

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: F&M Ranch
PO Box 454
Culbertson, MT 59218
- 2. Type of action: Application for Beneficial Water Use Permit No. 40S 30071102
- 3. Water source name: Missouri River
- 4. Location affected by project: Sections 13, 24, 25 of T27N, R56E, Richland County
- 5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The proposed project is for a stockwater pipeline diverting water from the Missouri River. The POD is in Govt. Lot 8 of the SE Section 13, T27N, R56E, Richland County, and the place of use will be 4 stock tanks located in Sections 24 and 25 of T27N, R56E, Richland County. The flow rate for the project is 10 GPM and the diverted volume is 2.24 AF annually.

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:
Montana Natural Resource Information System (NRIS)
Montana Department of Fish, Wildlife, & Parks (DFWP)
Montana Department of Environmental Quality (DEQ)
Montana Natural Heritage Program
National Wetlands Inventory
USDA NRCS Web Soil Survey

Part II. Environmental Review

1. Environmental Impact Checklist:

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| PHYSICAL ENVIRONMENT |
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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 significant impact

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 reservation on this section of the Missouri River for 5178 CFS, effective year-round. Based on

the flow requested and the DFWP instream flow reservation, 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.

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 significant impact

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.

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 identified

The proposed project is for surface water from the Missouri River and will not have any impact on the groundwater quality or supply 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 significant impact

The diversion will consist of a floating river pump which will be installed on an already existing floating diversion structure used for irrigation diversions. Construction of the appropriation works will not have any impact on the channel, flow modifications, 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: No significant impacts

The Montana Natural Heritage Program identified a list of 17 animal species of concern within the township and range that the project is in. Of this list, the Least Tern, Whooping Crane, and Pallid Sturgeon are listed by the US Fish & Wildlife Service as endangered. The Piping Plover,

a species identified as threatened, was also identified. There were no plant species of special concern identified.

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|--------------------------|------------------------|---------------|---------------------|--------------------|----------------|
| Townsend's Big-eared Bat | Golden Eagle | Piping Plover | Black-billed Cuckoo | Great Blue Heron | Whooping Crane |
| Least Tern | Northern Redbelly Dace | Blue Sucker | Iowa Darter | Shortnose Gar | Sturgeon Chub |
| Sicklefin Chub | Paddlefish | Sauger | Pallid Sturgeon | Brimstone Clubtail | |

The Least Tern is a species that prefer unvegetated sand-pebble beaches and islands of large reservoirs and rivers in northeastern and southeastern Montana; specifically the Yellowstone and Missouri River systems. The irrigation pump used is a floating pump with a small footprint and is not anticipated to have an effect on the Least Tern.

Whooping Cranes migrate through the northeast corner of Montana, and are not known to breed in the state. It is unlikely that the proposed diversion would have any impact on the Whooping Crane.

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.

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 the plover.

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 significant impact

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

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

Determination: No impact identified

There have not been any ponds that will be impacted by this project.

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 significant impact

This project is for a stock watering pipeline system. It is not anticipated that there will be any degradation or alteration of soil quality associated with this project.

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 significant impact

The presence of leafy spurge has been identified in the project area by the Montana Natural Resource Information System website. No other noxious weeds were identified within the project area. It is not anticipated that completion of this project will establish or spread any new noxious weeds in the area. It is the responsibility of the landowner to manage any noxious weeds on their property.

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

Determination: No impacts identified

This project involves a stock watering pipeline system. The diversion pump used is electric and will not have an impact on 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 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: The DNRC archaeologist reviewed the project proposal and found no evidence of cultural or historic resources on the state land. No additional archaeological review was recommended. The project should have No Effect to Heritage Properties as defined in the State Antiquities Act.

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 potential impacts have been 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: No known environmental plans or goals will be impacted by this project.

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 access or recreational activities will be impacted by this project.

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

Determination: The proposed 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: No regulatory impacts are known.

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

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

Secondary Impacts No significant impact identified

Cumulative Impacts No significant impact 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:***
The only alternative to the proposed action would be the no action alternative. The no action alternative would be to not issue a permit to the Applicant for surface water diversion from the Missouri River to be used for stockwater. Under the no action alternative, the Applicant would have to find another way to water their stock.

PART III. Conclusion

1. Preferred Alternative

Issue a water use permit if an applicant proves the criteria in §85-2-311, MCA, are met.

2. Comments and Responses

None

3. Finding:

Yes No *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 related to the proposed project have been identified.

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

Name: Nathaniel T. Ward

Title: Water Resource Specialist

Date: May 4, 2015