

## CHECKLIST ENVIRONMENTAL ASSESSMENT

<b>Project Name:</b>	TK & Co Stock water Pipeline LUL
<b>Proposed Implementation Date:</b>	July 2023
<b>Proponent:</b>	TK & Co LLLP
<b>Location:</b>	22N 20E 3, 9, 10
<b>County:</b>	Fergus
<b>Trust:</b>	Common Schools

### I. TYPE AND PURPOSE OF ACTION

This LUL would allow the construction, maintenance, and use of a stock water pipeline across Trust Lands. There would be no places of use on state land. The new stock tank would be adjacent to state land and would provide for better grazing distribution on Trust Lands.

### 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 Department of Natural Resources and Conservation (DNRC)  
Northeastern Land Office (NELO) & Lewistown Unit Office  
Proponent: TK & Co LLLP  
Surface Lessees: TK & Co LLLP  
Other: Montana Sage Grouse Oversight Team (MSGOT)

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

The DNRC, and NELO have jurisdiction over this proposed project.

The proponent is responsible for acquiring all necessary permits for the proposed project, and settling all surface damages with the surface lessees.

#### 3. ALTERNATIVES CONSIDERED:

**Alternative A (No Action)** – Under this alternative, the Department does not grant permission for construction maintenance and use of a stock water pipeline.

**Alternative B (the Proposed Action)** – Under this alternative, the Department does grant permission for construction maintenance and use of a stock water pipeline.

### 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.*

Affected soils are rated as somewhat limited for shallow excavations and as a severe hazard for soil rutting. There were no ratings available for off road erosion hazard. Construction will be done later in the summer which will limit the potential erosion from water due to infrequent rains storms during that season. The minor limitations for shallow excavations may impact the trenching method but has no affect on long term soil impacts

After construction and reclamation there will be no residual impacts on the soils of the area. Soil ratings can be seen in appendix A.

No significant cumulative impacts to geology or soil quality, stability, and moisture are anticipated.

#### 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.*

This project would provide better distribution of stock water in a very dry area mostly used for cattle grazing. But no water would be available for use on trust lands

No significant impacts to local or regional water resources are anticipated.

#### 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 anticipated.

#### 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.*

There will be some minor vegetation disturbance that will amount to about 2.23 acre. The disturbance will be reseeded with a seed mix laid out in the Appendix B

No rare plants or cover types are present. No significant impacts to vegetation are anticipated.

#### 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.*

No significant impacts to terrestrial, avian, or aquatic habitats are anticipated.



**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.*

The main species of concern that would be affected by this project are the greater Sage grouse. The project area is within both the Montana executive order Core Habitat area and within a lek buffer area. Limiting the construction of the pipeline till after July 15<sup>th</sup> and reclaiming the disturbed area with the appropriate seed mix will mitigate the impacts on the sage grouse. These mitigation measure will also decrease the affects on most of the other species of concern since they are mostly birds.

The black tailed prairie dogs and bats are the only mammal species of concern. There is no active prairie dog town on the tract of significant area. It is possible that some individuals may be affected but no larger populations will be impacted. Bats are not likely to be affected because no trees or caves will be affected and all work will be done in the daytime

A full list of Species of Concern previously noted in the area can be seen in appendix C.

No significant impacts to unique, endangered, fragile or limited environmental resources are anticipated, though temporary displacement of local wildlife may occur during the project.

**10. HISTORICAL AND ARCHAEOLOGICAL SITES:**

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

A Class I (literature review) level review was conducted by the DNRC staff archaeologist for the area of potential effect (APE). This entailed inspection of project maps, DNRC's sites/site leads database, land use records, General Land Office Survey Plats, and control cards. The Class I search revealed that *Antiquities* have not been identified in the APE. No additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

No significant effects on historical, archaeological, or paleontological resources anticipated.

**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.*

No significant impacts on the aesthetics of the area are anticipated.

**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 limited environmental resources will be significantly impacted because of this project. This project will also not add any significant cumulative demands 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.*

There are no other projects or plans being considered on the tracts listed in this EA Checklist.

#### 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.*

There will be hazards to human health and safety from equipment operation during the construction of the project. It will be the responsibility of the proponent to mitigate these hazards. After construction there will be no continued hazards

##### 15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

*Identify how the project would add to or alter these activities.*

This project will not add to or deter from other industrial, agricultural, or commercial activities in the area.

##### 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.*

The project will not create or eliminate any jobs, so no significant effects to the employment market are anticipated.

##### 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.*

There are no direct or cumulative effects to taxes or revenue for the proposed project.

##### 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*

There will not be any significant increases in traffic, school attendance, or need for fire and police protection if this project is approved.

##### 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.*

There are no zoning or other agency management plans affecting this project.

##### 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.*

There will be no significant direct or cumulative effects on access to or quality of recreation and wilderness activities because of this project.

**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*

The proposed project does not include any changes to housing or developments.

**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 significantly impacted by the proposal.

**23. CULTURAL UNIQUENESS AND DIVERSITY:**

*How would the action affect any unique quality of the area?*

The proposed project will have no significant impact on any culturally unique quality of the area.

**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.*

This license would result in a one time \$400.00 fee to the school trust.

The proposed project will not have any significant cumulative economic or social effect.



## V. FINDING

### 25. ALTERNATIVE SELECTED:


**Alternative B (the Proposed Action)** – Under this alternative, the Department does grant permission for construction maintenance and use of a stock water pipeline.

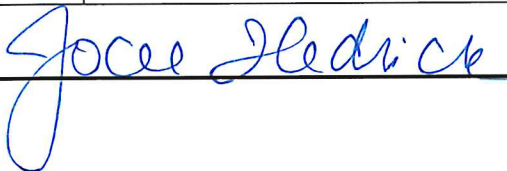
### 26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have evaluated the potential environment effects and have determined no significant impact to the environment because of this project.

### 27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS      ☐ More Detailed EA      ☒ No Further Analysis

<b>EA Checklist Prepared By:</b>	<b>Name:</b> Dustin Lenz <b>Title:</b> Land Use Specialist
<b>Signature:</b> 	<b>Date:</b> 15 MARCH 2023

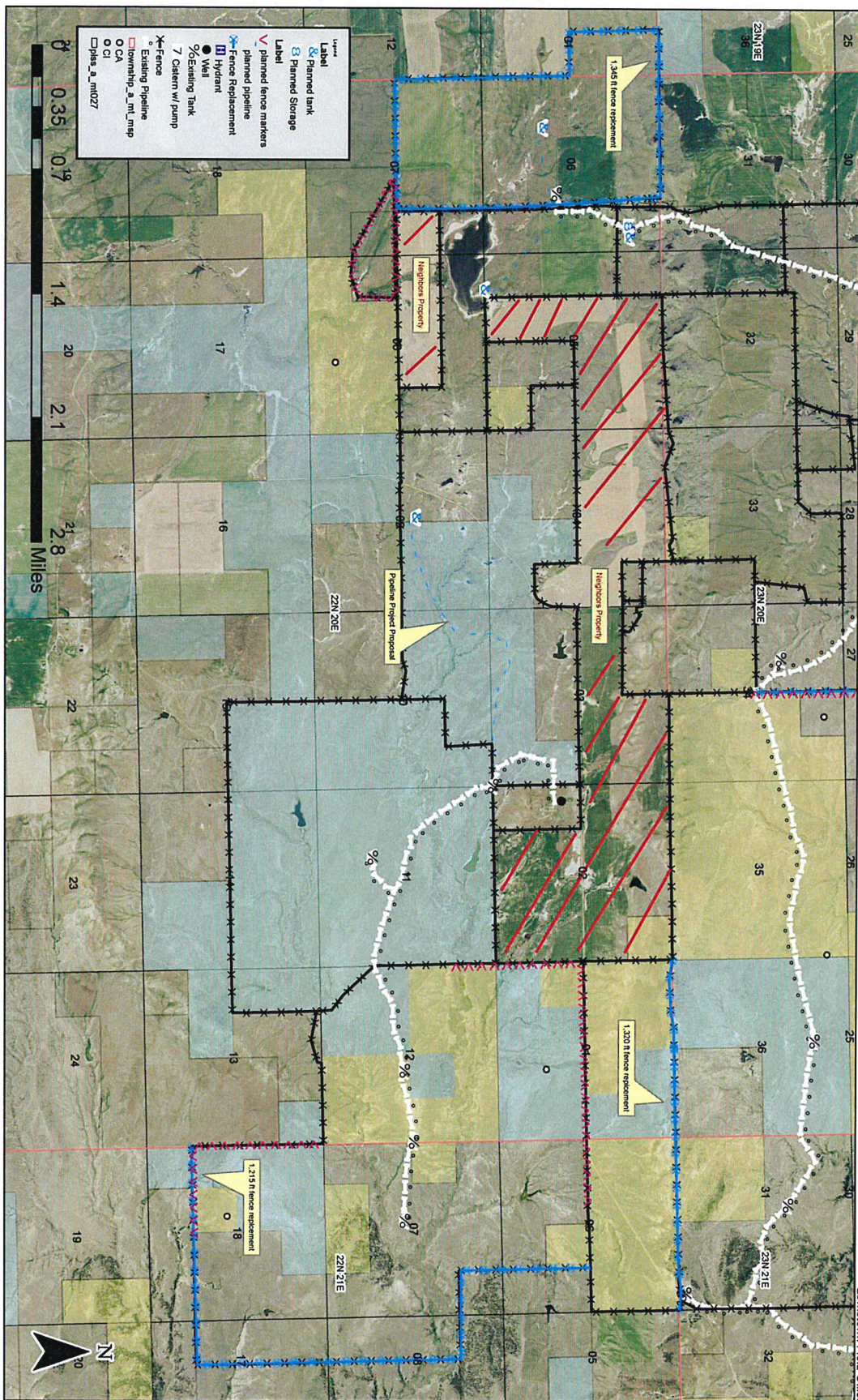
<b>EA Checklist Approved By:</b>	<b>Name:</b> Jocee Hedrick <b>Title:</b> Unit Manager, Northeastern Land Office
<b>Signature:</b> 	<b>Date:</b> 3/15/23



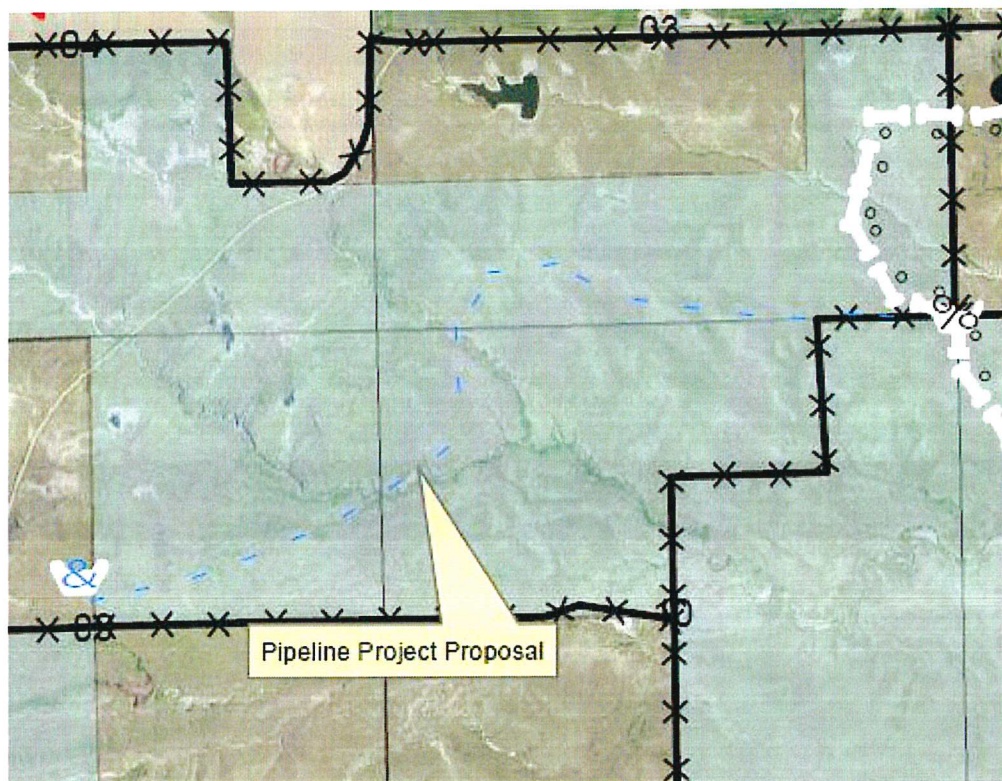
1:30,000  
MURPHY

TK & Co LLP

USDA-NRCS  
Lewistown Field Office









## Appendix A: Soil Ratings

Table — Soil Rutting Hazard — Summary by Rating Value			
Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Severe	51.3	100.0%	
<b>Totals for Area of Interest</b>	<b>51.3</b>	<b>100.0%</b>	

Table — Shallow Excavations — Summary by Rating Value			
Summary by Rating Value			
Rating	Acres in AOI	Percent of AOI	
Very limited	27.0	52.7%	
Somewhat limited	24.3	47.3%	
<b>Totals for Area of Interest</b>	<b>51.3</b>	<b>100.0%</b>	

## Appendix B: Reclamation Seed Mix

Species	% of Seed mix	Pounds PLS/ac
Western Wheatgrass	35	2.8
Slender wheatgrass	35	2.8
Bluebunch Wheatgrass	15	1.2
Green Needlegrass	10	0.8
Lewis flax or purple prairie clover	5	0.4

# Appendix C: Species of Concern



**MONTANA**  
**Natural Heritage**  
**Program**  
A program of the Montana State Library's  
Natural Resource Information System

## Legend

**Model Icons**  
Suitable (native range)  
Optimal Suitability  
Moderate Suitability  
Low Suitability  
Suitable (introduced range)

**Habitat Icons**  
Common  
Occasional

**Range Icons**  
Native / Year-round  
Summer  
Winter  
Migratory  
Non-native  
Historical

**Num Obs**  
Count of obs with  
'good precision'  
(≤1000m)  
+ indicates  
additional poor  
precision obs  
(1001m-  
10,000m)



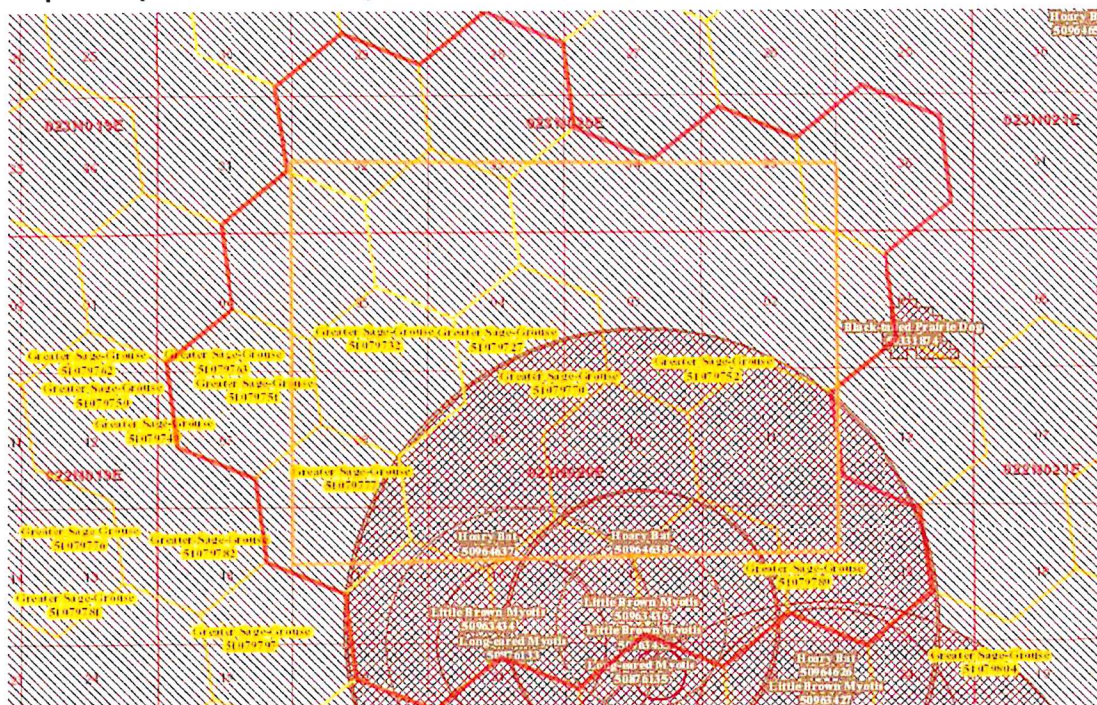
**Latitude**  
47.55339  
47.73747  
**Longitude**  
-109.09175  
-109.21596

## Native Species

Summarized by: TK&Co Pipeline LUL SOC Report (Custom Area of Interest)

Filtered by:

Native Species reports are filtered for Species with MT Status = Species of Concern



## Species Occurrences

	USFWS Sec7	# SO	# Obs	Predicted Model	Range
<b>B - Greater Sage-Grouse</b> ( <i>Centrocercus urophasianus</i> ) SOC		15	93+		
<a href="#">View in Field Guide</a> <a href="#">View Predicted Models</a> <a href="#">View Range Maps</a> USFS: Sensitive - Known in Forests (BD) Global: G3G4 State: S2 Species of Conservation Concern in Forests (CG) BLM: SENSITIVE FWP SWAP: SGCN2 PFI: 1 <b>Delineation Criteria</b> Confirmed breeding area based on the presence of a nest, chicks, juveniles, or adults on a lek. Point observations are mapped in the center of a one-square mile hexagon to protect the exact locations of leks. The outer edges of this hexagon are then buffered by a distance of 6,400 meters in order to encompass a body of research indicating that females typically nest within this distance of a lek and that lek numbers are negatively impacted by fossil fuel drilling activities within this distance of a lek. If the locational uncertainty associated with the observation is greater than this distance, it is buffered by the locational up to a maximum distance of 10,000 meters. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Jan 25, 2022) <b>Predicted Models:</b> 70% Moderate (inductive), 30% Low (inductive)					
<b>M - Black-tailed Prairie Dog</b> ( <i>Cynomys ludovicianus</i> ) SOC		1	1		
<a href="#">View in Field Guide</a> <a href="#">View Predicted Models</a> <a href="#">View Range Maps</a> Species of Concern - Native Species Global: G4 State: S3 BLM: SENSITIVE FWP SWAP: SGCN3 <b>Delineation Criteria</b> Areas with recent evidence of activity (i.e. burrow entrances) visible on recent National Agricultural Imagery Program (NAIP) aerial color photographic imagery that are within a distance of 200 meters of definitive observations buffered by the locational uncertainty of less than or equal to 1,000 meters. (Last Updated: Jul 03, 2019) <b>Predicted Models:</b> 45% Moderate (inductive), 55% Low (inductive)					
<b>M - Hoary Bat</b> ( <i>Lasiurus cinereus</i> ) SOC		3	2		
<a href="#">View in Field Guide</a> <a href="#">View Predicted Models</a> <a href="#">View Range Maps</a> Species of Concern - Native Species Global: G3G4 State: S3B BLM: SENSITIVE FWP SWAP: SGCN3 <b>Delineation Criteria</b> Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, and definitively identified roosting individuals) of adults or juveniles during the active season. Point observation location is buffered by a minimum distance of 3,500 meters in order to be conservative about encompassing the maximum reported foraging distance for the congeneric <i>Lasiurus borealis</i> and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. (Last Updated: Dec 23, 2022) <b>Predicted Models:</b> 100% Low (inductive)					



M - Little Brown Myotis (*Myotis lucifugus*)

soc

4

3

View in Field Guide

View Predicted Models

View Range Maps

Species of Concern - Native Species

Global: G3G4 State: S3 FWP SWAP: SGCN3

**Delineation Criteria** Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, or definitively identified roosting individuals) of adults or juveniles. Point observation location is buffered by a distance of 1,600 meters in order to encompass the greater than 1,500 meters foraging distance reported for the species in New Brunswick, Canada and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. When cave locations are involved, point observations are mapped in the center of a one-square mile hexagon to protect the exact location of the cave entrance as per the Federal Cave Resource Protection Act and associated regulations (U.S. Code Title 16 Chapter 63, Code of Federal Regulations Title 43 Subtitle A Part 37). The outer edges of the hexagon are then buffered by a distance of 1,600 meters and otherwise by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Dec 22, 2022)

**Predicted Models:** 90% Low (Inductive)

M - Long-eared Myotis (*Myotis evotis*)

soc

2

2

View in Field Guide

View Predicted Models

View Range Maps

Species of Concern - Native Species

Global: G5 State: S3

**Delineation Criteria** Confirmed area of occupancy based on the documented presence (mistnet captures, definitively identified acoustic recordings, and definitively identified roosting individuals) of adults or juveniles. Point observation location is buffered by a minimum distance of 1,000 meters in order to encompass the average distances traveled from capture locations to roosts and between roosts in western Montana, Alberta, and Oregon and otherwise buffered by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. When cave locations are involved, point observations are mapped in the center of a one-square mile hexagon to protect the exact location of the cave entrance as per the Federal Cave Resource Protection Act and associated regulations (U.S. Code Title 16 Chapter 63, Code of Federal Regulations Title 43 Subtitle A Part 37). The outer edges of the hexagon are then buffered by a distance of 1,000 meters and otherwise by the locational uncertainty associated with the observation up to a maximum distance of 10,000 meters. All of the one-square mile hexagons intersecting this buffered area are presented as the Species Occurrence record. (Last Updated: Jul 20, 2022)

**Predicted Models:** 75% Low (Inductive)

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