CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	ConocoPhillips Glacier Pipeline Extrication Land Use License
Proposed Implementation Date:	November 2011
Proponent:	ConocoPhillips Pipeline Company
Location:	Section 15, Township 2 South, Range 24 East (Yellowstone River – Public Land Trust)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

ConocoPhillips Pipeline Company has applied for a Land Use License (LUL) from the DNRC Southern Land Office (SLO) to temporarily occupy the bed of the Yellowstone River south of Laurel in order to remove the Glacier Pipeline that was abandoned in place in 2009. The 8-inch Glacier Pipeline is located less than 150-feet upstream from the ruptured ExxonMobil Silvertip pipeline and was exposed this spring during the flooding of the Yellowstone River. ConocoPhillips Pipeline Company is proposing to use the same contractor that is extricating the Silvertip line to remove the Glacier facility. The Glacier Pipeline extrication will take place concurrently or immediately after the Silvertip pipeline removal. The portion of the Glacier Pipeline to be removed is located between the banks of the Yellowstone River, approximately 700 feet east of the U.S. Highway 212/310 Bridge.

Similar to the ExxonMobil Silvertip extrication, the ConocoPhillips Glacier removal will involve the utilization of divers and cranes to remove the portion of the pipeline that is in the active channel of the Yellowstone River along the south shore. The portions of the pipeline under the gravel bar/island and high water channel along the north shore of the Yellowstone River will most likely require trenching. At the north and south shore lines, the old pipe will remain in the ground but will be capped and abandoned in place. Rip rap will be placed around the capped ends of the pipe to help stabilize the bank. It is anticipated that the most intense activity associated with the project will be completed within approximately 6-10 weeks. After that time there may some minor activity on the site, but the significant portion of the pipeline removal should be complete unless something unexpected is found.

The DNRC Southern Land Office completed an Environmental Assessment on 22 September 2011 for Land Use License #6196, which authorizes ExxonMobil Pipeline Company to occupy the Yellowstone River to remove the ruptured Silvertip Pipeline. This Environmental Assessment (EA) for the Glacier Pipeline removal will incorporate information from the 9/22/11 ExxonMobil Silvertip Land Use License EA through section and page references. A complete copy of the ExxonMobil Silvertip Land Use License EA can be found in Attachment A of this document. This EA is being constructed this way since: the actions proposed by ConocoPhillips are almost identical to those proposed by ExxonMobil; the pipelines are separated by less than 150-feet, therefore the impacted environment is the same; and the proposed action by ConocoPhillips will take place concurrently or immediately after the Silvertip Pipeline is removed.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

The DNRC Southern Land Office (SLO) did not perform any specific scoping or public involvement for this requested action. However, the SLO did perform scoping for the ExxonMobil Land Use License request as well as for the installation of the new Silvertip Pipeline. Details of public involvement performed for the ExxonMobil Silvertip extrication can be found on pages 1-2, Section 1 of that EA.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Yellowstone Conservation District: 310 Permit

Yellowstone County: Floodplain Permit
US Army Corps of Engineers: Section 404 Permit
Montana Department of Environmental Quality: 318 Permit
US Department of Transportation Pipeline & Hazardous Materials Safety Administration (PHMSA)
City of Laurel: Approval for use/occupancy of Riverside Park

3. ALTERNATIVES CONSIDERED:

No Action Alternative: Deny the request by ConocoPhillips Pipeline Company to issue a Land Use License to remove the abandoned portion of the Glacier crude oil pipeline located between the high water marks of the Yellowstone River.

Proposed Alternative: Approve the request by ConocoPhillips Pipeline Company to issue a Land Use License to remove the abandoned portion of the Glacier crude oil pipeline located between the high water marks of the Yellowstone River.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:
Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The proposed action by ConocoPhillips Pipeline Company has the potential to impact geology and soil quality and stability due to the second trench that will be dug through the island from the north bank to the active channel. There is potential for long term impacts to geology and soil quality and stability due to the potential inability of the contractor to compact the trenched area back to its current state. If the filled trenches cannot resist erosion, then potential adverse impacts would be the bifurcation of the island, as well as increased sedimentation into the Yellowstone River. However, if the pipeline is left in place under the island and the Yellowstone River shifts back to the north it could result in the southern island edge being eaten away and exposing the pipeline which would require ConocoPhillips to return to the Yellowstone to remove the remaining portion of the pipeline. The proposed action has potential for adverse impacts; however, the alternative of leaving the pipeline in place under the island in the riverbed also has potential future impacts. A detailed analysis can also be found on pages 2-3, Section 4 of the ExxonMobil Silvertip EA.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:
Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The proposed action by ConocoPhillips Pipeline Company has the potential to impact water quality due to the additional trench that will need to be dug through the island near the north bank. As noted in the ExxonMobil Silvertip EA, there is potential for long term impacts to water quality due to the potential inability to compact the trenched area back to its current state. This may result in erosion of the trench and bifurcation of the island, as well as increased sedimentation into the Yellowstone River. Additional information on water quality and quantity can be found on pages 3-4, Section 5, of the ExxonMobil Silvertip EA.

Implementation of the proposed alternative may cause short term adverse impacts to water quality with the potential that some of these impacts could be lessened depending upon the method that is used for extraction and the depth of pipeline. As mentioned above, the potential longer term impacts to water quality could occur from the erosion of the two trenches through the island. Additionally, materials that are temporarily moved from the island to construct the ramps from the north shore may erode when placed back in their original location on the island.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

No significant impacts to air quality are expected by implementing the proposed action. A more detailed analysis can be found on page 4, Section 6 of the ExxonMobil Silvertip EA.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

No significant impacts to vegetative cover, quantity and quality are expected by implementing the proposed action. A detailed analysis can be found on page 4, Section 7 of the ExxonMobil Silvertip EA.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

The use of temporary current diversions within the Yellowstone River channel could cause a short term disruption for species utilizing the main river channel. Additionally, the noise from the heavy equipment used in the extrication process could cause temporary displacement. However, no significant long term impacts to terrestrial, avian and aquatic life and habitats are expected by implementing the proposed action. A detailed analysis can be found on page 5, Section 8 of the ExxonMobil Silvertip EA.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program database indicated that there were seven-(7) species of concern known to occur in Township 2 South, Range 24 East. A detailed description of those species and their potential to occupy the project area can be found on pages 5-6, Section 9 of the ExxonMobil Silvertip EA.

Implementation of the proposed alternative may cause minor short term impacts to species of concern for the duration of the project. The noise from construction equipment could disperse or cause wildlife to temporarily avoid the area. The use of temporary current diversions within the Yellowstone River channel could disrupt passage of spiny softshell or fish by diverting the river flow. Additionally, there is potential for wildlife fatalities due to collisions with construction vehicles. Once the project is complete, there are not expected to be any long term impacts.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

The extent of review for historic and archaeological sites was limited to state-owned land. In the case of this project, this land is under the bed of the navigable Yellowstone River, including the island near the north shore. The Southern Land Office consulted with the DNRC Archaeologist regarding the project and surrounding area and there were no concerns expressed. If there are cultural resources outside of the navigable riverbed, then those could be looked at during the Federal permitting process, but are outside of the DNRC review. No significant adverse impact to historic or archaeological sites on state-owned land is expected as a result of implementing the proposed alternative.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The proposed action would result in the temporary occupation of the Yellowstone River approximately 700 feet east of the US Highway 310/212 Bridge. The surface area that would be disturbed would be visible from the bridge, as well as from Riverside Park. The only portion of the project that may be visible after its completion is the area of the island/gravel bar that is disturbed by trenching.

If the Proposed Alternative is implemented, there would be a short-term increase in sound due to the equipment utilized in construction. The proposed action would add to the existing noise levels, but this short term addition is not expected to cause a significant adverse impact. A more detailed analysis of aesthetics and noise can be found on pages 7-8, Section 11, of the ExxonMobil Silvertip EA.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

Implementing the Proposed Alternative is not expected to result in a significant impact on environmental resources.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The permits that are required by other local, state and federal agencies or departments for the proposed project are listed above in Section 2 of this EA. There are two other potential future projects in the area that are being proposed by other entities. The city of Laurel is studying the feasibility of a bank stabilization project along the Yellowstone River – Riverside Park boundary. That project is in the early stages with alternatives currently being developed and no permit application has been submitted. The other project is a pipeline replacement by Williston Basin Interstate Pipeline Company (WBIPC). WBIPC has a 16" natural gas line that runs under the Yellowstone River upstream from the ConocoPhillips Glacier Pipeline that was also exposed during the 2011 spring runoff and flooding. WBIPC is proposing to install a new 16" natural gas line under the Yellowstone River within their existing 50' easement. The depth of the new line is not yet known. WBIPC will also come back at a later date, probably sometime in 2012, to remove the existing exposed pipeline.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

If the Proposed Alternative is implemented, ConocoPhillips Pipeline Company will develop a project-specific health and safety plan (HASP) to protect construction workers and the public during construction. If the pipeline is not removed, the potential remains that it could snag debris and pose a hazard to boaters or floaters recreating on the Yellowstone River. The extrication of the Glacier pipeline will remove an existing hazard from the River and is not expected to adversely impact human health and safety.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:
Identify how the project would add to or alter these activities.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on industrial, commercial and agricultural activities and production.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:
Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on employment in Yellowstone County. The project will be of a relatively short duration and it is unknown at this time how many local employees will be utilized.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:
Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on local and state tax base and revenues since it would only remove an abandoned crude pipeline.

18. DEMAND FOR GOVERNMENT SERVICES:
Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on the demand for governmental services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:
List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to conflict with any locally adopted plans.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:
Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Implementation of the Proposed Alternative would cause short term impacts to recreation access since the City of Laurel will keep Riverside Park closed for the duration of the two pipeline extrication projects. However, implementing the proposed action is not expected to cause any significant adverse long term impacts. A more detailed analysis of access to and quality of recreational activities can be found on pages 9-10, Section 20, of the ExxonMobil Silvertip EA.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:
Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have significant adverse impacts on density and distribution of population and housing.

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by implementation of the No Action Alternative or the Proposed Alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant adverse impact on cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:
Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The State will benefit by getting a one-time fee of $1,000 for the Land Use License. The Public Lands Trust is the beneficiary of this payment since it involves a navigable river.

EA Checklist Prepared By:	**Name:**	Jeff Bollman, AICP	**Date:**	31 October 2011
	Title:	Area Planner, Southern Land Office		

V. FINDING

25. ALTERNATIVE SELECTED:

The Proposed Alternative has been selected and it is recommended that a Land Use License be issued to ConocoPhillips Pipeline Company to allow the temporary occupancy of the bed of the Yellowstone River south of Laurel in order to remove the abandoned segment of the Glacier Pipeline that is located between the banks of the Yellowstone River. Based on the need to remove the exposed pipeline from the Yellowstone River, this alternative accomplishes that with the least impact to the environment. The portion of the pipeline that is currently exposed in the main channel of the Yellowstone is a hazard and its prompt removal will improve the safety of the users of the Yellowstone River.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts has been lessened as much as possible based on the required scope of work for the proposed project. There are no natural features or nearby species of concern noted that could produce adverse impacts from the Proposed Alternative. Potential adverse impacts will be avoided or mitigated by the project through the implementation of the following conditions of the Land Use License:

1. ConocoPhillips shall allow representatives from the State of Montana, including those from the Attorney General's Office, DEQ and DNRC, on-scene during the removal to observe, photograph and otherwise document the removal process.
2. ConocoPhillips shall provide the State notice of and the contractor specifications for such removal at least seven days prior to the removal date.
3. All in-river work shall be completed in an expeditious manner to avoid unnecessary impacts to the river.
4. A maximum of two-(2) ramps may be constructed from the north shore of the River, across the high water channel to the island through this License and Land Use License #6196 granted to ExxonMobil for the Silvertip extrication. The width of the ramps shall be as small as possible to safely complete the project.

5. The Licensee agrees to hold harmless, defend, and indemnify the State of Montana, its officials, agents, and employees, against all claims, demands, and causes of action of any kind or character, arising in favor of the Licensee's employees or third parties on account of bodily or personal injuries, death, hazardous materials response and clean-up costs, civil or administrative penalties, or damage to property arising, out of or resulting from the negligent or intentional acts or omissions of the Licensee, its agents, employees, subcontractors, or its representatives upon the premises described above within this Land Use License occurring during the term of this Land Use License.
6. All activities performed in the river and immediate vicinity shall be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
7. To prevent leaks of petroleum products into the river, no defective equipment shall be operated in the river or adjacent areas.
8. All necessary permits will be secured before any activities begin.

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27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

[ ] EIS [ ] More Detailed EA [X] No Further Analysis

EA Checklist Approved By:	**Name:**	Matt Wolcott
	Title:	Area Manager, Southern Land Office
Signature: /s/ Matt Wolcott	**Date**:	31 October 2011

Attachment A – ExxonMobil Silvertip Pipeline Extrication Land Use License Environmental Assessment

The following pages contain a copy of the Environmental Assessment for the Land Use License application to extricate of the ExxonMobil Silvertip Pipeline. This EA was approved on 22 September 2011.

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	ExxonMobil Silvertip Pipeline Extrication Land Use License
Proposed Implementation Date:	September 26, 2011
Proponent:	ExxonMobil Pipeline Company
Location:	Section 15, Township 2 South, Range 24 East (Yellowstone River – Public Land Trust)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

ExxonMobil Pipeline Company (EMPCo) has applied for a Land Use License (LUL) from the DNRC to temporarily occupy the bed of the Yellowstone River south of Laurel in order to remove the segment of the ruptured Silvertip Pipeline that is located between the banks of the Yellowstone River, approximately 850 feet east of the U.S. Highway 212/310 Bridge (see Attachment A). Prior to commencing extrication, EMPCo will document the existing condition of the pipeline with a video camera as well as determine the debris that is near the pipeline that needs to be removed prior to the pipeline extrication. The video footage will be analyzed and used in the preparation of a pipeline removal plan. It is expected that some portions of the pipeline can be removed by crane without disturbance of the river bottom, while other areas will require trenching. The area that will most likely require trenching is the gravel bar/island and high water channel which are located near the north shore of the river. At the north and south shore lines, the old pipe will remain in the ground but will be capped with the upland portions grouted and abandoned in place. Rip rap will be placed around the capped ends of the pipe to help stabilize the bank. It is anticipated that the most intense activity associated with the project will be completed within approximately 6 weeks. After that time there may some minor activity on the site, but the significant portion of the pipeline removal should be complete unless something unexpected is found.

Once the sections of the pipeline nearest the rupture are removed, they will be crated and transported to a laboratory in Ohio for analysis and testing. The US Departments of Justice and Transportation have determined testing protocols that will be performed to try and determine the cause of the rupture. EMPCo has been ordered by the U.S. DOJ and DOT to remove the failed section of pipeline before winter so that there is no further damage from freezing that would compromise the forensic analysis of the pipeline. Additionally, the pipeline is currently visible from the south shore of the Yellowstone River and portions of it are hazards to boaters and floaters using the Yellowstone River.

In connection with the previous application submittal for a Temporary Construction License, EMPCo contracted with Arcadis consultants <www.arcadis-us.com> to collect environmental information to assist DNRC in preparation of this Environmental Assessment (EA). This information was included in a document entitled, *ExxonMobil Pipeline Environmental Assessment Yellowstone HDD Project* (dated August 1, 2011) and within the remainder of this EA, references to information provided by Arcadis are referring to that document unless otherwise noted. The Arcadis document is available for review upon request at the DNRC Southern Land Office.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

A letter soliciting comments on the proposed Land Use License by EMPCo was sent to interested parties on 12 September 2011 and requested that comments be submitted on the proposal by 21 September 2011. A list of individuals/organizations contacted is included in Attachment B and a copy of the scoping letter is included in Attachment C of this EA. Additionally, the same text that is in the scoping letter was sent to all persons that sent email comments on the Temporary Construction License. Those persons emailed are listed in Attachment D.

A legal notice was published in the Billings Gazette on 14 and 18 September 2011 requesting that comments be submitted on the proposal by 21 September 2011.

The DNRC issued a press release on 12 September 2011, a copy of which is shown in Attachment E.

The Billings Gazette online ran an article regarding the application for a Land Use License (see Attachment F) on 13 September 2011. The Billings Gazette also ran an article regarding the status of the new pipeline and on the public scoping process for the LUL on 14 September 2011 (see Attachment G).

Email comments were received from five-(5) different persons in response to the request for comments. Copies of the comments can be found in Attachment I.

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2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Yellowstone Conservation District: 310 Permit
Yellowstone County: Floodplain Permit
US Army Corps of Engineers: Section 404 Permit
Montana Department of Environmental Quality: 318 Permit
US Department of Transportation Pipeline & Hazardous Materials Safety Administration (PHMSA)
City of Laurel: Approval for use/occupancy of Riverside Park

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3. ALTERNATIVES CONSIDERED:

No Action Alternative: Deny the request by ExxonMobil Pipeline Company to issue a Land Use License to remove the failed portion of the Silvertip crude oil pipeline between the high water marks of the Yellowstone River.

Proposed Alternative: Approve the request by ExxonMobil Pipeline Company to issue a Land Use License to remove the failed portion of the Silvertip crude oil pipeline between the high water marks of the Yellowstone River.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

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4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:
Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Geotechnical borings were performed near the proposed entry and exit points for the Horizontal Directional Drilling performed via Temporary Construction License CL-0033-SLO and the locations are shown on Attachment H. The boring results from the Arcadis report are listed below:

Boring DH-1
- 1 ft. road base gravel
- Lean clay 1 to 4 ft. below ground surface (bgs)
- Poorly-graded gravel with silt and sand, with cobbles 4-8 inches in diameter to 11 ft. bgs
- Claystone (shale) from 11-34 ft. bgs with intermittent bentonite clay beds to 3.5 ft. thick from 28.5-37.5 ft. bgs
- Shale from 34 ft. to 90 ft. bgs (total depth of boring), with thin interbedded sand seams

Boring DH-2
- 1.5 ft. road base gravel
- Lean clay 4-16 ft. bgs

- Poorly graded gravel with silt and sand. Sand is coarse, gravel is fine to coarse with cobbles 4-8 inches in diameter, some fine sand seams
- Claystone (shale) from 16-46 ft. bgs; highly fractured from 32-46 ft. bgs
- Shale (more competent rock) from 46-90 ft. bgs (total depth of the boring). Thin sandstone lenses throughout and a 4-inch cemented sandstone at 74 ft. that slowed drilling.

Boring DH-3
- Topsoil 0-0.5 ft. bgs
- Lean clay 0.5-2 ft. bgs
- Poorly graded gravel w/ silt and sand; sand fine to course grained, gravel fine- to coarse- grained with cobbles 4-6 inches in diameter.
- Claystone (shale) from 14-75 ft bgs; thinly laminated and horizontally bedded; with 4- to 6-inch thick bentonite lenses and several intervals of bentonite-filled joints; numerous fractures from 64-67 ft bgs, 70-71 and 74-75 ft bgs.
- Bentonite from 75-78 ft bgs.
- Claystone (shale) from 79-90 ft bgs (total depth of the boring).

No Action Alternative: Under the No Action Alternative there would not be any direct impacts to geology or soils.

Proposed Alternative: The proposed alternative would permit the temporary occupancy of the Yellowstone River. The occupancy would consist of locating some heavy equipment onto the island/gravel bar near the north shore to assist in removing sections of the failed Silvertip pipeline via crane. Additionally, there may also need to perform trenching/excavation work where the pipeline passes under the island to allow for its removal. There is a possibility that the pipeline could be exposed near the north bank and then pulled out without trenching work. This will only be able to be determined once there is an investigation as to the location and depth of the pipeline.

Implementation of this alternative will also allow the construction of two-(2) temporary earthen ramps from the north bank to the island for equipment to access the island. The material for these ramps will be temporarily taken from the island/gravel bar. After completion of the project, the gravel/rock will be returned to the island and it will be re-contoured back to its original state. This alternative will cause minor adverse impacts to geology and soil quality due to the potential invasiveness of the work. However, the duration of the project will be short lived and it will occur during low water flow in the Yellowstone River. A potential longer term impact could be from the trenching and the inability to compact the area to back its current state. This could result in erosion of the trench and eventual bifurcation of the island. Additionally, the material that is borrowed to form the ramps could be washed away during spring runoff resulting in loss of mass to the island and increased water turbidity.

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5. WATER QUALITY, QUANTITY AND DISTRIBUTION:
Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The applicant, ExxonMobil Pipeline Company (EMPCo), has requested a Land Use License to remove the failed segment of the Silvertip pipeline that is located between the high water marks of the Yellowstone River, approximately 850 feet east of the US Highway 310/212 Bridge south of Laurel.

No Action Alternative: Under the No Action Alternative no work would be required, so there would not be any direct impacts to water quality, quantity or distribution.

Proposed Alternative: The proposed alternative would allow EMPCo to temporarily occupy the Yellowstone River to remove the failed Silvertip Pipeline. Prior to any occupancy of the River, EMPCo will have a company come in and video the pipeline to evaluate its condition as well as the location of any debris that is lodged against the pipeline that will need to be removed prior to the pipeline extraction. The portion of the pipeline between the south shore and the island/gravel bar may be entirely exposed and could be removed with divers with torches and cranes to lift out the pipe. A temporary current diversion wall will be installed in the main channel to protect divers from the River channel current.

The portion under the island may need trenching/excavation work performed to allow for its removal, which would include dewatering. The dewatering of the trench would pump the water to the east end of the island/gravel bar which would allow it to percolate back into the Yellowstone and help reduce turbidity. There is a possibility that the pipeline could be exposed near the north bank and then pulled out without trenching work.

A potential long term impact to water quality could be from the trenching and the inability to compact the area back to its current state after the project is complete. This could result in erosion of the trench and eventual bifurcation of the island and increased sedimentation into the Yellowstone River. The only way to mitigate this potential impact would be leave the pipeline that is under the island, but that appears to conflict with direction that EMPCo has received from the Federal agencies with oversight of this incident. Implementation of the proposed alternative will cause short term adverse impacts to water quality with the potential that some of these impacts could be lessened depending upon the method that is used for extraction and the depth of pipeline. As mentioned above, the longer term impacts to water quality could occur from the erosion of the trench in the island as well as material that is temporarily moved to construct the ramps on the north shore may erode from the island.

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6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

The Arcadis report states that *"[a]ir quality conditions in Laurel, Montana are better (lower) than USEPA's national ambient air quality standards (NAAQS) for the majority of the compounds that have established NAAQS. When a region is attaining the NAAQS, it is designated as an attainment area. The project site is located within attainment areas for nitrous oxides (NOX), lead (Pb), carbon monoxide (CO), and particulate matter (particulates less than 10 microns in diameter [PM10] and particulates less than 2.5 microns in diameter [PM2.5]). The project location is in an area of nonattainment for sulfur dioxide (SO2). The project site is within an attainment area for 1-hour and 8-hour ozone levels."* The project is located east/southeast of the existing Cenex Refinery, which could be a contributor to the SO2 nonattainment status.

No Action Alternative: Under the No Action Alternative there would not be any work required, so there would not be any direct impacts to air quality.

Proposed Alternative: The proposed alternative would require the operation of various pieces of construction machinery including: crane, bulldozer, track hoe, excavator, haul trucks, compressors, welding machines and other smaller equipment. Not all machinery would be operating at the same time and it would be limited to work hours which would normally be from 7 a.m. to 7 p.m., partially depending on weather and daylight, for seven days a week. The project is currently expected to be completed by 31 December 2011. Existing roads would used with the only potential impact being dust from construction traffic. Dust suppression would be employed if needed. Implementation of the proposed alternative would be of a relatively short duration and would not be expected to have significant long term adverse impact to air quality.

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7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

No Action Alternative: Under the No Action alternative no work would be performed; therefore, there would not be any direct impacts to vegetation cover, quality and quantity.

Proposed Alternative: Implementation of this alternative would create short-term, localized impacts to vegetative cover. The largest area for vegetative disturbance is along the south shore and the amount of disturbance depends on the amount of vegetation that needs to be removed to facilitate the safe removal of the pipeline. Disturbed areas owned by the State do not contain any vegetation. The island that will be trenched to facilitate the removal of the pipeline located beneath it currently lacks vegetation and only contains river rock. Implementation of the proposed action is not expected to cause any significant impacts to vegetative cover on state-owned land.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

The project area is used by a variety of big game wildlife species including: mule deer, white-tailed deer, black bear and could be traversed by mountain lions. The Montana Department of Fish, Wildlife and Parks ranks this area as Class 3 in the agency's Crucial Areas Assessment, with 1 being highest and 4 lowest. Class 3 indicates that the project area has low to moderate big game habitat. Upland game bird use of the project area could include wild turkey, ring-necked pheasant, sharp-tailed grouse and gray partridge. The project area has low potential for use by sharp-tailed grouse due to its low quality habitat and the other upland game birds could occupy areas around the project.

Non-game species that have the potential to occur in the project area include: bobcat, coyote, raccoon, red fox, striped skunk, beaver, deer mouse, eastern fox squirrel, least chipmunk, long-tailed vole, masked shrew, meadow vole, montane vole, muskrat, northern grasshopper mouse, northern pocket gopher, northern river otter, prairie vole, Richardson's ground squirrel, western harvest mouse, cottontail rabbit, porcupine, spotted bat and white-tailed jackrabbit.

Migratory birds are protected by the Migratory Bird Treaty Act (MBTA) by the US Fish & Wildlife Service (USFWS) and could migrate through the project area. Songbirds that may occur in the project area include: horned lark, western meadowlark, red-winged blackbird and barn swallow. Water birds that could occur in the project area include: black tern, great blue heron, sandhill crane, kill deer, ducks and geese. Raptor species that could nest in, around or migrate through the project area include: bald eagle, golden eagle, turkey vulture, northern harrier, red-tailed hawk, swainson's hawk, ferruginous hawk, cooper's hawk, prairie falcon, American kestrel, barn owl, and great-horned owl.

No Action Alternative: Under the No Action alternative no work would be performed; therefore, there would not be any direct impacts to wildlife from pipeline removal. However, if the pipeline is not removed, it could provide for minor impacts, especially to aquatic species that would have to avoid the exposed pipe.

Proposed Alternative: Implementation of this alternative may cause impacts to terrestrial wildlife during the relatively short duration of the project. The noise from the various pieces of equipment could disperse or cause wildlife to temporarily avoid the area. The use of temporary current diversions within the Yellowstone River channel could disrupt passage for species that utilize the main river channel. Additionally, there is potential for wildlife fatalities due to collisions with construction vehicles. Once the project is complete, there are not expected to be any long term impacts.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program database indicated that there were seven-(7) species of concern known to occur in Township 2 South, Range 24 East. Below Table 3-3 from the Arcadis report details these species of concern:

Table 3-3 Species of Concern Known to Occur in Township 2 South, Range 24 East
Source: Table 3-3 (pages 57-58) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Scientific Name	Common Name	Status[1]	Habitat Description	Potentially Occurs in Project Area?
Birds				
Ammodramus bairdii	Baird's Sparrow	S3B	Grasslands	No – no suitable grassland habitats are present
Ardea herodias	Great Blue Heron	S3	Riparian forest	Yes – there is suitable habitat present. Great blue herons are found in the area year-round and may breed and winter in the riparian habitats along the Yellowstone River (MDFWP 2011c).

Coccyzus americanus	Yellow-billed Cuckoo	S3B	Prairie riparian forest	Yes – there is suitable habitat present. Yellow-billed cuckoos breed in Montana and winter in South America. This species may nest in the riparian habitats along the Yellowstone River (MDFWP 2011c).
Gymnorhinus cyanocephalus	Pinyon Jay	S3	Open conifer forest	No – there is no suitable coniferous forest habitat present
Haliaeetus leucocephalus	Bald Eagle	S3	Riparian forest	Yes – there is suitable habitat present. Bald eagles are year-round residents of the area. In spring and summer, they may nest in large cottonwood trees along the Yellowstone River. In fall and winter, they may roost in riparian habitats within and near the project area and forage along the Yellowstone River (MDFWP 2011c).
Fish				
Oncorhynchus clarkii bouvieri	Yellowstone Cutthroat Trout	S2	Streams, rivers, lakes	No – there is suitable habitat present, but Yellowstone cutthroat trout are not currently known to occur in the segment of the Yellowstone River near the project area (MDFWP, 2011b, 2011c).
Mammals				
Cynomys ludovicianus	Black-tailed Prairie Dog	S3	Grasslands	No – there are no prairie dog colonies in the project area, and there is no suitable grassland habitat present.
Reptiles				
Apalone spinifera	Spiny Softshell	S3	Prairie rivers and streams	Yes – there is suitable habitat present. Spiny softshells occur year-round in the Yellowstone River drainage. In summer, spiny softshells forage in the water, often in vegetated shallows. They overwinter in burrows dug into the bottoms of permanent water bodies (MDFWP 2011c).

[1] *S2 = At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state;*
S3 = Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas;
S3B = Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas, and rank refers to the breeding population of the species in Montana.
Source: MTNHP 2011.

No Action Alternative: Under the No Action alternative no work would be performed; therefore, there would not be any direct impacts to unique or endangered species from pipeline removal. However, if the pipeline is not removed, it could provide for minor impacts, especially to aquatic species that would have to avoid the exposed pipe.

Proposed Alternative: Implementation of the proposed alternative may cause minor short term impacts to species of concern for the duration of the project. The noise from construction equipment could disperse or cause wildlife to temporarily avoid the area. The use of temporary current diversions within the Yellowstone River channel could disrupt passage of spiny softshell or fish by diverting the river flow. Additionally, there is potential for wildlife fatalities due to collisions with construction vehicles. Once the project is complete, there are not expected to be any long term impacts.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

The extent of review for historic and archaeological sites was limited to state-owned land. In the case of this project, this land is under the bed of the navigable Yellowstone River, including the island near the north shore. The Southern Land Office consulted with the DNRC Archaeologist regarding the project and surrounding area and there were no concerns expressed. If there are resources outside of the navigable riverbed, then those could be looked at during the Federal permitting process, but are outside the bounds of the DNRC review. No

significant adverse impact to historic or archaeological sites on state-owned land is expected as a result of implementing any of the alternatives.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The proposed action would result in the temporary occupation of the Yellowstone River approximately 850 feet east of the US Highway 310/212 Bridge. The surface area that would be disturbed would be visible from the bridge, as well as from Riverside Park. The only portion of the project that may be visible after its completion is the area of the island/gravel bar that is disturbed through trenching.

If the Proposed Alternative is implemented, there would be a short-term increase in sound due to the equipment utilized in construction. Table 3-6 below lists projected sound levels for different pieces of equipment that could be used in association with the Proposed Alternative.

Table 3-6 Projected Sound Levels of Construction Equipment
Source: Table 3-6 (page 85) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Noise Source	Sound Pressure Levels (in decibel A-weighted scale[dBA])					
	Sound Level	Estimated	Estimated	Estimated	Estimated	Estimated
	at 15 meters(45 feet)[1]	at 40 meters (90 feet)	at 55 meters (180 feet)	at 110 meters (360 feet)	at 219 meters (720 feet)	at 439 meters (1440 feet)
Grader	83	77	71	65	59	53
Dozer	82	76	70	64	58	52
Generator	81	75	69	63	57	51
Excavator	81	75	69	63	57	51
Front-End Loader	79	73	67	61	55	49
Backhoe	78	72	66	60	54	48

Note: [1] FHWA 2006,

No Action Alternative: Implementation of the No Action alternative would not result in any impacts to aesthetics or noise, unless the pipeline shifts to become more visible due to movement from the flow of the Yellowstone River.

Proposed Alternative: Implementation of the Proposed Alternative would cause minor temporary short term impacts to aesthetics during the pipeline construction. It would result in construction equipment being placed on the gravel bar/island east of the bridge. The north side of the Yellowstone River contains industrial uses such as the City of Laurel wastewater treatment plant and the Cenex Refinery. Once construction is complete, there are not anticipated to be any long term impact to aesthetics. This alternative would also cause a temporary increase in noise levels due to the equipment used. There would be intermittent levels from both the north and south banks of the River depending on the location of the activity. The overall project is expected to be completed by the end of 2011. According to the Arcadis report "*[a]t one-quarter mile away from the construction area, noise levels would be well below the EPA guideline of 55 dBA for acceptable environment noise to protect against interference with speech or disturbance of sleep in residential areas. The closest residences are located approximately 800 and 1,000 feet west of the entrance point.*" There are residences in the vicinity of the equipment on the north shore; however, they are closer to other existing noise sources, such as the highway and railroad. Normal work hours for the project are from 7 a.m. to 7 p.m., partially depending on weather and

daylight, seven days a week for the duration of the project. The proposed action would add to the existing noise levels, but this short term addition is not expected to cause a significant adverse impact.

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12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:
Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No Action Alternative: Implementing the No Action Alternative is not expected to have a significant impact on the demands on environmental resources.

Proposed Alternative: Implementing the Proposed Alternative is not expected to result in any significant impact on environmental resources.

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13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:
List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

The permits that are required by other local, state and federal agencies or departments for the proposed project are listed above in Section 2 of this EA. There are no other known future government actions planned on this stretch of the Yellowstone River.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

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14. HUMAN HEALTH AND SAFETY:
Identify any health and safety risks posed by the project.

No Action Alternative: Impacts under the No Action Alternative to human health and safety would likely depend on the ultimate fate of the ruptured portions of the Silvertip pipeline. During a site visit in early September, a buoy had been attached to the line on the north side of the main channel and the pipe on the south shore was clearly visible and had a tree hung up on it. If the pipeline were not removed, it could snag other debris as well as pose a hazard to boaters and floaters.

Proposed Alternative: If the Proposed Alternative is implemented, ExxonMobil Pipeline Company will develop a project-specific health and safety plan (HASP) to protect construction workers and the public during construction. The HASP incorporates safety standards from the Occupational Safety and Health Administration (OSHA) and ExxonMobil's internal safety standards.

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15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:
Identify how the project would add to or alter these activities.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on industrial, commercial and agricultural activities and production.

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16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:
Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on employment in Yellowstone County. The project will be of a relatively short duration and it is unknown at this time how many local employees will be utilized.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on local and state tax base and revenues since it would only remove the portion of the crude pipeline that failed.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant impact on the demand for governmental services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to conflict with any locally adopted plans.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

Below is an excerpt from the Arcadis report (page 69):

"Land use in the project area includes the City of Laurel's Riverside Park on the south side of the Yellowstone River and the Cenex refinery on the north side of the river. Riverside Park is a campground with approximately 20 tent campsites, 6 RV sites and several buildings used for meetings and other events. The Yellowstone River flows along the north side of the campground. Recreation activities at the park include camping, fishing, horseshoes, volleyball, archery, shooting range, picnicking, and a playground. Services at the park include water, showers, electricity, campsites, pay telephones, public restroom, and trash removal.

The main recreation activity at the park is camping and fishing access. The peak season runs from Memorial Day to Labor Day. The off-season begins after Labor Day during which time the park remains open to the public, but does not offer services including water, electricity, restrooms or trash removal. The off-season consists of day use of the picnic tables and playground. During the summer, the campsites and boat ramp are generally full. Revenue from the park averages $1,200 per week during the peak season and is paid to the City of Laurel (Telephone conversation with Kurt Markegard, Laurel Director of Public Works, 7/24/2011)."

Riverside Park has been closed by the City of Laurel since spring flooding this year severely damaged a levee along the Yellowstone River and also washed out a boat ramp. Based on recent email with representatives from ExxonMobil Pipeline Company, Riverside Park would remain closed during the duration of the pipeline extrication project. Due to the types of activities that are proposed in the Park with the pipeline extrication project; this would limit any potential conflict between the public and construction crews. Ultimately this would be determined by the City of Laurel since they own the Park.

No Action Alternative: The No Action Alternative could have an impact on recreational activities due to the fact that the ruptured pipeline would remain in the Yellowstone River and could pose a hazard to boaters and floaters, especially since the ruptured portion is located in the main channel of the River.

Proposed Alternative: If the Proposed Alternative is implemented, it is likely that the City of Laurel would keep Riverside Park closed during construction. This would limit the potential conflicts between the construction crews and equipment and members of the public. Also, the park has been closed since June due to damage it

sustained during historic spring flooding. It is likely that even if the construction project were not going on, all or portions of the Park would still be closed.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:
Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have significant adverse impacts on density and distribution of population and housing.

22. SOCIAL STRUCTURES AND MORES:
Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by implementation of the No Action Alternative or the Proposed Alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:
How would the action affect any unique quality of the area?

Implementation of either the No Action Alternative or Proposed Alternative is not expected to have a significant adverse impact on cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:
Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The State will benefit by getting a one-time fee of $1,000 for the Land Use License. The Public Lands Trust is the beneficiary of this payment since it involves a navigable river.

EA Checklist Prepared By:	**Name:**	Jeff Bollman, AICP	**Date:**	22 September 2011
	Title:	Area Planner, Southern Land Office		

V. FINDING

25. ALTERNATIVE SELECTED:

The Proposed Alternative has been selected and it is recommended that a Land Use License be issued to ExxonMobil Pipeline Company (EMPCo) to temporarily occupy the bed of the Yellowstone River south of Laurel in order to remove the segment of the ruptured Silvertip Pipeline that is located between the banks of the Yellowstone River. Based on the actions required by the Federal agencies that are overseeing this incident, this alternative accomplishes the Federal requirements with the least impact to the environment. The portion of the pipeline that is currently exposed in the main channel is a hazard and its prompt removal will improve the safety of the users of the Yellowstone River.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts has been lessened as much as possible based on the required scope of work for the proposed project. There are no natural features or nearby species of concern noted that could produce adverse impacts from the Proposed Alternative. Potential adverse impacts will be avoided or mitigated by the project through the implementation of the following conditions of the Land Use License:

1. Prior to removal, ExxonMobil shall thoroughly document, using GPS, photographic and other appropriate techniques the precise location and configuration of the broken pipeline, as it currently exists, and the sediments at and below the pipeline.
2. ExxonMobil shall use extreme caution during the removal and transport process to ensure that no further damage occurs to the pipes which could cause a distortion of the results of the analyses as to the cause of the break.
3. ExxonMobil shall take appropriate measures to prevent further rusting of the pipes when they are exposed to air after their removal.
4. ExxonMobil shall provide appropriate physical protection of the broken ends of the pipe prior to its transport to Kiefner & Associates in Ohio.
5. ExxonMobil shall allow representatives from the State of Montana, including those from the Attorney General's Office, DEQ and DNRC, on-scene during the removal to observe, photograph and otherwise document the removal process.
6. ExxonMobil shall provide the State notice of and the contractor specifications for such removal at least seven days prior to the removal date.
7. ExxonMobil shall guarantee that any and all results from the analyses of the pipe be made available to the State of Montana Attorney General's Office as soon as they are made available to ExxonMobil Pipeline Company and to the U.S. Department of Justice.
8. ExxonMobil shall maintain and document the chain of custody and provide the documentation to the State of Montana as soon as available.
9. All in-river work shall be completed in an expeditious manner to avoid unnecessary impacts to the river.
10. A maximum of two-(2) ramps may be constructed from the north shore of the River, across the high water channel to the island. The width of the ramps shall be as small as possible to safely complete the project.
11. ExxonMobil must carry general liability insurance for all its activities upon the tract that lists ExxonMobil and the State as co-insured. The minimum coverage shall be in the amount of $1,000,000 combined single limit per occurrence.
12. All activities performed in the river and immediate vicinity shall be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
13. To prevent leaks of petroleum products into the river, no defective equipment shall be operated in the river or adjacent areas.
14. All necessary permits will be secured before any activities begin.

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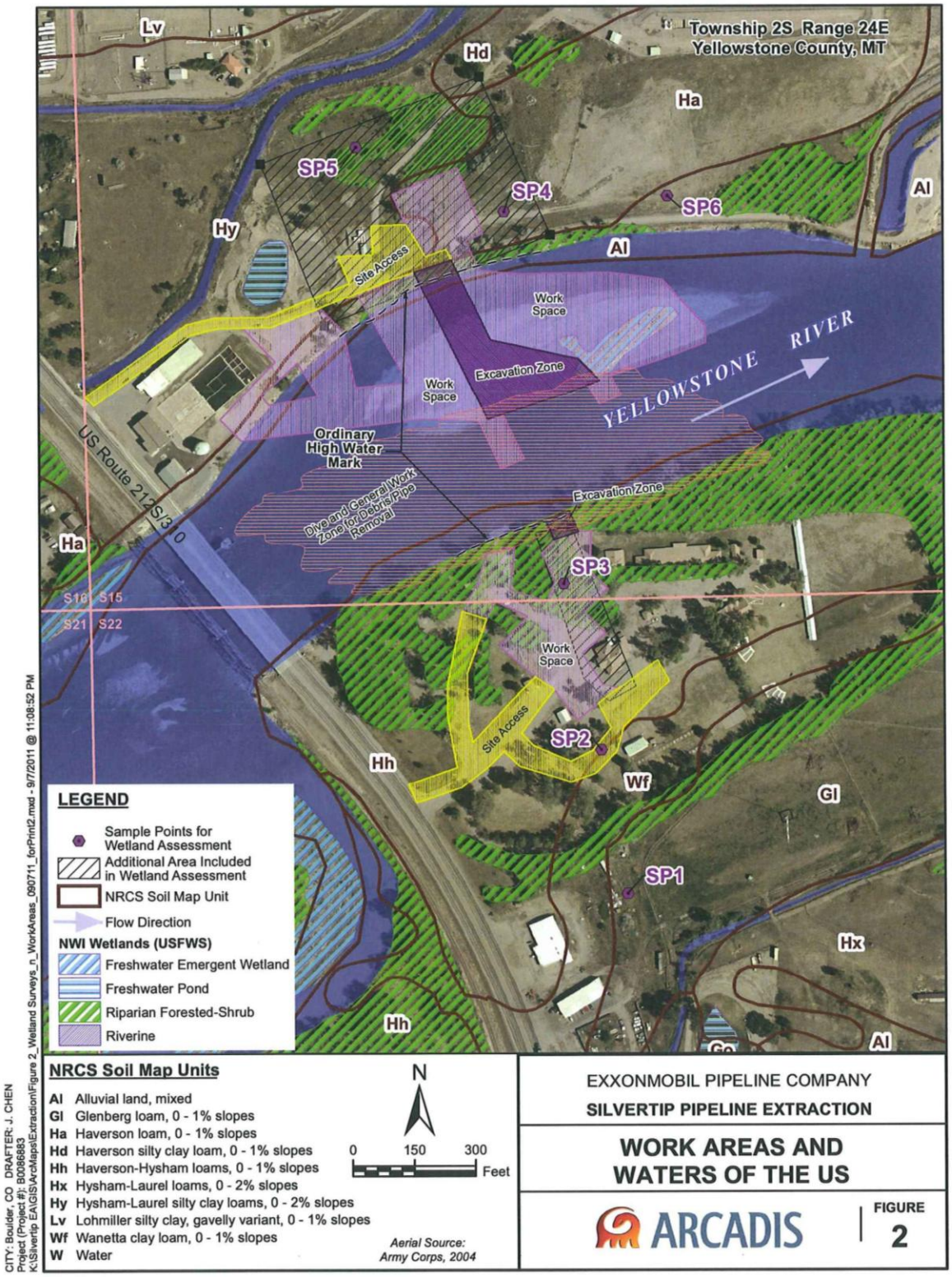
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

	EIS		More Detailed EA	**X**	No Further Analysis

EA Checklist Approved By:	**Name:**	Jeanne Holmgren
	Title:	Real Estate Management Bureau Chief
Signature: /s/ Jeanne Holmgren	**Date**:	22 September 2011

Attachment A – Location Map of Proposed Silvertip Pipeline Replacement Project



Source: Figure 2 ExxonMobil Pipeline Company Joint Application for work in the Yellowstone River (September 8, 2011)

Attachment B – List of Persons Notified in ExxonMobil Silvertip Pipeline Replacement Scoping Process

Anne Hedges
Montana Environmental Information Center
PO BOX 1184
HELENA, MT 59624

MONTANA WILDLIFE FEDERATION
PO BOX 1175
HELENA, MT 59624

Sonya Germann
MEPA Coordinator
MT DNRC – TLMD
2705 Spurgin Road
Missoula, MT 59804

Yellowstone County
Board of County Commissioners
PO Box 35000
Billings, MT 59107

Ken Frazer
Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Bureau of Land Management
Billings Field Office
5001 Southgate Drive
Billings, MT 59101

Jenny Chambers, Chief
Water Protection Bureau
Department of Environmental Quality
PO Box 200901
Helena, MT 59620-0901

Mayor Ken Olson
City of Laurel
PO Box 10
Laurel, MT 59044

Cenex Pipeline, Inc.
PO Box 909
Laurel, MT 59044

Senator Edward Walker
4221 Rimrock Road
Billings, MT 59106

JANET ELLIS
MONTANA AUDUBON
PO BOX 595
HELENA, MT 59624

US Fish and Wildlife Service
2900 - 4TH AVENUE NORTH, ROOM 301
BILLLINGS, MT 59101-1266

Tom Ellerhoff
Department of Environmental Quality
PO Box 200901
Helena, MT 59620-0901

Gary Hammond, Regional Supervisor
Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Northern Plains Resource Council
220 South 27th Street
Billings, MT 59101

Shane Mintz
Montana Dept of Transportation
PO Box 201001
Helena, MT 59620-1001

Conoco Pipeline Company
338 Highway 87 East
Billings, MT 59101

Williston Basin Interstate Pipeline Company
PO Box 5601
Bismarck, ND 58506-5601

Representative Dan Kennedy
PO Box 1216
Laurel, MT 59044-1216

Representative Krayton Kearns
1408 Golf Course Road
Laurel, MT 59044

Attachment C – Copy of DNRC Scoping Letter

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

BRIAN SCHWEITZER, GOVERNOR

SOUTHERN LAND OFFICE

STATE OF MONTANA

PHONE: (406) 247-4400
FAX: (406) 247-4410

AIRPORT BUSINESS PARK
1371 RIMTOP DRIVE
BILLINGS, MT 59105-1978

12 September 2011

The Montana Department of Natural Resources and Conservation (DNRC) is beginning an analysis under the Montana Environmental Policy Act (MEPA) of the impacts that may occur on Public Trust land that is located between the low water marks of the Yellowstone River in the SW¼SW¼ of Section 15, Township 2 South, Range 24 East in Yellowstone County.

ExxonMobil Pipeline Company has applied for a Land Use License from the DNRC to temporarily occupy the bed of the Yellowstone River south of Laurel in order to remove the segment of the ruptured Silvertip Pipeline that is located between the high water marks of the Yellowstone River. Prior to commencing extrication, ExxonMobil will send divers into the Yellowstone River to visually assess the condition of the pipeline and any nearby debris to determine the best method of removal. It is expected that some portions of the pipeline can be removed by crane without disturbance of the river bottom, while other areas will require trenching. The area that will most likely require trenching is the gravel bar/island and high water channel which are located near the north shore of the river, east of the US Highway 212/310 Bridge.

DNRC is accepting comments on the request to issue a Land Use License to remove the segment of the ruptured Silvertip Pipeline that is located between the high water marks of the Yellowstone River. If you have comments, they will be accepted until **5 p.m. on Wednesday, 21 September 2011** and can be sent to:

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rimtop Drive
Billings, MT 59105
jbollman@mt.gov

Questions regarding the proposed project can be directed to Jeff Bollman at jbollman@mt.gov or (406) 247-4404.

Attachment D – List of Persons Notified of Public Scoping via email (commented during the Temporary Construction License scoping process)

- Representative Ken Peterson
- Representative Matt Rosendale
- Senator Ed Butcher
- David Young
- Don Vanica
- Trent Godfrey
- Joan Hurdle
- George Nilson
- Kit Nilson
- Mark and Deb Johnson
- Representative Doug Kary
- Wendy Franks
- Pete and Charlene Grass
- Peter T. Stanley
- Rob McGarvey
- Monty Patterson
- Will Suralski
- Michael Petronis
- Chris Hoidal

Attachment E – DNRC Public Scoping Press Release dated 12 September 2011

FOR IMMEDIATE RELEASE

CONTACT: Jeff Bollman, Area Planner
Montana DNRC
(406) 247-4404

September 12, 2011

Public comment sought on next phase of ExxonMobil Silvertip Pipeline repairs

BILLINGS, Mont. –ExxonMobil Pipeline Company has applied for a Land Use License to temporarily occupy the bed of the Yellowstone River south of Laurel, in order to remove the ruptured segment of the Silvertip Pipeline, according to the Montana Department of Natural Resources and Conservation (DNRC).

DNRC has initiated an analysis under the Montana Environmental Policy Act (MEPA) of impacts that may occur, and is now accepting public comment on ExxonMobil's application. Comments will be accepted through 5 p.m. on Wednesday, September 21, 2011.

A copy of the application is available on the DNRC Web site at
http://dnrc.mt.gov/Trust/REMB/ROWProjects/Default.asp

Jeff Bollman, Area Planner with DNRC's Southern Land Office in Billings, said the proposed project would take place on Public Trust Land located between the high water marks of the Yellowstone River in the SW ¼ SW ¼ of Section 15, Township 2 South, Range 24 East in Yellowstone County.

Bollman said it's expected that some portions of the pipeline can be removed by crane without disturbing the river bottom, while other areas will require trenching. Prior to beginning the work, ExxonMobil will send divers into the river to visually assess the condition of the pipeline and any debris, and determine the best method of removal.

"The area that will most likely require trenching is the gravel bar / island and high water channel located near the north shore of the river, east of the US Highway 212/310 Bridge," Bollman said.

Bollman said he hopes to complete the MEPA process by Friday, September 23, 2011.

Comments on the proposal may be sent by standard mail or email to:

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rimtop Drive
Billings, MT 59105
Email: jbollman@mt.gov

ExxonMobil Pipeline Company last month applied for and was issued a Temporary Construction License from DNRC to begin drilling and laying a new section of the Silvertip Pipeline 40 feet below the bed of the Yellowstone River. Because removing the damaged pipeline section will require disturbing the state-owned riverbed, a Land Use License is required.

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Attachment F – 13 September 2011 article from Billings Gazette online

Billings Gazette

ExxonMobil seeks OK to remove failed Silvertip pipeline from Yellowstone River

Associated Press | Posted: Tuesday, September 13, 2011 6:32 am

Exxon Mobil Pipeline Co. is seeking permission from Montana officials to remove a ruptured oil pipeline that spilled tens of thousands of gallons of crude into the Yellowstone River.

The Texas-based company has applied for a land use license from the state Department of Resources and Conservation to temporarily occupy the riverbed near Laurel while workers remove the 12-inch pipeline.

The DNRC said it has initiated an environmental study of the proposal and is taking public comment through Sept. 21.

DNRC planner Jeff Bollman says portions of the failed pipeline would be removed by crane. Workers would dig a trench to remove other sections.

The pipeline broke during spring flooding. ExxonMobil is installing a replacement line at least 42 feet deep beneath the riverbed.

Attachment G – 14 September 2011 article from Billings Gazette

Silvertip pipeline goes 70 feet deep

By ROB ROGERS
Of The Gazette Staff

Drilling continues on ExxonMobil's replacement of the Silvertip pipeline below the Yellowstone River, and the depth of the new pipe may reach 70 feet.

Initial plans by the Houston-based company called for a pipeline depth of 42 feet below the riverbed. It now seems drilling may have dropped it another 30 feet.

"I was on-site on Sept. 1 and a representative from ExxonMobil did mention that the pipeline had reached (a depth of) plus or minus 70 feet," said Jeff Bollman, a planner in the southern land office of the Montana Department of Natural Resources and Conservation.

Depth was always the goal for Exxon's repair.

The old pipeline ruptured July 1 dumping an estimated 42,000 gallons of crude oil into the Yellowstone. The pipe was estimated to be 5 to 7 feet below the riverbed as spring and early summer flooding swelled the banks of the Yellowstone.

A photo last month shot by the Montana Department of Environmental Quality showed a majority of the pipe had been exposed and was just under the surface of the river water.

Part of the reason Exxon wanted to go 40 feet below the riverbed was to get under a layer of shale that sits below that portion of the Yellowstone, Bollman said.

Exxon's hope is that the shale will provide the new pipeline "additional protection from scouring along the river bottom," he said.

As part of the drilling project, Exxon has applied to the DNRC for a land easement on the property where crews are drilling. The application requires Exxon to give the DNRC documentation stating exact figures on where the pipeline rests.

"At that point, we will have a firm location and depth of the new drill route," he said.

The DNRC also is seeking public comment on Exxon's application for a permit to remove the broken pipeline from the river.

Portions of the pipeline will be removed by crane, but other sections will require trenching in the river bottom, Bollman said. Exxon divers will inspect the line prior to removal to determine the best way to pull it out.

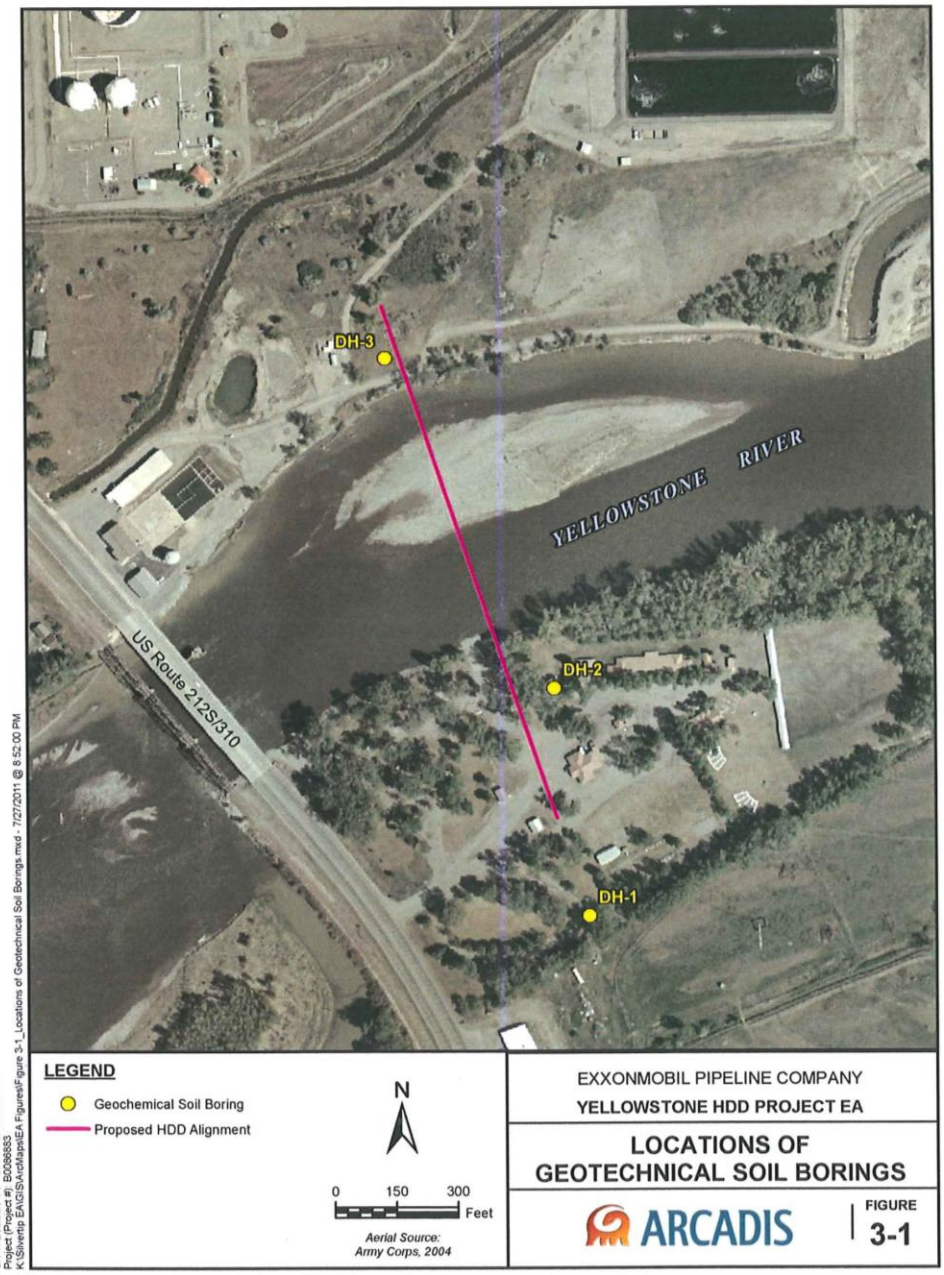
Comments must be submitted by 5 p.m. Sept. 21 and can be mailed to DNRC's Billings office at 1371 Rimtop Drive.

Attachment H – Location of Geotechnical Soil Borings

ARCADIS

Environmental Assessment
Yellowstone HDD Project

Figure 3-1 Locations of Geotechnical Soil Borings



Source: Figure 3-1 (page 23) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Attachment I – Scoping Comments

The following pages contain copies of the comments received by the DNRC Southern Land Office during the scoping period for the request by ExxonMobil Pipeline Company for a Land Use License to occupy the Yellowstone River and remove the failed segment of the Silvertip Pipeline.

Bollman, Jeff

From: Will Suralski [wsuralski@nemont.net]
Sent: Tuesday, September 13, 2011 8:33 AM
To: Bollman, Jeff
Subject: Re: ExxonMobil Silvertip Pipeline Extrication Public Scoping

That's a no-brainer; of course allow for the permit to remove the ruptured pipe. How else would they be able to get it out ?

----- Original Message -----
From: Bollman, Jeff
To: Bollman, Jeff
Sent: Tuesday, September 13, 2011 8:27 AM
Subject: ExxonMobil Silvertip Pipeline Extrication Public Scoping

You are receiving this message because you have been identified as an interested party or responded to a previous request for public comment on a related project.

The Montana Department of Natural Resources and Conservation (DNRC) is beginning an analysis under the Montana Environmental Policy Act (MEPA) of the impacts that may occur on Public Trust land that is located between the low water marks of the Yellowstone River in the SW¼SW¼ of Section 15, Township 2 South, Range 24 East in Yellowstone County.

ExxonMobil Pipeline Company has applied for a Land Use License from the DNRC to temporarily occupy the bed of the Yellowstone River south of Laurel in order to remove the segment of the ruptured Silvertip Pipeline that is located between the high water marks of the Yellowstone River. Prior to commencing extrication, ExxonMobil will send divers into the Yellowstone River to visually assess the condition of the pipeline and any nearby debris to determine the best method of removal. It is expected that some portions of the pipeline can be removed by crane without disturbance of the river bottom, while other areas will require trenching. The area that will most likely require trenching is the gravel bar/island and high water channel which are located near the north shore of the river, east of the US Highway 212/310 Bridge.

DNRC is accepting comments on the request to issue a Land Use License to remove the segment of the ruptured Silvertip Pipeline that is located between the high water marks of the Yellowstone River. If you have comments, they will be accepted until **5 p.m. on Wednesday, 21 September 2011** and can be sent to:

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rimtop Drive
Billings, MT 59105
jbollman@mt.gov

Bollman, Jeff

From: George [crispy.critter6002@tctwest.net]
Sent: Tuesday, September 13, 2011 10:13 AM
To: Bollman, Jeff
Cc: Bill Kennedy; Kelly Goodman; Kit & Hank Nilson; Margie MacDonald; Dunwell, Mary Ann
Subject: Re: ExxonMobil Silvertip Pipeline Extrication Public Scoping

Mr. Bollman,

I have NO objections to EXXONMOBILE removing the damaged/ruptured pipeline.

My concern is, ***"RESIDUAL"*** oil in the pipeline that may be released into the river again. ALSO, that the pipeline will be removed and ***WE*** will not find out the ***ACTUAL*** cause/reason it broke in the first place.

In order to ensure MONTANA visibility, we need ***Montana representation*** on both sides of the river at the time of removal, as well as during the analysis of the pipeline failure.

Once that is done, the river be put back in order, as it was prior to ***ANY*** disturbance.

I have infoed Family and Montana Representatives, as a courtesy.

Sincerely,

George D. Nilson (Impacted party & relative of other Family members impacted)
2050 East Lane
Billings, MT 59101-6382
H (406) 655-3422 / C (406) 690-9325

----- Original Message -----
From: Bollman, Jeff
To: Bollman, Jeff
Sent: Tuesday, September 13, 2011 8:27 AM
Subject: ExxonMobil Silvertip Pipeline Extrication Public Scoping

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Bollman, Jeff

From: Dennis J Elliott [delliott@usgs.gov]
Sent: Tuesday, September 13, 2011 12:36 PM
To: Bollman, Jeff
Subject: Land Use License-Silvertip Pipline Removal

Hello Jeff,
I read over Exxon's permit application and had a few points of interest to discuss. First, I would just like to say that as unfortunate as the pipeline burst was, it's important for Exxon to finish the cleanup at this site, and the removal of the scrap pipeline is one more step in that process. I am not advocating blocking this permit process, although I am concerned with the dimensions of the project. As shown in Figure 2, the excavation area on the south bank (Riverside Park) is small. Including another 350 ft (approx. from map) of bank downstream (DS) in the work zone seems excessive. And to a similar point the island excavation site already includes the potential crane pad area, "If required, the crane pad would be constructed downstream of the excavation area as shown in Figure 2. The crane pad would extend no more than 25 feet into the channel from the southern bank of the island and will be approximately 25 feet wide.", so why designate the entire DS portion of the island as work area. I understand Exxon need to have space to work, but if the idea is to MINIMIZE impacts to riparian areas it would be cleaner if the project area only extended 50 or 75 ft DS of the excavation area and use the upstream area of the island, which must already be disturbed for the current diversion wall, as the work area. This would require more of the equipment to be stored on the banks of the river, rather than on the island. To put it more concisely, I think the upstream of excavation portion of the general work zone is acceptable and gives them plenty of space to work. I would like to see the approved permit provide them this area and limit the DS (of excavation sites) disturbance to 50 or 75 linear feet. Also, the 100 foot wide ramp is excessive. I understand machinery is large, but do they really need a three lane highway to access our island? A 50 ft ramp would be more than sufficient and would only require Exxon to stagger the use of the ramp from incoming and outgoing island traffic. While the permit does say the ramp will be reclaimed, there's no reason to disturb more than is needed. The crane pad was listed at 25 feet wide, a 50 foot ramp should provide plenty of space to move this into place, along with the other equipment listed. The more work and equipment that can be kept on the banks the cleaner and more natural this site will stay.

I thank you for your work during this pressurized situation. I appreciate your consideration of my input during the draft stage of the permit and hope to see some alterations to the final approved permit. Please feel free to contact me with follow up questions if you have any.

Dennis Elliott
Billings, MT

Bollman, Jeff

From: Trent Godfrey [trent.godfrey@yahoo.com]
Sent: Wednesday, September 14, 2011 4:25 AM
To: Bollman, Jeff
Subject: exxonmobil silvertip comment

i also have my international open waters divers and hardcore underwater structural useages with instructors class abilities (uncle sam taught me well). i would wish for those with the same abilities to also visualy examine this request "for the peoples of Montana". i have my doubts that any diver they may present, can inspect this event visualy given most of there divers skills in heavy flow water environments. i also have great experiance exploring while diveing non visualy. do they? in the past i have denied oil enties my skills.

i am fully versed and well aware of exxon's (private) policies and will not like to see those policies in this extream event befall our great state. (been there, seen that).

my comment and argument to the request will state;

as to the removial of the current ruptured line. i reccomend a diversion of the river at low water mark prior to commence segment removal of the line by the company in each segment of diverted waters per each segment of line and at companys complete expense. such an act would give me strength in this oil entitys willingness of safty to the people of Montana, to itself, and to our prised river over there concerns of pipe presures and friction heatting involving above ground water level lines. late october whould be a good starting point to end early march. (cold water diving is fun to me. been there done that and in far colder water then our state can produce.) anything less is to entreat new possable contamination by the ruptured line. proventitive measures will provent litigation on all 3 sides of the fence.

as to the new proposed line;

at what depth is the table water table under this spot being requested? most land owners in that area of the woods is in the realm of 30 feet even though oil was found in a 2 foot layer in the depth of 150 feet before real bedrock was determined, which i now classifie as primary bedrock below secondary bed rock of the ground water table.. this request should not be intertained untill a ground depth of table water is determined in the spot. nor if a secondary bed rock formation is examined in this spot. "and not by exxon!" and to potential hazzards of the same (contact from exxon to any state drilling crew should not be tollarated before, during, and after the event of drilling inspection, including late night calls). this is a pivital point to the states will on the transportation of oil products and should be trusted totaly as such.
what is the response time from the current susspected pipe ruptures to the projected potential rupture of the new pipe line land useage being requested? one cup of crude oil can spread in 24 hours with in a 12 foot diamater in a sandy loom soil of which we have an abundance of in the projected request!! i have seen this and was responsable for abating the same many times and more then just a cup of crude and with in the boundrys of human food product consumption. exxon seems to feel that the depth of 45 feet will abate the harm of a spill. THIS IS NOT SO. phisics dose not work to the will of exxon. nor should we.
. i feel it is irrisponsible for WE Montanans not to look at all the "potential problematic elements" prior to making a determination on this request. why have we not been told of exxon's request of 45 foot depth. determination as an apropriate anaylis? too many "guess's" and "we can do that" have entered into this debate to make an aproprate dessicion as a result of current events. we as a people should know all the events and final answers prior to making a commitment. we are intellegent people and have the ware-with-all to see our futures. and not by making a best guess any more. for myself as a concerned and trusted ambassador for our state i wish

to seek the security, safety, and wellbeing for my fellow states people. and finaly i would argue that when state legeslation approved surface water pipe lines to be placed under body waters, the point from the proponents at that time is now a moot point. proponets were wrong as evadanced in this tragic spill. we may have room to hold off on this thought of exxons request for a land use license pending further legeslative efforts. therefore all pipelne acctivities should be held as before (over water bodies) untill state athorities can make a more informed judjement involving under body water pipe lines and that oil entities may continue there production with out further delay in an over body waters pipe line events. prior to any potintial state code amendments.

i feel you were right jeff bollman to request my comments of thoughts and ideas. where our govenor to request i partake in a more active roll in this area i would be proud to serve but only if the gov comes to me and says so. hes the only man i would bow to someones wishes. he speacks for this state and i will always bow to this state. if exxon ever poneyed up the 200k they owe me over the valdez experiment i might be a more resposive particepant to exxons disires. there request of trust now has to be earned with this Montanan.

trent godfrey
American Veterian
737 south billings blvd, lot 15
billings montana 59101
cell- 406-696-9025

Bollman, Jeff

From: Rob McGarvey [mcgarveyrob@yahoo.com]
Sent: Wednesday, September 14, 2011 6:17 PM
To: Bollman, Jeff
Subject: Re: ExxonMobil Silvertip Pipeline Extrication Public Scoping

ExxonMobile has clearly deomonstrated that they are a very good corporate citizen with every intention to resolve the unfortunate pipeline rupture incident. These type of incidents will ocurr in industry from time to time. It is clearly ExxonMobiles' intent to move forward to prevent further pipeline incidents. I support the issuance of this Land Use License.
Robert L McGarvey
Billlings, MT

From: "Bollman, Jeff" <jbollman@mt.gov>
To: "Bollman, Jeff" <jbollman@mt.gov>
Sent: Tuesday, September 13, 2011 8:27 AM
Subject: ExxonMobil Silvertip Pipeline Extrication Public Scoping

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