

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: MAGNUS SERVICES - TEMPORARY LAYFLAT HOSE

Proposed

Implementation Date: 07/01/2025

Proponent: MAGNUS SERVICES

Location: 24N 60E 29 - PART OF SECTION S2S2; 24N 60E 30 - PART OF SECTION SESE4; 24N 60E 31 - PART OF SECTION NE4

County: RICHLAND

Trust: COMMON SCHOOLS

Introduction: In June of 2025, the Minerals Management Bureau (MMB) of the Forestry and Trust Lands Division (FTLD) of the Montana Department of Natural Resources and Conservations (DNRC), completed a programmatic environmental analysis for lay flat hose land use licenses. The programmatic environmental analysis goes into further detail and evaluates a wider scope of resources than this checklist environmental assessment. This checklist environmental assessment should be read and understood in conjunction with the programmatic environmental analysis. The programmatic environmental assessment can be found on the Departments website at: <https://dnrc.mt.gov/TrustLand/subsurface-resources/doc02335020250616151505.pdf>

I. TYPE AND PURPOSE OF ACTION

On June 4, 2025, DNRC received an application from the Proponent, Magnus Services, to lay a temporary lay flat hose for the purpose of transferring freshwater across State of Montana Land tracts. The water would ultimately be utilized in the fracturing of a horizontal Bakken formation oil well. This analysis does not evaluate the impacts or usage of the water nor the fracturing of the well itself. The analysis evaluates the impacts of placing the hose, transferring the water via the hose, and then removing the hose. The proponent has applied for an effective duration of July 1, 2025, until January 1, 2026. The hose would be expected to be placed near the beginning of the duration and removed near the end of the duration.

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 DNRC's Eastern Land Office (ELO) received the initial application which was then sent to DNRC MMB.

The DNRC's ELO or the proponent will contact the surface lessee prior to project commencement.

3. ALTERNATIVES CONSIDERED:

Action Alternative: The proponent's application would be granted, and the proponent would be allowed to place and utilize the lay flat hose for the time-period requested in the application

No Action Alternative: The proponent's application would be denied, and the proponent would not be allowed to place and utilize the lay flat hose for the time period requested in the application.

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.

Species Occurrences

PDF FIELD GUIDE ? Definition of Species Occurrences	
+ F - Blue Sucker (<i>Cycleptus elongatus</i>)	SOC
+ F - Pallid Sturgeon (<i>Scaphirhynchus albus</i>)	SOC
+ F - Sauger (<i>Sander canadensis</i>)	SOC
+ F - Shortnose Gar (<i>Lepisosteus platostomus</i>)	SOC
+ F - Sicklefin Chub (<i>Macrhybopsis meeki</i>)	SOC
+ F - Sturgeon Chub (<i>Macrhybopsis gelida</i>)	SOC
+ B - Black-billed Cuckoo (<i>Coccyzus erythrophthalmus</i>)	SOC
+ B - Bald Eagle (<i>Haliaeetus leucocephalus</i>)	SSS
+ R - Snapping Turtle (<i>Chelydra serpentina</i>)	SOC
+ B - Whooping Crane (<i>Grus americana</i>)	SOC
+ B - Least Tern (<i>Sterna antillarum</i>)	SOC
+ R - Spiny Softshell (<i>Apalone spinifera</i>)	SOC
+ O - Bat Roost (Non-Cave) (Bat Roost (Non-Cave))	IAH

Fish: The fish species of concern listed would not be expected to be impacted if the action alternative were selected. The action alternative authorizes the ability to lay hose along dry ground, which would not be expected to impact the water quality, quantity, temperature or fish habitat or food. This analysis does not consider or evaluate the use of water. That action is authorized by the DNRC's water resources division and must be properly permitted.

Other SOC Listed: Bald Eagle impacts will be evaluated in greater detail below. However, if the action alternative is selected, it is not expected to significantly impact any of the species of concern listed. The action alternative would consist of minor visual and audible disturbance in the form of light-duty trucks, possibly skid steers and employees of the proponent placing and removing the line for one or two days. During the remainder of the project the hose would create very little disturbance to any species of concern in the area. Overall, the impacts of the action alternative to species of concern would be expected to be either negligible or minor and short-term.

This project area is not within Core or General Sage Grouse Habitat.

This project area is within one-half mile of an active Bald or Golden Eagle Nest.

At its closest point, the line will be approximately 0.3 miles from an active eagle nest. The line is across the Yellowstone River from the Eagle nest. The Montana DNRC observes the Montana Bald Eagle Management Plan, which was completed in 1994 through a working group, under the direction of the Montana FWP.

The plan recommends seasonal restrictions from February 1st to August 15th for the following activities with the corresponding distance buffers:

Activity Type	Recommended Area Buffer When No Visual Buffer Present: Activity Is Visible from Nest	Recommended Area Buffer When Visual Buffer Present: Activity Is Not Visible from Nest	Seasonal Restrictions ² Recommended (Y/N)
1. Single buildings, including single family homes with outbuildings 2. Linear Construction (roads, trails, pipelines, powerlines) 3. Forest management that includes harvest layout, prescribed fire, planting, and thinning	1/4 mile or as close as existing tolerated similar activity ¹	1/8 mile or as close as existing tolerated similar activity ¹	(Y)-No thinning, clearing, & external construction during breeding season.
1. Any activity that will result in more than one house (and associated outbuildings) 2. Any project greater than 1/2 acre 3. Buildings 3+ stories 4. Marinas (6 or more boats) 5. Forest management that includes timber harvesting and heavy truck traffic 6. Above ground utility lines	1/2 mile or as close as existing tolerated similar activity ¹	1/4 mile or as close as existing tolerated similar activity ¹	(Y)-No thinning, clearing, & external construction during breeding season.
Recreation 1. Non-motorized Recreation (Hiking, Fishing, Camping, Rafting, Wildlife Watching, Biking, etc.) 2. Motorized Recreational Equipment (Boats, Personal Watercraft, Off-road Vehicles, etc.)	1/4 mile	1/8 mile	(Y)-Limit recreational activities during the breeding season where eagles do not demonstrate tolerance.
Helicopter or Aircraft	1/4 mile or 1000 ft above nest	1/4 mile or 1000 ft above nest	(Y)-Limit flights during the breeding season except where eagles have demonstrated tolerance.
Blasting and other loud noises	1/2 mile	1/2 mile	(Y)-Restrict loud activities during the breeding season except where eagles have demonstrated tolerance.

While the Bald Eagle Management Plan does not specifically offer guidance for the placement of lay flat hose, the author believes the level of disturbance would be most comparable to motorized recreation. The recommendation for a distance buffer for motorized recreation is ¼ of a mile in the case of a visual buffer being present. That is expected to be the case here, as there are large deciduous trees, likely cottonwoods, on both sides of the Yellowstone River that would shield the proposed activity from the active eagle nest.

Due to these factors and the guidelines offered in the Montana Eagle Management Plan, it is believed that the impacts from the selection of the action alternative would be negligible or minor to Bald Eagle(s) utilizing the nest, and those impacts would be short-term.

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.

The project area is currently leased for grazing; the proponent or Eastern Land Office shall contact the proponent prior to commencing project activities. If there are any damages realized by the grazing lessee from the proposed action, the proponent must compensate the lessee for those damages in accordance with administrative rule.

Checklist EA Prepared By:	Name: Kelly Bertellotti	Date: 6/19/25
	Title: Minerals Resource Specialist	

V. FINDING


25. ALTERNATIVE SELECTED:

After a thorough review of this checklist environmental assessment, the corresponding programmatic review, the project file, and Montana's laws and rules; I have decided to select the action alternative and the DNRC will issue a Land Use License for the ability to lay flat hose in the proposed area from July 1st, 2025, until January 1st, 2026. This decision is consistent with the mission and best management practice of State of Montana School Trust Lands, and the future income generating capacity of the land will not be impacted by this decision.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I have concluded that through the implementation of the stipulations listed below that the impacts of the proposed action are non-significant, being either negligible or minor and short-term in nature.

- The permittee shall only conduct operations under dry or frozen conditions. Operations are not allowed under wet or muddy conditions.
- Lay flat hose may not be placed in or through a freshwater source or wetlands
- The permittee shall inspect and wash any equipment being utilized in operations prior to commencing work. This shall mitigate the risk of fire and the spread of noxious and invasive weeds.
- The permittee shall be responsible for the elimination of noxious and invasive weeds that are introduced or exacerbated resulting from licensed activities.
- The permittee shall keep a fire extinguisher readily available during operations. A fire start caused by licensed operations is the sole responsibility of the permittee.
- The Department may postpone operations if they are deemed as a fire risk.
- If any previously unidentified historical, archeological or paleontological resources are encountered during licensed activities the licensee shall avoid the site and report it to the nearest DNRC unit office.

Checklist EA Approved By:	Name: Scott Aye
	Title: Eastern Land Office Land Program Manager
Signature: 	Date: 6-20-2025