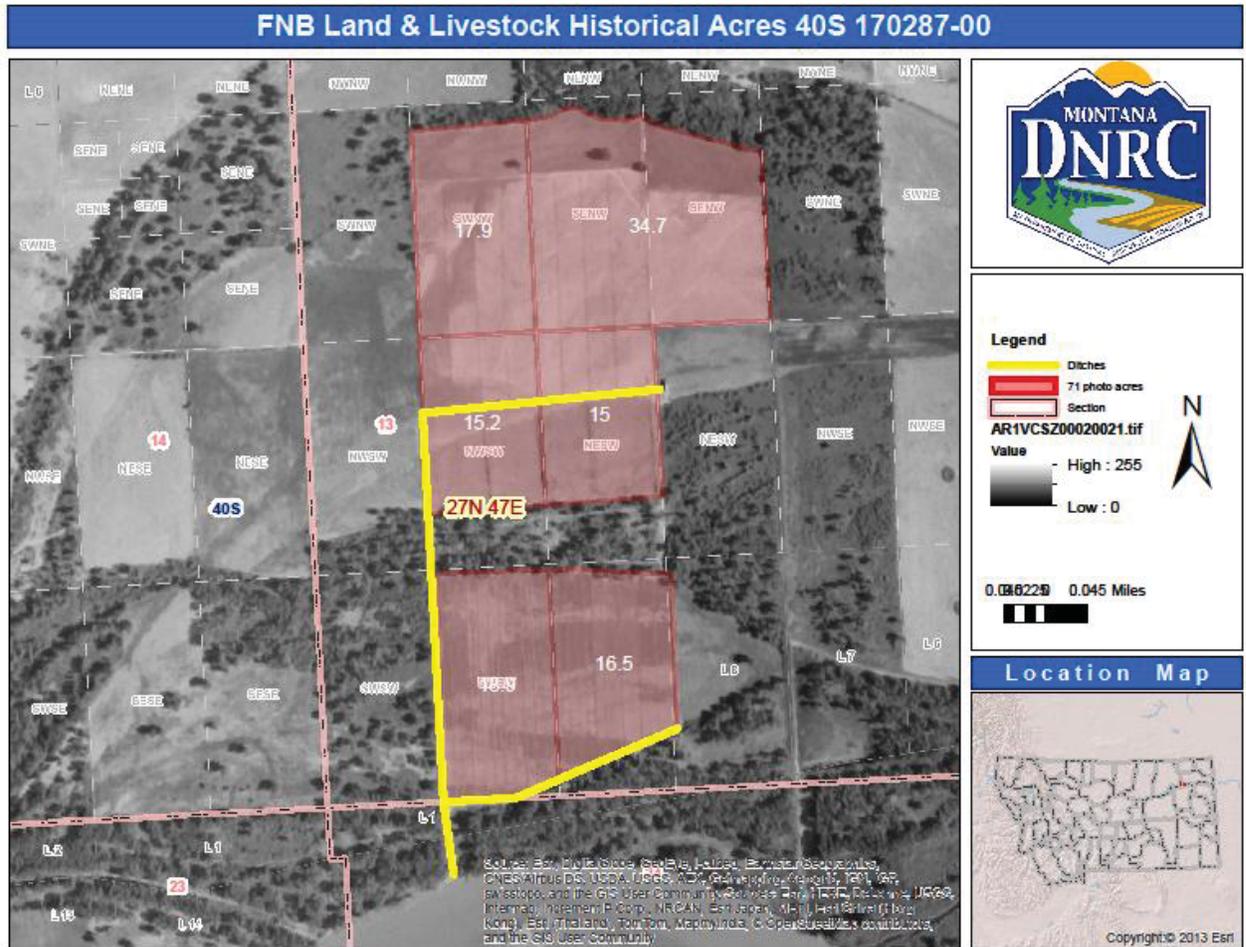


Montana Department of Natural Resources and Conservation  
 Water Resources Division  
 Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**



**Part I. Proposed Action Description**

1. Applicant/Contact name and address: FNB Land & Livestock, Inc.  
 PO Box 1020  
 Wolf Point, MT 59201
2. Type of action: Application to Change an Existing Irrigation Water Right No. 40S  
 30070637
3. Water source name: Missouri River

4. Location affected by project: The water right point of diversion and place of use are generally located one mile east of the city of Wolf Point. The specific location of the project is the W2 Section 13, T27N, R47E, Roosevelt County.
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant is proposing to change the POD from a point in the NWNWNE Section 24, T27N, R47E, Roosevelt County, to a point in the NENENW Section 24, T27N, R47E, Roosevelt County. A 15” diameter PVC pipeline will convey water 1880’ from the new pump site to the existing delivery ditch system, bypassing 500 feet of historical ditch conveyance. The new pump site will be approximately 1600’ downstream of the old pump site. No other changes are proposed; the method and pattern of irrigation will not change.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Resource Information System (NRIS)  
 Montana Department of Fish, Wildlife, & Parks (DFWP)  
 Montana Department of Environmental Quality  
 Montana Natural Heritage Program  
 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:* Authorization of the proposed change is unlikely to have any significant impact on water quantity. The proposed change is to move the point of diversion approximately 1600’ downstream. No change in the amount of water diverted will occur under authorization of this project.

The source of water is the Missouri River below Fort Peck dam. The Missouri River below Fort Peck dam has not been identified as chronically or periodically dewatered by the Montana Department of Fish, Wildlife, & Parks (DFWP). The DFWP has a water reservation on this portion of the Missouri River for 5178 CFS to maintain instream 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:* Authorization of the proposed change is unlikely to have any significant impact on water quality as there will be no change in the amount of flow or volume withdrawn from the source.

The Missouri River is listed on the TMDL 303(d) list as fully supporting drinking water, primary contact recreation, and agricultural uses, while not supporting aquatic life. The impairment on aquatic life is likely due to flow regime alterations and water temperature due to flows being regulated at Fort Peck Dam and would not be affected by authorization of the proposed change.

**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:* N/A, project is a surface water diversion.

**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 water right proposed for change is a surface water diversion in which the means of diversion has already been completed. A 310 permit was applied for in 2014 and was followed up with a pump site repair which also occurred in 2014. Authorization of the proposed change will have no impact on stream channels, flow modifications, barriers, riparian areas, dams, or well construction.

#### **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:* Authorization of the proposed change is unlikely to have any significant impact to any threatened or endangered fish, wildlife, plants, or aquatic species, or any species of special concern. It is also unlikely that authorization of this change would create a barrier to the migration or movement of fish or wildlife. There will be no change in the diverted flow or volume of the Applicant's existing water rights due to the proposed change. The Applicant contacted the Roosevelt County Conservation District about a 310 permit prior to repairing the pump site, and all diversion works for this project have already been completed.

The Pallid Sturgeon and Least Tern, species listed as "endangered" by the US Fish & Wildlife Service, and the Piping Plover, a species listed as "threatened" by the US Fish & Wildlife Service, have been identified to potentially inhabit the project area. A search of the township and range of the project area on the Montana Natural Heritage Program website also identified

11 species of concern and one special status species. A list of species can be found below. No plant species within the project area are listed as threatened, endangered, or identified as species of special concern.

Burrowing Owl	Veery	Piping Plover
Least Tern	Northern Redbelly Dace	Blue Sucker
Iowa Darter	Shortnose Gar	Sturgeon Chub
Sicklefin Chub	Pearl Dace	Paddlefish
Sauger	Pallid Sturgeon	Bald Eagle

**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 significant impacts identified. The only wetland identified by the National Wetlands Inventory in the project area is the Missouri River. This project has already been completed and water put to use; there will be no additional impacts to the resource associated with authorization of the proposed change.

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

*Determination:* No impacts identified. There were 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:* No significant impacts identified. This project has already been completed and soils consist of silty clays and sandy loams which have not been identified by the USDA Web Soil Survey as being saline in nature.

**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:* No significant impacts identified. The project area has already been developed as irrigated fields and the pump site has been installed. No documentation of weeds in the project area exists in the Montana Natural Resource Information System database. Any weeds within the project area would be the responsibility of the landowner.

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

*Determination:* No change in air quality associated with this project has been identified.

**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:* N/A- 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 other impacts to environmental resources of land, water, and energy 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 impacted by this project.

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

*Determination:* No impacts to human health associated with this project have been identified.

**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 significant impacts 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:*** No mitigation or stipulations has been proposed.

**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 only alternative is the no action alternative where the Department would not authorize a change in the Applicant's point of diversion. This is not reasonable or prudent as the project has already been completed.

**PART III. Conclusion**

**1. *Preferred Alternative***

Issue a change authorization if the Applicant proves the criteria in 85-2-402, 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 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:* November 7, 2014