CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Floweree Land and Cattle Stockwater Pipeline LUL
Proposed Implementation Date:	August 2022
Proponent:	Floweree Land and Cattle LLC
Location:	12N 26E 36
County:	Petroleum
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

The purpose of this LUL would be to allow the installation and maintenance of a stock water pipeline across school trust lands. The pipeline would not have any places of use on state land. The water would come from private land and be used on private land.

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: Floweree Land and Cattle LLC
Surface Lessees: Floweree Land and Cattle LLC
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 to construct and maintain a stock water pipeline.

Alternative B (the Proposed Action) – Under this alternative, the Department does grant permission to construct and maintain 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 1 acre. The disturbance will be reseeded with a seed mix laid out in the Appendix C

If re-seeding is necessary the proponent will acquire certified, weed free seed and refer to the Plant Materials Tech Note No. MT-46 (Rev. 4) dated September 2013 for seeding rates.

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 15th 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 dog is 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.

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

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 $300 return to the trust every 10 years for the lifetime of the pipeline.

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 to construct and maintain 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.

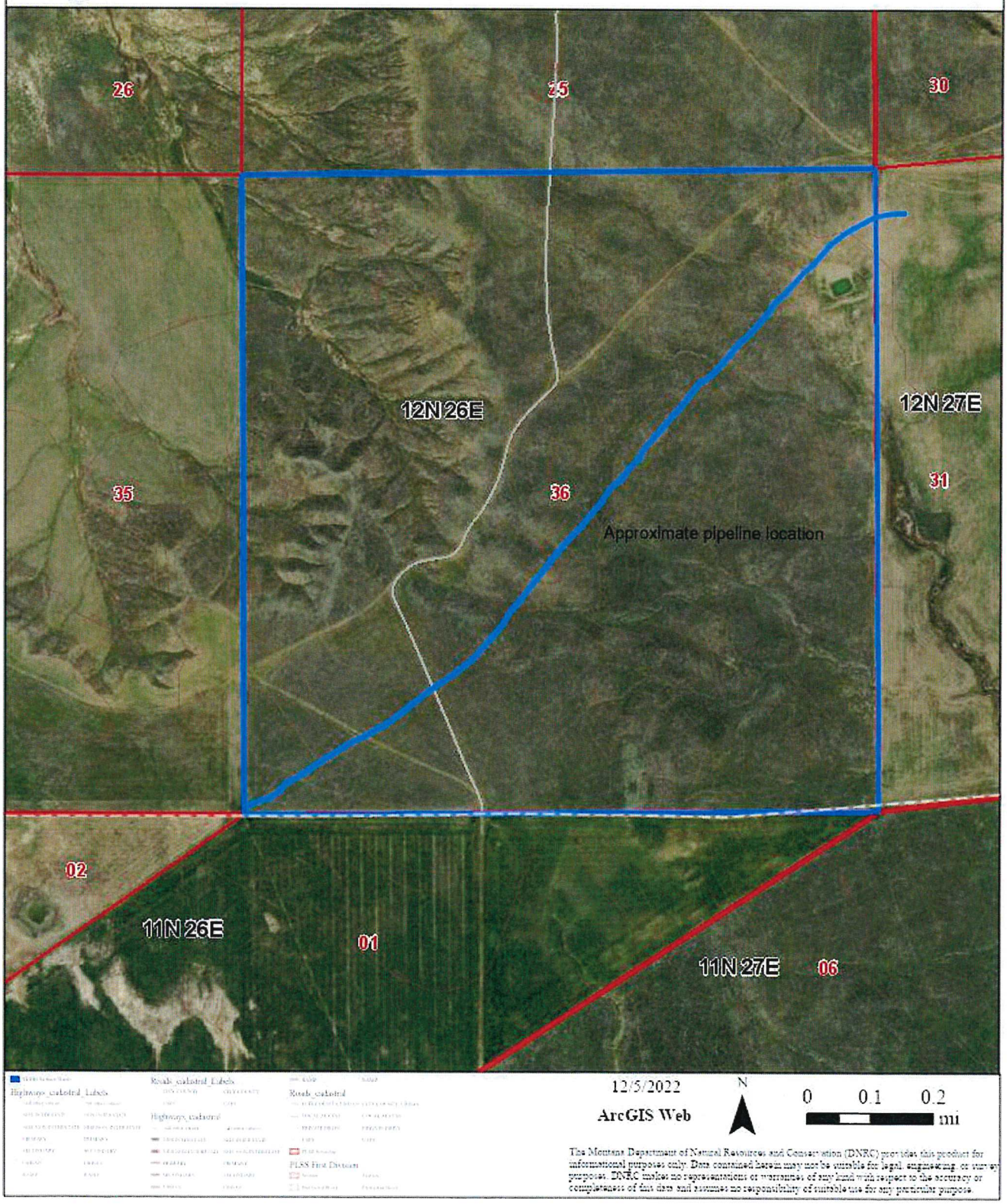
27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

[ ]	EIS	[ ]	More Detailed EA	[X]	No Further Analysis

EA Checklist Prepared By:	**Name:**	Dustin Lenz
	Title:	Land Use Specialist
Signature:		**Date:** 12 DECEMBER 2022

EA Checklist Approved By:	**Name:**	Jocee Hedrick
	Title:	Unit Manager, Northeastern Land Office
Signature:		**Date:** 12/12/22

ArcGIS Web Map



Appendix A: Soil Ratings

Table — Soil Rutting Hazard — Summary by Rating Value

Summary by Rating Value

Rating	Acres in AOI	Percent of AOI
Severe	200.1	100.0%
Totals for Area of Interest	**200.1**	**100.0%**

Table — Shallow Excavations — Summary by Rating Value

Summary by Rating Value

Rating	Acres in AOI	Percent of AOI
Somewhat limited	190.0	95.0%
Very limited	10.1	5.0%
Totals for Area of Interest	**200.1**	**100.0%**

Appendix B: Species of Concern

Appendix C: Reclamation Seed Mix

western wheatgrass	35%
slender wheatgrass	35%
bluebunch wheatgrass	15%
green needlegrass	10%
Lewis blue flax or purple prairie clover	5 %

-Native Mix
-Certified Noxious Weed Seed Free
-Drill seeding rate of 8 lbs/acre Pure Live Seed (PLS)

MONTANA SAGE GROUSE
HABITAT CONSERVATION PROGRAM

GREG GIANFORTE, GOVERNOR
1539 ELEVENTH AVENUE

STATE OF MONTANA

PHONE: (406) 444-0554
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PO BOX 201601
HELENA, MONTANA 59620-1601

Project No. 5017
Governor's Executive Orders 12-2015 and 21-2015
Floweree Land and Cattle Stock Water Pipeline

Dustin Lenz
Department of Natural Resources and Conservation
613 NE Main St
Lewistown, MT 59457

December 9, 2022

Dear Mr. Lenz,

The Montana Sage Grouse Habitat Conservation Program received a request for consultation and review of your project or proposed activity on December 6, 2022. Based on the information provided, this project is located within a Core Area for sage grouse. The Bureau of Land Management (BLM) classifies this area as a Priority Habitat Management Area (PHMA).

Executive Orders 12-2015 and 21-2015 set forth Montana's Sage Grouse Conservation Strategy. Montana's goal is to maintain viable sage grouse populations and conserve habitat so that Montana maintains flexibility to manage our own lands, our wildlife, and our economy and a listing under the federal Endangered Species Act is not warranted in the future.

The Program has completed its review, including:

Project Description:

Project Type: Agriculture – Water
Project Disturbance: 1.42 Miles of Buried Water Pipeline
Construction Timeframe: July 17, 2023 to July 21, 2023, Temporary (<1 Year)
Operations Timeframe: No Operations Phase (Buried)

Project Location:

Legal: Township 12 North, Range 26 East, Section 36
Township 12 North, Range 27 East, Section 31

County: Petroleum
Ownership: Montana State Trust Lands, Private

Project Description and Executive Orders 12-2015 and 21-2015 Consistency:

The Floweree Land and Cattle Stock Water Pipeline Project proposes to install an underground water line in a designated Core Area for sage grouse.

Floweree Land and Cattle Company, LLC proposes to install approximately 1.42 miles of buried pipeline for a livestock watering system located 17 miles south of Winnett, Montana in Petroleum County. See Figure 1 (Floweree Land and Cattle Stock Water Pipeline Project & Lek Location Map). Of the 1.42 miles of proposed pipeline, approximately 1.41 miles will traverse state trust land. However, the pipeline will have no aboveground places of use on state trust land after installation. Water will originate from private land and terminate on private land at a stock tank after travelling across state trust land.

The Project will provide better water availability and distribute livestock grazing more efficiently. The stock tank will include a wildlife escape ramp. Construction of the pipeline will occur after July 15th to avoid impacts to greater sage-grouse where breeding, nesting, and early brood-rearing habitat is present.

The pipeline will be installed with a backhoe. Reclamation will include a certified noxious weed seed free mixture of native grasses and forbs occurring in August 2023.

Based on the information you provided, your Project intersects the perimeter of a No Surface Occupancy (NSO) area for one active sage grouse lek in a Core Area. See Figure 1 (Floweree Land and Cattle Stock Water Pipeline Project & Lek Location Map).

No surface facilities are proposed within the NSO area for this Project. Additionally, no Project activities will occur between March 15 and July 15. Therefore, the Project is consistent with the stipulations set forth in Executive Order 12-2015.

Density Disturbance Calculation Tool (DDCT) Analysis:

The proposed Project is to occur in a designated Core Area for sage grouse. The Program has calculated the density and disturbance levels within the project area using a Density Disturbance Calculation Tool (DDCT). The results were compared to allowable thresholds set forth in the Executive Order 12-2015. Your Project results are as follows. See Figure 2 (DDCT Analysis Area Map) and the Density Disturbance Calculation Tool Explanation and Results Summary.

DDCT Analysis Area Acres: 14,574.27
Total Preliminary Disturbance Acres: 1.72
Total Disturbed Acres in Analysis Area: 3,041.21
DDCT Result: 20.87%
New Disturbed Acres: 1.7
Affected Leks Within the DDCT Analysis Area: 2

Discussion:

The Floweree Land and Cattle Stock Water Pipeline Project is within a Core Area. The Project DDCT calculation is 20.87%, which exceeds the 5% maximum stipulated in Executive Order 12-2015. Ordinarily, deviations from the stipulations of Executive Order 12-2015 require review and approval by the Montana Sage Grouse Oversight Team (MSGOT). However, MSGOT recognizes that livestock grazing is the most widespread land use across sage-grouse habitats in Montana.

During the August 31, 2017 MSGOT meeting, MSGOT and agency partners approved deviations from the DDCT stipulation for range and habitat improvement projects when the projects provide a conservation gain and disturbance is temporary. The Program reviewed the following project details and determined the project meets the requirements for a range improvement project.

- Water pipelines and stock tanks can distribute livestock across the landscape in ways that avoid surface disturbance and provide conservation gain through improved livestock distribution and grazing management.
- Surface disturbance and the disruptive activities associated with installation are temporary, and vegetation should recover in one growing season.

Additionally, range improvement projects are still required to implement appropriate measures to avoid and minimize impacts to sage-grouse and their habitat (e.g. seasonal or time of day stipulations). Here, Floweree Land and Cattle Company, LLC has committed to delay the pipeline installation until after July 15, 2023 to avoid the sage grouse lekking and breeding season. Additionally, no surface facilities are proposed within the perimeter of the NSO area of the one active sage grouse lek located near the Project.

Recommendations intended to support grazing management as a tool for providing quality sage grouse habitat are described in Executive Order 12-2015, Attachment G. Distribution of water to livestock can directly facilitate these recommendations by:

- rotating livestock to different pastures, while resting others to establish a diversity of habitat types
- changing seasons of use within pastures to ensure all plants can reproduce; leaving residual cover (grass from the past season) to increase hiding and nesting cover for sage grouse;
- managing the frequency and intensity of grazing to sustain native grasses, wildflowers, and shrubs; and
- managing livestock access to water to ensure healthy livestock and healthy watersheds.

Recommendations:

The following stipulations are taken from Montana Executive Order 12-2015. These stipulations are designed to maintain existing levels of suitable sage grouse habitat by managing uses and activities in sage grouse habitat to ensure the maintenance of sage grouse abundance and

distribution in Montana. Development should be designed and managed to maintain populations and sage grouse habitats.

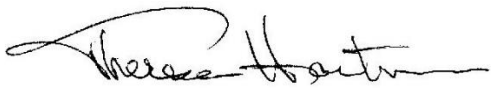
- Weed management is required within a Core Areas for sage grouse. Reclamation of disturbed areas must include control of noxious weeds and invasive plant species, including cheatgrass (*Bromus tectorum*) and Japanese brome (*Bromus japonicas*).

Your activities are consistent with the Montana Sage Grouse Conservation Strategy. Your proposed project or activity may need to obtain additional permits or authorization from other Montana state agencies or possibly federal agencies. They are very likely to request a copy of this consultation letter, so please retain it for your records.

Please be aware that if the location or boundaries of your proposed project or activity change in the future, or if new activities are proposed within one of the designated sage grouse habitat areas, please visit https://sagegrouse.mt.gov and submit the new information.

Thanks for your interest in sage grouse and your commitment to taking the steps necessary to ensure Montana's Sage Grouse Conservation Strategy is successful.

Sincerely,



Therese Hartman
Montana Sage Grouse Habitat Conservation Program Manager

Attachments:

Figure 1: Floweree Land and Cattle Stock Water Pipeline Project & Lek Location Map
Figure 2: Floweree Land and Cattle Stock Water Pipeline Project DDCT Map and Summary

cc: Shawn Thomas
DNRC-Trust Land Management Administrator
P.O. Box 201601
Helena, MT 59620-1601

Figure 1 Floweree Land and Cattle Stock water Pipeline Project Location

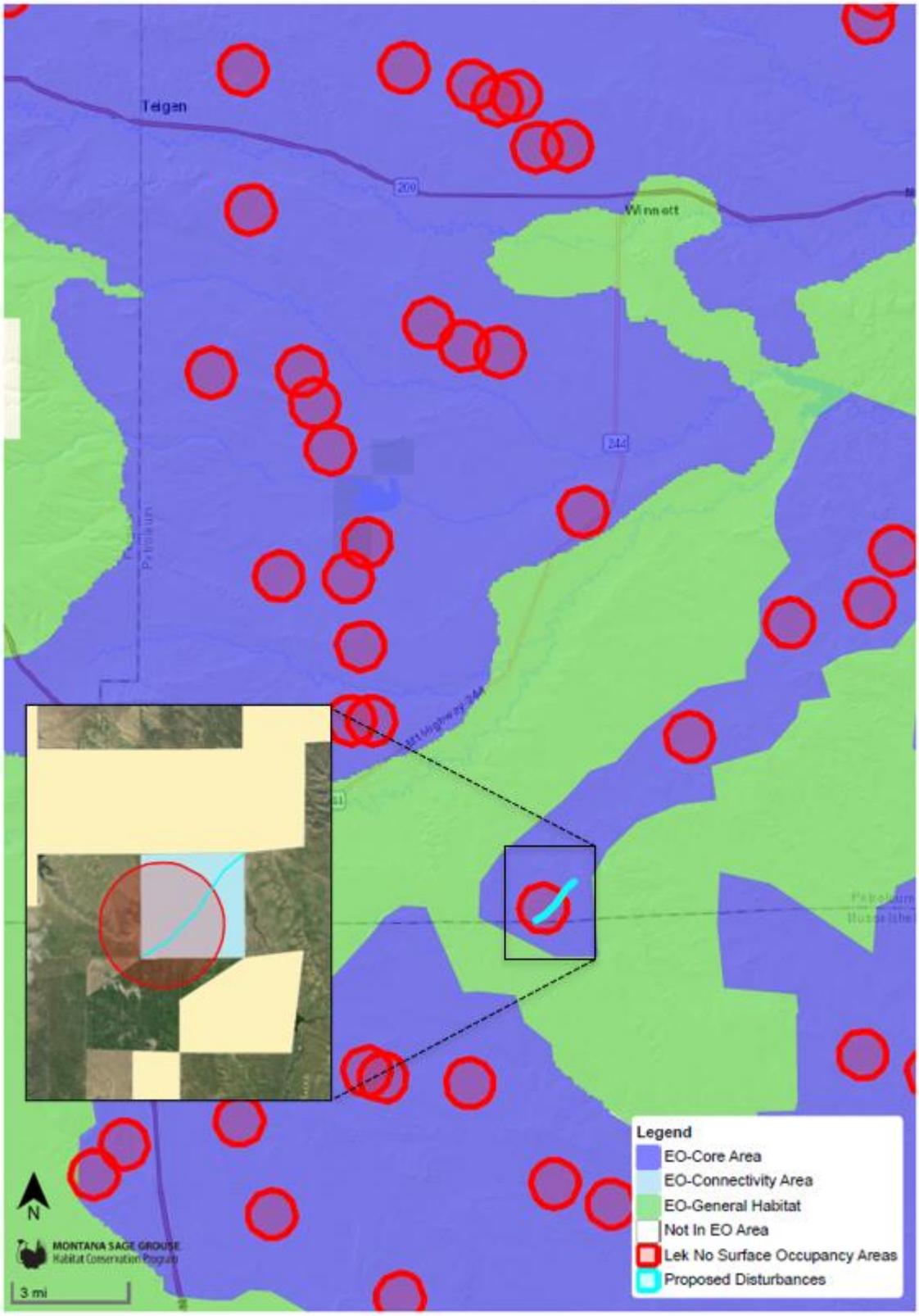
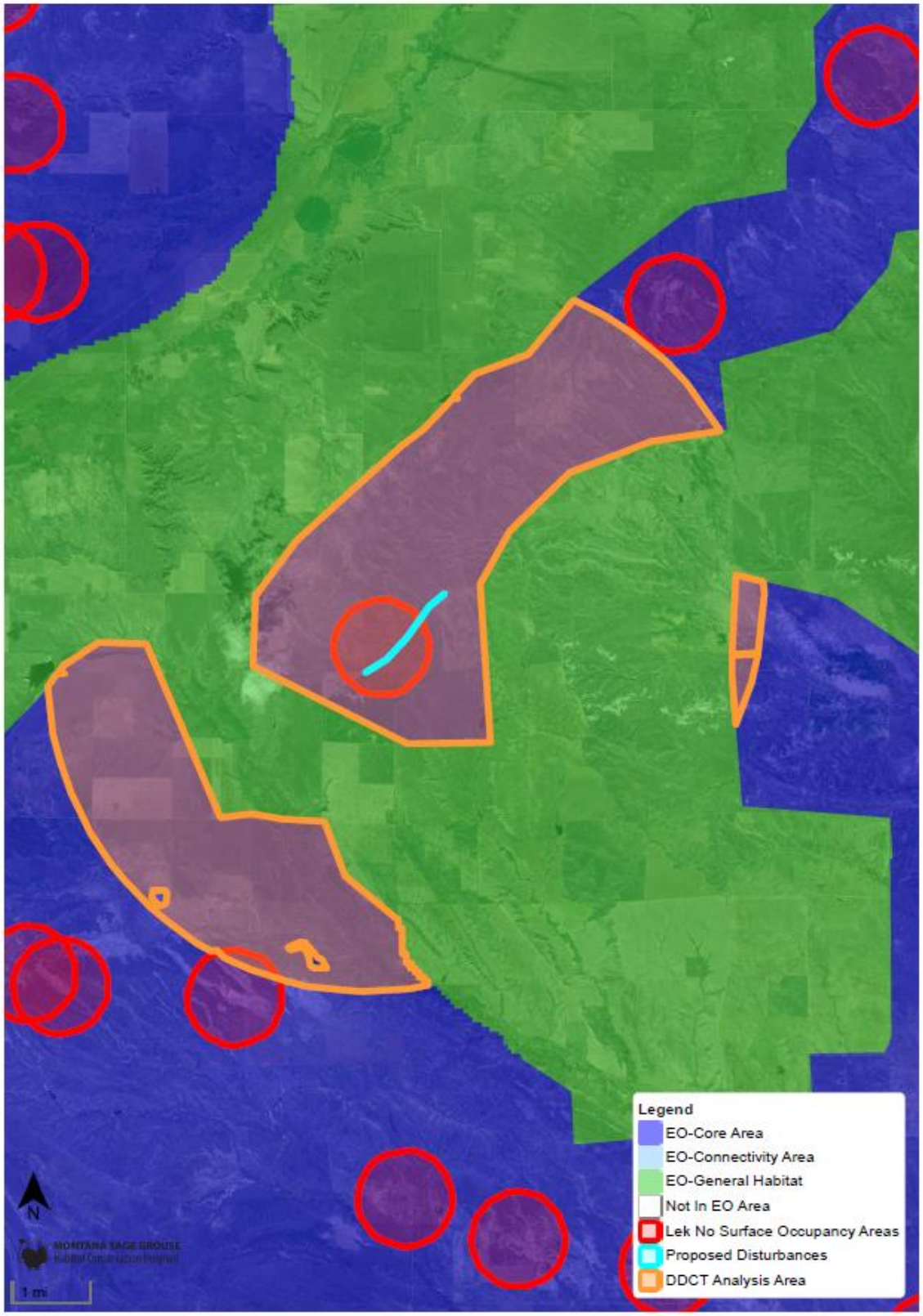


Figure 2 Floweree Land and Cattle Stock water Pipeline Project DDCT



Density Disturbance Calculation Tool Explanation and Results

[#5017] Floweree Land and Cattle Stock water Pipeline

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Project stage changed from Draft to Due Diligence.

Results are based on the data submitted by the proponent. DDCT calculation results are as follows.

DDCT Analysis Area	Proposed Disturbances Area	Existing + Proposed Disturbances Area within DDCT Analysis Area	DDCT Result	New disturbed acres	Affected Leks within the DDCT Analysis Area
14,574.27 acres	1.72 acres	3,041.21 acres	20.87%	1.7 acres	2

Result calculated on 12/06/2022 7:15 AM

Analysis Process and General Definitions

Existing Disturbances: All surface disturbances existing on the ground prior to any Proposed Disturbances that would be created by a new project.

Preliminary Disturbances: All surface disturbances associated with this project, as submitted to the Projects On-line Tool.

Total Preliminary Disturbance Acres: The number of acres contained within the entire polygon(s) delineating the disturbance area of this proponent's project.

Previously Proposed Disturbances: All Preliminary Disturbances proposed by other people prior to the current Preliminary Disturbance being submitted. Once a Preliminary Disturbance is finalized, the disturbance becomes an Existing Disturbance.

DDCT Analysis Area Acres: The number of acres within a polygon created by the following steps:

1. Map the *Preliminary Disturbance* polygon submitted by proponent.
2. Classify the habitat where proposed *Preliminary Disturbance* would occur: core area, general habitat, connectivity area, outside the Executive Order (none of the above). May include unsuitable habitat.
3. Buffer *Preliminary Disturbance/s* that would only occur in core habitat by four miles.
4. Look to see if the 4-mile buffer includes any active leks.
5. If yes, buffer those leks by four miles and add the acres to the polygon.
6. Remove any portion of the polygon that is not classified as core habitat so the DDCT Analysis Area only contains acres in core habitat.
7. Finalize the polygon. This is the DDCT Analysis Area polygon.
8. Calculate the number of acres in the DDCT analysis area polygon.

Total Disturbed Acres in DDCT Analysis Area: The total number of acres of disturbance within the DDCT Analysis Area polygon: all Existing Disturbances + Previously Proposed Disturbances + current Preliminary Disturbance.

DDCT Result: The Total Disturbed in DDCT Analysis Area acres divided by the DDCT Analysis Area acres x 100 to determine the percent disturbance which is compared to Executive Order 12-2015 5% disturbance threshold for core areas.

New Disturbed Acres: the total of new ground disturbance as a result of the project. This is portion of Preliminary Disturbances that do not overlap with already Existing Disturbances or Previously Proposed Disturbances. Acres are calculated from the resulting polygon, which is all new ground disturbance.

Affected Leks within DDCT Analysis Area: The total number of leks where any portion of the No Surface Occupancy area is within the DDCT Analysis Area.

Lek Distances: The shortest distance between the Preliminary Disturbance and any active leks with 4 miles of the Preliminary Disturbance.