

**United States**  
**Department of the Interior**  
**Bureau of Land Management**

*Miles City Field Office*

**Tyler Oil Co.**  
**Flowline Installation**

Environmental Assessment (EA)  
DOI-BLM-MT-C020-2013-0005-EA

*For Further Information Please Contact:*

Bureau of Land Management  
Miles City Field Office  
111 Garryowen Road  
Miles City, Montana 59301  
406-233-2800

BLM



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**ENVIRONMENTAL ASSESSMENT REVIEW**

|  |                                      |
|--|--------------------------------------|
| <b>OFFICE/AREA:</b> Miles City Field Office  | <b>DOI-BLM-MT-C020-2013-005-EA</b>   |
|  | <b>DATE POSTED:</b> October 29, 2012 |
| <b>NAME:</b> Tyler Oil Company flowline installation, East Rattler Butte Waterflood Unit, Rosebud Co.  | <b>DATE DUE:</b>                     |
|  | <b>FUNDING:</b> Applicant            |
| <b>LOCATION:</b><br>T. 12 N., R. 33 E., SE <sup>1</sup> / <sub>4</sub> SE <sup>1</sup> / <sub>4</sub> Section 30 (Fee) and<br>NW <sup>1</sup> / <sub>4</sub> NE <sup>1</sup> / <sub>4</sub> Section 31 (State): Rosebud County,<br>Montana |                                      |

| <b>ORIGINATOR<br/>DATE/INITIALS</b> | <b>TITLE</b>                | <b>ASSIGNMENT</b>                |
|-------------------------------------|-----------------------------|----------------------------------|
| Jon David                           | Natural Resource Specialist | Project Coordinator and Minerals |

| <b>REVIEWERS</b> | <b>TITLE</b>       | <b>ASSIGNMENT</b> | <b>DATE/INITIALS</b>                           |
|------------------|--------------------|-------------------|--|
| Dale Tribby      | Wildlife Biologist | Wildlife/T&E      | 10/29/2012 <i>dct</i>                          |
| Doug Melton      | Archaeologist      | Cultural/Paleo    | 10/30 12 DM<br>Cultural Report<br>MT-020-13-16 |
| Dan Benoit       | Supervisory NRS    | Reviewer          | DAB 10/31/12                                   |



**ENVIRONMENTAL COORDINATOR**

11/2/2012  
**DATE**

## ENVIRONMENTAL ASSESSMENT

**EA NUMBER: DOI-BLM-MT-C020-2013-005-EA**

**PROPOSED ACTION/ TYPE:**

Tyler Oil Co. requests approval to install a flowline from an existing State oil well to an existing Federal well in the East Ratter Butte Waterflood Unit/ Sundry Notice

**LOCATION OF PROPOSED ACTION:**

T. 12 N., R. 33 E., SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 31 (Private Surface on a Federal Lease) and NW $\frac{1}{4}$  NE  $\frac{1}{4}$  Section 3 (State Surface), Rosebud County, Montana

**PREPARING OFFICE:** Miles City Field Office

**APPLICANTS:** Tyler Oil Company  
P.O. box 23203  
Billings, MT 59104

**DATE OF PREPARATION:** October 16, 2012

**CONFORMANCE WITH APPLICABLE LAND USE PLAN:** This proposed action is in conformance with the Big Dry Resource Management Plan Record of Decision (RMP ROD) approved in 1996. On page 14 of the ROD, it states “The BLM planning process determines availability of federal lands for oil and gas leasing where BLM is the surface management agency.”, and on page 13, “A lease grants the right to explore, extract, remove, and dispose of oil and gas deposits that may be found on the leased lands. The lessee may exercise the rights conveyed by the lease, subject to lease terms and any lease stipulations and permit approval requirements.”

**PURPOSE AND NEED OF THE PROPOSED ACTION:** The need for the proposed action is to install a pipeline to connect a producing well to an existing tank battery. The installation will improve the oil recovery in the field. The need for BLM is to determine whether to permit environmentally responsible exploration and development of the oil and gas resource consistent with the existing lease to continue to meet the nation’s energy needs. This includes development of this proposal with the appropriate mitigation consistent with the goals, objectives, and decisions of the Big Dry Resource Management Plan, as amended, and within the constraints of applicable policies, regulations, and laws.

**PROPOSED ACTION:** Tyler Oil Company requests approval to trench and bury a 2 inch polypipe water line from a water storage tank located at the infinity 31-2 State well (NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31 T12N, R33E) to the Federal 30-16 producing oil well(SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30 T12N, R33E) . The line would extend approximately 330 feet on private surface on a federal lease and approximately 630 feet on State surface (See Table 1). No blading to level surface and removing vegetation would be needed. The line would be buried 4 feet and would require 4 - 5 foot wide corridor of disturbance. Trenching equipment would be used to dig the 18 to 24 inch wide trench. The estimated total acreage of disturbance would be approximately 0.1 acres. Disturbed areas would

be restored to original contours and reseeded with the species and rate of application as stated in the attached conditions of approval. This project would take approximately 2-3 days to complete. Construction is proposed as soon as possible upon approval.

Table 1.

| Lease    | Location  | Surface Ownership (feet)                   | Flow line and Power line (footages, bearing) (acres disturbed) |
|----------|---|--|--|
| MTM88584 | T12N R33E, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sections 30(Fee on a Federal Lease) and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 31(State) | Fee on a Federal Lease (330') State (630') | 960' x 5', NE (0.1 acres)                                      |

**ALTERNATIVE 1 - NO ACTION:** The BLM NEPA Handbook (H-1790-1) states that the Environmental Assessments (EAs) on externally initiated proposed actions, the No Action Alternative generally means that the proposed activity would not take place. This option is provided in 43 CFR 3162.3-1 (h) (2). This alternative would deny the approval of the proposed application, and the current land and resource uses would continue to occur in the proposed project area.

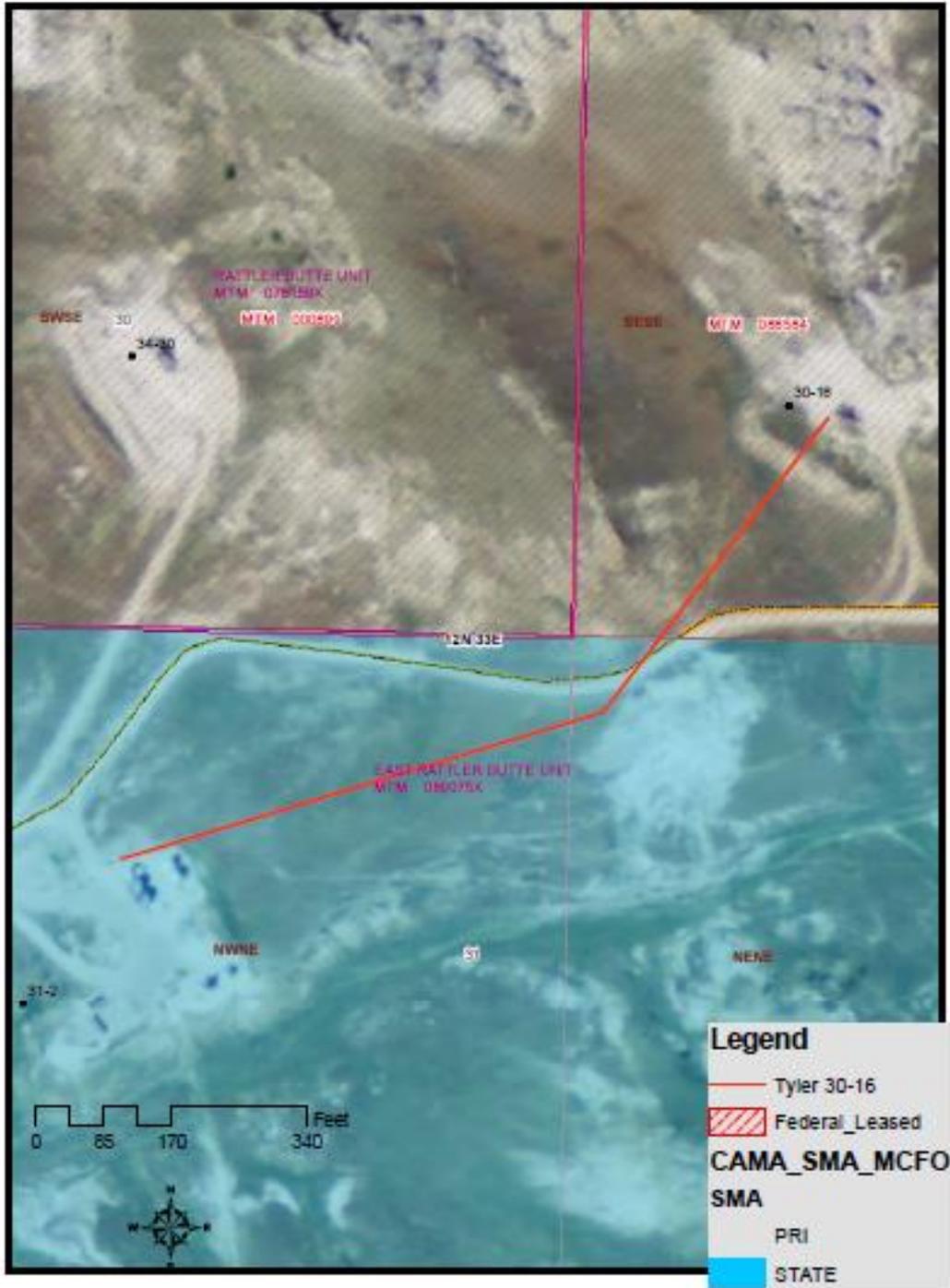
**AFFECTED ENVIRONMENT:**

The following critical resources have been evaluated and are not affected by the proposed action or the alternatives in this EA: **Table 2.**

| Mandatory Item                     | Potentially Impacted | No Impact | Not Present On Site |
|------------------------------------|----------------------|-----------|---------------------|
| Threatened and Endangered Species  |                      |           | X                   |
| Floodplains                        |                      |           | X                   |
| Wilderness Values                  |                      |           | X                   |
| ACECs                              |                      |           | X                   |
| Water Resources                    |                      | X         |                     |
| Air Quality                        |                      | X         |                     |
| Cultural or Historical Values      |                      |           | X                   |
| Prime or Unique Farmlands          |                      |           | X                   |
| Wild & Scenic Rivers               |                      |           | X                   |
| Wetland/Riparian                   |                      |           | X                   |
| Native American Religious Concerns |                      | X         |                     |
| Wastes, Hazardous or Solids        |                      | X         |                     |
| Invasive, Nonnative Species        |                      | X         |                     |
| Environmental Justice              |                      | X         |                     |

*The following non-critical resources will not be impacted by this proposed action; therefore they will not be analyzed in detail by this Environmental Assessment: forestry, riparian, wilderness, recreation, wild horse/burro, fire, geology, minerals, noise, and weeds.*

# Tyler Oil Federal 30-16 Flowline



**Figure 1 Map of Project Area**

Air: The proposed actions are located in a Class II air quality rating area, which is an area that allows moderate degradation above “baseline” readings. The nearest Class I air shed is in the UL Bend in Philips County, Montana, which is approximately 48 miles northwest of the project area. The predominant wind direction in this area is from the west.

Cultural: The area around the 30-16 Well had been inventoried for cultural resources in 1998. One small lithic scatter site (24RB`1819) was found during the inventory. The pipeline would avoid the site. The proposed action meets the Waiver of Inventory Criteria found in BLM Cultural Resources Handbook 8110-1, Section II.C.4. this allows BLM to allow inventory requirements when the inventory meets current standards and the methods and results are available. The 1998 inventory report meets these criteria (See BLM Cultural Resources Report MT-020-13-16), The proposed action would have no effect to cultural properties listed on or eligible for listing on the National Register of Historic Places. Geologically, the area is in the Cretaceous Bearpaw Shale. The formation has a Potential Fossil Yield classification (PFYC) rating of 3a. Remains of vertebrate fossils are not expected to occur along the pipeline ROW on Federal lands.

Hydrology: The proposed project is in the Middle Musselshell (MT40C001\_010) watershed. The water quality of surface runoff is determined by the soil chemistry, topography and the quantity of vegetation. Protection of the soil by vegetation is an important component for the prevention of erosion and improvement of the surface water quality. Well vegetated shallow slopes (less than ~3:1) yield runoff which is of relative good quality. Stream chemistry is determined by runoff water mixing with groundwater inputs.

Soils: Soil affected by the well site was identified from the U.S. Department of Agriculture, Natural Resources Conservation Service Soil Survey Geographic (SSURGO) database for Rosebud County, Montana. Soil affected by the proposed action is Gerdrum Clay. The Gerdrum series consists of very deep, well drained soils that formed in alluvium or glacialfluvial deposits. These soils are on alluvial fans, stream terraces, drainage ways, till plains, and sedimentary plains. Slopes are 0 to 25 percent. Mean annual precipitation is about 12 inches. Mean annual air temperature is about 43 degrees F. For the Official Series Description visit:  
<http://soils.usda.gov/technical/classification/osd/index.html>.

Vegetation: The proposed project area vegetation type is characterized by Wyoming big sagebrush/western wheatgrass (*Aremisia tridentata* subsp. *wyomingensis*/*Agropyron smithii*) (Hanson et. al, 2008) habitat type. The relatively undisturbed later seral stand of this habitat type is dominated by scattered covering of the sagebrush over an extensive graminoid undetstory. However, due to the gently topography, vegetation stand has been disturbed by long term livestock grazing. The sagebrush stands are open and much of the soil surface is exposed. Western wheatgrass dominates the understory and a variety of forbs and other graminoid species are present. Wyoming big sagebrush present within the project area is one of the most important shrub species on western North American rangelands. It is a key component across a variety of landscapes, and an integral player in complex ecosystem processes ranging from localized soil processes, to facilitating Big sagebrush obligate-species. Disturbed stands of this habitat type are still typically dominated by scattered big sagebrush, but have a much greater diversity of herbaceous species and dramatic increase in weedy and disturbance induced graminoids.

Wildlife: The area provides habitat for wildlife including pronghorn, mule deer, sage-grouse and numerous non-game species, including raptors and songbirds and other migratory bird species. The general project area does not contain any known habitat for endangered or threatened wildlife species. The proposed action is located within crucial mule deer and antelope winter range. There is one sage-grouse lek located approximately 2.3 miles northwest of the project area. Sage-grouse are presently classified as a BLM Sensitive Species and a candidate species for protection of the Endangered Species Act but is precluded from listing as a threatened or endangered species due to other higher priority species. The project area is all within a designated Montana Fish, Wildlife and Parks sage-grouse core area. The project area contains no other known habitat for endangered, threatened, or other special status species.

Visual Resource Management (VRM): The proposed project is located in a VRM Class IV area. The objective of this class is to provide for management activities which require major modification of the existing character of the landscape. The level of change to the characteristic landscape can be high. However, every attempt should be made to minimize the impact of activities through careful location, minimal disturbance and repeating the basic elements.

## **ENVIRONMENTAL IMPACTS: DESCRIPTION OF IMPACTS FROM PROPOSED ACTION:**

Air Quality: Emissions generated during the construction phase include vehicle emissions; diesel emissions from large construction equipment; small amount of carbon monoxide, nitrogen oxides, and fugitive dust from sources such as disturbing and moving soils, trenching, backfilling, and truck equipment traffic. There are accumulated types of pollution from activities within the surrounding and adjacent oil and gas activities, and dust particulates from associated surface-disturbing activities. Impacts on air quality would be temporary and local. The emissions and fugitive dust that would be generated would not cause an exceedance of air quality standards nor have any impact on climate change.

Cultural: There would be no impact to cultural resources. The proposed action would have no effect on historic properties. The recorded sits in Section 30 are not are within 400 feet of the proposed flowline and would not be impacted by them. No cultural resources have been recorded in Section 31. Unanticipated discoveries of buried cultural materials during construction would be dealt with through implementation of Mitigating Measure #13 attached to this document.

Hydrology: During construction there would be an increase in soil erosion rates and an increase in overland flow due to the disturbance of vegetation and soil compaction on 0.1 acres. Erosion rates would return to natural levels once vegetation is reestablished providing living and dead vegetation to protect the soil surface from flashy runoff. Due to the use of runoff preventive measures and the presence of sediment filtering vegetation between the construction site and live waters, effects to surface waters would be nearly unnoticeable. In the long term, erosion rates would return to near natural levels once vegetation is reestablished on the flow line.

Soils: The impact to the soils would be from compaction caused by equipment and vehicles. Very little soil disturbance will take place; therefore an increase in erosion is not expected. Once the activity is removed the compacted soils would return to normal in one freeze-thaw cycle.

Noise: Activities associated with this project would generate low levels of temporary and intermittent noise. Sources of noise during construction would primarily occur from equipment (trenchers, etc.).

Vegetation: Impacts to vegetation would be minimal and localized because of the limited nature of the activities. The introduction or spread of some nonnative invasive vegetation could occur as a result of vehicular traffic, but this would be relatively limited in extent. If noxious weeds do occur as a result of operations the operator would be required to control the noxious weeds.

Wildlife: The flowline as proposed is within a previously disturbed area. The fact the disturbance is within a previously disturbed area, coupled with the installation technique mitigation measures applied and the fact that disturbance is limited to 330 feet, should result in minimal disturbance to wildlife, including sage-grouse.

VRM: Class IV allows for major landscape modifications. Visual impacts associated with the proposed action would be consistent with management objectives.

#### **DESCRIPTION OF IMPACTS FROM ALTERNATIVE 1 - NO ACTION:**

Hydrology: Under this Alternative, there would be no impact to shallow, deep aquifers, or surface waters. However, there would be continuing increased erosion, sedimentation, and overland flow from existing reclamation; flow line installation; construction; minerals extraction activities; improperly maintained culverts and low water crossings; livestock grazing; and other surface disturbing activities within the watershed.

Socioeconomics: Socio economic effects of the project are relatively localized and small in scale. If Tyler Oil Company is not allowed to install the flowline it could decrease the efficiency of the federal well.

#### **CUMULATIVE IMPACTS**

The proposed project is located in Sage-grouse Habitat – Protection Priority Area (Core Habitat). Sage-grouse are heavily dependent on areas of Wyoming big sagebrush. It provides important food and nesting cover. In addition, the proposed project and surrounding area serves as wildlife habitat for a variety of other species. The addition of the proposed project will add negligible stress to the population level; however, the result of all past actions coupled with this and future actions would increase the extent of stressors on the native fauna within the area.

Existing development will continue to affect vegetation growth and seedling growth as a result of mechanical disturbance and possibly the introduction of invasive species into the area. Sagebrush

habitat is increasingly being lost or fragmented. On a landscape scale these small isolated areas of direct and indirect disturbance will further reduce connectivity of wildlife habitats. There would be continuing increased erosion, sedimentation, and overland flow from existing reclamation; flowline installation; construction; mineral extraction activities; improperly maintained culverts and low water crossings; livestock grazing; and other surface disturbing activities within the watershed. The proposed project would increase surface disturbance by an additional 0.1 acres. This additional disturbance is not considered to have a measurable impact on any resource.

**CONSULTATION/COORDINATION:**

Jack Padon, President, Tyler Oil Company.

**LIST OF PREPARERS:**

Jon David, Natural Resource Specialist

Doug Melton, Archaeologist

Dale Tribby, Wildlife Biologist

**UNITED STATES**

**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
FINDING OF NO SIGNIFICANT IMPACT**

**Tyler Oil Company MTM88584  
DOI-BLM-MT-C020-2013-005-EA**

**BACKGROUND**

The Bureau of Land Management (BLM) has conducted an environmental analysis (EA No. MT-020-2013-005) to assess the proposed action to install an underground waterline in the East Rattler Butte Waterflood Unit in Rosebud County, Montana. Impact identification and analysis of the project proposal and alternatives has been completed. The proposed actions would be located on private and state owned surface. A no action alternative and proposed action alternative were analyzed in the EA.

**FINDING OF NO SIGNIFICANT IMPACT**

On the basis of the information contained in the EA (DOI-BLM-MT-C020-2013-005-EA), and all other information available to me, it is my determination that:

- (1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the Big Dry Resource Management Plan.
- (2) The Proposed Action is in conformance with the Record of Decision for the Big Dry Resource Management Plan; and
- (3) The Proposed Action does not constitute a major federal action having a significant effect on the human environment.

Therefore, an environmental impact statement or a supplement to the existing environmental impact statement is not necessary and will not be prepared.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and to the intensity of the impacts described in the EA.

**Context**

The proposed action is to upgrade an existing access road, install a flow line, and a power line all in the same corridor. The project is a site-specific action directly involving a total of approximately 0.1 acres of disturbance in Rosebud County, Montana.

**Intensity**

The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into resources and issues considered (includes supplemental authorities Appendix 1 H-1790-1) and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

**1. *Impacts that may be both beneficial and adverse.*** The proposed project would impact resources as described in the EA. In addition to mitigation measures included in the project design, BLM developed additional mitigation measures to further minimize or eliminate adverse impacts to other resources and land uses. These additional mitigation measures are identified in the proposed action and are attached to this document as conditions of approval. The EA also disclosed beneficial impact from the proposed project to Tyler Oil improved production from the existing oil well. None of the environmental effects discussed in detail in the EA are considered significant, nor do the effects exceed those described in the Big Dry Resource Area Management Plan.

**2. *The degree to which the proposed action affects public health and safety.*** No aspect of the proposed action would have an effect on public health and safety.

**3. *Unique characteristics of the geographic area such as proximity of historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*** No historic and cultural resources, parks, prime farmlands, or wild and scenic rivers were found in the area

**4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*** No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action.

**5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*** The analysis has not shown that there would be any unique or unknown risks to the human environment.

**6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*** This project neither establishes a precedent nor represents a decision in principle about future actions. The proposed action is consistent with actions appropriate for the area as designated by the Big Dry RMP.

**7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*** The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the EIS which accompanied the Big Dry RMP.

**8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.*** The proposed action will not adversely affect any district, site, highway, structure, or object listed or eligible for listing in

the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historic resources.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

There are no threatened or endangered species or habitat in the area of the proposed action. There are no threatened or endangered plant species or habitat in the area.

**10. Whether the action threatens a violation of Federal, State, Tribal or Local law or requirements imposed for the protection of the environment.** The proposed action does not threaten to violate any Federal, State, Tribal, or local law. Furthermore, the project is consistent with applicable land management plans, policies, and programs.



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Todd D. Yeager  
Field Manager  
Miles City Field Office

11/5/2012

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Date



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
MILES CITY FIELD OFFICE  
DECISION RECORD**

**Tyler Oil Company MTBIL885884  
DOI-BLM-MT-C020-2013-005-EA**

**DECISION**

It is my decision to select the Proposed Action Alternative as described in this EA for. The EA and the FONSI analyzed the selected alternative and found no significant impacts. Implementation of this decision will result in an underground waterline. The selected alternative is in conformance with the Big Dry Resource Management Plan, as amended.

**ALTERNATIVES**

In addition to the selected alternative, the EA considered the "No Action" alternative, which would carry out no management activities at this time.

**RATIONALE FOR SELECTION**

The purpose of the action is to allow Tyler Oil Company to construct an buried waterline from a storage tank located at the Infinity 31-2 State location to the Federal 30-16 oil well.

T. 12 N., R. 33 E., Sections 30 and 31, Rosebud County, Montana, PMM.

**CONSULTATION AND COORDINATION**

The following BLM specialists were consulted: Doug Melton, Archaeologist; Dale Tribby, Wildlife Biologist. The following Tyler Oil specialists were consulted: Jack Padon, President.

**COMPLIANCE AND MONITORING**

BLM will conduct compliance and monitoring inspections during the construction procedures. Inspections will be conducted to determine whether or not operations are being conducted in compliance with the described proposal. Monitoring inspections will be conducted to determine the effectiveness of mitigation measures, results of reclamation work, and impacts to other resources. Based upon the results of inspections, BLM could impose requirements to modify operations to minimize or eliminate adverse impacts to other resources.

**Terms / Conditions / Stipulations:** The following mitigation measures were analyzed in the EA and are included as Conditions of Approval.

**Appeals:** You have the right to request a State Director Review of this decision and these Conditions of Approval pursuant to 43 CFR 3165.3(b). An SDR request, including all supporting documentation shall be filed with the Montana State Office, State Director (MT-920) at 5001 Southgate Drive, Billings, Montana 59101-4669 within 20 business days of your receipt of this

decision. If adversely affected by the State Director's decision, it can be further appealed to the Interior Board of Land Appeals (IBLA) pursuant to 43 CFR 3165.4, 43 CFR 4.411, and 43 CFR 4.413. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, P.O. Box 31394, Billings, Montana 59107-1394, not later than 15 days after filing the document with the authorized officer and/or IBLA.

Should you fail to timely request an SDR, or after receiving the State Director's decision, fail to timely file an appeal with IBLA, no further administrative review of this decision would be possible.



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Todd D. Yeager  
Field Manager  
Miles City Field Office

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11/5/2012  
Date

Tyler Oil Company  
MTM 88584  
Federal 30-16  
T. 12 N., R. 33 E., SE¼ SE¼ Section 30

Rosebud, Montana

CONDITIONS OF APPROVAL

1. Construction operations shall not be conducted from December 1 to March 31 for protection of mule deer winter range.
2. Construction operations will not be allowed from April 15 through July 15 for the protection of nesting birds, including sage-grouse and migratory bird species.
3. Notify BLM (Minerals, 406-233-2800 and/or Jon David, 406-233-3665) at least 48 hours before beginning construction work.
4. The operator shall conduct all activities associated with the construction, operation, maintenance, and termination of construction corridor within the authorized limits
5. Any variation from the approved route must be approved in advance by this office.
6. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
7. Vegetation removal from the proposed pipeline corridor shall be kept to a minimum. Blading to mineral soil is not allowed.
8. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
9. The pipeline shall be tested for leaks before backfilling the trench.
10. Immediately following the pipeline testing, the open trench shall be backfilled and properly compacted to prevent settling. Drainages shall be restored to their original grade and left in free-flowing condition. Topsoil shall be spread evenly over the disturbed area after the trench has been backfilled and compacted.
11. The pipeline corridor shall be cleaned up of all debris, material and equipment after completion of the construction activities.
12. All disturbed areas shall be recontoured to the original contours with proper drainage

established and seeded with the following requirements. All disturbed areas shall be seeded after October 1 (before ground freezes) or prior to May 15 (after ground thaws) at 6" drill row spacing at a depth of ¼" to ½" with the following mixture:

Combination shall include at least four of the following species

| Species  | lbs/acre, pure live seed |
|--|--------------------------|
| Western wheatgrass*                                  | 3.0                      |
| Pascopyrum smithii, variety Rosanna                  |                          |
| Green needlegrass                                    | 2.0                      |
| Stipa viridula, variety Lodom                        |                          |
| Slender wheatgrass                                   | 2.0                      |
| Elymus trachycaulus ssp. trachycaulus, variety Pryor |                          |
| Needleandthread                                      | 1.0                      |
| Stipa comata   |                          |
| Bluebunch wheatgrass                                 | 2.0                      |
| Pseudoroegneria spicata ssp. spicata, variety Goldar |                          |
| Sideoats Grama                                       | 2.0                      |
| Bouteloua curtipendula                               |                          |
| Little bluestem                                      | 2.0                      |
| Schizachyrium scoparium                              |                          |

\*Shall be included in the mix. Thickspike wheatgrass may be substituted for wheatgrass only when western wheatgrass is unavailable.

13. The operator is responsible for the suppression of any fires started as a result of operations. The contractor must have the necessary equipment, including fire extinguishers or water, to provide initial suppression of fire.
  
14. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is immediately to stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days, the AO will inform the operator as to:
  - a) whether the materials appear eligible for the National Register of Historic Places;
  - b) the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
  - c) a timeframe for the AO to complete an expedited review under 35 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation

and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

15. The operator shall be responsible for control of noxious weeds occurring as a result of operations.

You have the right to request a State Director Review (SDR) of this decision pursuant to 43 CFR 3165.3(b). An SDR request, including all supporting documentation, must be filed with the Montana State Office, State Director (MT-920) at 5001 Southgate Drive, Billings, Montana 59101-4669 within 20 business days of your receipt of this decision. If you are adversely affected by the State Director's decision, it can be further appealed to the Interior Board of Land Appeals (IBLA) in Washington D.C. pursuant to 43 CFR 3165.4, 43 CFR 4.411, and 43 CFR 4.413. Should you fail to timely request an SDR, or after receiving the State Director's decision, fail to timely file an appeal with the IBLA, no further administrative review of this decision will be possible.