

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:* Waterway Resources, LLC
6219 Rd 1017
Culbertson, MT 59218

2. *Type of action:* Surface Water Application for Beneficial Water Use Permit
40S 30161904

3. *Water source name:* Missouri River

4. *Location affected by project:* Section 19, T27N, R57E, Roosevelt County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The proposed project is to divert water from the Missouri River, by means of a pump, from January 1 to December 31 at 3000 GPM (6.68 CFS) up to 600 AF, from a point in the NENWNW Section 19, Township 27N, Range 57E, Roosevelt County, for Water Marketing (oil field) use from January 1 to December 31. The place of use (meter location) is located in the NENWNW Section 19, Township 27N, Range 57E, Roosevelt County.

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:
(including agencies with overlapping jurisdiction)*

Montana Department of Natural Resources and Conservation (DNRC) 30161904
Montana Department of Environmental Quality website
Montana Natural Heritage Program website
USDA Web Soil Survey
National Wetlands Inventory website

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.

This reach of the Missouri River has not been identified by the Department of Fish, Wildlife, & Parks (FWP) as chronically or periodically dewatered. Also, FWP holds an instream flow right on this section of the Missouri River for 5178 CFS, effective year-round. Based on the flow requested and the FWP instream right, the proposed diversion is unlikely to alter the current condition of the river, therefore no significant impacts to water quantity related to this application have been identified.

Determination: No significant impact

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.

The reach of the Missouri River where the proposed POD is located has been identified by the Department of Environmental Quality (DEQ) as fully supporting agricultural and drinking water uses and not fully supporting aquatic life. It was not assessed for primary contact recreation. The probable cause of impairment on aquatic life is Fort Peck Dam which alters the natural hydrologic regime of the river and thus impacts aquatic and riparian habitat. The proposed project is not expected to have any significant effect on water quality.

Determination: No significant impact.

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 surface water appropriation should have no significant impact on groundwater 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.

The diversion will consist of a 10" x 8" diesel pump which conveys water through a 10" lay-flat hose to an above-ground storage tank. From the storage tank, water will be pumped downhole to hydraulically fracture oil and gas wells. The pump will not have any impacts to the river channel or create a barrier or flow modification. There will likely be some disturbance within the riparian area associated with the installation of diversion and conveyance works; however, no lasting

impacts are anticipated. A 310 permit will need to be filed with the US Army Corps of Engineers and Roosevelt County Conservation District prior to the installation of the diversion works. This project will have no effect on dams and will not involve well construction.

Determination: No significant impact.

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.”

The Montana Natural Heritage Program identifies 17 species of concern with Montana status occurring in Section 19, T27N, R57E north of the Missouri River, where the point of diversion and place of use are located. The Pallid Sturgeon and Whooping Crane are listed as Endangered by the US Fish & Wildlife Service and BLM. The Least Tern and Piping Plover are listed as Threatened by the US Fish & Wildlife Service and the BLM.

Birds	Black-billed Cuckoo
Birds	Golden Eagle
Birds	Least Tern
Birds	Piping Plover
Birds	Veery
Birds	Whooping Crane
Reptiles	Greater Short-horned Lizard
Fish	Blue Sucker
Fish	Iowa Darter
Fish	Northern Redbelly Dace
Fish	Paddlefish
Fish	Pallid Sturgeon
Fish	Sauger
Fish	Shortnose Gar
Fish	Sicklefin Chub
Fish	Sturgeon Chub

Pallid Sturgeon are found in the Missouri River and use large, turbid rivers over sand and gravel bottoms, usually in strong currents. They use all channel types, but primarily use straight reaches with islands. The Applicant’s pump with a screen intake occupies a small footprint and is not anticipated to impact Pallid Sturgeon.

The Whooping Crane has been observed in the marsh habitat present at Medicine Lake National Wildlife Refuge and Red Rock Lakes National Wildlife Refuge. Birds have been observed in other areas of the state include grain and stubble fields as well as wet meadows, wet prairie habitat, and freshwater marshes that are usually shallow and broad with safe roosting sites and

nearby foraging opportunities. The pump location selected for this diversion would not be likely to provide suitable habitat for Whooping Crane.

The Least Tern is a species that prefers unvegetated sand-pebble beaches and islands of large reservoirs and rivers in northeastern and southeastern Montana; specifically the Yellowstone and Missouri River systems. The pumps will use floating screens with small footprints and are not anticipated to have an effect on the Least Tern.

Piping Plovers primarily select unvegetated sand or pebble beaches on shorelines or islands. Vegetation, if present at all, is sparse. The pump location selected for this diversion and its proximity to cropland would not likely provide suitable nesting habitat for the piping plover.

No plant species were identified as species of special concern within the identified project area.

Determination: The proposed project is not expected to have significant impact.

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

The only wetland identified within the project area is the Missouri River.

Determination: No significant impact.

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

Determination: Not applicable.

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.*

The soil unit for the project site is Havrelon-Trembles complex on 0-2% slope in flood plains position, with stratified silty clay loam to very fine sandy loam, formed on loamy alluvium parent material. It is identified as prime farmland if irrigated. Soils here are well-drained, with depth to water table greater than 80 inches. The salinity of the soil is identified as non-saline to very slightly saline (0.0 to 2.0 mmhos/cm). It is not anticipated that there will be degradation to the soil nor development of a saline seep as a result of this project.

Determination: No significant impact.

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.*

No plant species is in the species-of-concern list around the project area. Because the project site borders irrigated farmland and the Missouri River, and the project is temporary in nature, the proposed use is not expected to impact the existing vegetation. The control of noxious weeds is the responsibility of the property owner.

Determination: No significant impact.

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

The pump will be diesel and there will be temporary deterioration of air quality as a result of this appropriation. However, no lasting impact is expected.

Determination: No significant impact.

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.*

Determination: NA--Project not located on State or Federal Lands.

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 other additional impacts on 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.*

The project is located on rural private land. It will not affect the quality of recreational and wilderness activities.

Determination: No significant impact.

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

The project is located on rural and remote private land, and will not affect human health.

Determination: No significant impact.

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 requirements 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 This application does not present possible secondary impacts on the physical environment and human population._

Cumulative Impacts This application does not present possible cumulative impacts on the physical environment and human population.

3. ***Describe any mitigation/stipulation measures:*** N/A
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 requested appropriation. Under the No-Action alternative, the Applicant would not be able to market water from the Missouri River.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if the applicant proves the criteria in 85-2-311, MCA are met.
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 impacts have been identified. Therefore, an EIS is not necessary.

Name of person responsible for preparation of EA:

Name: Lih-An Yang

Title: Acting Regional Manager

Date: March 5, 2024