

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:* Martin Construction Inc.  
P.O. Box 17  
Gladstone, ND 58630-0017
  
2. *Type of action:* Application for Beneficial Use Permit (40EJ-30027254)
  
3. *Water source name:* Missouri River
  
4. *Location affected by project:*  
  
The point of diversion is formally described as NE Section 31 of T22N R24E.
  
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
  
This application is to temporarily appropriate water from the Missouri River for dust abatement during road construction activities on US HWY 191. Applicant will fill a water truck at the aforementioned point of diversion to be used at various places along the highway project in both Fergus and Phillips Counties. Period of diversion and period of use will be 04/01/07 – 09/28/07. The applicant will pump at a rate of 400 gallons per minute (gpm) for a total volume not to exceed 3.1 acre-feet (af). Dust abatement techniques are used to prevent air pollution or excessive dust, which causes impaired vision on trafficked roads and in work areas, and to maintain the roads in good condition for safe and efficient operation during periods of use.
  
6. *Agencies consulted during preparation of the Environmental Assessment:*  
*(include agencies with overlapping jurisdiction)*  
  
MT Dept. of Environmental Quality - 2006 Montana Water Quality Integrated Report  
MT Natural Heritage Program - Species of Concern, T/E  
MT Dept. of Agriculture - Weed Survey and Mapping System  
USDI Fish and Wildlife Service - Wetlands Online Mapper

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<h2><b>PHYSICAL ENVIRONMENT</b></h2>
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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:* Low likelihood of impact.

This portion of the Missouri River has not been identified as a periodically dewatered stream by the Department of Fish, Wildlife and Parks (DFWP). However, the DFWP does have an instream flow reservation on this section of the Missouri River. In the reach from the Judith River to Fort Peck Lake, the instream flow reservation is for 4652 cubic feet per second (cfs) from 01/01-12/31. The MT Department of Environmental Quality (DEQ) also has an instream flow reservation for water quality of 4815 cfs in this reach of the river. A review of the mean monthly discharge data provided by the applicant from the last 10 years for the Landusky streamgauge site; indicates that the 4815 cfs reservation was met in all months for the requested period of use.

As this project will temporarily utilize less than 1.0 cfs (400 gpm) and up to 3.1 af; it is unlikely that this project will significantly impact water quantity on the Missouri River.

**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:* Low likelihood of impact.

The Missouri River in the project area is listed on the 2006 Montana 303(d) list as fully supporting agricultural and industrial uses; and partially supporting aquatic life support and warm water fishery requirements. Drinking water is not a supported use. The probable causes for the impairment are arsenic, copper, and riparian degradation. The probable sources are listed as abandoned mining, agriculture and grazing related sources.

Provided the DEQ instream water reservation is being met and given the relatively minor amount of water used for this project when compared to the total flow of the source, it is unlikely that water quality will be impacted.

**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:* Low likelihood of impact.

The proposed project will not impact ground water quality or supply.

**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:* Low likelihood of impact.

The proposed action includes utilizing a transient 37 hp pump to fill a water truck at the point of diversion. It is unlikely that any significant impacts would occur due to the diversion works.

**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:* Low likelihood of impact.

The website for USDI Fish & Wildlife Service Endangered, Threatened, Proposed, and Candidate Species lists the Pallid Sturgeon and the Black-Footed Ferret as Endangered and the Bald Eagle as Threatened in Fergus County. Many Species of Concern exist within the area of interest. (T22N R24E) In addition to the Pallid Sturgeon, there are 14 other species of concern in the Missouri River corridor including terrestrial and aquatic animal species, as well as several endangered plants. No anticipated impacts are expected to existing populations, as the project will occur on areas previously disturbed by the initial construction of US HWY 191.

**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:* Low likelihood of impact.

There are no known wetlands associated with this application. The USDI Fish & Wildlife Service – Wetlands Online Mapper has no data available for the project location.

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

*Determination:* Low likelihood of impact.

There are no known ponds associated with this application.

**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:* Low likelihood of impact.

While soil erosion and compaction may occur during project implementation, impacts should be minimal considering this project locale has been a US highway for many years.

**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:* Low likelihood of impact – minor adverse impact.

Leafy Spurge, Spotted Knapweed, Russian Knapweed, Canada Thistle, Whitetop, Dalmation Toadflax, Field Bindweed, Houndstongue, and several other noxious and invasive species can be found within the project area. While the aforementioned disturbance from the project may encourage the establishment of noxious weeds, the disturbance should be localized. In addition, it is expected that the applicant will utilize existing transportation corridors so any incremental impact from this project will be minimized.

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

*Determination:* Minor adverse impact.

Given the remoteness of the project location, it is highly likely that a generator will be utilized on-site to power the pump. As such, there may be localized impacts to air quality. However, these impacts are expected to be minor.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:* Low likelihood of impact.

Given the point of diversion's proximity to the river (within an existing campground), and the fact that the construction project will affect a previously disturbed area that has been a US highway for years; it is unlikely that any cultural resources will be impacted.

**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:* Low likelihood of impact.

No additional impacts are anticipated.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* No land management goals or environmental plans have been identified.

**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:* Low likelihood of impact.

Although driving times in the area may temporarily increase due to construction activities; the proposed action will not impact recreational activities in the area.

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

*Determination:* Low likelihood of impact.

The proposed action will have no impacts 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 impact. This project will be located on state and federal lands.

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

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

Secondary Impacts: No secondary impacts are anticipated.

Cumulative Impacts: No cumulative impacts are anticipated.

**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:**

No action alternative: Deny the application.

**PART III. Conclusion**

**1. Preferred Alternative: Action Alternative.**

**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: Douglas D. Mann

Title: Water Resources Specialist, Lewistown Regional Office

Date: 5/15/07