

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:* TransCanada Keystone Pipeline, L.P.
700 Louisiana Street, Suite 700
Houston, TX 77002
2. *Type of action:* Application for Beneficial Water Use Permit
3. *Water source name:* Boxelder Creek
4. *Location affected by project:* T2N, R61 and 62E; T3N, R61E; T4N, R61E; T5N, R60E; and T6N, R60E, Fallon County, MT
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The Applicant proposes to divert water from Boxelder Creek, by means of two pumps located in the E2NESW Sec. 30, T2N, R62E from April 1 through September 30 at 300 GPM (0.67 CFS) up to 18.4 AF/YR, for industrial use (dust abatement) from April 1 through October 31, 2023. Lake tanks will be used to store water for use in October. The place of use over approximately 31 miles of road and right of way includes portions of 38 Sections in T2N, R61 and 62E; T3N, R61E; T4N, 61E; T5N, R61E and T6N, R60E, in Fallon County. The northern end of the pipeline is approximately 6.5 miles southeast of Baker, MT; the southern end is on the Montana-South Dakota border approximately 15 miles southeast of Webster, MT. The DNRC shall issue a water use permit if an 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 Natural Heritage Program	Endangered-Threatened Species
Montana Department of Fish Wildlife & Parks (MFWP)	Dewatered Stream Information
Montana Department of Environmental Quality (MDEQ)	TMDL Information

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: No impact

Boxelder Creek is not on the DFWP list of chronically or periodically dewatered streams.

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: No impact

Boxelder Creek from Corral Creek to the South Dakota border is listed as water quality category 3 on the DEQ list of water quality impaired streams. This application is for dust suppression. The dust suppression water will not return water to the source. This use of water should not affect 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: No Impact

This proposed use of surface water should have no significant impact on groundwater quality or quantity in the 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: No Impact.

The proposed diversions will consist of two trailer mounted pumps on the bank with suction hoses in the creek. This diversion should not impact channels, flow, barriers, riparian areas dams, or well construction.

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: Minor Impact

The Montana Natural Heritage Program identified the following species of concern, special status species and potential species of concern within the project area: Bobolink, Brewer's Sparrow, Chestnut-collared Longspur, Great Blue Heron, Greater Sage-Grouse, Loggerhead Shrike, Sauger and Snapping Turtle. The Applicant has consulted with the Montana Sage Grouse Habitat Conservation Program and has a plan in place to mitigate affects to Sage Grouse. Other species may also be disturbed by the increased traffic and noise in the area of the pipeline construction. This use is temporary and should be completed by the end of 2023.

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: Some Impact

The project area crosses several documented wetland areas. It is the applicant's responsibility to obtain the proper permits and comply with all laws pertaining to work in wetland areas.

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

Determination: No impact

There are no ponds associated with this water right application.

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: No Impact

This places of use for this application covers approximately 31 miles of roads and right of way. The list of 61 soil types listed for this application is in the file. The proposed use of water for dust suppression should not degrade soil quality. There should be no saline seep, or alteration of soil stability from this use of water.

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: No Impact

The applicant and their contractors are expected to prevent the establishment or spread of noxious weeds in the project area.

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

Determination: No Impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

Determination: Possible Affect to Antiquities

For the portion of the project that crosses State Trust Lands, a Class III cultural and paleontological resources inventory was conducted of the area of potential effect on state land. Despite a detailed examination, no cultural or fossil resources were identified in the easement corridor. No additional archaeological or paleontological investigative work is recommended. The proposed project will have *No Effect to Antiquities* as defined under the Montana State Antiquities Act. A formal report of findings is forthcoming and will be made available through the DNRC and the Montana State Historic Preservation Officer.

For the portion of the project that crosses Federal Lands, BLM has identified cultural or historical resources on the parcels crossed by the Keystone Pipeline. The applicant is expected to work with BLM to ensure resources are not impacted by the proposed activities.

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 Impact

There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

HUMAN ENVIRONMENT

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

Determination: No Impact

This proposed use is not inconsistent with locally adopted environmental plans and goals for Fallon County.

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: No Impact

This project should have no new impact on recreational or wilderness activities.

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

Determination: No Impact

There should be no significant impact on human health from this proposed use.

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: No significant impact.

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 None identified.

Cumulative Impacts There are two recently approved temporary permits on this source

of water. The impacts discussed above should not change because of this.

3. ***Describe any mitigation/stipulation measures:*** There are no mitigation or stipulation measures required.
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:*** The proposed activity is reasonable, and is within accepted practices for the purposes proposed. The no action alternative would mean that the applicant could not use Boxelder Creek for dust suppression.

PART III. Conclusion

1. ***Preferred Alternative*** To authorize the beneficial water use permit.
2. ***Comments and Responses***
3. ***Finding:***
Yes ___ No X *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS required.

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

Name: Christine Smith
Title: Water Resources Specialist
Date: September 19, 2019