

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	ExxonMobil Silvertip Pipeline Temporary Construction License and Easement
Proposed Implementation Date:	August/September 2011
Proponent:	ExxonMobil Pipeline Company
Location:	Section 15, Township 2 South, Range 24 East (Yellowstone River – Public Land Trust)
County:	Yellowstone County

I. TYPE AND PURPOSE OF ACTION

ExxonMobil Pipeline Company (EMPCo) is proposing to install a 12-inch diameter petroleum pipeline underneath the navigable riverbed of the Yellowstone River to replace a portion of the Silvertip pipeline that failed on 1 July 2011. The new pipeline will cross under the Yellowstone River, south of Laurel, approximately 850 feet east of the US Highway 310/212 bridge (see Attachment A) and in the same general location as the failed pipeline. EMPCo proposes to install the new segment of pipeline by Horizontal Directional Drilling (HDD) with a minimum depth below the riverbed of 40 feet. A cross section of the proposed route can be found in Attachment B. After the pipeline failed on 1 July 2011, the US Department of Transportation Pipeline and Hazardous Materials Safety Administration issued corrective action CPF No. 5-2011-5017H on 5 July 2011 requiring EMPCo to utilize HDD to replace the failed segment of the Silvertip Pipeline. The pipeline supplies crude to the Cenex Refinery in Laurel and the ExxonMobil Refinery in Billings, with most of the crude going to ExxonMobil.

The Horizontal Directional Drilling (HDD) will utilize an entry point on the north side of the Yellowstone River on property owned by Cenex and an exit on the south side in Riverside Park which is owned by the City of Laurel. The HDD technique will allow the new pipeline to be located at an increased depth and decrease surface disturbance. Additionally, it will minimize areas of open-cut trenching to areas above the high water mark that connect the new pipeline to the existing facility. There will not be any disturbance of the Yellowstone River bed.

The Temporary Construction License would permit ExxonMobil Pipeline Company to install the pipeline in advance of an easement approval by the Montana Board of Land Commissioners. EMPCo is requesting a temporary license area with a 50' width, while a permanent easement is proposed to be 30' wide.

In connection with the application submittal for a Temporary Construction License, ExxonMobil contracted with Arcadis consultants <www.arcadis-us.com> to collect environmental information to assist DNRC in preparation of this Environmental Assessment (EA). This information was included in a document entitled, *ExxonMobil Pipeline Environmental Assessment Yellowstone HDD Project* (dated August 1, 2011) and within the remainder of this EA, references to information provided by Arcadis are referring to that document unless otherwise noted. The Arcadis document is available for review upon request at the DNRC Southern Land Office.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

A letter soliciting comments on the proposed license and easement by EMPCo was sent to interested parties on 3 August 2011 and requesting that comments be submitted on the proposal by 17 August 2011. A list of individuals/organizations contacted is included in Attachment C and a copy of the scoping letter is included in Attachment D of this EA.

A legal notice was published in the Billings Gazette on 6 and 7 August 2011 requesting that comments be submitted on the proposal by 17 August 2011.

The DNRC issued a press release on 4 August 2011, a copy of which is shown in Attachment E.

The Billings Gazette ran articles on the public scoping process on 3 August 2011 (Attachment F) and 17 August 2011 (Attachment G).

Email comments were received from nineteen-(19) different persons or agencies in response to the request for comments. In addition, the Southern Land Office received one-(1) phone call regarding the scoping notice. Copies of the comments can be found in Attachment J.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Yellowstone Conservation District: 310 Permit
Yellowstone County: Floodplain Permit
US Army Corps of Engineers: Section 404 Permit
Montana Department of Environmental Quality: 318 Permit and 401 Certification
US Department of Transportation Pipeline & Hazardous Materials Safety Administration (PHMSA)
City of Laurel: Easement for new pipeline location through Riverside Park

3. ALTERNATIVES CONSIDERED:

No Action Alternative: Deny the request to issue a temporary construction license and easement to permit the installation of a new segment of the Silvertip crude oil pipeline under the bed of the Yellowstone River. This alternative would require that ExxonMobil find alternate delivery methods of crude to the Billings ExxonMobil Refinery.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): Approve the request to issue a temporary construction license and easement to permit the installation of a new 12-inch pipeline under the bed of the Yellowstone River through the use of Horizontal Directional Drilling (HDD). Utilization of the HDD method would permit the pipeline to be installed a minimum of 40' beneath the riverbed and beneath a layer of shale to provide additional protection for the pipeline from scouring of the river bottom.

Alternative 2 – Open Cut Trench: Approve the request to issue a temporary construction license and easement to permit the installation of a new 12-inch pipeline to be installed under the bed of the Yellowstone River through the use of conventional open cut trench construction. This technique would require the digging of an open trench along the entire pipeline route with the pipeline placed in the trench and buried. This alternative would also require the use of cofferdams in the Yellowstone River to temporarily divert the river around active trenching operations.

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.

Geotechnical borings were performed near the proposed entry and exit points for the Horizontal Directional Drilling on both sides of the Yellowstone River and the locations are shown on Attachment H. The boring results from the Arcadis report are listed below:

Boring DH-1

- 1 ft. road base gravel
- Lean clay 1 to 4 ft. below ground surface (bgs)
- Poorly-graded gravel with silt and sand, with cobbles 4-8 inches in diameter to 11 ft. bgs

- Claystone (shale) from 11-34 ft. bgs with intermittent bentonite clay beds to 3.5 ft. thick from 28.5-37.5 ft. bgs
- Shale from 34 ft. to 90 ft. bgs (total depth of boring), with thin interbedded sand seams

Boring DH-2

- 1.5 ft. road base gravel
- Lean clay 4-16 ft. bgs
- Poorly graded gravel with silt and sand. Sand is coarse, gravel is fine to coarse with cobbles 4-8 inches in diameter, some fine sand seams
- Claystone (shale) from 16-46 ft. bgs; highly fractured from 32-46 ft. bgs
- Shale (more competent rock) from 46-90 ft. bgs (total depth of the boring). Thin sandstone lenses throughout and a 4-inch cemented sandstone at 74 ft. that slowed drilling.

Boring DH-3

- Topsoil 0-0.5 ft. bgs
- Lean clay 0.5-2 ft. bgs
- Poorly graded gravel w/ silt and sand; sand fine to coarse grained, gravel fine- to coarse- grained with cobbles 4-6 inches in diameter.
- Claystone (shale) from 14-75 ft bgs; thinly laminated and horizontally bedded; with 4- to 6-inch thick bentonite lenses and several intervals of bentonite-filled joints; numerous fractures from 64-67 ft bgs, 70-71 and 74-75 ft bgs.
- Bentonite from 75-78 ft bgs.
- Claystone (shale) from 79-90 ft bgs (total depth of the boring).

The Arcadis report also notes that “[s]eismic activity within the project area is generally low. The identified faults appear to not be active based on the low seismic activity and earthquake probability as determined by the USGS 2008 probability map on the USGS website. The USGS database shows that the probability of an earthquake greater than magnitude 5.0 within 50 kilometers of Laurel, Montana within the next 50 years is less than 1 percent.”

No Action Alternative: Under the No Action Alternative, there would not be any direct impacts to geology or soils.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): The proposed alternative would permit the use of HDD to install the pipeline at least 40’ below the existing bed of the Yellowstone River, beneath a layer of shale to provide additional protection from scouring of the river bottom. Implementation of this alternative would impact approximately 4.05 acres including all surface disturbance, pipeline construction and directional drilling under the Yellowstone River. A Stormwater Pollution Prevention Plan (SWPPP) is required to be approved by the Montana Department of Environmental Quality (DEQ) prior to ground disturbance. This permit would protect the Yellowstone River from stormwater runoff from the disturbed surface areas. Surface areas that are disturbed during construction would be restored to the standards of the surface landowners. The proposed alternative would not disturb any surface area owned by the State, as boring activity under the Yellowstone River would be at least 40’ below the existing river bottom. No significant adverse impacts are expected to geology and soil quality by implementing the proposed alternative.

Alternative 2 – Open Cut Trench: Implementing Alternative 2 would utilize conventional open cut trenching methods to connect the existing north and south portions of the Silvertip pipeline and would include the use of cofferdams in the Yellowstone River to accommodate the open cut trenching. This alternative would disturb approximately 5.37 acres of surface area, including the bed of the Yellowstone River. It would also require portions of the River to be temporary diverted around the active open cut areas. Implementation of this alternative has more potential to cause adverse impacts to geology and soil quality due to the nature of the activity versus the utilization of Horizontal Directional Drilling.

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.

The applicant, ExxonMobil Pipeline Company, has requested a Temporary Construction License to place a new segment of the Silvertip pipeline under the bed of the Yellowstone River approximately 850 feet east of the US Highway 310/212 bridge south of Laurel.

No Action Alternative: Under the No Action Alternative no work would be required, so there would not be any direct impacts to water quality, quantity or distribution.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): The proposed alternative would allow for the new pipeline segment to be installed via Horizontal Directional Drilling (HDD). The use of HDD would limit the adverse impacts to water quality and quantity by allowing for the facility to be located at least 40 feet below the Yellowstone River bed under a layer of shale that would provide additional protection from scouring of the river bottom. The pipe is proposed to enter the ground approximately 200 feet north of the north river bank and exit 420 feet south of the south bank. According to the Arcadis report “[t]he pipe will be located within the limits of the channel migration zone; however, existing structures that are currently in place (e.g. the bridge directly upstream of the site) are expected to limit the extent to which the river will migrate horizontally.” Additionally, the US Department of Transportation has requested that ExxonMobil conduct a channel migration study for this area for the pipeline as well as the control valves located on both sides of the Yellowstone River, before and after the pipeline goes under the river.

Short term impacts from the construction/drilling operation are not expected to have significant adverse impacts. ExxonMobil will be required to follow Montana Best Management Practices (BMP) for stormwater runoff, as well as permitting requirements from the Montana Department of Environmental Quality. Also, water that is used in the HDD process will be contained and taken off site for disposal and/or treatment at an approved facility.

Alternative 2 – Open Cut Trench: Implementing Alternative 2 would utilize conventional open cut trenching which has the potential to cause greater short term environmental impacts to water quality than the HDD or No Action Alternatives. This is due to the nature of the alternative that would require the use of cofferdams or other techniques to redirect the Yellowstone River away from active trenching areas. The redirection would result in temporary increased velocities of the channel and potentially result in increased scouring of the river bottom and/or erosion of river banks.

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.

The Arcadis report states that “[a]ir quality conditions in Laurel, Montana are better (lower) than USEPA’s national ambient air quality standards (NAAQS) for the majority of the compounds that have established NAAQS. When a region is attaining the NAAQS, it is designated as an attainment area. The project site is located within attainment areas for nitrous oxides (NOX), lead (Pb), carbon monoxide (CO), and particulate matter (particulates less than 10 microns in diameter [PM10] and particulates less than 2.5 microns in diameter [PM2.5]). The project location is in an area of nonattainment for sulfur dioxide (SO2). The project site is within an attainment area for 1-hour and 8-hour ozone levels.” The project is located east/southeast of the existing Cenex Refinery, which could be a contributor to the SO2 nonattainment status.

No Action Alternative: Under this alternative, the pipeline would not be reconstructed which would require the use of alternative transportation methods to supply crude to the Billings ExxonMobil Refinery. At the present time, delivery by rail is not a viable option due to the lack of rail access at the Refinery and limited loading facilities at the production fields. The other option would be delivery by truck, with each truck able to carry approximately 250 barrels per load. To completely replace the capacity of the Silvertip line, it would require hundreds of truck trips per day which could result in an adverse impact to the current air quality.

Action Alternatives: Both the HDD and open cut trench would have similar impacts to air quality. Either action alternative would require the operation of construction machinery, a drill rig (HDD option), welding rig engines, and portable generators. Not all machinery would be operating at the same time and it would be limited to work hours which would normally be from 7 a.m. to 7 p.m. for seven days a week. The project is currently expected to last approximately 4 weeks. Additionally, both alternatives would utilize existing roads, with the only potential impact being dust from construction traffic. Dust suppression would be employed if needed under either action alternative. Both action alternatives would be of a short duration and would not be expected to have significant long term adverse impacts to air quality.

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.

No Action Alternative: Under the No Action alternative no work would be performed; therefore, there would not be any direct impacts to vegetation cover, quality and quantity.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): Implementation of this alternative would create short-term, localized impacts to vegetative cover. This temporary loss in cover would contain an area of approximately 1.68 acres of terrestrial riparian habitat and 0.59 acres of upland habitat, which includes some areas that are already disturbed. The disturbed areas would be associated with the HDD entrance and exit points, site access and other work areas that connect the new Silvertip segment to the existing pipeline facility. On the north side of the Yellowstone River, one cottonwood tree was removed and will not be replaced. On the south side, a couple of trees will be removed and replaced at the discretion of the City of Laurel, which owns Riverside Park. After work activities are completed, areas that were disturbed will be returned to their previous use and in the case of vegetative areas, be reseeded with a native seed mix.

Alternative 2 – Open Cut Trench: Implementing Alternative 2 would cause greater impacts to vegetation than Alternative 1 due to the need to disturb the surface along the entire length of the new Silvertip pipeline, approximately 3.46 acres. As with Alternative 1, the impact would generally be of short duration, but could require the removal of additional trees that can be avoided through the use of HDD. Areas that were disturbed would be returned to their previous use and in the case of vegetative areas, be reseeded with a native seed mix.

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.

The project area is used by a variety of big game wildlife species including: mule deer, white-tailed deer, black bear and could be traversed by mountain lions. The Montana Department of Fish, Wildlife and Parks ranks this area as Class 3 in the agency's Crucial Areas Assessment, with 1 being highest and 4 lowest. Class 3 indicates that the project area has low to moderate big game habitat. Upland game bird use of the project area could include wild turkey, ring-necked pheasant, sharp-tailed grouse and gray partridge. The project area has low potential for use by sharp-tailed grouse due to its low quality habitat and the other upland game birds could occupy areas around the project.

Non-game species that have the potential to occur in the project area include: bobcat, coyote, raccoon, red fox, striped skunk, beaver, deer mouse, eastern fox squirrel, least chipmunk, long-tailed vole, masked shrew, meadow vole, montane vole, muskrat, northern grasshopper mouse, northern pocket gopher, northern river otter, prairie vole, Richardson's ground squirrel, western harvest mouse, cottontail rabbit, porcupine, spotted bat and white-tailed jackrabbit.

Migratory birds are protected by the Migratory Bird Treaty Act (MBTA) by the US Fish & Wildlife Service (USFWS) and could migrate through the project area. Songbirds that may occur in the project area include: horned lark, western meadowlark, red-winged blackbird and barn swallow. Water birds that could occur in the project area include: black tern, great blue heron, sandhill crane, kill deer, ducks and geese. Raptor species that could nest in, around or migrate through the project area include: bald eagle, golden eagle, turkey vulture, northern harrier, red-tailed hawk, swainson's hawk, ferruginous hawk, cooper's hawk, prairie falcon, American kestrel, barn owl, and great-horned owl.

No Action Alternative: Impacts under the No Action Alternative would likely be minor and long term. If the pipeline is not replaced, then an alternative method would need to be used to transport crude to the Billings ExxonMobil Refinery. The immediate method would be via truck which would cause sporadic wildlife mortality due to collisions.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): Implementation of this alternative may cause impacts to terrestrial wildlife during the short duration of construction. The noise from the drill rig could disperse or cause wildlife to temporarily avoid the area. Additionally, there is potential for wildlife fatalities due to collisions with construction vehicles. Once the project is complete, the only long term impact would be the loss of one Cottonwood tree that had to be removed on the north side of the river to accommodate the HDD rig.

Alternative 2 – Open Cut Trench: Implementing Alternative 2 would have the potential to cause greater impacts to wildlife than Alternative 1 due to the need to cut a trench into the Yellowstone River and disturb riverbank and upland areas. Additionally, this alternative would require more construction equipment so there is potential for greater disturbance and avoidance.

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.

A search of the Montana Natural Heritage Program database indicated that there were seven-(7) species of concern known to occur in Township 2 South, Range 24 East. Below Table 3-3 from the Arcadis report details these species of concern:

Table 3-3 Species of Concern Known to Occur in Township 2 South, Range 24 East

Source: Table 3-3 (pages 57-58) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Scientific Name	Common Name	Status ¹	Habitat Description	Potentially Occurs in Project Area?
Birds				
<i>Ammodramus bairdii</i>	Baird's Sparrow	S3B	Grasslands	No – no suitable grassland habitats are present
<i>Ardea herodias</i>	Great Blue Heron	S3	Riparian forest	Yes – there is suitable habitat present. Great blue herons are found in the area year-round and may breed and winter in the riparian habitats along the Yellowstone River (MDFWP 2011c).
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	S3B	Prairie riparian forest	Yes – there is suitable habitat present. Yellow-billed cuckoos breed in Montana and winter in South America. This species may nest in the riparian habitats along the Yellowstone River (MDFWP 2011c).
<i>Gymnorhinus cyanocephalus</i>	Pinyon Jay	S3	Open conifer forest	No – there is no suitable coniferous forest habitat present
<i>Haliaeetus leucocephalus</i>	Bald Eagle	S3	Riparian forest	Yes – there is suitable habitat present. Bald eagles are year-round residents of the area. In spring and summer, they may nest in large cottonwood trees along the Yellowstone River. In fall and winter, they may roost in riparian habitats within and near the project area and forage along the Yellowstone River (MDFWP 2011c).
Fish				
<i>Oncorhynchus clarkii bouvieri</i>	Yellowstone Cutthroat Trout	S2	Streams, rivers, lakes	No – there is suitable habitat present, but Yellowstone cutthroat trout are not currently known to occur in the segment of the Yellowstone River near the project area (MDFWP, 2011b, 2011c).
Mammals				
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	S3	Grasslands	No – there are no prairie dog colonies in the project area, and there is no suitable grassland habitat present.

Reptiles				
<i>Apalone spinifera</i>	Spiny Softshell	S3	Prairie rivers and streams	Yes – there is suitable habitat present. Spiny softshells occur year-round in the Yellowstone River drainage. In summer, spiny softshells forage in the water, often in vegetated shallows. They overwinter in burrows dug into the bottoms of permanent water bodies (MDFWP 2011c).

¹ S2 = At risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state;

S3 = Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas;

S3B = Potentially at risk because of limited and/or declining numbers, range and/or habitat, even though it may be abundant in some areas, and rank refers to the breeding population of the species in Montana.

Source: MTNHP 2011.

No Action Alternative: Impacts under the No Action Alternative would likely be minor and long term. If the pipeline is not replaced, then an alternative method would need to be used to transport crude to the Billings ExxonMobil Refinery. The immediate method would be via truck which could cause increased mortality to protected species due to collisions.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): Implementation of this alternative may cause minor short term impacts to species of concern for the duration of construction. The noise from the drill rig could disperse or cause wildlife to temporarily avoid the area. Additionally, there is potential for wildlife fatalities due to collisions with construction vehicles. Once the construction is complete, the only long term impact would be the loss of one mature Cottonwood tree that had to be removed on the north side of the river to accommodate the HDD rig, which is suitable for nesting or roosting by the Bald Eagle.

Alternative 2 – Open Cut Trench: Implementing Alternative 2 would have the potential to cause greater impacts to wildlife than Alternative 1 due to the need to cut a trench into the River and disturb riverbank and upland areas. This alternative would also require the use of cofferdams within the Yellowstone River channel, which could disrupt passage of spiny softshell or fish by diverting the river flow. Additionally, this alternative would require more construction equipment so there is potential for greater disturbance.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

The extent of review for historic and archaeological sites was limited to state-owned land. In the case of this project, this land is under the bed of the navigable Yellowstone River. The Southern Land Office consulted with the DNRC Archaeologist regarding the project and surrounding area and there were no concerns voiced. If there are resources outside of the navigable riverbed, then those could be looked at during the Federal permitting process, but are outside the bounds of the DNRC review. No significant adverse impact to historic or archaeological sites on state-owned land is expected as a result of implementing any of the alternatives.

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.

The proposed action is located under the Yellowstone River approximately 850 feet east of the US Highway 310/212 bridge. The surface area above where the license and easement are proposed is visible from the bridge, as well as from Riverside Park. The new segment of the Silvertip pipeline is proposed to be placed at least 40' below the bed of the Yellowstone River, so it will not be visible, with the exception of any above ground warning/safety markers.

If either of the Action Alternatives were implemented, there would be a short-term increase in sound due to the equipment utilized in construction. Table 3-6 below lists projected sound levels for different pieces of equipment that could be used in association with either Action Alternative.

Table 3-6 Projected Sound Levels of Construction Equipment

Source: Table 3-6 (page 85) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Noise Source	Sound Pressure Levels (in decibel A-weighted scale[dBA])					
	Sound Level	Estimated	Estimated	Estimated	Estimated	Estimated
	at 15 meters(45 feet) ¹	at 40 meters (90 feet)	at 55 meters (180 feet)	at 110 meters (360 feet)	at 219 meters (720 feet)	at 439 meters (1440 feet)
Grader	83	77	71	65	59	53
Dozer	82	76	70	64	58	52
HDD rig ²	82	76	70	64	58	52
Generator	81	75	69	63	57	51
Excavator	81	75	69	63	57	51
Front-End Loader	79	73	67	61	55	49
Backhoe	78	72	66	60	54	48

Note: ¹ FHWA 2006, ² Personal Communication 2011

No Action Alternative: Impacts to aesthetics under the No Action alternative would be minor with the only potential difference from the Action Alternatives being that there would be no new pipeline markers on the surface. Additionally, there would be no increased noise levels under this alternative.

Alternative 1 – Horizontal Directional Drilling (Proposed Alternative): Implementation of the Proposed Alternative would cause minor temporary short term impacts to aesthetics during the pipeline construction. It would result in a HDD drill rig in place on the north side of the Yellowstone River. The north side of the Yellowstone River contains industrial uses such as the City of Laurel wastewater treatment plant and the Cenex Refinery. Once construction is complete, the only long term impact to aesthetics would be the surface safety/warning markers indicating the location of the pipeline. This alternative would also cause a temporary increase in noise levels due to the equipment used. There would be continuous noise at the HDD entry site on the north side of the river, while the south side would have more intermittent levels depending on activity at the HDD exit site. The actual drilling is expected to take approximately 18 days. According to the Arcadis report “[a]t one-quarter mile away from the construction area, noise levels would be well below the EPA guideline of 55 dBA for acceptable environment noise to protect against interference with speech or disturbance of sleep in residential areas. The closest residences are located approximately 800 and 1,000 feet west of the entrance point.” There are residences in the vicinity of the HDD entry point; however, they are closer to other existing noise sources, such as the highway and railroad. At the HDD exit point, there would be some intermittent impacts due to welding and pipe lay down work. Normal work hours for the project are from 7am to 7pm, seven days a week, for the duration of the project. The proposed action would add to the existing noise levels, but this short term addition is not expected to cause a significant adverse impact.

Alternative 2 – Open Cut Trench: The impacts to aesthetics for this alternative are similar to the proposed alternative with the main difference being the placement of multiple pieces of construction equipment in the Yellowstone River trenching via a cofferdam technique. This short term activity would be visible from the US Highway 310/212 bridge. The impacts from noise would be similar to what is described in Alternative 1 with the exception of the HDD rig. The pipe lay down would also take place further from the residences than would occur with Alternative 1. The overall noise impacts would be expected to be below the US EPA guidelines of 55dBA and would be short term for the construction period (source: Arcadis report).

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 Action Alternative: Implementing the No Action Alternative would require the Billings ExxonMobil Refinery to find a different transportation source for the majority of crude that it processes because the Silvertip pipeline supplies approximately 80% of the crude used at the facility. The most probable transportation source would be via truck; however, it is not likely that this method realistically could replace the amount of crude delivered by the pipeline. Another potential delivery method is via train, however, there would need to be improvements made at production sites and the refinery to accommodate this method. Transportation by truck or train would likely place more demand on environmental resources than implementing one of the action alternatives.

Action Alternatives: Implementing either of the Action Alternatives would likely result in a smaller demand on environmental resources than the No Action Alternative. The Action Alternatives would allow the Silvertip pipeline to restore its flow and permit the Billings ExxonMobil Refinery to run a full capacity. Additionally, transportation by pipeline would place a lesser demand on environmental resources than by truck or train.

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.

Other permits that are required by other local, state or federal agencies or departments for the proposed project are listed above in Section 2 of this EA.

There are no other definite known future government actions planned for this Public Land Trust property. However, there is a potential future action of removing portions of the failed Silvertip pipeline segment from the navigable riverbed of the Yellowstone River. This action may be required by the US Department of Justice in their investigation of the pipeline failure. If this action is pursued, it would likely go through the Joint Application process (310 permit) and each agency would then issue the appropriate permits.

IV. IMPACTS ON THE HUMAN POPULATION
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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
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14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No Action Alternative: Impacts under the No Action Alternative to human health and safety would likely depend on the new delivery method that was chosen to get crude to the Billings ExxonMobil Refinery. The most likely method would be via truck and this would require hundreds of trips per day to replace the amount of crude conveyed in the Silvertip pipeline. An increase in the amount of truck traffic could result in more congestion as well as the potential for more accidents.

Action Alternatives: If either of the Action Alternatives is implemented, ExxonMobil Pipeline Company will develop a project-specific health and safety plan (HASP) to protect construction workers and the public during construction. The HASP incorporates safety standards from the Occupational Safety and Health Administration (OSHA) and ExxonMobil's internal safety standards.

A potential adverse impact from implementing either of the Action Alternatives is that there could be another spill from the pipeline. The HDD Action Alternative would place the new segment of the Silvertip pipeline at least 40' below the existing river bottom and below a layer of shale that would provide additional protection for the pipeline from scouring of the river bottom.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Below are two excerpts from the Arcadis report:

“Crude oil delivered through the Silvertip Pipeline is refined into gasoline, diesel fuel and asphalt products for the Montana, Wyoming, North Dakota, South Dakota, Idaho, and Washington state consumer markets. Generally, the refineries run between 80 and 100 percent of their maximum processing capacity to satisfy the daily regional demand for refined products and other crude based products.”

“A cutback of the refined product output from the refineries would have a direct effect on consumers in the north central and western states of the U.S. As a way of example, a complete shutdown of any one of the refineries would take approximately 45,000 barrels per day of gasoline and diesel from the market. That lost volume equates to about 1,900,000 vehicle trips per day (at one gallon of fuel per trip) or about 690 million trips per year. Asphalt production would also drop, likely impacting road construction, maintenance and repair, primarily in the Montana market.”

No Action Alternative: The No Action Alternative has the potential to adversely impact industrial activities due to the inability of the Billings ExxonMobil Refinery to find alternative delivery methods for the same volume of crude that is transported by the Silvertip Pipeline. As noted above, this could have impacts on the availability and price of fuel and asphalt.

Action Alternatives: If either of the Action Alternatives is implemented, ExxonMobil Pipeline Company would be able to restore the flow of crude to the Billings ExxonMobil Refinery and allow it to return to full production. This would allow for an increase of refined products to return to the market and minimize any disruptions caused by the current production decrease.

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.

No Action Alternative: The No Action Alternative has the potential to adversely impact employment in Yellowstone County. If the Silvertip Pipeline was not reconstructed, the Cenex and ExxonMobil refineries would need to find other means to supply crude to their facilities. If they could not acquire a rate above their minimum run rate there is the potential that a refinery could shut down.

Action Alternatives: If either of the Action Alternatives is implemented, ExxonMobil Pipeline Company would be able to restore the flow of crude to the Cenex and ExxonMobil refineries and allow them to return to full production.

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.

No Action Alternative: The No Action Alternative has the potential to adversely impact local and state tax revenues. The Silvertip pipeline itself is taxed and if it were not returned to a functioning delivery system, this revenue source could be lost. Additionally, if the Silvertip pipeline is not reconstructed, the Cenex and ExxonMobil refineries would need to find other means to supply crude to their facilities. The ExxonMobil refinery relies very heavily on the Silvertip pipeline for crude and if it were not restored there is the potential that the refinery could shut down. This would cause an adverse impact to state and county tax revenues.

Action Alternatives: If either of the Action Alternatives is implemented, ExxonMobil Pipeline Company would be able to restore the flow of crude to the Cenex and ExxonMobil refineries. This would allow them to return to full production and continue to pay state and local taxes. Additionally, there would be taxes that would continue to be assessed on the Silvertip Pipeline itself.

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

No Action Alternative: The No Action Alternative has the potential to adversely impact demand for government services due to the need of the ExxonMobil Refinery to find alternative delivery methods for the same volume of crude that is transported by the Silvertip Pipeline. This delivery could be in the form of trucking the crude from the oil fields into the refinery and could result in hundreds of additional truck trips per day on highways and the Interstate system.

Action Alternatives: If either of the Action Alternatives is implemented, ExxonMobil Pipeline Company would be able to restore the flow of crude to the Cenex and ExxonMobil refineries through the Silvertip Pipeline. This would allow both refineries to run at historic levels and should not generate any additional demands on governmental services.

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.

Implementation of the No Action Alternative or either Action Alternatives is not expected to conflict with any locally adopted plans.

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.

Below is an excerpt from the Arcadis report (page 69):

“Land use in the project area includes the City of Laurel’s Riverside Park on the south side of the Yellowstone River and the Cenex refinery on the north side of the river. Riverside Park is a campground with approximately 20 tent campsites, 6 RV sites and several buildings used for meetings and other events. The Yellowstone River flows along the north side of the campground. Recreation activities at the park include camping, fishing, horseshoes, volleyball, archery, shooting range, picnicking, and a playground. Services at the park include water, showers, electricity, campsites, pay telephones, public restroom, and trash removal.

The main recreation activity at the park is camping and fishing access. The peak season runs from Memorial Day to Labor Day. The off-season begins after Labor Day during which time the park remains open to the public, but does not offer services including water, electricity, restrooms or trash removal. The off-season consists of day use of the picnic tables and playground. During the summer, the campsites and boat ramp are generally full. Revenue from the park averages \$1,200 per week during the peak season and is paid to the City of Laurel (Telephone conversation with Kurt Markegard, Laurel Director of Public Works, 7/24/2011).”

Riverside Park has been closed by the City of Laurel since spring flooding this year severely damaged a levee along the Yellowstone River and also washed out a boat ramp. Based on recent conversations with representatives from ExxonMobil Pipeline Company, Riverside Park would remain closed during the duration of the pipeline construction project. Due to the types of activities that are proposed in the Park with the HDD project; this would limit any potential conflict between the public and construction crews. Ultimately this would be determined by the City of Laurel since they own the Park.

No Action Alternative: The No Action Alternative would not have any impact on recreational activities.

Action Alternatives: If either of the Action Alternatives is implemented, it is likely that the City of Laurel would keep Riverside Park closed during construction. This would limit the potential conflicts between the construction crews and equipment and members of the public. Also, the park has been closed since June due to damage it sustained during historic spring flooding. It is likely that even if the construction project were not going on, the Park would still be closed.

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.

Implementation of the No Action Alternative or either Action Alternative is not expected to have significant adverse impacts to density and distribution of population and housing.

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 impacted by implementation of the No Action Alternative or either Action Alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

Implementation of the No Action Alternative or either Action Alternative is not expected to have a significant adverse impact on cultural uniqueness or diversity.

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.

The State will benefit by getting a one-time fee of \$250 for the Temporary Construction License and will also receive a one-time fee for the easement. The fee for the easement will be based on surrounding land values and is currently being researched. The Public Lands Trust is the beneficiary of this payment since it involves a navigable river.

EA Checklist Prepared By:	Name: Jeff Bollman, AICP	Date: 25 August 2011
	Title: Area Planner, Southern Land Office	

V. FINDING

25. ALTERNATIVE SELECTED:

Alternative 1 (Horizontal Directional Drilling) has been selected and it is recommended that a Temporary Construction License and easement be granted to ExxonMobil Pipeline Company for the purpose of installing a 12-inch diameter petroleum pipeline underneath the navigable riverbed of the Yellowstone River to replace a portion of the Silvertip Pipeline that failed on 1 July 2011. The utilization of Horizontal Directional Drilling (HDD) will allow the new segment of pipeline to be located at least 40 feet below the bed of the Yellowstone River, below a layer of shale that will provide additional protection of scouring of the river bottom. This Alternative also allows for the pipeline to be installed in a manner that does not cause any disturbance to the riverbed surface.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The potential for significant adverse impacts to Public Trust Lands (the navigable riverbed) are reduced by the nature of the Horizontal Directional Drilling technique that will be utilized and the depth (40' minimum) beneath the existing riverbed that will be achieved. Many potential impacts listed above are short term and correspond with the construction project. There are no natural features or nearby species of concern noted that could produce adverse impacts from the proposed alternative.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS

More Detailed EA

No Further Analysis

EA Checklist Approved By:	Name: Matthew Wolcott
	Title: Area Manager, Southern Land Office
Signature: /s/ Matthew Wolcott	Date: 25 August 2011

Attachment A – Location Map of Proposed Silvertip Pipeline Replacement Project



Environmental Assessment

Yellowstone HDD Project

Figure 1-2 Proposed HDD Project

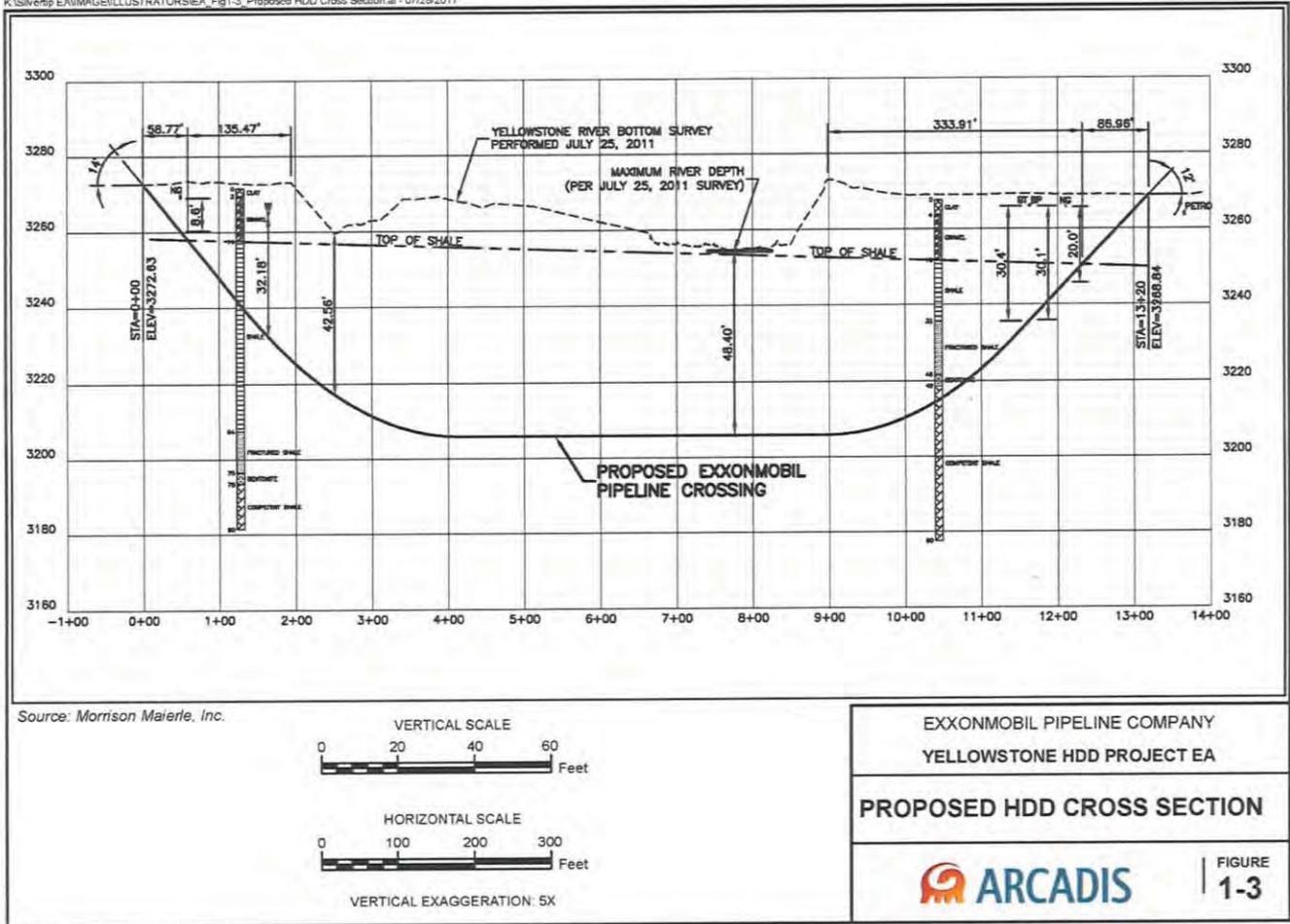


Source: Figure 1-2 (page 5) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Attachment B – Cross Section of Proposed Horizontal Directional Drilling

Figure 1-3 Proposed HDD Cross Section

CITY, Boulder, CO DRAFTER, J. CHEN
 Project (Project #), EX088693
 K:\Silvertop_EA\IMAGES\ILLUSTRATIONS\EA_Fig1-3_Proposed HDD Cross Section.ai - 07/28/2011



Source: Figure 1-3 (page 7) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Attachment C – List of Persons Notified in ExxonMobil Silvertip Pipeline Replacement Scoping Process

Anne Hedges
Montana Environmental Information Center
PO BOX 1184
HELENA, MT 59624

JANET ELLIS
MONTANA AUDUBON
PO BOX 595
HELENA, MT 59624

MONTANA WILDLIFE FEDERATION
PO BOX 1175
HELENA, MT 59624

US Fish and Wildlife Service
2900 - 4TH AVENUE NORTH, ROOM 301
BILLINGS, MT 59101-1266

Sonya Germann
MEPA Coordinator
MT DNRC – TLMD
2705 Spurgin Road
Missoula, MT 59804

Tom Ellerhoff
Department of Environmental Quality
PO Box 200901
Helena, MT 59620-0901

Yellowstone County
Board of County Commissioners
PO Box 35000
Billings, MT 59107

Gary Hammond, Regional Supervisor
Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Ken Frazer
Fish Wildlife and Parks
2300 Lake Elmo Drive
Billings, MT 59105

Northern Plains Resource Council
220 South 27th Street
Billings, MT 59101

Bureau of Land Management
Billings Field Office
5001 Southgate Drive
Billings, MT 59101

Shane Mintz
Montana Dept of Transportation
PO Box 201001
Helena, MT 59620-1001

Jenny Chambers, Chief
Water Protection Bureau
Department of Environmental Quality
PO Box 200901
Helena, MT 59620-0901

Conoco Pipeline Company
338 Highway 87 East
Billings, MT 59101

Mayor Ken Olson
City of Laurel
PO Box 10
Laurel, MT 59044

Williston Basin Interstate Pipeline Company
PO Box 5601
Bismarck, ND 58506-5601

Cenex Pipeline, Inc.
PO Box 909
Laurel, MT 59044

Representative Dan Kennedy
PO Box 1216
Laurel, MT 59044-1216

Senator Edward Walker
4221 Rimrock Road
Billings, MT 59106

Representative Krayton Kearns
1408 Golf Course Road
Laurel, MT 59044

DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION



BRIAN SCHWEITZER, GOVERNOR

SOUTHERN LAND OFFICE

— STATE OF MONTANA —

PHONE: (406) 247-4400
FAX: (406) 247-4410

AIRPORT BUSINESS PARK
1371 RIMTOP DRIVE
BILLINGS, MT 59105-1978

3 August 2011

The Montana Department of Natural Resources and Conservation (DNRC) is beginning the process of completing an Environmental Assessment (EA) on Public Trust land that is located between the low water marks of the Yellowstone River in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 2 South, Range 24 East in Yellowstone County. ExxonMobil Pipeline Company has applied for a Temporary Construction License from the State in order to install a new section of 12" diameter pipeline for the Silvertip Pipeline, in advance of an Easement application. The proposed section of pipeline will be installed by Horizontal Directional Drilling beneath the bed of the Yellowstone River. The pipeline is proposed to be at least 42' below the existing riverbed, with the majority of the pipeline exceeding 48' below the bed of the Yellowstone River.

The DNRC Southern Land Office is currently conducting an analysis under the Montana Environmental Policy Act (MEPA) of the impacts that may occur as a result of issuing the proposed license and easement.

DNRC is accepting comments on the proposed request to issue a Temporary Construction License and Easement for the relocated Silvertip Pipeline. If you have comments they will be accepted until **5 p.m. on Wednesday, 17 August 2011** and can be sent to:

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rimtop Drive
Billings, MT 59105
jbollman@mt.gov

Questions regarding the proposed project can be directed to Jeff Bollman at jbollman@mt.gov or (406) 247-4404.

FOR IMMEDIATE RELEASE

CONTACT: Mary Sexton, Director
Montana DNRC
(406) 444-2074

August 4, 2011

Public comment sought on proposal to replace section of Silvertip Pipeline

BILLINGS, Mont. – The Montana Department of Natural Resources and Conservation will conduct an Environmental Assessment (EA) for a proposal by ExxonMobil Pipeline Company to replace a section of the Silvertip Pipeline beneath the Yellowstone River.

The company recently applied for a temporary construction license in advance of an easement application for the project, which would take place on state-owned Trust Land located between the low water marks of the Yellowstone River in the SW¹/₄SW¹/₄SW¹/₄ of Section 15, Township 2 South, Range 24 East in Yellowstone County.

DNRC will accept public comments on the proposal until 5 p.m. Wednesday, August 17, 2011; comments may be sent electronically or by standard mail to the addresses below.

The new section of pipeline is proposed to be installed at a minimum depth of 42 feet beneath the state-owned riverbed using horizontal directional drilling.

DNRC is conducting the EA under the Montana Environmental Policy Act (MEPA) and is interested in hearing public comment on the impacts that may occur as a result of issuing the license and easement.

Comments on this proposal may be sent by standard mail or email to:

Jeff Bollman, Area Planner
DNRC Southern Land Office
1371 Rimtop Drive
Billings, MT 59105
Email: jbollman@mt.gov

For more information or questions about the proposed project, contact DNRC Planner Jeff Bollman at (406) 247-4404, or jbollman@mt.gov

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Exxon plans to drill 42 feet to replace pipeline under Yellowstone River

Page 1 of 1



Exxon plans to drill 42 feet to replace pipeline under Yellowstone River

Associated Press | Posted: Wednesday, August 3, 2011 1:31 pm

HELENA -- Montana officials say Exxon Mobil Corp. has applied for a temporary construction license to build a replacement for the pipeline that broke under the Yellowstone River.

Department of Natural Resources and Conservation director Mary Sexton said Wednesday that the new line would be installed at a minimum depth of 42½ feet below the river using horizontal directional drilling.

The pipeline that broke on July 1 and spilled tens of thousands of gallons of oil into the river was buried at least 5 feet beneath the river bottom.

Sexton says the construction license would be followed by an easement application by Exxon to use the state-owned riverbed. She says her agency will take public comment on the proposal until Aug. 17.

Exxon also needs the approval of federal regulators to replace the pipeline.

Last day to comment on permit for pipeline

By **ROB ROGERS**
Of The Gazette Staff

One of the first steps in ExxonMobil Pipeline Co.'s move to drill a new pipeline under the Yellowstone River wraps up Wednesday.

The Montana Department of Natural Resources and Conservation has been conducting an environmental assessment and collecting public comment all month on Exxon's request for a temporary construction permit to drill near the Yellowstone where the new pipe will be laid.

The deadline for public comments to the department is 5 p.m. Wednesday. Once public comments are

To comment

Public comments on Exxon's bid to get a temporary construction permit can be sent to Jeff Bollman at jbollman@mt.gov or DNRC Southern Land Office, 1371 Rimtop Drive, Billings, MT 59105.

addressed, the DNRC will issue a ruling.

The DNRC is conducting the environmental assessment under the Montana Environmental Policy Act and is interested in hearing public comment on the impacts that may occur as a result of issuing the license and easement, according to

a statement released by the DNRC.

There's no hard and fast timeline for Exxon to replace the pipeline.

"We're still in the permitting phase," said Dale Getz, ExxonMobil's community relations manager for the cleanup.

Once that's worked out and permission is granted, Exxon can move ahead with its work.

Along with the state agencies involved, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration will have to sign off on Exxon's requests.

That agency also is tasked with investigating

the original pipe break.

Exxon is looking to replace nearly 1,600 feet of pipeline – the section between valves on the south and north side of the Yellowstone – in order to restore oil flows to its Billings refinery.

The pipeline was shut down late on July 1 after it broke in two underneath the Yellowstone River near Laurel and dumped an estimated 42,000 gallons of crude into the water.

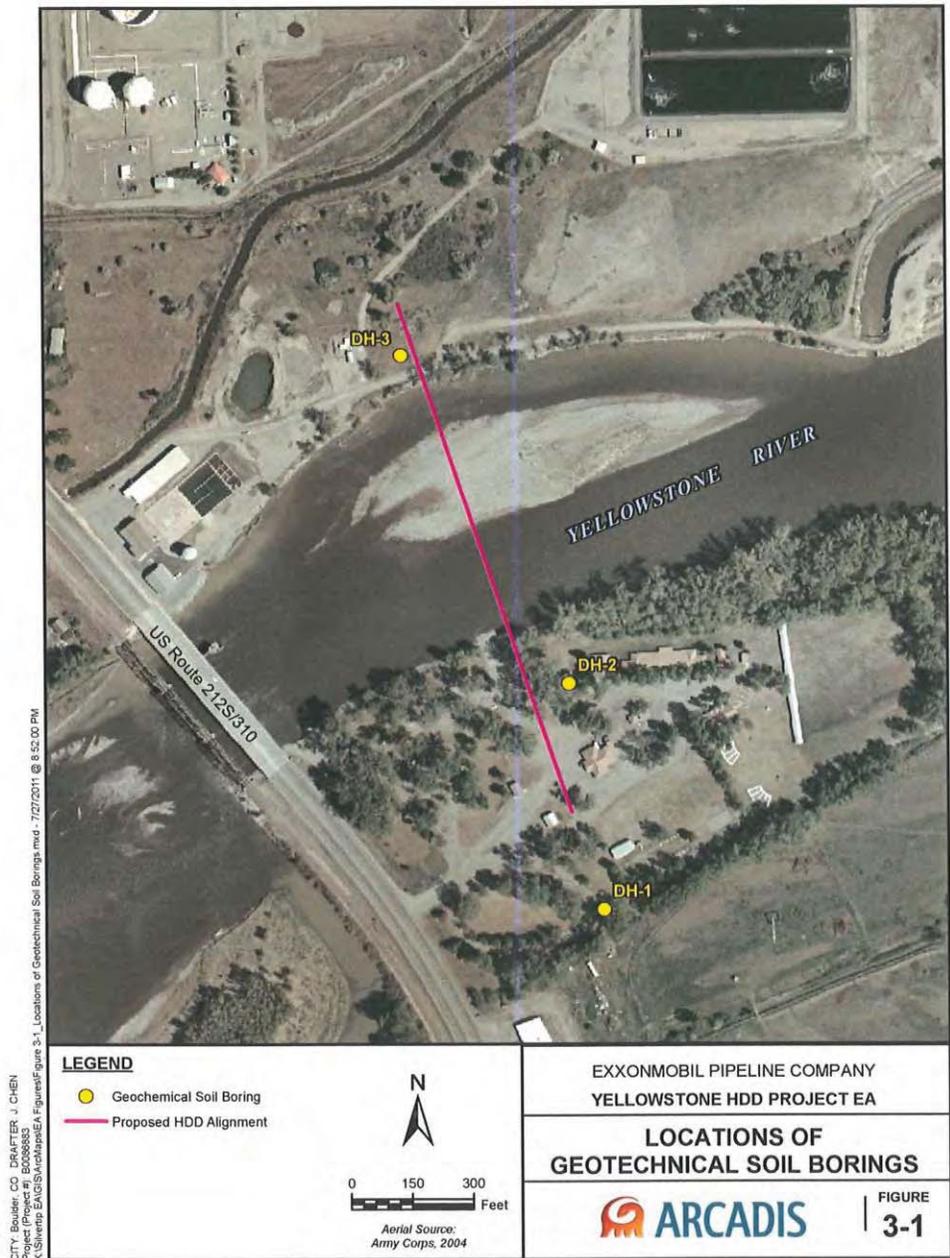
The pipeline was buried approximately 5 to 7 feet below the riverbed. In its proposal, Exxon plans to bury the new pipeline 42 feet under the riverbed using horizontal directional drilling.

Attachment H – Location of Geotechnical Soil Borings



Environmental Assessment
Yellowstone HDD Project

Figure 3-1 Locations of Geotechnical Soil Borings



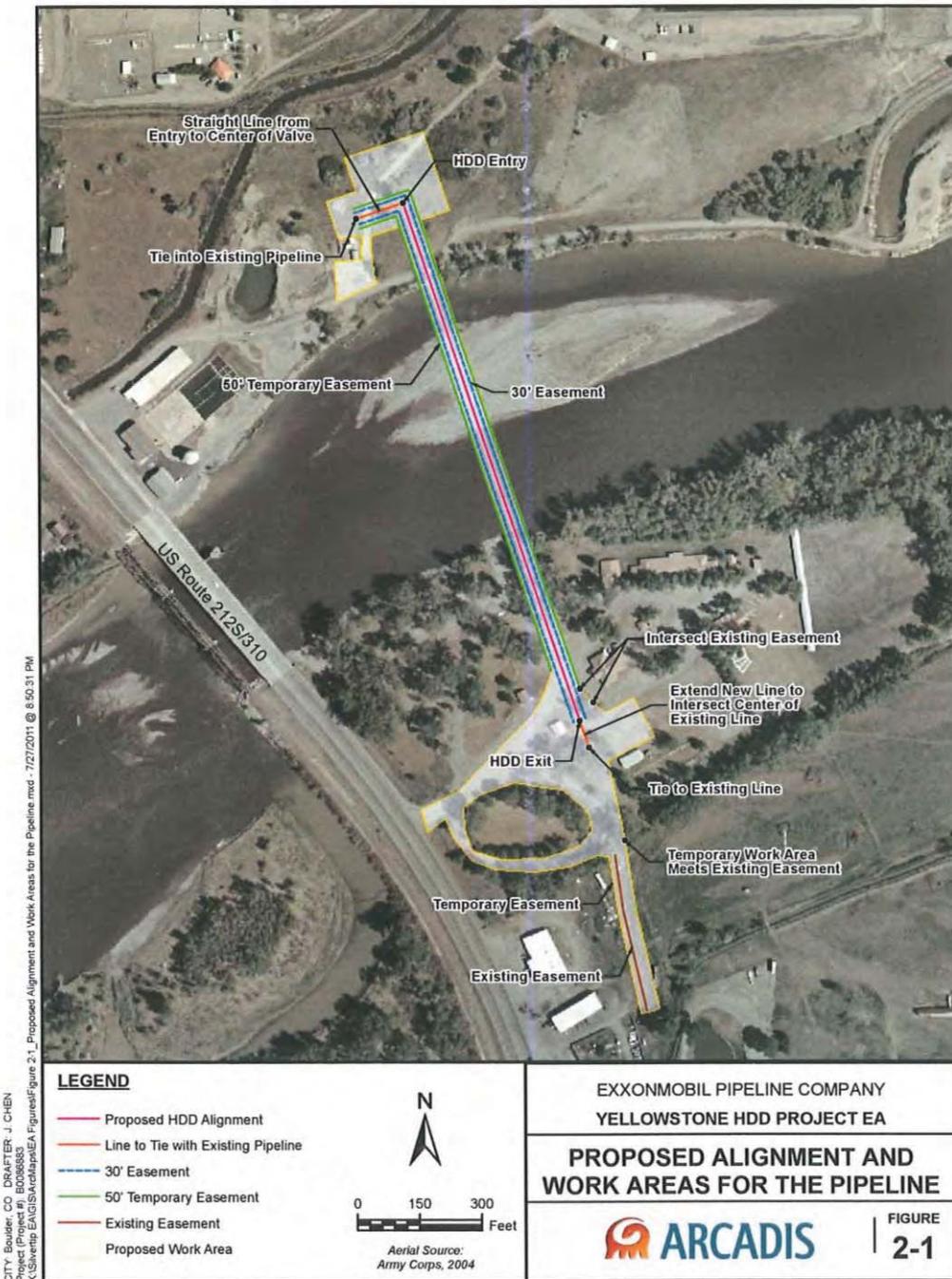
Source: Figure 3-1 (page 23) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Attachment I – Proposed Pipeline Alignment with Work Areas and Easement



Environmental Assessment
Yellowstone HDD Project

Figure 2-1 Proposed Alignment and Work Areas for the Pipeline



Source: Figure 2-1 (page 18) Arcadis Environmental Assessment of ExxonMobil Pipeline, Yellowstone HDD Project (August 1, 2011)

Attachment J – Scoping Comments

The following pages contain copies of the comments received by the DNRC Southern Land Office during the scoping period for request by ExxonMobil Pipeline Company for a Temporary Construction License and easement for an underground pipeline below the Yellowstone River. This pipeline would replace a section of the Silvertip pipeline that failed on 1 July 2011.

ExxonMobil Silvertip EA Scoping – Phone Call Log

- 8/4/11 @ 10:05am – Phone call from Gary Gerlup 406-461-3634: Jeff Bollman received a call from Mr. Gerlup regarding the proposed pipeline. He stated that he works for AT&T and is familiar with how corporations treat easement areas. He was concerned with other pipeline crossings and their potential to have negative impacts in the future. He requested that we protect our natural resources by making sure that the facilities are properly maintained and monitored. I did mention to Mr. Gerlup that the Governor had formed an Oil Pipeline Safety Review Council and noted the members.
-

Bollman, Jeff

From: Will Suralski [wsuralski@nemont.net]
Sent: Wednesday, August 17, 2011 4:26 PM
To: Bollman, Jeff
Subject: Exxon Pipeline

Please give Exxon the necessary permit to repair the pipeline under the Yellowstone River. The refinery needs the oil available on that line. What happened in July was an accident and nothing more; Exxon has been very forthcoming with its' responsibility for clean up and they deserve the opportunity to bury the line further below the river so this type of accident doesn't happen again.

Thank you for the opportunity to comment. I live in the Huntley/ Worden area and, while not directly affected by the oil, my conversations with farmers affected indicate they have all been treated in a fair and timely manner.

Will Suralski , Huntley Montana. (406) 967-4919

Bollman, Jeff

From: Grassy, John
Sent: Wednesday, August 17, 2011 9:51 AM
To: Sexton, Mary; Bollman, Jeff; Schultz, Tom (DNR)
Subject: FW: Silvertip Pipe Line Comment Submission

Public comment on pipeline replacement, JG

From: Dunwell, Mary Ann
Sent: Tuesday, August 16, 2011 9:09 AM
To: Olsen, Sandi; Habeck, Bob; Opper, Richard; Livers, Tom; Peterson, Lisa; Chambers, Jenny; Hanson, Judy; Arrigo, John; Grassy, John
Cc: DEQ Yellowstone Spill
Subject: FW: Silvertip Pipe Line Comment Submission

Hi all,

This is an email this morning from property owner George Nilson. He was adversely affected by the Yellowstone River oil spill. It appears that George is giving input to DNRC's Jeff Bollman re the pipeline process. Please see below. Also, please note George's paragraph on cleanup assessment of his property and that of his family members.

Best,
Mary Ann

From: George [<mailto:crispy.critter6002@tctwest.net>]
Sent: Tuesday, August 16, 2011 9:00 AM
To: Bollman, Jeff
Cc: Dunwell, Mary Ann; Margie MacDonald; Kit & Hank Nilson; Kelly Goodman
Subject: Silvertip Pipe Line Comment Submission

Mr. Bollman,

My name is George Nilson. I am 'brother' to Henry Nilson, 'cousin' to Kelly Goodman and Jean Nilson land owners of the impacted Yellowstone River bottom acreage. Our "FAMILY" has owned the lands affected since the 1880's and are proud of keeping it 'natural'.

I understand there is a plan to do a 'replacement pipe line'. At this point I feel that we would be being exposed, BEFORE our/others properties are in order, to ANOTHER incident. WE have NOT been informed as to the **REAL REASON** the pipeline failed in the first place. **Once that has been established AND ALL those affected by the current oil spill have been taken care of THEN consideration can be given for a replacement pipeline.** IF that takes years, so be it. WE did not ask for it and to do another exposure would add salt to an already painful wound!!!

In EXXON's request they say "TIME IS OF THE ESSENCE!" THAT in itself says they are in a hurry. I am 69 years of age and learned that "HASTE MAKES WASTE" years ago. We already know the first one failed. Research will 'probably' reveal faults in the planning and SAFETY being put in small print or not even being addressed.

Our family properties were supposedly cleaned up. We were to be visited by an Environmentalist type to verify done. The person that showed was an EXXON consultant. During his walk through of the area affected we found traces and he did what he could to 'convince' us all will be well when weather cleans the rest. I and family DON'T believe we are being told facts. I was impacted by the 'fumes' and have developed a 'cough with flim' that was not part of my health before this oil spill. My doctor's visit revealed a normal XRay, however I don't feel as I did before this. My home is approximately 1/4 mile from the flow, as it passed through our and neighbor river bottom properties.

AT THIS POINT I FEEL REFUSAL OF EXXON's PROPOSAL IS IN ORDER!!

Sincerely,

George D. Nilson
2050 East Lane
Billings, MT 59101-6382

H (406) 655-3422 / C (406) 690-9325

I have infoed possible concerned parties.

Bollman, Jeff

From: Monty [mpatua30@gmail.com]
Sent: Wednesday, August 17, 2011 9:47 AM
To: Bollman, Jeff
Subject: Public Comment of Permit

Whereas Exxon has a very questionable record of cleaning up their messes, and a cloak and dagger behind closed door policy on providing public information, it is essential officials from Montana oversee all phases of the construction process. The highest codes and standards should be mandatory and the self regulatory, self policing policies the oil industry aspires to ignored. The supply to the refinery needs to be restored with Montana contractors and workers. Davis Bacon wage standards should be required to assure this happens.

Monty Patterson
1202 Bench Blvd.
Billings, MT 59105

Bollman, Jeff

From: Rob McGarvey [mcgarveyrob@yahoo.com]
Sent: Wednesday, August 17, 2011 9:10 AM
To: Bollman, Jeff
Subject: Exxon Pipeline Repair

I submit this comment in support of the efforts of Exxon to repair their pipeline at Laurel, MT. Exxon has clearly demonstrated that they are a responsible corporate citizen. Also, this pipeline is critical to the economy of Montana and the local economies of Laurel and Billings. There is a substantial positive impact on local employment and the local tax base from Exxon. They are clearly good people supporting the good people of Montana.

Robert McGarvey
Billings, MT

Bollman, Jeff

From: Peter T. Stanley [pstanmt@gmail.com]
Sent: Wednesday, August 17, 2011 8:58 AM
To: Bollman, Jeff
Subject: Re Comments on Application

Mr. Bollman:

I think that the application should be clear on some additional issues.

1. The applicant should obtain necessary right of way from the State of Montana as the state is the owner of the bed of the Yellowstone River.
2. The applicant should provide a plan for removing the existing pipeline that broke.
3. The applicant should present a plan for removing the proposed pipeline if the pipeline is not used in the future or becomes obsolete.
4. The applicant should explain why additional or improved check valves are not necessary.
5. The application should set forth how the construction will impact use of the park during the construction period and any efforts to ameliorate the impact by improving other river access.
6. The application should set forth where the public can watch the construction activities.
7. The application should set forth what independent engineering or construction company will inspect the work as it is done and whether those inspection reports and records will be available to the public.

Thank you.

Peter T. Stanley
3860 Avenue B Ste C
Billings, MT 59102
406.255.7174

Bollman, Jeff

From: pghgc@montana.net
Sent: Wednesday, August 17, 2011 8:01 AM
To: Bollman, Jeff
Subject: Exxon Pipeline Comment

I am guessing how things tend to go that we may be part of a silent majority but we are OK with the replacement of the damaged pipeline. In our opinion, true environmentalists understand the balance between responsible use of resources and economic implications, environmental extremists only care about half of the equation but tend to speak out more.

We would normally have been supportive but silent, so when we saw this in the Gazette, decided to speak out.

Thank you,

Pete and Charlene Grass

1247 Ponderosa Drive

Billings, MT

406-855-6440

Bollman, Jeff

From: Wendy Franks [wendyfranks1@gmail.com]
Sent: Wednesday, August 17, 2011 7:34 AM
To: Bollman, Jeff
Subject: Please approve Permit for exxon mobile

Jeff,
Please approve permit for Exxon, they have proved to be a very responsible company in response to accidents.

Wendy Franks
Sent from my iPhone

Bollman, Jeff

From: Rep. Doug Kary [dougkary.hd48@gmail.com]
Sent: Wednesday, August 17, 2011 7:07 AM
To: Bollman, Jeff
Subject: Exxon Mobil Pipeline Permit "Yellowstone River Crossing"

DNRC

Mr. Bollman,

The unforeseen accidental rupture of the ExxonMobil Silvertip pipeline near Laurel has shown us several things. In addition

to the obvious, after a certain age lines need to be subject to different inspection criteria.

First, that ExxonMobil takes its responsibility to the environment and to our community very serious. I was notified by email early on the Saturday morning of the event and was kept informed daily of ongoing cleanup and containment operations. I have also had the opportunity to attend two of their local update mtgs.

Next, although the Silvertip line was constructed with full approvals and in accordance with all regulations, we now recognize that all pipelines buried beneath the riverbed should be placed much deeper. Exxon Mobil agrees and has requested to do so.

I hope that you will expedite their permit request so that they may repair the Silvertip pipeline as soon as possible and return to regular operations. This is in the best interest of the Citizens of Montana and ExxonMobil.

Thank you,

Doug Kary



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

REPRESENTATIVE DOUGLAS KARY
HOUSE DISTRICT 48

HELENA ADDRESS:

Capitol Building
PO Box 200400
Helena, Montana 59620-0400
Phone: (406)-444-4800

COMMITTEES:

State Administration
Federal Relations, Energy & Telecommunications
Local Government

HOME ADDRESS:

415 Wicks Lane..
Billings, Montana 59105
Phone: (406)-698-1478

Bollman, Jeff

From: Deb - Mark Johnson [trianglj@msn.com]
Sent: Wednesday, August 17, 2011 6:58 AM
To: Bollman, Jeff
Subject: ExxonMobil Pipe Line

Drill Baby Drill.....Like it or not we all need petrochemical products, and I mean all of us. The refineries are an important part of the financial infrastructure in Yellowstone County and to the state of Montana as well.

Drill Baby Drill

Thanks for asking Mark and Deb Johnson 5035 Powmer Road, Billings, 59105

Bollman, Jeff

From: Kit Nilson [hknilson@gmail.com]
Sent: Tuesday, August 16, 2011 2:28 PM
To: Bollman, Jeff
Subject: Silvertip Pipeline.

My concerns about Exxon's proposed request for a Temporary Construction License and Easement for the reconstruction of the Silvertip Pipeline. Exxon has already shown we can not trust their chooses about safety and health for us or our property. We feel from this point on things should be done the right way. Exxon needs to bring there pipe line up to new codes and safety regulations before they are allowed to bring any oil in through any pipeline. We do not want them using any other pipe line that is not up to new codes and standards. putting us in danger again. Thank you--Kit Nilson Land owner on the Yellowstone River

Bollman, Jeff

From: George [crispy.critter6002@tctwest.net]
Sent: Tuesday, August 16, 2011 9:00 AM
To: Bollman, Jeff
Cc: Dunwell, Mary Ann; Margie MacDonald; Kit & Hank Nilson; Kelly Goodman
Subject: Silvertip Pipe Line Comment Submission

Mr. Bollman,

My name is George Nilson. I am 'brother' to Henry Nilson, 'cousin' to Kelly Goodman and Jean Nilson land owners of the impacted Yellowstone River bottom acreage. Our "FAMILY" has owned the lands affected since the 1880's and are proud of keeping it 'natural'.

I understand there is a plan to do a 'replacement pipe line'. At this point I feel that we would be being exposed, BEFORE our/others properties are in order, to ANOTHER incident. WE have NOT been informed as to the ***REAL REASON*** the pipeline failed in the first place. ***Once that has been established AND ALL those affected by the current oil spill have been taken care of THEN consideration can be given for a replacement pipeline.*** IF that takes years, so be it. WE did not ask for it and to do another exposure would add salt to an already painful wound!!!

In EXXON's request they say "TIME IS OF THE ESSENCE!" THAT in itself says they are in a hurry. I am 69 years of age and learned that "HASTE MAKES WASTE" years ago. We already know the first one failed. Research will 'probably' reveal faults in the planning and SAFETY being put in small print or not even being addressed.

Our family properties were supposedly cleaned up. We were to be visited by an Environmentalist type to verify done. The person that showed was an EXXON consultant. During his walk through of the area affected we found traces and he did what he could to 'convince' us all will be well when weather cleans the rest. I and family DON'T believe we are being told facts. I was impacted by the 'fumes' and have developed a 'cough with flim' that was not part of my health before this oil spill. My doctor's visit revealed a normal XRay, however I don't feel as I did before this. My home is approximately 1/4 mile from the flow, as it passed through our and neighbor river bottom properties.

AT THIS POINT I FEEL REFUSAL OF EXXON's PROPOSAL IS IN ORDER!!

Sincerely,

George D. Nilson
2050 East Lane
Billings, MT 59101-6382

H (406) 655-3422 / C (406) 690-9325

I have infoed possible concerned parties.

Bollman, Jeff

From: Joan Hurdle [joanhurdle@bresnan.net]
Sent: Friday, August 12, 2011 7:42 AM
To: Bollman, Jeff
Cc: Svein Newman
Subject: Silvertip

Dear J Boliman,

I understand the pipeline is quite old. Possibly it should be removed altogether and the land and river restored.

As long as we have pipelines, we will have leaks in them because the main purpose is to make money, and therefore as little as possible will be spent on monitoring and maintenance, a fact of life now.

Instead, lets invest in efficiency, conservation, and renewable energy, and phase out pipelines altogether. They are too great a threat to our Montana environment.

Joan Hurdle

Bollman, Jeff

From: Trent Godfrey [trent.godfrey@yahoo.com]
Sent: Wednesday, August 10, 2011 2:35 PM
To: Bollman, Jeff
Subject: my public comment on oil pipe replacement

i remember in the old days when it was a heated debate over placing those pipes under the river. the oil company's made some fine arguments to be allowed to do so. as per there arguments i now find from experience that they were incorrect in there requests. when the pipe breaks as it is doing now decades later, we are seeing great enviomental, agriculture, and economic distraction per the pipes being placed under the rivers. i therefore support putting the pipes back where they were before along the bridges info structure and not under the river. i can only hope that the oil company's do not find this thought harmful to there private info-structure and further hamper our state legislation efforts.

Bollman, Jeff

From: chris.hoidal@dot.gov
Sent: Wednesday, August 10, 2011 10:25 AM
To: Bollman, Jeff; michael.petronis@dot.gov
Cc: gerald.davis@dot.gov; Thomas.Finch@dot.gov; huy.v.nguyen@dot.gov
Subject: RE: ExxonMobil Pipeline Yellowstone HDD Comments

I am drafting a letter today to Exxon requesting that they submit a channel migration study to accompany their HDD proposal. I want to make sure that the exit point and mainline valve cannot be adversely affected before Exxon Mobil can react. I will copy all of you on the outgoing letter.

-----Original Message-----

From: Bollman, Jeff [mailto:jbollman@mt.gov]
Sent: Tuesday, August 09, 2011 8:09 AM
To: Petronis, Michael (PHMSA)
Cc: Hoidal, Chris (PHMSA); Davis, Gerald (PHMSA); Finch, Thomas (PHMSA); Nguyen, Huy (PHMSA)
Subject: RE: ExxonMobil Pipeline Yellowstone HDD Comments

Michael:

I have received both sets of comments on the ExxonMobil pipeline replacement. I will also forward them to other agencies that may have more ability to implement them. Our jurisdiction really is only between the low water marks of the Yellowstone, so addressing some of these other concerns directly may not be possible for my agency.

Thanks for the comments and please feel to submit any other comments regarding the proposal.

Jeff

Jeff Bollman, AICP
Planner
Southern Land Office
MT Dept of Natural Resources & Conservation
1371 Rimtop Drive
Billings, MT 59105
406.247.4404 (Phone)
406.247.4410 (Fax)

-----Original Message-----

From: michael.petronis@dot.gov [mailto:michael.petronis@dot.gov]
Sent: Monday, August 08, 2011 5:50 PM
To: Bollman, Jeff
Cc: chris.hoidal@dot.gov; gerald.davis@dot.gov; Thomas.Finch@dot.gov; huy.v.nguyen@dot.gov
Subject: FW: ExxonMobil Pipeline Yellowstone HDD Comments

Jeff - PHMSA has the additional comments concerning ExxonMobils planned HDD of the Yellowstone River near Laurel, MT:

PHMSA has a concern with the south exit point for the planned horizontal directional drill (HDD) of ExxonMobil's Silvertip pipeline crossing of the Yellowstone River south of Laurel, Montana. From aerial photographs it appears that the south bridge approach of the Highway 212 Yellowstone River bridge cuts off the most southern side channel of the Yellowstone upstream (west) of the bridge. Downstream or east of the bridge the river is being directed

Bollman, Jeff

From: michael.petronis@dot.gov
Sent: Monday, August 08, 2011 5:50 PM
To: Bollman, Jeff
Cc: chris.hoidal@dot.gov; gerald.davis@dot.gov; Thomas.Finch@dot.gov; huy.v.nguyen@dot.gov
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Our concern is that the south exit point of the planned HDD does not extend far enough south prevent future channel migration from impacting the Silvertip pipeline. The planned depth of cover of the pipeline at the south exit point is 4.5 feet.

Our expertise is not in evaluating potential stream channel migration so we would like the Council's (DEQ/MTDOT/DNRC) opinion of the location of the south exit point of the HDD.

Please reply to confirm that you have received these comments - Thanks

From: Petronis, Michael (PHMSA)
Sent: Thu 8/4/2011 11:12 AM
To: jbollman@mt.gov
Cc: Finch, Thomas (PHMSA); Hoidal, Chris (PHMSA); Nguyen, Huy (PHMSA); Davis, Gerald (PHMSA)
Subject: ExxonMobil Pipeline Yellowstone HDD Comments

Jeff - as we discussed earlier this morning, I understand that you are the point of contact with MT DNRC regarding ExxonMobi Pipeline's Yellowstone HDD proposal. I have reviewed the proposal (not sure if its the same one they sent to you - I assume it is) and have the following comments - some probably cover some of the issues you guys look at and others probably don't but I've included it all for your review. Please contact me to discuss how you plan to proceed - Thanks.

I believe EMPL should be required to move the south (upstream) MOV further south to a point that has zero potential of being inundated by flood waters. An analysis performed by a competent hydrologist should be included to explain why the location chosen does in fact have a zero potential of being inundated. While it seems unlikely that the north valve could be

Bollman, Jeff

From: Vanica, Don
Sent: Monday, August 08, 2011 10:59 AM
To: Bollman, Jeff
Subject: Comments for ExxonMobil's plan to replace the Silvertip Pipeline section

Hi Jeff, we've received two comments at the Governor's Information Center in Billings regarding ExxonMobil's plan to bury the replacement section of the Silvertip Pipeline under the Yellowstone River. Please add these comments to the public file.

Thanks, Don Vanica – Governor's Information Office.

Saturday 8/6/11 at 4:50 p.m., Angelo Cristafulli from Glendive left a voice-mail message on our phone line saying he thinks the new pipeline should be put inside a pipe sleeve so that if the new oil pipeline leaks or ruptures, the oil is captured within the pipe casing until the flow can be shut off.

Monday 8/8/11 at 9:15 a.m., Trent Godfrey from Billings stopped in our office to register opposition to burying the pipe 42 feet deep. He is concerned this will be too close to the groundwater aquifer which could get contaminated if the pipe should rupture or leak. He suggested the replacement pipe could cross the river by hanging it under the highway bridge.

Bollman, Jeff

From: LuAnn & David Young [lmrddy@comcast.net]
Sent: Thursday, August 04, 2011 9:14 PM
To: Bollman, Jeff
Subject: Pipeline comments

Mr. Bollman,

I am from the Pipeline Industry and semi retired. I have been a pipeline safety consultant the last several years. I started in the field working directly on the pipeline and finished my career in mid management. Over the years I have become disheartened and concerned by the changes in the industry. I will outline some of those concerns below.

From the time I started in the industry and up to the current date, I observed a gradual decline in Pipeline Maintenance and proper training of personnel as required by the Pipeline Safety Regulations. In light of a multitude of pipeline incidents nationwide over the last several years and to curb the industry deficiencies, the Pipeline Hazardous Materials Safety Administration and Congress enacted new and enhanced regulations. The problem is that we can have all the regulations in the world and if the companies do not follow them or just say they follow them, without aggressive enforcement and penalties they do not work.

We should enact one more law. Require that all of a given companies management live on the pipeline or within 200 feet of it. This way any problems would be directly experienced by the very people responsible for managing the pipeline thus they would have a vested interest in keeping it safe.

They talk safety but most do not walk the talk. How many times have you heard Pipeline Company personnel state after an incident, "We are implementing measures to insure this never happens again". They are actually sent to media training to learn these standard responses.

Profit, not safety has become the motive behind their decisions. Stock prices, CEO bonuses and salaries, union busting, contracting out maintenance and operating duties etc. are standard in the industry rather than doing it right.

In your dealings with these companies, ask them for their latest cathodic protection readings (corrosion), pigging results, ground and aerial inspections, leak surveys, and a record of the last years completed and not completed Pipeline Safety regulation required maintenance, their identified problems and corrective measures taken. Another huge issue is qualification of pipeline personnel. They are required to have their field maintenance and operations employees "trained and qualified" to perform every task on the pipeline that is required by the regulations. This is an area that is very deficient with most companies. Ask them for a complete qualification record for all their field operating and maintenance personnel. Then ask to speak with the field personnel directly and ask what they are and are not qualified to do. If allowed to speak freely, most will state that they are either not qualified on several tasks or do not feel adequately qualified or have not been trained properly. Many of the companies have downsized to a point where there are not enough people to conduct the needed maintenance adequately and they have laid off many experienced hands and did not allow time for a transition and hand off of training and knowledge.

This is a nationwide problem and will not soon be resolved. We do need pipelines and their products but the above outlined problems need to be addressed on the local level. The national level oversight and enforcement has not worked to the degree it needs to.

This is a longer comment email than I wanted but this is an important issue.

Thank you for the opportunity to comment.

David Young

Bollman, Jeff

From: Senator Butcher [senatorbutcher@gmail.com]
Sent: Thursday, August 04, 2011 5:31 PM
To: mattrosendale@midrivers.com; Bollman, Jeff; dougkary@yahoo.com; eaton.jacob@gmail.com; jon@montanachamber.com; jonathanmcniven@gmail.com; taylor@northernbroadcasting.com; tmcgillvray@bresnan.net
Subject: RE: ExxonMobil Pipeline

Matt:

Very well written--push it as an editorial in Montana papers--send it especially to the weekly papers as they are more likely to print it than the big papers, but we need this type of counter to Gov B.S.'s grand standing!

Ed Butcher

Please Note: I have a new email address senatorbutcher@gmail.com . Please make the necessary changes in your address books. Thank you.

-----Original Message-----

From: mattrosendale@midrivers.com [<mailto:mattrosendale@midrivers.com>]
Sent: Thursday, August 04, 2011 6:42 AM
To: jbollman@mt.gov; dougkary@yahoo.com; senatorbutcher@gmail.com; eaton.jacob@gmail.com; jon@montanachamber.com; jonathanmcniven@gmail.com; taylor@northernbroadcasting.com; tmcgillvray@bresnan.net
Subject: ExxonMobil Pipeline

DNRC

Mr. Bollman,

The unforeseen accidental rupture of the ExxonMobil Silvertip pipeline near Laurel has shown us several things. First, that ExxonMobil takes it's responsibility to the environment and to our community very serious. I was notified by email early on the Saturday morning of the event and was kept informed daily of ongoing cleanup and containment operations. Next, although the Silvertip line was constructed with full approvals and in accordance with all regulations, we now recognize that all pipelines buried beneath the riverbed should be placed much deeper. ExxoMobil agrees and has requested to do so.

I hope that you will expedite their permit request so that they may repair the Silvertip pipeline as soon as possible and return to regular operations. This is in the best interest of the Citizens of Montana and ExxonMobil.

Thank you for your consideration,
Rep. Matt Rosendale

Matt Rosendale
State Rep. HD 38
Glendive-Wibaux
1954 Hwy. 16
Glendive, Mt. 59330
406-687-3549

Bollman, Jeff

From: Kenneth D. Peterson [Kenneth59@bresnan.net]
Sent: Wednesday, August 03, 2011 4:52 PM
To: Bollman, Jeff
Subject: Exxon Pipeline replacement

I support the replacement based on under river horizontal drilling. I am familiar with the process and it is process that has been used successfully under the Yellowstone river in several places. It takes the right equipment and the right skills to do it. I am sure that Exxon has both of those or will employ those who do. Ken Peterson, Montana State Representative HD 46.

Bollman, Jeff

From: mattrosendale@midrivers.com
Sent: Thursday, August 04, 2011 6:42 AM
To: Bollman, Jeff; dougkary@yahoo.com; senatorbutcher@gmail.com; eaton.jacob@gmail.com; jon@montanachamber.com; jonathanmcniven@gmail.com; taylor@northernbroadcasting.com; tmcgillvray@bresnan.net
Subject: ExxonMobil Pipeline

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Matt Rosendale
State Rep. HD 38
Glendive-Wibaux
1954 Hwy. 16
Glendive, Mt. 59330
406-687-3549

Bollman, Jeff

From: michael.petronis@dot.gov
Sent: Thursday, August 04, 2011 11:12 AM
To: Bollman, Jeff
Cc: Thomas.Finch@dot.gov; chris.hoidal@dot.gov; huy.v.nguyen@dot.gov; gerald.davis@dot.gov
Subject: ExxonMobil Pipeline Yellowstone HDD Comments

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I believe EMPL should be required to move the south (upstream) MOV further south to a point that has zero potential of being inundated by flood waters. An analysis performed by a competent hydrologist should be included to explain why the location chosen does in fact have a zero potential of being inundated. While it seems unlikely that the north valve could be inundated, an analysis should be submitted that demonstrates why that location has a zero potential of being inundated (as well as the access route to it). If it turns out that there is a chance that the north valve could be inundated, that valve should be relocated to a location where the chance of inundation is zero.

Naturally when I say "zero potential" this is based on an appropriately selected hydrologic event frequency (ie. 100 year flood, 500 year, flood, 1000 yr flood, etc). PHMSA/MT DNRC needs to establish what the appropriate hydrologic event frequency is that operators should use to analyze thier river crossings in order to determine whether or not they are adequate. If they are found to be inadequate, they should be required to make them adequate prior to the next runoff season. If it is impractical to make the modifications by the next run off season, then stringent criteria must be included in the operation procedures until the modifications can be made.

Also - EMPL needs to include all of the other "procedures" and related documentation required for this river crossing including:

Pipe and fitting specs and testing records

Welding procedures and welding procedure qualification records

Welder qualifications and qualification records

NDT procedures

NDT technician qualification records

Hydrotest procedures and records when test is completed

OQ records for all individuals associated with working on this river crossing project

Any other records required by 195

This all should be submitted to us with the understanding that we need at least 1 week to review the procedures and documentation. Of course if any problems are identified, EMPL

should be required to make the appropriate changes and resubmit the procedures and documentation to us with another week allowed for review. The cycle should continue until we have, in writing, all of the necessary procedures and documentation prior to the commencement of work on the installation of the new river crossing.