

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. 96856-41S
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:** JUDITH RIVER
4. **Location affected by action:** BETWEEN THE NWNESW AND SWNESE SEC. 33, T15N, R15E, JUDITH BASIN CO.
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 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 TEST DIFFERENT SECTIONS OF THE PIPELINE USING VARIOUS WATER SOURCES, INVOLVING THREE REGIONAL OFFICES (HAVRE, LEWISTOWN AND BILLINGS). THE APPLICATION REFERENCED ABOVE IS FOR A TEMPORARY PERMIT OUT OF THE JUDITH RIVER TO HYDROSTATIC TEST A 100 MILE SECTION BETWEEN THE SWSESE SEC. 31 T18N, R14E, FERGUS CO. AND THE SESENE SEC. 01, T2N, R19E, STILLWATER CO. WATER USE WILL ALSO INCLUDE DUST CONTROL AND DIRECTIONAL DRILLING. EXPRESS IS REQUESTING A TEMPORARY ONE-TIME USE OF UP TO 4 CFS AND 16.8 AF. DIVERSION WILL OCCUR BETWEEN THE ABOVE-REFERENCED POINTS, AND WILL BE USED BETWEEN AUGUST 1, 1996 AND MARCH 1, 1997. THE TEMPORARY PERMIT WILL AUTOMATICALLY EXPIRE ON MARCH 1, 1997.
6. **Agencies consulted during preparation of the environmental assessment:** MT DEPT OF ENVIRONMENTAL QUALITY AND DEPT OF FISH, WILDLIFE & PARKS

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 MT 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 ENVIORNMENT. 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 WATER FROM JUDITH RIVER. EXPRESS WILL BE UTILIZING A PORTION OF THE MT DEPT OF FISH, WILDLIFE AND PARKS' (DFWP) RESERVATION OF WATER. DFWP IS AWARE OF THIS AND HAS GRANTED THEIR PERMISSION FOR EXPRESS TO UTILIZE THEIR RESERVATION IN WRITING. THE WATER WILL BE DISCHARGED BACK INTO THE MISSOURI RIVER BASIN.

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

Other:

SEE FEIS AND DEIS

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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 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. HOWEVER, IMPACTS FROM USING OTHER SOURCES COULD BE MORE DETRIMENTAL TO PRIOR WATER USERS, AND IN SOME CASES, DIVERSION WOULD NOT BE POSSIBLE BECAUSE OF ADVERSE AFFECTS OR CLOSED BASINS.

PART III. CONCLUSION

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

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

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.

PREPARED BY:

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TITLE: WATER RESOURCES SPECIALIST
DATE: AUGUST 14, 1996