

FINDING OF NO SIGNIFICANT IMPACT

**Musselshell-Judith Rural Water System
Phase 1 Construction Project**

Wheatland and Judith Basin County, Montana

**Rural Utility Services
U.S. Department of Agriculture**

Central Montana Regional Water Authority

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A. INTRODUCTION

The Central Montana Regional Water Authority plans to submit a financing request to the U.S. Department of Agriculture, Rural Utility Services (RUS) to construct the proposed the Central Montana Regional Water Project-Phase 1 in Wheatland and Judith Basin County, Montana. RUS is considering this financing request. Prior to taking a federal action (i.e., providing financial assistance), RUS is required to complete an environmental impact analysis in accordance with the National Environmental Policy Act of 1969 (NEPA) (U.S.C. 4231 et seq.), the Council on Environmental Quality's (CEQ) regulations for implementing NEPA (40 CFR Parts 1500-1508), and RD's NEPA implementing regulations, Environmental Policies and Procedures (7 CFR Part 1970). After completing an independent analysis of an environmental report prepared by the Central Montana Regional Water Authority and its consultant, RUS concurred with its scope and content. In accordance with 7 CFR § 1970.102, RUS adopted the report and issued it as the Agency's Environmental Assessment (EA) for the proposed Project. RUS finds that the EA is consistent with federal regulations and meets the standards for an adequate assessment. The Central Montana Regional Water Authority published a newspaper notice, announcing the availability of the EA for public review, in accordance with 7 CFR § 1970.102. In addition, RUS considers the proposed Project an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 USC 470(f), and its implementing regulation, "Protection of Historic Properties" (36 CFR Part 800).

B. PROJECT DESCRIPTION AND PURPOSE/NEED

The overall purpose of the Project is to provide safe and reliable drinking water to Harlowton, as well as approximately 40 rural users along the Phase 1 pipeline route. The project is needed because these communities and rural areas have poor quality of water and an unreliable supply of safe drinking water. RUS has reviewed the purpose and need for the Project and determined that the proposal will meet the present and future needs of the Central Montana Regional Water Authority.

C. ALTERNATIVES EVALUATED

1. No Action

Under the No Action Alternative, RUS would not provide financial assistance to the Central Montana Regional Water Authority, and/or the proposed Project would not be constructed. This alternative would not assist the Central Montana Regional Water Authority in providing safe and reliable drinking water to Harlowton or the 40 rural users along the Phase 1 pipeline route. Harlowton and rural users would continue to have poor quality of water and continue to be faced with challenges in obtaining reliable, safe drinking water on an annual basis.

2. Action Alternative (Preferred Alternative)

Under the Action Alternative, RUS would consider financing the proposed Project, and the Central Montana Regional Water Authority would construct the Central Montana Regional Water Project-Phase 1. The proposed project would include the installation of a pump for Well #3; construction of 12 ft by 8 ft electrical building and a 18 ft by 14.5 ft surge vault at Well #3; extension of overhead three-phase

power to the Well #2 and Well #3 sites; construction of a 12-inch diameter ductile iron pipeline from Well #3 to Well #2; construction of a 44 ft by 34 ft disinfection and control building; construction of an 84 ft diameter 550,000 gallon concrete storage tank; construction of 6,000 ft of 16-inch pipeline from the control building to the storage tank; construction of a pipeline, 47,000 ft of 16-inch and 74,500 ft of 8-inch, from the tank to the City of Harlowton; construction of two pressure reducing valve stations in 8ft by 10 ft vaults; installation of buried fiber optic cable for system control; and the installation of electrical and control systems. All pipeline will be installed by construction of standard trenches or via horizontal directional drilling. The width of a standard trench will be per the Montana Public Works Standard Specifications which is the outside diameter of the pipe plus 2 ft.

3. Alternatives Eliminated from Further Consideration

In addition to the No Action Alternative and Action Alternative, the Central Montana Regional Water Authority considered other technology and siting alternatives, which are documented in the Alternatives Evaluated Including the Proposed Action section of the EA.

D. SUMMARY OF ENVIRONMENTAL EFFECTS

The analyses in the EA documented that the proposed Project would have no adverse effects to General Land Use, Prime and Unique Farmlands and Soils, Floodplains, Wetlands, Water Resources, Biological Resources, Cultural Resources and Historic Properties, Air Quality, Socio-Economic Impact Assessment/Environmental Justice, & Miscellaneous Issues. A summary of anticipated impacts on the human environment is provided below, including any mitigation measures deemed necessary to avoid or minimize impacts. The Central Montana Regional Water Authority is responsible for implementing these measures.

A summary of mitigation for temporary impacts to environmental resources are specified in Chapter 5 of the EA. All mitigations have been developed in coordination with federal, state, county, and local agencies, and will be implemented before construction and operations. A Cultural Resource Inventory for the Musselshell-Judith Rural Water System, Phase 1, in Wheatland, Judith Basin, and Fergus Counties, Montana in August of 2017. Two historic sites were identified but are not recommended as eligible for NRHP. The MJRWS pipeline project cannot have an effect on these ineligible historic properties and no further cultural resource work is recommended. However, the former Manley Grocery Store, within the boundary of Site 24FR655, is considered historically and architecturally significant and pipeline construction work should avoid this building. Sites 24FR1277 and 24WL128 are recommended eligible to the NRHP. If construction work and equipment avoid 24FR1277, the MJRWS will cause no effect to this property and no further work is recommended. Adverse effects are possible for a 5-mile length of 24WL128/24WL222 slated for pipeline construction. Consultation between the CMRWA and Montana SHPO occurred to determine the existence of adverse effects. SHPO responded that if at any time this project becomes associated with a federal nexus, it would likely result in a No Adverse Effect determination. Prehistoric populations did favor the project area, and pipeline construction work may disturb buried prehistoric sites in the future. If any prehistoric/historic cultural materials are uncovered by pipeline construction, work will cease in the area and the Montana SHPO should be notified.

E. PUBLIC AND AGENCY INVOLVEMENT

A local newspaper advertisement, announcing the availability of the EA and participation under Section 106 of the National Historic Preservation Act, were published on April 1 & April 8 2021, in the Judith Basin Press in Judith Basin County, Montana and The Times-Clarion in Wheatland County. A copy of the EA was available for public review at Great West Engineering, 2501 Belt View Drive, Helena, MT 59601. The 30-day comment period ended on May 1, 2021. RUS received no comments.

F. FINDING OF NO SIGNIFICANT IMPACT

Based on its EA, RUS has concluded that the proposed Project would have no significant effects to General Land Use, Prime and Unique Farmlands and Soils, Floodplains, Wetlands, Water Resources, Biological Resources, Cultural Resources and Historic Properties, Air Quality, Socio-Economic Impact Assessment/Environmental Justice, & Miscellaneous Issues.. The proposed Project will utilize the Nationwide Programmatic Agreement Among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers and The Advisory Council on historic Preservation for Sequencing Section 106 (NPA) to achieve compliance with the Nation Historic Preservation Act and formally determine effects on historic properties listed or eligible for listing on the National Register of Historic Places. The proposed Project is not likely to affect federally listed species or designated critical habitat. The proposed Project would not disproportionately affect minority or low-income populations.

In accordance with the National Environmental Policy Act, as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR 1500–1508), and RD's Environmental Policies and Procedures (7 CFR Part 1970), RUS has determined that the environmental impacts of the proposed Project have been adequately addressed and that no significant impacts to the quality of the human environment would result from construction and operation of the proposed Project. Any final action by RUS related to the proposed Project will be subject to, and contingent upon, compliance with all relevant federal and state environmental laws and regulations. Because RUS action will not result in significant impacts to the quality of the human environment, RUS will not prepare an Environmental Impact Statement for its potential federal action associated with the proposed Project.

G. RUS LOAN REVIEW AND RIGHT OF ADMINISTRATIVE REVIEW

This FONSI is not a decision on a loan application and therefore not an approval of the expenditure of federal funds. Issuance of the FONSI and its notices concludes RUS environmental review process. The ultimate decision on loan approval depends upon conclusion of this environmental review process in addition to financial and engineering reviews. Issuance of the FONSI and publication of notices will allow for these reviews to proceed. The decision to provide financial assistance also is subject to the availability of loan funds for the designated purpose in RUS budget. There are no provisions to appeal this decision (i.e., issuance of a FONSI). Legal challenges to the FONSI may be filed in Federal District Court under the Administrative Procedures Act.

H. APPROVAL

This Finding of No Significant Impact is effective upon signature.

Signature

Name

Title

Date