

Environmental Assessment Checklist

Project Name: Yellowstone Pipeline Abandonment Project Staging Area
Proposed Implementation Date: July 1, 2020
Proponent: Phillips 66 and Plains Unit, Northwest Land Office, Montana DNRC
County: Sanders

Type and Purpose of Action

Description of Proposed Action:

Phillips 66 have requested a Land Use License to utilize State Lands as a staging area during the Yellowstone Pipeline Abandonment Project. The project is located T21N R28W Section 16 (refer to Attachments vicinity map A-1 and project map A-2) and includes the following sections:

Beneficiary	Legal Description	Total Acres	Treated Acres
Common Schools	T21N R28W Sec 16	5.76	
Public Buildings			
MSU 2 nd Grant			
MSU Morrill			
Eastern College-MSU/Western College-U of M			
Montana Tech			
University of Montana			
School for the Deaf and Blind			
Pine Hills School			
Veterans Home			
Public Land Trust			
Acquired Land			

Objectives of the project include:

- Yellowstone Pipeline Abandonment Project. Proposing barge landings; overhead pipeline pulling area; staging area for parking of equipment, working radius, dumpsters, toilets; site rehabilitation will include seeding and shrub planting.

Proposed activities include:

Action	Quantity
Proposed Harvest Activities	# Acres
Clearcut	
Seed Tree	
Shelterwood	
Selection	

Action	Quantity
Commercial Thinning	
Salvage	
Total Treatment Acres	
Proposed Forest Improvement Treatment	# Acres
Pre-commercial Thinning	
Planting	
Proposed Road Activities	# Miles
New permanent road construction	NA
New temporary road construction	NA
Road maintenance	NA
Road reconstruction	NA
Road abandoned	NA
Road reclaimed	NA
Other Activities	
Staging Area	5.76 acres

Duration of Activities:	6 months
Implementation Period:	August 16, 2020 to February 2, 2021

The lands involved in this proposed project are held in trust by the State of Montana. (Enabling Act of February 22, 1889; 1972 Montana Constitution, Article X, Section 11). The Board of Land Commissioners and the DNRC are required by law to administer these trust lands to produce the largest measure of reasonable and legitimate return over the long run for the beneficiary institutions (Section 77-1-202, MCA).

The DNRC would manage lands involved in this project in accordance with:

- The State Forest Land Management Plan (DNRC 1996),
- Administrative Rules for Forest Management (ARM 36.11.401 through 471),
- The Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) (DNRC 2010)
- and all other applicable state and federal laws.

Project Development

SCOPING:

- DATE:
 - NA – Project was scoped by USFS, Plains Ranger District

OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS

NEEDED: *(Conservation Easements, Army Corps of Engineers, road use permits, etc.)*

- **United States Fish & Wildlife Service-** DNRC is managing the habitats of threatened and endangered species on this project by implementing the Montana DNRC Forested Trust Lands HCP and the associated Incidental Take Permit that was issued by the United States Fish & Wildlife Service (USFWS) in February of 2012 under Section 10 of the Endangered Species Act. The HCP identifies specific conservation strategies for managing the habitats of grizzly bear, Canada lynx, and three fish species: bull trout, westslope cutthroat trout, and Columbia redband trout. This project complies with the HCP. The HCP can be found at <http://dnrc.mt.gov/divisions/trust/forest-management/hcp>.
- **Montana Department of Environmental Quality (DEQ)-** DNRC is classified as a major open burner by DEQ and is issued a permit from DEQ to conduct burning activities on state lands managed by DNRC. As a major open-burning permit holder, DNRC agrees to comply with the limitations and conditions of the permit.
- **Montana/Idaho Airshed Group-** The DNRC is a member of the Montana/Idaho Airshed Group which was formed to minimize or prevent smoke impacts while using fire to accomplish land management objectives and/or fuel hazard reduction (Montana/Idaho Airshed Group 2006). The Group determines the delineation of airsheds and impact zones throughout Idaho and Montana. Airsheds describe those geographical areas that have similar atmospheric conditions, while impact zones describe any area in Montana or Idaho that the Group deems smoke sensitive and/or having an existing air quality problem (Montana/Idaho Airshed Group 2006). As a member of the Airshed Group, DNRC agrees to burn only on days approved for good smoke dispersion as determined by the Smoke Management Unit.
- **Montana Department of Fish, Wildlife and Parks (DFWP)-** A Stream Protection Act Permit (124 Permit) is required from DFWP for activities that may affect the natural shape and form of a stream's channel, banks, or tributaries. Such activities include:
 - NA

ALTERNATIVES CONSIDERED:

No-Action Alternative: Do not issue a Land Use License for the staging area. Do not stage equipment, pipeline or utilities on State Lands.

Action Alternative: Remove pipeline and use area for barge landings and as a staging area for equipment, dumpsters and toilets.

Impacts on the Physical Environment

Evaluation of the impacts on the No-Action and Action Alternatives including **direct, secondary, and cumulative** impacts on the Physical Environment.

VEGETATION:

Vegetation Existing Conditions: Grass and shrubs

Vegetation	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Noxious Weeds	X				X									
Rare Plants	X				X									
Vegetative community	X				X									
Old Growth	X				X									
Action														
Noxious Weeds		X			X				X				Yes	
Rare Plants	X				X				X					
Vegetative community	X				X				X					
Old Growth	X				X				X					

Comments: NA

Vegetation Mitigations: Grass seeding and biological controls.

SOIL DISTURBANCE AND PRODUCTIVITY:

Soil Disturbance and Productivity Existing Conditions: Due to the location of the sites, field reconnaissance was not possible. Soils information was obtained using the Natural Resources Conservation Service WebSoilSurvey while vegetative cover was reviewed using National Agricultural Imagery Program (NAIP) GIS data.

The two areas proposed for use as staging areas (approximately 400 ft diameter circles) are on well-established islands of the Clark Fork River. According to the Soil Survey of Sanders and Parts of Lincoln and Flathead Counties, Montana (MT 651), the soil type present has a moderate erosion risk. The fine, sandy loam soil is on slopes of zero to two percent. Vegetation on site is generally limited to grasses, forbs and shrubs although small trees may exist in the pipeline and powerline corridor.

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Physical Disturbance (Compaction and Displacement)	X				X					X				
Erosion	X				X					X				
Nutrient Cycling	X				X				X					

Soil Disturbance and Productivity	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Slope Stability	X				X				X						
Soil Productivity	X				X				X						
Action															
Physical Disturbance (Compaction and Displacement)			X				X			X				Y	S-1
Erosion		X				X				X				Y	S-1
Nutrient Cycling	X				X				X						
Slope Stability		X				X				X				Y	S-2
Soil Productivity		X				X				X				N	

Comments:

S-1: Disturbance from staging areas would cover approximately 5.75 acres. The potential exists for additional disturbance from pipeline removal in the SE corner of section 16, T21N R28W for approximately 775 feet. Although the pipeline removal would simply pull the pipe instead of dig trenches, some disturbance could result. Requirements from Montana Department of Environmental Quality’s short-term turbidity authorization and Green Mountain Conservation District’s 310 permit (Natural Streambed and Land Preservation Act) would apply to all activities. These requirements would minimize the area and vegetation disturbed which would reduce the risk of erosion.

S-2: Slope stability impacts are limited to barge loading and unloading areas adjacent to and within the staging areas. As per the Green Mountain Conservation District requirements, areas of more gentle slopes should be utilized to reduce the risk of destabilizing banks.

Soil Mitigations:

*follow all requirements in the Authorization number MTB005320 Short term water quality standard for turbidity

*follow all requirement in Natural Streambed and Land Preservation Act Permit approved 4/23/2020 and signed by applicant on 5/21/2020.

WATER QUALITY AND QUANTITY:

The project area on state trust lands is limited. However, the full project would include lands managed by the USDA Lolo National Forest. An environmental assessment and decision document was completed in 2019. DNRC concurs with the low risk of cumulative effects described in the EA (USDA 2019)

Water Quality and Quantity Existing Conditions: The project area consists of islands of the Clark Fork River in Section 16 T21N R28W. This section is part of the Clark Fork River-Munson Creek 6th code watershed. This portion of the Clark Fork River basin is classified as B-1 by the Montana Department of Environmental Quality (MDEQ), as stated in ARM 17.30.608. The

water quality standards for protecting beneficial uses in B-1 classified watersheds are located in ARM 17.30.623. Among other criteria for B-1 waters, no increases are allowed above naturally occurring levels of sediment, and minimal increases over natural turbidity. "Naturally occurring," as defined by ARM 17.30.602 (19), includes conditions or materials present during runoff from developed land where all reasonable land, soil, and water conservation practices (commonly called Best Management Practices or BMPs) have been applied. The State of Montana has adopted BMPs through its non-point source management plan (MDEQ, 2017) as the principle means of meeting the Water Quality Standards. Reasonable practices include methods, measures, or practices that protect present and reasonably anticipated beneficial uses. These practices include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures. Appropriate practices may be applied before, during, or after completion of activities that could create impacts.

This portion of the Clark Fork River is listed in the 2018 303(d) list as not fully supporting aquatic life beneficial uses. The probable source and cause is related to dams and disconnected habitats.

Water Quality & Quantity	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Water Quality	X				X					X				
Water Quantity	X				X					X				
Action														
Water Quality		X				X				X			Y	H-1
Water Quantity	X				X					X				

Comments:

H-1: A thorough discussion of potential impacts to water quality was completed by the USFS Lolo National Forest. Impacts on state trust lands would be very similar in most locations. One contrast with the Forest Service’s analysis is that the staging areas on state trust lands would have disturbance minimized by *not* removing unnecessary vegetation and stripping/stockpiling topsoil to be used during reclamation. Additionally, all specifications of the MDEQ and Green Mountain Conservation District permits would be followed. By minimizing disturbance and fulfilling all requirements of the permits, the potential impacts to water quality would be short-term.

Water Quality & Quantity Mitigations:

*follow all requirements in the Authorization number MTB005320 Short term water quality standard for turbidity

*follow all requirement in Natural Streambed and Land Preservation Act Permit approved 4/23/2020 and signed by applicant on 5/21/2020.

FISHERIES:

Fisheries Existing Conditions: The Clark Fork River in the proximity of the project area contains native and non-native fish species. Native fish species include bull trout and westslope cutthroat trout. The USFWS has designated the Clark Fork River as bull trout critical habitat.

No-Action: No direct or indirect impacts would occur to affected fish species or affected fisheries resources beyond those described in Fisheries Existing Conditions. Cumulative effects (other related past and present factors; other future, related actions; and any impacts described in Fisheries Existing Conditions) would continue to occur.

Action Alternative (see Fisheries table below):

Fisheries	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Sediment	X				X					X				
Flow Regimes	X				X					X				
Connectivity	X				X						X			F-1
Populations	X				X					X				
Action														
Sediment		X								X				F-3
Flow Regimes	X				X					X				
Connectivity	X				X						X			F-1
Populations	X				X					X				F-2

Comments:

F-1: Although connectivity would not be affected by this project, cumulative impacts to fish connectivity due to dams is listed as a source for not fully meeting beneficial uses by MDEQ.

F-2: No impacts to populations of fish would result from this project. Past introductions of non-native species have impacted native fish species although native fish remain. Therefore, a low cumulative impact to populations is assessed.

F-3: Sediment impacts to fish would be minimized as described in the Hydrology section of this environmental assessment. Additional discussions related to fisheries can be found in *Environmental Assessment: Yellowstone Pipe out-of-Service Abandonment* (USDA 2019).

Fisheries Mitigations:

*follow all requirements in the Authorization number MTB005320 Short term water quality standard for turbidity

*follow all requirement in Natural Streambed and Land Preservation Act Permit approved 4/23/2020 and signed by applicant on 5/21/2020.

WILDLIFE:

Existing Conditions: The project area is a mix of riparian cottonwood and river floodplain habitats associated with the Clark Fork River. The project area is adjacent to the Cabinet-Yaak grizzly bear recovery zone, but extensive use by grizzly bears is unlikely. Riparian cottonwood habitats exist in the project area that could be used by yellow-billed cuckoos. The project area is in the Thompson Islands bald eagle territory and the most recently known nest is in the project area. The project area is roughly 0.75 miles from the Outlaw Creek peregrine falcon eyrie.

No-Action: No changes to existing habitats and/or disturbance levels would occur. Continued use by wildlife using the area would be expected at levels similar to present.

Action Alternative (see Wildlife table below):

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Threatened and Endangered Species														
Grizzly bear <i>(Ursus arctos)</i> Habitat: Recovery areas, security from human activity		X				X				X			Y	1
Canada lynx <i>(Felix lynx)</i> Habitat: Subalpine fir habitat types, dense sapling, old forest, deep snow zone	X				X				X					2
Yellow-Billed Cuckoo <i>(Coccyzus americanus)</i> Habitat: Deciduous forest stands of 25 acres or more with dense understories and in Montana these areas are generally found in large river bottoms		X				X				X			Y	3
Sensitive Species														
Bald eagle <i>(Haliaeetus leucocephalus)</i> Habitat: Late-successional forest		X				X				X			Y	4

Wildlife	Impact												Can Impact be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
within 1 mile of open water															
Black-backed woodpecker <i>(Picooides arcticus)</i> Habitat: Mature to old burned or beetle-infested forest	X				X					X					2
Coeur d'Alene salamander <i>(Plethodon idahoensis)</i> Habitat: Waterfall spray zones, talus near cascading streams	X				X					X					2
Columbian sharp-tailed grouse <i>(Tympanuchus Phasianellus columbianus)</i> Habitat: Grassland, shrubland, riparian, agriculture	X				X					X					2
Common loon <i>(Gavia immer)</i> Habitat: Cold mountain lakes, nest in emergent vegetation	X				X					X					2
Fisher <i>(Martes pennanti)</i> Habitat: Dense mature to old forest less than 6,000 feet in elevation and riparian	X				X					X					2
Flammulated owl <i>(Otus flammeolus)</i> Habitat: Late-successional ponderosa pine and Douglas-fir forest	X				X					X					2
Gray Wolf <i>(Canis lupus)</i> Habitat: Ample big game populations, security from human activities	X				X					X					2

Wildlife	Impact												Can Impact be Mitigated?	Comment Number		
	Direct				Secondary				Cumulative							
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High				
Harlequin duck <i>(Histrionicus histrionicus)</i> Habitat: White-water streams, boulder and cobble substrates	X				X					X						2
Northern bog lemming <i>(Synaptomys borealis)</i> Habitat: Sphagnum meadows, bogs, fens with thick moss mats	X				X					X						2
Peregrine falcon <i>(Falco peregrinus)</i> Habitat: Cliff features near open foraging areas and/or wetlands		X				X					X			Y	5	
Pileated woodpecker <i>(Dryocopus pileatus)</i> Habitat: Late-successional ponderosa pine and larch-fir forest	X				X					X						2
Townsend's big-eared bat <i>(Plecotus townsendii)</i> Habitat: Caves, caverns, old mines	X				X					X						2
Wolverine <i>(Gulo gulo)</i> Habitat: Alpine tundra and high-elevation boreal forests that maintain deep persistent snow into late spring	X				X					X						2
Big Game Species																
Elk	X				X					X						2
Whitetail	X				X					X						2
Mule Deer	X				X					X						2
Bighorn Sheep	X				X					X						2

Wildlife	Impact												Can Impact be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
Other														

- 1 The project area is adjacent to the Cabinet-Yaak grizzly bear recovery area. Extensive use of the project area is not expected given the proximity to Highway 200 and numerous other forms of human disturbance along the Clark Fork River corridor; individual animals could occasionally use the project area while dispersing or possibly foraging. The proposed activities and alterations of limited riparian vegetation in the project area would have negligible effects on grizzly bears.
- 2 The project area is either out of the range of the normal distribution for this species or suitable habitat is not present. Thus, no direct, indirect, or cumulative effects would be anticipated.
- 3 Yellow-billed cuckoos are extremely rare in western Montana and have not been documented in Sanders county. Activities would be conducted outside of the nesting season and therefore project activities would not disturb yellow-billed cuckoo breeding or nesting activities. Any vegetation disturbance associated with pipeline removal and/or staging and support functions would have minimal effects on potential yellow-billed cuckoo habitats.
- 4 The project area is in the Thompson Islands bald eagle territory and the known nest is roughly 0.25 miles from proposed activities. This territory experiences considerable levels of human disturbance associated with Highway 200, the railroad, human residences, agricultural operations, and various forms of summer recreation. Proposed activities would occur during the non-nesting (August 16-February 1) season; negligible levels of disturbance to bald eagles would occur. Removal of the span over the river could reduce potential avian collisions. Any vegetation disturbance associated with pipeline removal and/or staging and support would have minimal effects on bald eagle habitats.
- 5 The project area is roughly 0.75 miles from the Outlaw Creek peregrine falcon eyrie. Disturbance in the vicinity includes Highway 200, the railroad, human residences, agricultural activities, and various forms of summer recreation. Activities would be conducted outside of the nesting season (March 15 through July 31) and therefore project activities would not disturb peregrine falcon breeding or nesting. Removal of the span over the river could reduce potential avian collisions. Any vegetation disturbance associated with pipeline removal and/or staging and support would have minimal effects on peregrine falcon habitats.

Wildlife Mitigations:

- A DNRC biologist will be consulted if a threatened or endangered species is encountered to determine if additional mitigations that are consistent with the administrative rules for managing threatened and endangered species (ARM 36.11.428 through 36.11.435) are needed.
- Contractors and purchasers conducting contract operations would be prohibited from carrying firearms while on duty.

- Food, garbage, and other attractants would be stored in a bear-resistant manner.
- Complete activities during the bald eagle non-nesting period (August 15-February 1).

AIR QUALITY:

Air Quality	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Smoke	X				X				X					
Dust	X				X				X					
Action														
Smoke	X				X				X					
Dust	X				X				X					

Comments: NA

Air Quality Mitigations: NA

ARCHAEOLOGICAL SITES / AESTHETICS / DEMANDS ON ENVIRONMENTAL RESOURCES:

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Historical or Archaeological Sites	X				X				X					
Aesthetics	X				X				X					
Demands on Environmental Resources of Land, Water, or Energy	X				X				X					
Action														
Historical or Archaeological Sites	X				X				X					
Aesthetics	X				X				X					
Demands on Environmental Resources of Land, Water, or Energy	X				X				X					

Comments: NA

Mitigations: Should previously unknown cultural or paleontological materials be identified during project-related activities, all work would cease until a professional assessment of such resources can be made.

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.*

- NA

Impacts on the Human Population

Evaluation of the impacts on the proposed action including **direct, secondary, and cumulative** impacts on the Human Population.

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number
	Direct				Secondary				Cumulative					
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High		
No-Action														
Health and Human Safety	X				X				X					
Industrial, Commercial and Agricultural Activities and Production	X				X				X					
Quantity and Distribution of Employment	X				X				X					
Local Tax Base and Tax Revenues	X				X				X					
Demand for Government Services	X				X				X					
Access To and Quality of Recreational and Wilderness Activities	X				X				X					
Density and Distribution of population and housing	X				X				X					
Social Structures and Mores	X				X				X					
Cultural Uniqueness and Diversity	X				X				X					
Action														
Health and Human Safety	X				X				X					

Will Alternative result in potential impacts to:	Impact												Can Impact Be Mitigated?	Comment Number	
	Direct				Secondary				Cumulative						
	No	Low	Mod	High	No	Low	Mod	High	No	Low	Mod	High			
Industrial, Commercial and Agricultural Activities and Production	X				X				X						
Quantity and Distribution of Employment	X				X				X						
Local Tax Base and Tax Revenues	X				X				X						
Demand for Government Services	X				X				X						
Access To and Quality of Recreational and Wilderness Activities		X			X				X				Yes		
Density and Distribution of population and housing	X				X				X						
Social Structures and Mores	X				X				X						
Cultural Uniqueness and Diversity	X				X				X						

Comments: May impact some boating and fishing activities.

Mitigations: Provide and allow a safe passage for boating, recreational, and fishing opportunities.

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.*

- NA

Other Appropriate Social and Economic Circumstances:

Costs, revenues and estimates of return are estimates intended for relative comparison of alternatives. They are not intended to be used as absolute estimates of return. The estimated stumpage is based on comparable sales analysis. This method compares recent sales to find a market value for stumpage. These sales have similar species, quality, average diameter, product mix, terrain, date of sale, distance from mills, road building and logging systems, terms of sale, or anything that could affect a buyer's willingness to pay.

No Action: The No Action alternative would not generate any return to the trust at this time.

Action: NA

References

DNRC 1996. State forest land management plan: final environmental impact statement (and appendixes). Montana Department of Natural Resources and Conservation, Forest Management Bureau, Missoula, Montana.

DNRC. 2010. Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan: Final EIS, Volume II, Forest Management Bureau, Missoula, Montana.

Does the proposed action involve potential risks or adverse effects that are uncertain but extremely harmful if they were to occur?

NO

Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?

NO

Environmental Assessment Checklist Prepared By:

Name: Colette Morgan
Title: Administrative Assistant
Date: June 1, 2020

Finding

Alternative Selected

The Action Alternative is selected for implementation.

Significance of Potential Impacts

No significant impacts were identified.

Need for Further Environmental Analysis

EIS

More Detailed EA

No Further Analysis

Environmental Assessment Checklist Approved By:

Name: David M. Olsen
Title: Plains Unit Program Manager
Date: June 30, 2020

Signature: /s/ *David M. Olsen*

Attachment A- Maps

A-1: Vicinity Map





