

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: Rock Creek Marina LLC
715 3rd St NE
Sidney, MT 59270-4715
2. Type of action: Surface Water Application for Beneficial Water Use Permit 40E 30162596
3. Water source name: Missouri River (Fort Peck Lake)
4. Location affected by project: SWSW, Gov Lot 4, Section 19, T23N, R43E, McCone County and the SESESE, Section 24, T23N, R42E, Garfield County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Application for Beneficial Water Use Permit (40E 30162596) seeks to divert Missouri River water from Fort Peck Lake. A pump will divert water from May 1 - September 30 up to 75 GPM and 1.17 AF per year from a point in the NWSWSW Section 19, T23N, R42E, McCone County. Applicant will use water from May 1 – September 30 for commercial purposes to supply water for cabins, campgrounds, a bathhouse, and the marina in the SWSW, Gov Lot 4, Section 19, T23N, R43E, McCone County and the SESESE, Section 24, T23N, R42E, Garfield 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:
(include agencies with overlapping jurisdiction)

Montana Department of Natural Resources and Conservation (DNRC)
Montana Department of Environmental Quality Website
Montana Natural Heritage Program Website
United States Department of Agriculture Web Soil Survey
National Wetlands Inventory Website
United States Bureau of Land Management
United States Army Corps of Engineers

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 (Fort Peck Lake) has not been identified by the Department of Fish, Wildlife and Parks (FWP) as chronically or periodically dewatered. The Lake level is regulated by Fort Peck Dam.

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 (Fort Peck Lake) where the proposed point of diversion (POD) is located has been identified by the Department of Environmental Quality (DEQ) as fully supporting primary contact recreation and not fully supporting aquatic life or drinking water. It was not assessed for agricultural use. The probable cause of impairment on aquatic life and drinking water are the presence of lead and mercury, and the probable source is listed as atmospheric deposition, historic bottom deposits, and impacts from abandoned mine lands. Because the proposed project utilizes a non-community public water supply, the DEQ conducts a sanitary survey inspection every five years.

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 Applicant proposes to divert 1.17 AF of water from the Missouri River (Fort Peck Lake) at a maximum rate of 75 GPM with a 2-hp pump via a 75-ft, 2" poly pipe from the lake to the intake pump. Another section of 75-ft, 2" poly pipe delivers water from the intake pump to a PVC connection point. From here, 150-ft of 2" PVC pipe transfers water from the connection point to the first settling tank. The intake pump is controlled by a float switch in the settling tank. Water is then pumped up the hill by a separate 2-hp pump via a 175-ft, 2" PVC pipe to the

treatment facility where it passes through 6 filters and is injected with chlorine and stored in the three storage tanks for future use. This pump is also controlled by a float switch which is in holding tank 1. Holding tank 2 and 3 are connected to this tank via 2” PVC pipe. From there, water is gravity fed through 175-ft of 2” PVC pipe down to two 1.5-hp pumps located next to the settling tank. These pumps are controlled by pressure switches that turn the pumps on at 38 PSI and off at 55 PSI. From here, water is dispersed through 200-ft of 1 1/4” PVC pipe via one pump to the west mobile homes and through 600-ft of 1 1/4” PVC via a separate pump to the east mobile homes and Marina holding tank. From the Marina holding tank, the water is pumped to the Marina and campgrounds through 400-ft of 1” poly pipe. The Marina holding tank has a float switch in it that activates a solenoid to open and close to fill the tank. A pressure tank is located by the Marina holding tank that maintains water pressure between 33-55 PSI for the Marina and campgrounds. The diversion works are already in place and have been evaluated by the DEQ, so no significant impact is expected.

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 12 species of concern with Montana Status occurring in the lands surrounding the project site: Sections 13, 24, and 25, T23N, R42E and Sections 18, 19, 20, and 30, T23N, R43E. The Pallid Sturgeon are listed by the US Fish & Wildlife Service (USFWS) and the Bureau of Land Management (BLM) as Endangered. The Piping Plover is listed by the USFWS and BLM as threatened.

Species Group	Common Name
Birds	Least Tern
Birds	Loggerhead Shrike
Birds	Burrowing Owl
Birds	Piping Plover**
Birds	Greater Sage-Grouse
Fish	Blue Sucker
Fish	Paddlefish
Fish	Pallid Sturgeon*
Fish	Sauger
Reptiles	Plains Hog-nosed Snake
Reptiles	Greater Short-horned Lizard
Vascular Plants	Smooth Goosefoot

*On Endangered listing by BLM and USFWS

**On Threatened listing by BLM and USFWS

The project is located within a Core Area for sage grouse which is listed as a sensitive species by the BLM. The BLM classifies a portion of this area as a Priority Habitat Management Area. Montana's Sage Grouse Conservation strategy requires Applicants to acquire a consultation with the Montana Sage Grouse Habitat Conservation Program. It was found that the Rock Creek Marina LLC activities are consistent with recommendations by the Montana Sage Grouse Conservation Strategy.

Rock Creek Marina LLC water supply operations are monitored by the DEQ, and the infrastructure is already in place, so no significant impact is expected due to water usage or construction.

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 USFWS National Wetlands Inventory Mapper classifies the Missouri River (Fort Peck Lake) shoreline as L2USAh. This classification code description is as follows:

- System Lacustrine (L): The Lacustrine System includes wetlands and deepwater habitats with all of the following characteristics: (1) situated in a topographic depression or a dammed river channel; (2) lacking trees, shrubs, persistent emergents, and emergent mosses or lichens with 30 percent or greater areal coverage; and (3) total area of at least 8 hectares (ha) (20 acres). Similar wetlands and deepwater habitats totaling less than 8 ha are also included in the Lacustrine System if an active wave-formed or bedrock shoreline feature makes up all or part of the boundary, or if the water depth in the deepest part of the basin equals or exceeds 2.5 m (8.2 ft) at low water. Lacustrine waters may be tidal or nontidal, but ocean-derived salinity is always less than 0.5 ppt.
- Subsystem Littoral (2): This Subsystem includes all wetland habitats in the Lacustrine System. It extends from the shoreward boundary of the System to a depth of 2.5 m (8.2 ft) below low water, or to the maximum extent of nonpersistent emergents if these grow at depths greater than 2.5 m.
- Class Unconsolidated Shore (US): Includes all wetland habitats having two characteristics: (1) unconsolidated substrates with less than 75 percent areal cover of stones, boulders or bedrock and; (2) less than 30 percent areal cover of vegetation. Landforms such as beaches, bars, and flats are included in the Unconsolidated Shore class.
- Water Regime Temporary Flooded (A): Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.
- Special Modifier Diked/Impounded (h): These wetlands have been created or modified by a man-made barrier or dam that obstructs the inflow or outflow of water.

Water usage and waste disposal are in compliance with DEQ standards. Because this establishment has been in place for many years, no significant impact is expected from the development of this water right.

Determination: No significant impact.

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

Using the USFWS National Wetlands Inventory mapper, it was determined that there are no ponds in this area.

Determination: No Significant Impact

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 east half of the Rock Creek Marina place of use consists of a Busby-Twilight-Fleak complex with 8-15% slopes. The west half of the Rock Creek Marina place of use consists of a Busby-Fleak complex with 15-45% slopes. Both soil type areas are well drained, have a high capacity to transmit water (Ksat), are non/very slightly saline, and consist of a fine sandy loam.

This establishment has been in place for many years. No significant impact is expected from the 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.

One plant species (Smooth Goosefoot) is included in the species-of-concern listing around the project area. Because the project is a well-established cabin/campground area, 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 intake and booster pumps are electric and there will be no deterioration of air quality as a result of this appropriation.

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. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

According to undated Aerial imagery, the structures used by Rock Creek Marina LLC have been in place for over 40 years. Because the campground is well established, and the diversionary structures have already been constructed and put to use, the appropriation of water is not expected to cause any significant impact.

Determination: No significant Impact

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.*

Because this project contains a non-community public water supply, this facility is required to have a DEQ sanitary survey inspection every five years.

Determination: No Significant Impact

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 Rock Creek Marina LLC is accessible to the public and has been a popular summer destination for many years. The proposed water appropriation will not impact access to or the quality of recreational and wilderness activities.

Determination: No Significant Impact

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

Water usage and waste disposal are monitored by the DEQ and therefore should not have any impacts on 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: 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 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 pump from the Missouri River (Fort Peck Lake) for commercial use.

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(s) responsible for preparation of EA:

Name: Ashley Kemmis

Title: Water Resource Specialist

Date: July 23, 2024