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*: Gerald L. Brabeck
PO Box 161
Fort Peck, MT 59223

2. *Type of action*: Application for Beneficial Water Use Permit No. 40S-30105215

3. *Water source name*: Missouri River

4. *Location affected by action*: SWNWSW, Section 4, T26N, R41E, Valley County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits*: This project is to pump water out of the Missouri River for lawn and garden irrigation. The water will be used to irrigate 2 acres. This application is to use 40 gpm up to 5 acre-feet of water annually from April 1st to October 31st. The point of diversion is located in the SWNWSW, Section 4, T26N, R41E and place of use is located in the NWSWSW, Section 4, T26N, R41E, Valley County.

   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
   Montana Natural Heritage Program (website)
   Montana Department of Environmental Quality Website (TMDL 303d Listing)
   USDA Web Soil Survey
   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 Missouri River 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 Missouri River for 4508 cfs to maintain instream flows. It is unlikely that the additional volume of 5 acre-feet at a pumping rate of 40 gpm would have any impact on the 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 Missouri River is listed on the 2002 Montana 303(d) list as fully supporting drinking water, primary contact recreation, and agriculture while not fully supporting aquatic life. The probable sources for the impairment are flow regime alterations, water temperature, and alteration in stream-side or littoral vegetation cover. Due to the small size of this appropriation, no significant impact should occur.

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.*

Determination: The diversion means consists of a 3 HP Sta-Rite D Series High Head Centrifugal pump that will pump water out of the dredge cuts at a rate of 40 gpm through a 2 inch line to the pump. There will be no barriers or other constructions that will impact the channel or stream flows.

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: A report received from the Montana Natural Heritage Program indicates there are eleven species of special concern within the general area of the project. The pallid sturgeon and the least tern are listed as endangered, the piping plover is listed as threatened.

It is generally believed that the pallid sturgeon have not successfully spawned in the Missouri River, in the reach area of this project, since the construction of Fort Peck Dam due to the altered stream flows and reduced sediment levels. Pallid sturgeon prefer warmer, turbid water. Due to the small size of the appropriation, the large size of Fort Peck Reservoir and the regulated releases from the dam, it is unlikely that this appropriation would impact the pallid sturgeon.

Least Tern build nest on barren to sparsley vegetated places near water, normally on sandy gravelly substrates. 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 would not be likely to provide suitable nesting habitat for either of these species. The location of the pump site for this project is heavily vegetated.

The BLM also recognizes eight species of concern that are listed as sensitive. They are the burrowing owl, greater sage-grouse, caspian tern, loggerhead shrike, greater short-horned lizard, plains spadefoot, paddlefish, and sauger.

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

Determination: No 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.*

Determination: No known wetlands exist in the project area.

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.*

Determination: No permanent degradation to soil quality, stability or moisture content is anticipated. The soil type is Harlem silt clay loam. This soil is classified as nonsaline to moderately saline (0.0 to 8.0 mmhos/cm).

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: The control of noxious weeds is the responsibility of the property owner.

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

Determination: The pump will be electric and there will be no deterioration of air quality as a result of this appropriation.

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*:** 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 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: This project will have no significant impact on recreational or wilderness activities.

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

Determination: This project will have no significant 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 have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** None

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:*** Under the no action alternative, the applicant would not have the benefit of water for this temporary project. The applicant would have to purchase the water and truck it to the construction site.

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:***

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: Todd Netto
Title: Water Resource Specialist
Date: March 16, 2016