

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: LandTech Enterprises, LLC
PO Box 1560
Sidney, MT 56270
2. Type of action: Application for Beneficial Water Use Permit No. 42M 30064321
3. Water source name: Groundwater
4. Location affected by project: NWSNW Section 9, T24N, R58E, Richland County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The proposed project is for additional volume only from LandTech Well #201 in the NWSNW Section 9, T24N, R58E, Richland County. The project has already been completed and has been in use under an existing water right since 1985. The only change in operations associated with this permit will be an increase in the annual volume withdrawn from the well.

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:
 - US Fish & Wildlife Service
 - Montana Natural Heritage Program
 - Montana Department of Fish, Wildlife, & Parks
 - Montana Department of Environmental Quality
 - 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 Missouri River 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 Missouri River for 5178 CFS to maintain instream flows. Issuance of the requested appropriation would have no significant 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: This stretch of the Missouri River is listed on the TMDL 303(d) list as not supporting aquatic life and fully supporting drinking water and agricultural uses. It was not assessed for primary contact recreation. The impairment on aquatic life is likely due to flow regime alterations and water temperature due to flows being regulated at Fort Peck Dam. Issuance of the requested appropriation would have no significant impact on the surface 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: Modeling analysis by DNRC hydrologists shows that there is groundwater physically and legally available for appropriation at the point of diversion requested by the Applicant. The proposed appropriation will not significantly impact the ground water quality or supply. The groundwater aquifer indicated in this application has been shown to be hydraulically connected to the Missouri River. It has been determined by DNRC hydrologists that there will be a net depletion of 10.3 GPM on the Missouri River due to prestream capture associated with this application.

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 (well) have already been constructed and have been in use since 1985. This permit application is only for additional volume from the completed well.

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: The Whooping Crane has been verified in Richland County, and the area in which prestream capture will occur on the Missouri River is known to inhabit Pallid Sturgeon. Both species are identified as endangered by the US Fish & Wildlife Service. Due to the minimal depletion to the Missouri River and FWP's instream flow right, there will be no significant impact to the fish within the Missouri River relating to this project. Since this application is for additional volume only for a completed groundwater well project, granting of this application will not have any significant impacts to any endangered or threatened species.

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 identified wetlands are associated within the project area.

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

Determination: No identified ponds are associated with 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: This application is for a completed groundwater well in the Fox Hills aquifer and will not have any significant impacts to soil quality, stability, or moisture content.

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: The project has already been completed. Prevention of the spread of noxious weeds is the responsibility of the applicant.

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

Determination: There will be no significant impact to air quality associated with this project.

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: NA- Project 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 additional 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 significantly impacted by this project.

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

Determination: The proposed project will have no significant 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.

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? None identified

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

Secondary Impacts No significant impacts identified

Cumulative Impacts No significant impacts identified

3. Describe any mitigation/stipulation measures: Not Applicable

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 no action alternative is the only other viable alternative. However, this project has already been completed and has been in use since 1985. This permit application is only for additional volume.

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. 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 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: October 21, 2013