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:** Dennis Wick
35252 County Road 127
Sidney, MT 59270

2. **Type of action:** Application for Beneficial Water Use Permit No. 42M-30064941

3. **Water source name:** Groundwater

4. **Location affected by project:** SENENE Section 23, T23N, R59E, Richland County

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

This permit application is for the diversion of 150 gallons per minute (GPM) for a total volume of 50 Acre-feet (AF) per year by Dennis Wick. The point of diversion is a series of four wells located SENENE Section 23, T23N, R59E, Richland County. The place of use is at the same location. The water is to be used for water marketing and will be sold to Wildcat Trucking for uses related to oil exploration. The applicant will gain financial benefit from this use.

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 Department of Fish, Wildlife, & Parks
Montana Department of Environmental Quality
US Fish & Wildlife Service
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.*

Determination: The reach of the Yellowstone River where a depletion from the proposed groundwater wells may occur is not identified as a chronically or periodically dewatered stream by the Montana Department of Fish, Wildlife & Parks. The DFWP has a water reservation on this portion of the Yellowstone River to maintain instream flows. It is very unlikely that a depletion of 31 GPM would have an impact on the surface water flows.

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: The Yellowstone River is listed on the TMDL 303(d) list as partially supporting aquatic life. The impairment to aquatic life is likely due to a combination of factors that include bank vegetation alteration, hydrostructure flow modification, and heavy metals. Issuance of the requested appropriation is unlikely to have any impact 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: The groundwater aquifer indicated in this application has been shown to be hydraulically connected to the Yellowstone River. It has been determined by DNRC hydrogeologists that there will be a net depletion of 31 GPM on the Yellowstone River.

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 consist of four closely spaced wells approximately ½ from the river bank so these areas should not be impacted by construction or operation of the appropriation 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: Two animal species (whooping crane, pallid sturgeon) that are listed as "endangered" by the US Fish & Wildlife Service were identified by the Montana Natural Heritage Program. Whooping cranes are non-residents of Montana and only migrate through the state. There has been no observation of nesting pairs in the state. It is highly unlikely that this project would have any effect on migrating whooping cranes. Also, since the water diverted will be removed through groundwater stream precapture, it will not affect the pallid sturgeon. There were no plant species identified as "endangered" or "threatened" within the project 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: The only wetlands identified in the general project area were within the riparian area of the Yellowstone River. Since the project takes place outside of the riparian zone, no wetlands should be negatively impacted by this project.

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

Determination: There are no ponds identified within the project area.

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: Soil quality is not likely to degrade by this project. The soils within the project area are all well drained soils and are no prone to saline seep.

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: As there will be increased disturbance in the area it is possible that introduction or spread of weeds occurs. It will be the responsibility of the applicant to ensure that any weed spread is curtailed effectively.

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

Determination: There could be some increased dust in the air due to the project, but it is not expected to have any lasting negative impacts.

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: Not Applicable- This project is 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 other impacts 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 have been no environmental plans or goals identified that will be affected 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:

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 impacts identified

(*b)* *Local and state tax base and tax revenues?* No significant impacts identified

(c) *Existing land uses?* No significant impacts identified

(*d)* *Quantity and distribution of employment?* No significant impacts identified

(e) *Distribution and density of population and housing?* No significant impacts identified

(f) *Demands for government services?* No significant impacts identified

(g) *Industrial and commercial activity?* No significant impacts identified

(h) *Utilities?* No significant impacts identified

(i) *Transportation?* No significant impacts identified

(j) *Safety?* No significant impacts identified

(k) *Other appropriate social and economic circumstances?* No impacts identified

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

Secondary Impacts No impacts identified

Cumulative Impacts No impacts identified

3. ***Describe any mitigation/stipulation measures:*** None identified

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 the added income from water sales.

PART III. Conclusion

1. ***Preferred Alternative***
Issue a beneficial water use permit if the applicant proves the criteria in 85.2.302, 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 were identified in the environmental assessment of this proposed project.

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

Name: Nathaniel T. Ward
Title: Water Resource Specialist
Date: July 15, 2013