

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Pipeline Easement
Proposed Implementation Date:	Spring/Summer 2023
Proponent:	Cenex Pipeline, LLC
Location:	SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East (Common Schools Trust)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

The proponent, Cenex Pipeline, LLC, is requesting a 50-foot right-of-way across State Trust Land in the Southeast $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East, in Yellowstone County for the purpose of installing a refined fuels pipeline. The total length of pipeline crossing this State section is $\pm 2,929$ linear feet and will encumber ± 3.362 -acres (See Exhibit A). The proposed easement is part of a project developed by Cenex Pipeline, LLC to re-route and relocate their existing pipeline out of urban residential areas around the Billings Metropolitan area to reduce disturbance and maintenance due to the original pipe and path becoming outdated.

The proposed project will install a 10" refined fuels pipeline and will install the pipe using open cut trenching to install the pipeline. The general path of the proposed right-of-way will follow a steep sloped hillside and embankment adjacent to a drainage that would be difficult to develop.

II. PROJECT DEVELOPMENT

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

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

No formal public scoping was performed by DNRC for this proposed project. Cenex Pipeline, LLC obtained a Settlement of Damages form from the grazing lessee.

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

The proponent is seeking the following required permits:

All permits will be secured for the construction of the new 10" refined fuels pipeline directional boring project that is within the proposed easement corridor.

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Issue the 50' wide, ± 3.362 -acre, easement to Cenex Pipeline, LLC for the underground installation of a refined fuels pipeline across the SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East in Yellowstone County for the proponent to reroute their existing pipeline outside the greater Billings Metropolitan area.

No Action Alternative: Deny the 50' wide, ± 3.362 -acre, easement to Cenex Pipeline, LLC for the underground installation of a refined fuels pipeline across the SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East in Yellowstone County requiring the proponent to reroute the pipeline around the State section.

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 land cover of the proposed alternative is mainly classified as Big Sagebrush Steppe and Great Plains Mixed Prairie lands. The soil composition of the general area is comprised of sandy loam soil variations. These features make for a very thin soil with fast drainage and shallow soils, thus susceptible to erosion.

The proponent will be installing the pipeline using a direct plow method that entails opening the ground with a plow blade pulled behind a tracked cable plow. This installation method is considered trenchless.

The methodology for installation is designed to minimally disturb the surface impact. Upon completion of the project, the proponent will reclaim the disturbed area and compact soils to the original state before disturbance. Based on the proposed action and relatively short disturbance time for project, no significant adverse impacts to geology and soils are expected by implementing the proposed action.

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 alternative is designed to follow a drainage coulee in order to make the least impact. This drainage is considered an intermittent drainage and does not have constant water present. The proposed project will generally run parallel to the drainage approximately 20'-30' on the south sloped embankment and no disturbance will occur inside the drainage or streambed.

No significant adverse impacts to water quality, quantity or distribution are anticipated by implementing the proposed action.

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.

There may be short-term isolated impacts from the equipment exhaust that is used to install the refined fuels pipeline. No significant adverse impacts to air quality are expected by implementing the proposed action.

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.

The refined fuels pipeline is proposed to be installed using direct plow method that entails opening the ground with a plow blade pulled behind a tracked cable plow. The methodology for installation is designed to minimally disturb the surface impact.

The area disturbed by the installation activity and from vehicle travel could have short term impacts on vegetation. Upon completion of the work, the proponent will re-seed the disturbed area. The proponent has secured a lessee settlement form from the lessee. No significant long-term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

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.

A variety of big game (mainly antelope and deer), small mammals, raptors, and songbirds traverse the subject sections. The proposed project activities could temporarily disrupt wildlife movement and patterns while construction is scheduled to occur, but the proposed activity is not expected to have long term negative impacts on the habitats. Due to the relatively short project duration and nature no significant adverse impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

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 the following species of concern have been observed with the general area:

- **Hoary Bat (*Lasiorurus cinereus*), Long-eared Myotis (*Myotis evotis*), Spotted Bat (*Euderma maculatum*)**
- **Western Milk snake (*Lampropeltis gentilis*), Greater Short-horned Lizard (*Phrynosoma hernandesi*), Plains Hog-nosed Snake (*Heterodon nasicus*)**
- **Pinyon Jay (*Gymnorhinus cyanocephalus*), Veery (*Catharus fuscescens*), Brewer's Sparrow (*Spizella breweri*), Great Blue Heron (*Ardea herodias*), Burrowing Owl (*Athene cunicularia*), Sprague's Pipit (*Anthus spragueii*), Bald Eagle (*Haliaeetus leucocephalus*)**
- **Gratiola ebracteata (Bractless Hedge-hyssop)**

Along with the species listed, Bat Roosts (Non-cave) have been discovered in the area. There are also potential species of concern that have the possibility of having habitats or being observed in the surrounding area.

None of the species listed above were observed on the parcels, just in the general area.

While these species may be present in the general project area, no direct or lasting impacts are expected to occur to sensitive species. Due to the short duration and minimal disturbance, the project will have minimal impact to the environment and habitat on State Land.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

The following cultural and paleontological surveys have been previously performed:

- 1991 – 1991-5-2
 - No Cultural or Paleontological Resources identified.

The DNRC archaeologist conducted a Class III cultural and paleontological resources inventory of the area of potential effect (APE). No cultural or palaeontologic resources were identified in the APE. As such, proposed developments will have *No Effect to Antiquities* as defined under the Montana State Antiquities Act. A formal report of findings has been prepared and is on file with the DNRC and the Montana State Historic Preservation Officer.

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 installation of an underground refined fuels pipeline. Once the easement areas are rehabbed from the installation disturbance, the only indication that there is an underground pipeline would be from any above-ground warning markers. No significant adverse impact to aesthetics is expected as a result of implementing the proposed alternative.

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 significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

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.

No other projects are known on this portion of state-owned land at this time.

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.

No significant adverse impacts to human health and safety would occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

The proponents have submitted lessee settlement forms and the section is not suited for cropland. Due to the short nature of the project and minimal disturbance, no significant adverse impacts to industrial, commercial and agricultural activities and production would occur as a result of implementing the proposed alternative.

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 proposed action will have no significant impact on the quantity and distribution of employment.

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.

The proposed action will have no adverse impact on tax revenue.

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

The implementation of the proposed alternative is not expected to generate any additional demands on 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 the proposed alternative will not 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.

The public has walk-in access via the county-owned land the north of the State Trust Lands. There is no other legal access to this section of land. The proposed project is not expected to have a negative long-term effect on access to and quality of recreational and wilderness activities.

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.

No significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the proposed alternative.

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 the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

The proposed alternative will not 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 Common Schools Trust will benefit by getting a one-time fee of **\$26,630.18** for the ±3.362-acre easement from Cenex Pipeline, LLC.

EA Checklist Prepared By:	Name: Joe Holzwarth Title: Area Planner, Southern Land Office	Date: 5 May 2023
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V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that the State grants a new 50' wide easement that encompasses ±3.362-acres to Cenex Pipeline, LLC for a 10" refined fuels pipeline in the SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East in Yellowstone County.

V. FINDING

25. ALTERNATIVE SELECTED:

The proposed alternative has been selected and it is recommended that the State grants a new 50' wide easement that encompasses ±3.362-acres to Cenex Pipeline, LLC for a 10" refined fuels pipeline in the SE $\frac{1}{4}$ of Section 36, Township 1 North, Range 26 East in Yellowstone County.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts to the Trust lands listed above are minimal due to the nature of the proposed action which would entail the issuing of the easements and installation of 10" underground refined fuels pipeline. The installation and disturbance are expected to be completed in a short timeframe with a minor impacted footprint. The easement will allow the proponent to distribute refined fuels to and from their refinery in Laurel, MT to the Billings Metropolitan area in order to meet consumer demand. There are no natural features that could produce adverse impacts or species of concern occupying the parcels that are expected to be impacted by implementing the proposed action.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman, AICP Title: Area Manager, Southern Land Office
Signature:	Date: 2 May 2023

Exhibit A – Easement Location

