

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

Applicant/Contact name and address: Troy D and Christi Myers
713 N River Ave
Glendive, MT 59330

1. *Type of action:* Application for Beneficial Water Use Permit No. 40S 30118355
2. *Water source name:* Missouri River

Location affected by action: SWNE Sec 34, Twp 27N, Rge 41E, Valley County

3. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
The Applicant proposes to divert water from the Missouri River, by means of a pump, from April 15 - October 15 at 45.8 GPM up to 1.73 AF, from a point in Idlewild Park Subdivision Lot 75 SWNE Section 34, T27N, R41E, Valley County, for lawn and garden use from April 1- October 31. The Applicant proposes to irrigate lawn and garden on 0.69 acres. The place of use is generally located in SENWSW Section 34, T27N, R41E, Valley County.

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

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

Montana Department of Environmental Quality (DEQ)
 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.*

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 DFWP 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 supporting aquatic life. It was not assessed for primary contact recreation. The probable cause of impairment on aquatic life is Fort Peck Dam which impacts the natural hydrostructure flow of the river. The proposed project will not 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 screened 1.5 inch submerged intake and will not have any impacts to the river channel or create any barriers or flow modifications. The pump will be placed above water line about 20 feet from the intake. There will likely be some disturbance within the riparian area associated with the installation of the point of diversion and buried 1.5 inch conveyance pipeline; however no lasting impacts are anticipated. A 310 Permit Application will need to be filed with the Valley County CD prior to the installation of the diversion works. The Applicant began the 310 application process before this application was received by the DNRC. 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 identified a list of 20 animal species of concern within the township and range that the project is in. Of this list, Pallid Sturgeon is the only species identified by the BLM as Special Status. There were no plant species of special concern identified.

Hoary Bat	Little Brown Myotis	Great Blue Heron	Burrowing Owl	Greater Sage-Grouse	Bobolink
Caspian Tern	Loggerhead Shrike	Red-headed Woodpecker	Common Tern	Plains Hog-nosed Snake	Great Plains Toad
Northern Redbelly Dace	Blue Sucker	Iowa Darter	Shortnose Gar	Northern Pearl Dace	Paddlefish
Sauger	Pallid Sturgeon				

Pallid Sturgeon are found in the Missouri River and use large, turbid rivers over sand and gravel bottoms, usually in strong current. They use all channel types, but primarily use straight reaches with islands. The irrigation pump used is a floating pump and is not anticipated to have an effect on Pallid Sturgeon.

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.

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 type for the irrigated acres is Havre-Harlem silty clay loam of 0-2% slope. It is identified as not prime farmland if irrigated. The salinity of the soil is identified as non-saline to slightly saline (0.0 to 4.0 mmhos/cm) It is not anticipated that there will be degradation to the soil nor development of a saline seep caused by development 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 vegetation was listed as endangered or threatened by the USFWS for the project area. 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.*

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 pumping their own Missouri River water for lawn and garden use. The applicant would have to purchase water from Fort Peck Rural Water.

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: December 27, 2018