

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
WATER RESOURCES DIVISION
WATER RIGHTS BUREAU
ENVIRONMENTAL ASSESSMENT

PART I. PROPOSED ACTION DESCRIPTION

1. **Type of action:** Water use permit application no. 41T-093603
Water right change application no.
Petition or Other Action:
2. **Applicant/Contact name and address:** EXPRESS PIPELINE, 3900 421 7th Ave SW, Calgary, Alberta, Canada, T2P 4K9
3. **Water source name:** Missouri River
4. **Location affected by action:** NWNESW Sec. 07, T26N R12E and SENWNW Sec. 18, T26N R12E, Chouteau County. Diversion will occur at a point between these two legal descriptions.
5. **Narrative summary of the proposed project and action to be taken:** The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, MCA, are met. Express Pipeline (Express) proposes to construct a 515 mile, 24 inch, crude oil pipeline from the U.S./Canada border near the Port of Wild Horse to Casper, Wyoming. This project requires hydrostatic testing of the pipeline to check for leakage and ensure pipeline integrity. Express intends to hydrostatic test different sections of the pipeline using various water sources, presently involving three Water Resource Regional Offices in Billings, Lewistown and Havre. The application referenced above is for a temporary permit out of the Missouri River to hydrostatic test a 125 mile section stretching from the U.S./Canada border (NWNWNE Sec. 02, T37N R11E, Hill County) to a location west of Denton, Montana (SWSESE Sec. 31, T18N R14E, Fergus County). The water use will include dust control and directional drilling. Express is requesting a temporary one-time use of 4 cfs up to 95.2 acre-feet. Diversion will occur at a point between the NWNESW Sec. 07 and SENWNW Sec. 18, T26N R12E, Chouteau County, and will be used between August 1, 1996, to March 1, 1997. The temporary permit will automatically expire on March 1, 1997.
6. **Agencies consulted during preparation of the environmental assessment:** Montana Dept. of Environmental Quality (MDEQ)

PART II. ENVIRONMENTAL REVIEW

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

Soils/Geologic Features:

Degradation of soil quality or alteration of soil stability, moisture content, geologic substructure, unique geologic features, archeological sites?

See the Final Environmental Impact Statement (FEIS), dated February 1996, and Draft Environmental Impact Statement (DEIS), dated August 1995, prepared by the Dept. of Interior, Bureau of Land Management (BLM) and the State of Montana, Dept. of Environmental Quality (MDEQ).

Erosion:

Alteration of erosion or siltation patterns which modify stream beds or lake shores?

See FEIS and DEIS

Vegetation/Noxious weeds:

Change in or adverse affect on diversity and production of local plant species including any unique or endangered species (including trees, shrubs, grass, and aquatic plants)? Establishment or spread of noxious weeds?

See FEIS and DEIS

Air:

Deterioration of air quality, or adverse effects on vegetation due to increased air pollutants.

See FEIS and DEIS

Water:

Alteration of surface water or groundwater quality including but not limited to temperature, dissolved oxygen or turbidity or quantity or distribution?

The FEIS and DEIS address the impacts from the entire project to the water environment. However, since they do not address the specific impacts from this particular water use application, it is necessary to expand on this section.

There will be no significant impact from the withdrawal of the water at the proposed location on the Missouri River. Gaging station records and water right data show there is water available for this temporary use. There is a problem of high arsenic levels in the Missouri. During the period of the year when Express proposes to use the water (August 1 to March 1), the concentration levels would be higher due to the low flows and subsequently reduced dilution. However, the water used by Express will be discharged to the ground at previously agreed upon locations using temporary above-ground dewatering lines and energy absorbing diffusers. This will diminish water quality concerns, erosion and damage to the vegetation.

Floodplain:

Changes in drainage patterns, course or magnitude of flood flows, or exposure of people/property to hazards (flood)?

See FEIS and DEIS

Wildlife Habitat/Migration:

Deterioration of critical fish or wildlife habitat? Creation of a barrier to the migration or movement of fish or wildlife?

See FEIS and DEIS

Endangered Species:

Adverse effects on any unique or endangered species?

See FEIS and DEIS

HUMAN ENVIRONMENT

Existing Land Use:

Alteration of or interference with the productivity or profitability of the existing land use of an area?

See FEIS and DEIS

Historical Significance:

Destruction or alteration of a natural area of scientific or educational value or prehistoric or paleontological importance?

See FEIS and DEIS

Populace:

Alteration of the location, distribution, density, or growth rate of the human population of an area? Alteration of social structure of community?

See FEIS and DEIS

Transportation:

Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?

See FEIS and DEIS

Safety:

Creation of any health hazard or affect on existing emergency response or evacuation plans?

See FEIS and DEIS

Public Services:

Have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? Have an effect upon local or state tax base?

See FEIS and DEIS

Utilities:

Creates need for new or altered facilities for any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?

See FEIS and DEIS

Aesthetics:

Alteration of any scenic vista or recreation opportunity or creation of an aesthetically offensive site to the public?

See FEIS and DEIS

The pipeline will cross the Upper Missouri River National Wild and Scenic River. However, it crosses in an area specifically designated by the BLM for utilities. This particular area is within a section of the river designated only as recreational.

Other:

See FEIS and DEIS

2. **Secondary and cumulative impacts:** See FEIS and DEIS
3. **Reasonable alternatives to the proposed action, including the no action alternative:**

NO ACTION: The proposed Express pipeline would not be constructed under this alternative. However, it is likely that economic effects could occur. Demand for crude oil has exceeded the supply. As a result of reduced crude oil supply, many refineries may be forced to close down.

MODIFIED ACTION:

- Other pipelines may be built at other locations to supply the crude oil, however, impacts to the environment would be similar to the effects of Express pipeline.
- Another alternative would be if refined product pipelines could be built so that less crude oil is needed to be refined, or refined products could be imported.
- An alternative water source could be considered and evaluated. However, impacts from using the Missouri River water are rather insignificant in comparison with other water sources in the area affected by the pipeline. Many of the drainage basins which the pipeline crosses are either closed to new water uses or are over-appropriated so a temporary water use permit would not be available.

PART III. CONCLUSION

Based on the significance criteria evaluated in this EA, is an EIS required?

A DEIS and FEIS has already been prepared by other agencies involved in this project. The FEIS, dated February 1996, and DEIS, dated August 1995, for the Express Crude Oil Pipeline Project prepared by the BLM and MDEQ is accepted and made a part of this environmental review. Copies of both the FEIS and DEIS are available for public inspection at the BLM offices in Lewistown, Billings, and Havre, and the MDEQ in Helena. The FEIS and DEIS should be reviewed together to determine the analysis of the affected and potential environmental impacts of the proposed Express crude oil pipeline.

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: See above.

PREPARED BY:

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DATE: July 29, 1996