

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Bob Eberts
100 West Fifth Street
Tulsa, Oklahoma 74103

2. *Type of action:* Application for Beneficial Water Use Permit No. 42M 30051591

3. *Water source name:* Yellowstone River

4. *Location affected by project:* SWNESE, Section 17, T22N, R59E, Richland County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This application is for a temporary diversion of water to aide in the construction of the ONEOK Bakken natural gas pipeline project. The point of diversion is located in the SWNESE of Section 17, T22N, R59E, Richland County. The place of use for this application is generally located in Richland and Wibaux Counties. Maps for pipeline locations are in the permit file located at the Glasgow Regional Water Resource office. The pipeline project will divert at a maximum flow rate of 2,000 gpm up to 21.82 acre-feet between May 1, 2012 and December 31, 2013. The water will be used for horizontal directional drilling, boring, pre-installation hydrostatic testing and hydrostatic testing along 151 miles of the pipeline route. The water used for hydrostatic testing, 15.2 acre-feet, is non-consumptive and will be discharged back into the Yellowstone River or other identified surface water sources along the pipeline route. Consecutive completed pipeline sections may allow for the re-use of the hydrostatic test water by moving it from one section to the next. This re-use could reduce the amount of water required by 25% of the maximum volume requested. The water used for horizontal directional drilling and boring, 6.62 acre-feet, is consumptive.

The DNRC shall issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.

6. *Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)*

Montana Department of Environmental Quality – Web site
Montana Department of Fish, Wildlife & Parks
National Wetlands Inventory

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The reach of the Yellowstone River where the point of diversion is located is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The DFWP has a water reservation on this portion of the Yellowstone River that ranges from 2,670 cfs in August to 25,140 cfs in June to maintain instream flows. As this is a temporary diversion project, it is likely to have a temporary limited, minor impact on surface water flows.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: The lower Yellowstone River is listed on the 2010 Montana 303(d) list as fully supporting agriculture, drinking water industrial uses and primary contact recreation and partially supporting aquatic life and warm water fishery. Probable causes of impairment are alterations in stream-side or littoral vegetative covers, fish passage barriers and chemical and mineral levels. Probable sources are the impacts from irrigation crop productions, rangeland grazing, streambank modification/destabilization, hydro-structure flow regulation/modification and natural or unknown sources of chemical or mineral properties.

The Applicant's Supporting Information for Montana Environmental Policy Act Review identified construction processes that may result in minor, short term impact to stream channels. The impacts will be localized and limited to the period of instream construction activities. The Applicant will attempt to conduct stream crossings during low flow periods in order to minimize sedimentation, turbidity, stream bank and bed disturbances

Water quality was addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

This project will not likely have a significant or long term impact water quality.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This is a surface water application and will have no significant impact to groundwater in this area.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: Water will be diverted from the Yellowstone River via a pumping system at a rated capacity between 300 and 2,000 gpm. The diversion, from the Yellowstone River, for hydrostatic testing will use a Power Prime XH-150 8" x 6" self priming centrifugal pump with screened intake. The pump will use a 140 hp diesel engine to power the pump. When required by elevations a larger diesel driven pump will be used to maintain a diversion rate of 1500 gpm. Water will be transferred to the natural gas pipeline via a hose a pipe assembly. Water used for boring, horizontal directional drilling and pre-hydrostatic testing will be diverted from the Yellowstone River at 300 gpm by a 130 hp centrifugal booster pump into tankers that will haul water to the current construction location.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: According to the Montana Natural Heritage Program website, The Bureau of Land Management, (BLM), lists the Townsend's Big Eared Bat, Black-tailed Prairie Dog, Meadow Jumping Mouse, Red-headed Woodpecker, Spiny Softshell, Blue Sucker, Sturgeon Chub, Paddlefish, and Sauger as sensitive. The Whooping Crane and the Pallid Sturgeon are listed by BLM as Special Status. The US Forest Service, (USFS), lists the Townsend's Big-eared Bat and the Black-tailed Prairie Dog as sensitive. Both the US Forest Service and the US Fish & Wildlife Service list the Whooping Crane and the Pallid Sturgeon as Endangered. No federally-listed threatened or endangered plant species exist within the Project area.

This information corresponds with the information provided in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012. The Applicant's supporting documentation includes plans of action should a listed species be encountered during the course of the construction project.

The Project will have little or no effect on endangered and threatened species.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: The project construction will temporarily impact 2.6 miles of wetland/riparian area; a total project area of 26 acres with construction activities.

The Applicant will implement mitigation measures during and after construction to provide protection of existing habitat and restoration of impacted areas. All wetland areas will be restored to pre-construction conditions.

Wetlands were addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

The Project will likely have little or no significant impact on wetlands in the project area.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: This project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: The Applicant's Supporting Information for Montana Environmental Policy Act Review, dated January 2012, addresses the geology and soil qualities along the project site. The Applicant has project specific plans in place to address areas of concern.

The Project will likely have little or no long term effects on soils impacted by the construction.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: Vegetative cover was addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

Impacts to the area vegetation will largely be temporary. The applicant will implement several mitigation measures during and after construction to provide for protection of existing habitat and restoration of impacted areas.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: Air quality was addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

The Project will likely have little or no long term effects to air quality.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: Historical and archeological sites were addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

The Applicant has addressed historical and archeological sites along the pipeline route. The Project will reroute or use horizontal directional drilling to avoid the disturbance of sites identified by the Montana State Historic Preservation Office.

The Project will likely have no impact on historical, cultural or archeological sites.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: There are no known local environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: Recreation and wilderness activities were addressed in the Applicant's Supporting Information for Montana Environmental Policy Act Review dated January 2012.

All impacts created by the project will be temporary. The Applicant has identified a restoration program in their supporting document.

The Project will have little or no long term impacts on the access and quality of recreational and wilderness activities along the project route.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: This project will have no impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes ___ *No* **X** *If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No Significant Impact
- (b) Local and state tax base and tax revenues? No Significant Impact
- (c) Existing land uses? No Significant Impact
- (d) Quantity and distribution of employment? No Significant Impact
- (e) Distribution and density of population and housing? No Significant Impact
- (f) Demands for government services? No Significant Impact
- (g) Industrial and commercial activity? No Significant Impact
- (h) Utilities? No Significant Impact
- (i) Transportation? No Significant Impact
- (j) Safety? No Significant Impact
- (k) Other appropriate social and economic circumstances? No Significant Impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts on the physical environment and human population from the temporary use of the water from Yellowstone River were identified in the review of the application and applicant's supporting documentation.

Cumulative Impacts: No cumulative impacts on the physical environment and human population from the temporary use of the water from Yellowstone River were identified in the review of the application and applicant's supporting documentation.

3. *Describe any mitigation/stipulation measures:* Mitigation/stipulation measures are identified in the Applicant's Supporting Information for Montana Environmental Policy Review Act dated January 2012.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* An alternative analysis of the project identified a no action alternative to the construction of the natural gas pipeline. This alternative would have no direct impacts associated with construction and operation of the pipeline and its facilities. The no-

action alternative would not allow ONEOK to meet the purpose of and need for the project.

PART III. Conclusion

1. Preferred Alternative: Construct the Bakken Natural Gas Pipeline is the preferred alternative.

2. Comments and Responses

3. Finding:
Based on the significance criteria evaluated in this EA, is an EIS required? NO

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

No significant impacts have been identified; therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Ann L. Kulczyk
Title: Water Resource Specialist
Date: February 29, 2012