

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

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

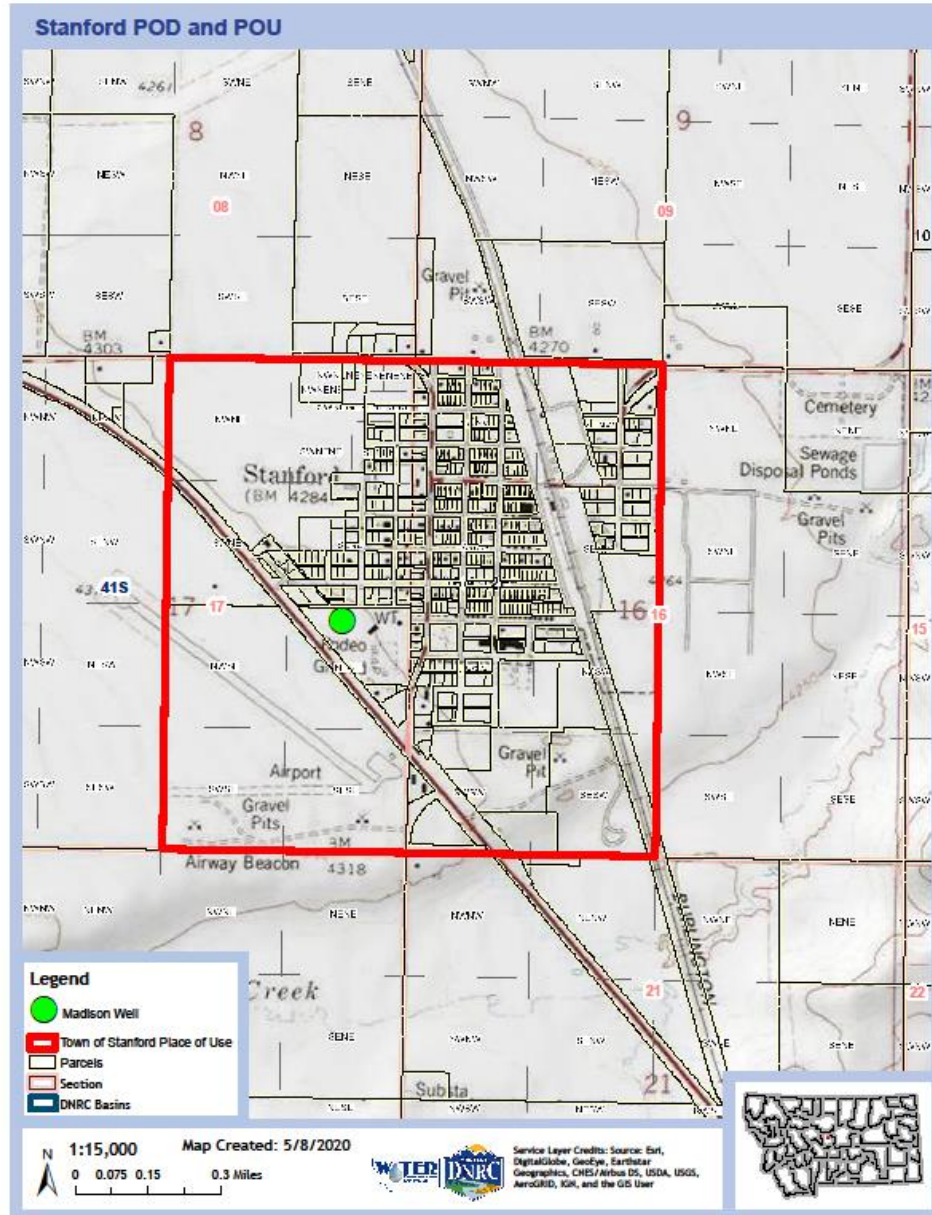
**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Town of Stanford  
PO Box 123  
Stanford, MT 59476
2. Type of action: Application to Change a Non-Irrigation Water Right 41S 30126463
3. Water source name: Groundwater (Kootenai Aquifer)
4. Location affected by project: NENESE Section 17, Township 16N, Range 12E, Judith Basin County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant is proposing to change the purpose on two existing water rights to mitigation. They will fully mitigate surface water depletions on Arrow Creek associated with a proposed appropriation for 500 GPM up to 93.9 AF from a 3,450 foot-deep well located in the NENESE Section 17, Township 16N, Range 12E, Judith Basin County. The proposed mitigation plan is to retire the well used by Statements of Claim 41S 1400-00 and 41S 102000-00. The total mitigation will be achieved at a rate of 58.2 gallons per minute (GPM) up to 93.9 acre-feet (AF) per year between the two water rights. The proposed period of diversion and use for the mitigation purpose is January 1-December 31.

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 Heritage Program  
National Wetlands Inventory



\*The above map shows the new well location and place of use for the Town of Stanford municipal use, which this change application is proposing to mitigate.

## **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: No significant impact*

The source of supply is groundwater. The Applicant is proposing to retire the water rights proposed for change to mitigate a new use of water.

**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: No significant impact*

Depletions to Arrow Creek will be offset via the Applicant's mitigation plan. There should be no difference in water quality of Arrow Creek associated with authorization of this 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: No significant impact*

The Applicant is proposing to stop diverting groundwater as a form of mitigation for a new permit. They will mitigate the full volume proposed for diversion under the new permit (93.9 AF) and as such, depletions to surface water will be offset 100% via the Applicant's mitigation plan.

**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: No significant impact*

The means of diversion is a well which was completed in 1952. Since this is a mitigation change associated with historical groundwater appropriations, there will be no channel impacts, flow modifications, barriers, dams, or riparian impacts to the surface water sources.

#### **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: No significant impact*

The Montana Natural Heritage Program identified a list of 2 animal species of concern within the township and range that the project is located in. Neither of the species identified are listed as "threatened" by the US Fish & Wildlife Service. No plant species of special concern were identified by the Montana Natural Heritage Program to potentially be in the project area. The

Applicant is going to cease diversion from a well to offset depletions associated with use of a new well. It is not anticipated that any of the species of concern will be impacted by the proposed project.

Little Brown Myotis	Hoary Bat
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**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 impact

A review of the National Wetlands Inventory does identify wetlands within the project area.

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

*Determination:* No significant impact

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 impact

This proposed beneficial use of this application is mitigation use. It is not anticipated this project will have an impact on the 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:* No significant impact

It is not anticipated that issuance of a change in purpose to mitigation will have any impacts on existing vegetative cover.

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

*Determination:* No significant impact

There will be no impacts to air quality associated with issuance of a mitigation change authorization.

**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:* No significant impact

The well is located on State School Trust Lands. It has already been drilled and the area has historically been used by the Town of Stanford as the location of multiple wells. Issuance of a mitigation change authorization would not create any impacts.

**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 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:* This 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.*

*Determination:* No regulatory impacts are known.

**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:*** None

**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 to the proposed action would be the no action alternative. The no action alternative would not allow the Applicant to mitigate surface water depletions associated with a new water right permit.

**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***

None

**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:* Program Specialist-New Appropriations

*Date:* June 3, 2020