

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Bison Pipeline Project LUL for Temporary Work Space and Access Roads
Proposed Implementation Date:	2010
Proponent:	TransCanada Bison Pipeline LLC
Location:	T9S-R53E-Sec 36, T8S-R55E-Sec 36, T7S-R56E-Section 16, T5S-R56E-Sec 25, T5S-R56E-Sec 36, T2S-R58E-Sec 36, T2S-R59E-Sec 16, T1N-R60E-Sec 16, T2N-R60E-Sec 36
County:	Powder River and Carter County

Definitions

Bison- TransCanada Bison Pipeline LLC
BPP- Bison Pipeline Project
BPPFEIS- Bison Pipeline Project Final Environmental Impact Statement
ELO- DNRC Eastern Land Office
FERC- Federal Energy Regulatory Commission

I. TYPE AND PURPOSE OF ACTION

TransCanada Bison Pipeline LLC (henceforth referred to as Bison) has requested a Land Use License for temporary construction space across parts of state owned T9S-R53E-Sec 36, T8S-R55E-Sec 36, T7S-R56E-Sec 16, T5S-R25E-Sec 25 and 36, T2S-R58E-Sec 36, T2S-R59-Sec16, T1N-R60E-Sec 16, T2N-R60E-Sec 36 with a 30" Natural Gas Pipeline. This pipeline crossing is part of an extensive interstate pipeline project. This temporary work space would encompass a land use license area of 70.72 acres. The temporary access roads would encompass an area of 6.92 acres. The combined acreage of this land use license would be 77.64 acres. The Bison Pipeline Project is an open access natural gas pipeline designed to carry product from the Powder River Basin in Campbell County Wyoming. The proposed pipeline will cross northeastern Wyoming, Southeastern Montana and Southwestern North Dakota before terminating at the Kurtz Delivery Meter Station on the Northern Border Pipeline in Morton County North Dakota. (For more information regarding type and purpose of action refer to Bison Pipeline Project Final Environmental Impact Statement Chapter 1.0 through chapter 2.7 pages 1-1 through 1-16 and pages 2-1 through 2-50)

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 Eastern Land Office staff has been working with land agents for Bison throughout 2009. This included preliminary project overviews, staking requests, route reviews, on ground surveys and reviews of the land use license process. Upon release of the Federal Energy Regulatory Commission Final EIS; Bison submitted land use license applications for sections of State Trust Lands within the project corridor. These land use license applications are being reviewed in conjunction with preparation of a site specific environmental assessment.

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

FERC- EIS project lead
(Bison Pipeline Project Environmental Impact Statement; Volume 1; Federal Energy Regulatory Commission; Office of Energy Projects; Washington D.C.)
Montana Department of Environmental Quality

3. ALTERNATIVES CONSIDERED:

Alternative A- Grant a land use license to Bison for the purpose temporary construction space and access roads for installing a 30" natural gas pipeline.

Alternative B- No Action

III. IMPACTS ON THE PHYSICAL ENVIRONMENT
<ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" If no impacts are identified or the resource is not present.</i>

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.

Alternative A- Moderate to extensive soil disturbance may take place along the pipeline route. This disturbance would be in relation to trenching and pipeline construction. Soils identified on the tract within the route of the pipeline are a complex of Silty, Clay, and Shallow with Clay, Dense Clay and Panspots. These soils are moderate to highly erosive. Bison has a plan in place to assist in the mitigation of potential erosion factors. The construction plan calls for topsoil to be stripped and stockpiled separate from spoil material. Upon restoration all removed topsoil will be replaced.(FERC has addressed concerns and mitigation measures concerning wind and water erosion as well as general soil stability and accidental releases within the BPPFEIS Chapter 3.1 through 3.2.2 Pages 3-2 through 3-33 and Appendix F)

Alternative B- No Impact.

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.

Alternative A- Minimal impact to water quality, quantity and distribution could be expected. Construction methods could increase soil compaction which could lead to increased runoff and slower soil absorption. Mitigation procedures would include de-compaction of the soil within the trench area and work space after construction completion to allow for improved drainage. The proposed pipeline would require a crossing of the intermittent stream Hay Creek. This crossing would be accomplished by using a dry crossing technique. All construction methods will be done in a way to minimize impacts to both ground and surface water sources. (FERC has addressed concerns and mitigation measures concerning ground and surface water quality, quantity and distribution within the BPPFEIS Chapters 3.3 through 3.3.2.2 pages 3-33 through 3-57 and Appendix F and G)

Alternative B- No Impact

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.

Alternative A- Construction could be expected to temporarily impact local ambient air-quality. This impact would be produced through fugitive dust as well as emission from construction equipment. This temporary localized impact should only take place on this tract of trust land during clearing, construction and restoration processes. Fugitive dust would be controlled through applying water to roads and work areas as well as revegetating the disturbed areas in a prompt time frame after construction. Impact from construction would be temporary and should not result in significant impacts in air quality (FERC has addressed concerns and mitigation measures concerning air quality with the BPPFEIS Chapters 3.11 through 3.11.1.3 pages 3-178 through 3-191)

Alternative B- No Impact

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.

Alternative A- Potential disruption to the vegetative community within the area of construction could be expected. This disruption would come in the action of clearing and construction. Current plant species which occupy the construction area include Western Wheatgrass (*Agropyron smithii*), Green Needlegrass (*Stipa viridula*), Blue Bunch Wheatgrass (*Agropyron spicatum*), Prairie Sandreed (*Calamovilfa longifolia*), Alkali Sacatan (*Sporobolus Airoides*), Needle and Thread (*Stipa comata*), Prairie Junegrass (*Koleria pyramidata*), Blue Grama (*Bouteloua gracilis*), Inland Saltgrass (*Distichlis stricta*) Threadleaf Sedge (*Carex filifolia*), Sandberg Bluegrass (*Poa secunda*), Big Sagebrush (*Artemisia tridentata*), Silver Sagebrush (*Artemisia cana*), Fringed Sagewort (*Artemisia frigida*), Broom Snakeweed (*Gutierrezia sarothrae*), Downy Brome (*Bromus tectorum*) and Japanese Brome (*Bromus japonicus*). Bison has created a restoration plan to address disturbances to the plant community. Construction areas will have stored topsoil replaced, contoured and reseeded to a native seeding mixture. The ELO field staff will choose the native seed mixture and seeding rate on this site. The ELO field staff will also monitor the restoration outcomes to assure proper vegetative reestablishment. Bison has created a noxious weed control plan to monitor and treat noxious weeds within the construction area for a period of 3 years or until a self sustaining vegetative community is reestablished. (FERC has addressed concerns and mitigation measures concerning vegetative cover, quantity and quality with the BPPFEIS Chapters 3.5 through 3.5.2.4 pages 3-65 through 3-74.)

Alternative B- No Impact

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.

Alternative A- This project may disrupt wildlife habitat for a number of species. Species which may have habitat in the area of the project may include deer, elk, antelope, rodents, coyotes, foxes, mountain lions, rodents, amphibians, raptors, migratory and prairie birds. The majority of disruption would occur during the construction and reclamation phases of the project. Upon project completion habitats and wildlife utilization should return to normal levels. (FERC has addressed concerns and mitigation measures concerning terrestrial, avian and aquatic life and habitats with the BPPFEIS Chapter 3.6 through 3.6.2.2 pages 3-74 through 3-100).

Alternative B- No Impact

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.

Alternative A- The sensitive species Greater Sage Grouse is known to have habitat within Carter County. No leks are known to exist within the area of construction on this tract of Trust Land. No threatened or endangered species are noted to have habitat on this tract (FERC has addressed concerns and mitigation measures concerning threatened, endangered and sensitive species with the BPPFEIS Chapter 3.7 through 3.7.2.5 pages 3-100 through 3-128). No wetlands will be crossed in the construction area requested. No wetlands are established within the boundaries of the requested easement on this section of Trust Land. (FERC has addressed concerns and mitigation of wetlands with BPPFEIS Chapter 3.4 through 3.4.2.3 pages 3-57 through 3-64).

Alternative B- No Impact

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

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

Alternative A- No cultural archeological or paleontological resources have been noted within the scope of the requested easement. Should any such resources be discovered during the construction of this project plans are in place to immediately notify both the DNRC Staff Archeologist and the State Historical Preservation Officer. (FERC addresses concerns and mitigation measures regarding historical, archeological, cultural sites with BPPFEIS Chapters 3.9 through 3.9.3 pages 3-149 through 3-161 and paleontological resources in Chapter 3.1.1.4 pages 3-15 through 3-16.)

Alternative B- No Impact

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.

Alternative A- Alteration of the viewshed may occur during the clearing, construction and restoration activities. Some of the mentioned tracts of land would be visible from county roads although they are both rural and remote. Construction is not planned on any prominent features. Construction activities will leave a scar on the vegetative community which should recover fully after restoration is complete. No above ground structures are included within the land use license request. (FERC has addressed visual resource concerns and mitigation measures within the BPPFEIS Chapters 3.8.3 through 3.8.3.2 pages 3-145 through 3-148) Noise levels may also be increased during the clearing construction and restoration activities. These noise levels may be increased moderately from ambient levels. These noise increases should only be short term in duration. These noise levels may disrupt some wildlife within the immediate area of construction. The construction area is a remote and rural location. (FERC has addressed noise quality concerns and mitigation measures with the BPPFEIS chapters 3.11.2.1 through 3.11.2.2 pages 3-191 through 3-194)

Alternative B- No Impact

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.

Alternative A- No limited natural resources should be required in addition to that which is stated within the proposed easement.

Alternative B- No Impact

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.

FERC- EIS project lead

(Bison Pipeline Project Environmental Impact Statement; Volume 1; Federal Energy Regulatory Commission; Office of Energy Projects; Washington D.C.)

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.

Alternative A- There may be potential health and safety risks associated with this project. These risks can be mitigated with proper training and on site safety protocols. (FERC has addressed health and safety concerns and mitigation measures with BPPFEIS Chapter 3.12 through 3.12.4.1 pages 3-195 through 3-204)

Alternative B- No Impact

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

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

Alternative A- This proposed project should have a long term positive effect on industrial and commercial activities through increasing transportation capabilities for domestically produced natural gas. This project may have a short term negative effect on agricultural activities and production. These negative effects should only last through the construction and restoration phases of the proposed project. (FERC has addressed industrial, commercial and agricultural activities and production concerns and mitigation measures with BPPFEIS Chapter 1, 2 and 3.10 through 3.10.7 pages 1-1 through 1-15 and 2-1 through 2-50 and 3-161 through 3-178).

Alternative B- No Impact

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.

Alternative A- This project has the potential to create jobs with further development possibilities. The expected maximum workforce in Powder River and Carter County is 550 personnel each. Most of these personnel will be non-local but some opportunity may exist for employment of residents of the local area. (FERC has addressed quantity and distribution of employment concerns and mitigation measures with BPPFEIS Chapter 3.10.2 pages 3-165 through 1-167)

Alternative B- No Impact

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.

Alternative A- This project is expected to increase tax revenue throughout the length of pipeline. Expected tax revenue increase in Carter County is estimated at \$6,875,937 or a 100.1% increase over 2007 total county tax revenue. Expected tax revenue increase in Powder River County is estimated at \$1,535,182 or a 29.3% increase over 2007 total county tax revenue. (FERC has addressed local and state tax base and tax revenues concerns and mitigation measures with BPPFEIS chapter 3.10.2 pages 3-165 through 3-168)

Alternative B- No impact.

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

Alternative A- Traffic levels could increase substantially during the construction phase of this project. Additional police and fire protection as well as county road maintenance may be required. This increase should only be short term and temporary. (FERC has addressed demand for government services concerns and mitigation measures with BPPFEIS chapter 3.10.4 pages 3-171 through 3-172)

Alternative B- No Impact

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.

Alternative A- There is no noted adopted environmental plans or goals within the boundary of the license requested.

Alternative B- No Impact

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.

Alternative A- This proposed project and land use license request should have only a minimal effect on access to recreational and wilderness activities. These opportunities may be disrupted during construction and restoration phases of the project. These phases will be short term in nature and should have no lasting effect on recreational activities. (FERC has addressed access to and quality of recreational and wilderness activities concerns and mitigation measures with BPPFEIS Chapter 3.8.2 through 3.8.2.5 pages 3-141 through 3-145)

Alternative B- No Impact

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.

Alternative A- There is potential for a temporary increase in population as well as housing demand. The estimated maximum work force in Carter County is 550. The maximum estimated work force would increase the total county population by approximately 49.4%. The estimated maximum work force in Powder River County is 550. The maximum estimated work force would increase the total county population by approximately 36%. This work force may require substantial amounts of temporary housing. (FERC has addressed density and distribution of population and housing concerns and mitigation measures with BPPFEIS chapter 3.10.3 pages 3-168 through 3-171)

Alternative B- No Impact

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

Alternative A- This project has the potential to have a minimal and temporary disruption of native or traditional lifestyles. This disruption should cease once the construction and reclamation phases are completed.

Alternative B- No Impact

23. CULTURAL UNIQUENESS AND DIVERSITY:

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

Alternative A- No Significant Impact

Alternative B- No Impact

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.

Alternative A- This project would require the purchase of a land use license across this tract of Trust Land. The price per acre of this easement would be set at \$324.00. The total easement revenue to the trust would be \$25,155.36.

Alternative B- Additional revenue to the trust through the sale of a land use license would not be realized.

EA Checklist Prepared By:	Name: Scott Aye	Date: 4-27-2010
	Title: Land Use Specialist	

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative A

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The granting of the requested land use license state owned trust lands for the proposed Bison Pipeline Project should not result in nor cause significant environmental impacts. The predicted environmental impacts have been identified and mitigation measures addressed in the Federal Energy Regulatory Commission Final EIS. The predicted impacts will be adequately mitigated through the construction and reclamation plans. The proposed action satisfies the trusts fiduciary mandate and ensures the long term productivity of the land. An environmental assessment checklist is the appropriate level of analysis for the proposed action

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Chris Pileski
	Title: Eastern Land Office; Area Manager
Signature: /S/ Chris Pileski	Date: 4-28-2010