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: Jade Melby
PO Box 504
Baker, MT 59313

2. Type of action: Application for Beneficial Water Use Permit No: 30047754 40E

3. Water source name: Missouri River (Fort Peck Reservoir)

4. Location affected by project: SE, Sec 13 T23N R42E, Lot 40 Rock Creek Recreation Area, Garfield County, MT

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

This project is to pump water out of Fort Peck Reservoir for the purpose of lawn and garden irrigation. The application is for 15 gpm up to 0.8 AF of water annually from May 1st thru August 31st. The point of diversion is location in the NWSWSE of Sec 13, T23N R42E and the place of use is Lot 40 of the Rock Creek Recreation Area located in the NWSWSE of Sec 13, T23N R42E, Garfield County, Montana. The use of this water will allow the applicant to establish trees and a lawn on his cabin site. The applicant benefits by the establishment of a lawn and trees that will enhance the aesthetics of the property and stop the erosion of the shoreline at the edge of the property.

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 State Historic Preservation Office
Montana Natural Heritage Program
Montana Department of Environmental Quality Website (TMDL 303(d) Listing)
Montana Fish, Wildlife & Parks

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: Montana Department of Fish, Wildlife & Parks does not identify the Missouri River as chronically or periodically dewatered. It is very unlikely that 15 gpm will have an impact on the surface water flow.

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: Fort Peck Reservoir is listed on the 2008 Montana 303(d) list as partially supporting primary contact recreation and not supporting drinking water. Probable causes of impairment are native aquatic plants, and lead and mercury from atmospheric deposition. Other uses, such as agricultural, aquatic life, cold-water fishery and industrial have not been assessed.

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 is a surface water application and will have no significant affect to groundwater in this 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 means of diversion is ¾ hp Gould Jet pump. The pump will divert water, from the reservoir, at a rate of 15 gpm through a 1 ¼-inch line to a hydrant at the edge of the applicant's property. The pipeline and the associated power line will be above ground until they reach the high water mark and then both will be buried the remaining distance to the hydrant. The pipeline is approximately 180 feet long. It is a Corp of Engineers requirement that these lines are buried from the high-water mark to the edge of the applicant's property. The applicant has designed a sprinkler system that has four zones, with three sprinklers in each zone. Each sprinkler is capable of delivering 2 gpm for a total sprinkler demand of 6 gpm.

The diversion works will not have an impact on the channel, flow, barriers, riparian areas, dams and wells constructed in the area.

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 are three species of concern within the project area and a one-mile buffer area of the project. They are the Piping Plover, Interior Least Tern, and the Paddlefish. The Bureau of Land Management lists the Paddlefish as sensitive, the Piping Plover and the Least Tern as having special status. The U.S. Fish & Wildlife Service lists the Least Tern as Listed Endangered and the Piping Plover is Listed Threatened.

The Least Tern and the Piping Plover prefer nesting sites on barren islands, sandbars and open shoreline. Their occurrence extends over multiple townships. The cabin at the site of this project is in the Rock Creek Recreation Area and has been in existence for many years. There are many other cabin sites within the research area. Due to the numerous islands within the lake and the hundreds of miles of barren shoreline, this project and its small appropriation will not have any additional impact on the nesting of the Least Tern and the Piping Plover.

Due to the large storage pool of Fort Peck Reservoir, it is unlikely that this project would impact the Paddlefish.

The Bureau of Land Management also lists the Black-tailed Prairie Dog, the Borrowing Owl, the Greater Sage-Grouse, the Western Hog-nosed Snake and the Greater Short-horned Lizard as Sensitive. The distribution of these species is over multiple counties and the location of this project is specific to a less than one-acre parcel.

The project is located in a historically populated area.

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: There are no known wetlands in the project area.

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

Determination: This project does not involve a pond.

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: The soil will be temporarily disturbed when the water and power lines are trenched in. Permanent degradation to the soil quality, stability or moisture content is not anticipated. Alternately, these soil properties may be enhanced by 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: This project is located within a subdivision containing several cabin sites. After the distribution system and power line are installed, the lawn will be reseeded on that portion that is above the high-water mark.

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 power source is electric for this project and will not affect 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.*

Determination: A report from the Montana State Historic Preservation Office (SHPO) shows that nine cultural resource inventories have been previously conducted within the search area. Based on the level of the inventories, SHPO feels there is a low likelihood that this project would affect cultural properties and a cultural resource inventory is not warranted at this time.

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: This assessment did not identify any additional impacts on environmental resources of land, water and energy.

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 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 not have an impact on recreational or wilderness activities

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

Determination: This project will not have an impact on human health.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
Yes_✓__ No___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination:

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 noted.

(*b)* *Local and state tax base and tax revenues?* No significant impact noted.

(c) *Existing land uses?* No significant impact noted.

(*d)* *Quantity and distribution of employment?* No significant impact noted.

(e) *Distribution and density of population and housing?* No significant impact noted.

(f) *Demands for government services?* No significant impact noted.

(g) *Industrial and commercial activity?* No significant impact noted.

(h) *Utilities?* No significant impact noted.

(i) *Transportation?* No significant impact noted.

(j) *Safety?* No significant impact noted.

(k) *Other appropriate social and economic circumstances?* No significant impact noted.

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

Secondary Impacts: This assessment does not indicate possible secondary impacts on the physical environment and/or the human population.

Cumulative Impacts: This assessment does not indicate possible cumulative impacts on the physical environment and/or the 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:***
There are two alternatives available to the applicant. They are (1)continue use of the groundwater well or (2) a no action alternative. If the applicant were to continue the use of the well, the trees would continue to die, the lawn would continue to be weeds and the property would continue to erode. If the applicant were to follow the no action alternative, again, the trees would die, the lawn area would consist of weeds and the edges of the property would continue to erode.

PART III. Conclusion

1. ***Preferred Alternative***
The preferred alternative is the diversion of good quality water from the Fort Peck Reservoir for the purpose of Lawn and Garden irrigation.

2 ***Comments and Responses***

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:

An EIS is not required because the EA did not identify any significant impacts from the proposed project.

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

Name: /s/ Ann L Kulczyk
Title: Water Resource Specialist
Date: April 13, 2010