, permits or rights-of-way where no additional rights are conveyed beyond those granted by the original authorization.*

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and, as documented below, none of the extraordinary circumstances described in 43 CFR 46.215 apply.

<b>Extraordinary Circumstances</b>		
<b>The project would:</b>		
1. Have significant impacts on public health or safety.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There would be no significant impacts of public health or safety as this O&G Pipeline was built by previous ROW holders has been in place since 1975 and has been properly maintained. Testing on the line has been completed to assure safe use by current applicant.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (E O 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There would be no impacts to natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks, sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988) (there are no wetlands or floodplains identified within the project area per BLM GIS analysis and professional experience/knowledge of the area); national monuments; migratory birds (MT NHP review did not indicate any sensitive species or habitats in the project area); and other ecologically significant or critical areas. The proposed action consists of an existing ROW. There will be no surface disturbing or construction activities occurring as a result of the proposed action.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> There would be no highly controversial environmental effects or unresolved conflicts concerning alternative uses of available resources as this is an established Oil & Gas pipeline that has been in use since 1975.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
Yes	No X	<b>Rationale:</b> There would be no highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks as this is an established Oil & Gas pipeline that has been hydro-tested prior to use.
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
Yes	No X	<b>Rationale:</b> The proposed action would not be connected to another action that would not set a precedent for future actions that would normally require environmental analysis.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No X	<b>Rationale:</b> The proposed action is limited in scope and would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office.		
Yes	No X	<b>Rationale:</b> The proposed action does not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		

Yes	No X	<p><b>Rationale:</b> This is an existing utility for renewal with no additional rights conveyed beyond those granted by the original authorization. A review (5/9/2016) found that there are no threatened, endangered, or sensitive plant species or critical habitats present in the project area.</p> <p>The project area is within greater sage-grouse priority and general habitat management areas. Future considerations may be required for protections of sage-grouse and their habitat if it is determined the ROW and associated activities (maintenance) are affecting sage-grouse habitat. Surface disturbance associated with the ROW is only allowed with prior written permission from the authorized officer, which would entail review of potential impacts.</p>
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No X	<p><b>Rationale:</b> The proposed action would not violate Federal law, or a State, local or tribal law requirement imposed for the protection of the environment.</p>
10. Have a disproportionately high and adverse effect on low income or minority populations (EO 12898).		
Yes	No X	<p><b>Rationale:</b> There are no low income or minority populations that are present that would receive disproportionately high and adverse human health or environmental effects. Health and environmental statutes would not be compromised.</p>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (EO 13007).		
Yes	No X	<p><b>Rationale:</b> The proposed project would not limit access to or ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites. No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.</p>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and EO 13112).		

Yes	No <b>X</b>	<b>Rationale:</b> To mitigate the introduction or spread of noxious and invasive weeds, all motorized equipment would be power washed prior to entering sites. All reasonable actions to inhibit the introduction of invasive species would be taken. The ROW holder has the responsibility to control noxious species within the confines of the ROW.
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**INTERDISCIPLINARY ANALYSIS:**

BLM team members conducting or participating in the preparation of this CX are listed on the cover sheet.

Environmental Coordinator: Carolyn Shewe Bybee Date: 5/31/2016

**Decision and Rationale on Action**

Based on a review of the project described above and field office staff recommendations, It is my decision to approve the renewal of Baldwin Lynch Energy 's Oil & Gas Pipeline right-of way as described in the proposed action. Baldwin Lynch Energy agrees to comply with and be bound by all the terms, conditions, and stipulations of the original right-of-way grant under the Serial Number MTM-97675.

Special Stipulations for renewal of this right-of-way include:

1. The holder shall operate, and maintain the existing oil & gas pipelines within this right-of-way in strict conformance of the original grant and these special stipulations. Any relocation, additional construction, or use that is not in accord with the renewed right-of-way, shall not be initiated without the prior written approval of the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The holder shall not initiate any construction or other surface disturbing activities on the right-of-way without the prior written authorization of the authorized officer. Such authorization shall be written notice to proceed issued by the authorized officer. Any notice to proceed shall authorize construction or use only as therein expressly stated and only for the particular location or use therein described.
3. 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.

4. 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.
5. 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).
6. 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 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
7. The holder shall inform the authorized officer within 48 hours of any accidents on federal lands that require reporting to the Department of Transportation as required by 49 CFR, Part 195.
8. 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.

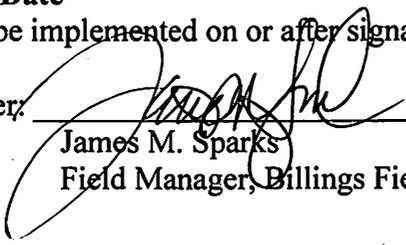
Some Rights-of-Ways are within GRSG Priority Habitat Management Areas (PHMAs) and may require special considerations or management in the future for the protection of Greater Sage-Grouse habitat if it is determined the Rights-of Way are affecting sage grouse populations.

In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required under the National Environmental Policy Act (as documented in the attached CX, NEPA Compliance [Section C]).

**Implementation Date**

This project will be implemented on or after signature of Authorized Officer:

Authorized Officer: \_\_\_\_\_



James M. Sparks  
Field Manager, Billings Field Office

Date: \_\_\_\_\_

5/31/16

**Administrative Review or Appeal Opportunities**

The authority for this decision is contained in the 43CFR2880 The statutory authority underlying the regulation in this part is the Federal Land Policy and Management Act of 1976 Section 501, (43 U.S.C 1701 et seq.).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

This decision shall take effect immediately upon the date it is signed by the authorized officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay. Please refer to 43CFR 2800 for appeals on rights-of-way. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at 5001 Southgate Drive, Billings, MT 59101. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor

(see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (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 irreparable harm to the appellant or resources if the stay is not granted,  
and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Field Solicitor, U.S. Department of the Interior, 2021 4<sup>th</sup> Avenue North, Suite 112, Billings, MT 59101, not later than 15 days after filing the document with the authorized officer and/or IBLA.

**Contact Person**

For additional information concerning this decision, contact:

Nancy Bjelland  
BLM Billings Field Office  
5001 Southgate Drive  
Billings, Montana 59101  
406-896-5222