EA Form R 1/2007

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: City of Shelby, MT
112 1st St. S
Shelby, MT 59474

2. Type of action: The city of Shelby has applied with the DNRC to request authorization to make changes to Water Right Statement of Claim Nos. 41P 192877 and 41P 192879. These water rights have a period of use from May 1 to October 31. This application, in conjunction with Change Application 41P 30072725, proposes changes in the point of diversion so all 12 points of diversion would be included on each water right as the system is physically manifold. In addition, this application proposes to temporarily change the place of use so that water historically used within the city of Shelby, along with reserved water, could serve the city of Shelby, the Crossroads Correctional Facility, and the communities of Devon, Dunkirk, Ethridge, and Big Rose Colony as their primary water source. The requested change in place of use would also include the city of Cut Bank, which would be supplemental to their existing water rights. The communities and places of use serviced by the proposed change is due to water shortages that may exist during construction of the Rocky Boy's/North Central Montana Regional Water Authority pipeline. It is proposed that the water rights will revert back to their current elements after a ten year period of time, which allows for the completion of pipeline construction. The proposed flow rate is 3,730.0 GPM and the proposed annual volume is 1,124.9 AF.

3. Water source name: All proposed changes obtain groundwater from a wellfield completed in a shallow alluvial aquifer of the Marias River system.

4. Location affected by project: The wellfield includes 13 wells located in the Southwest quarter of Section 21, Township 31 North, Range 2 West, Toole County. Figure 1 on the following page is an overview of the places of use that are associated with the project. The points of diversion are already established and are not affected by Montana basin closures or controlled groundwater areas.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a water use permit if an applicant proves the criteria in §85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment: United States Geological Survey, Montana Natural Heritage Program, Natural Resources Conservation Service (NRCS) Soils Data Website, Department of Environmental Quality, National Wetlands Inventory Website, and the Natural Resources Information System.

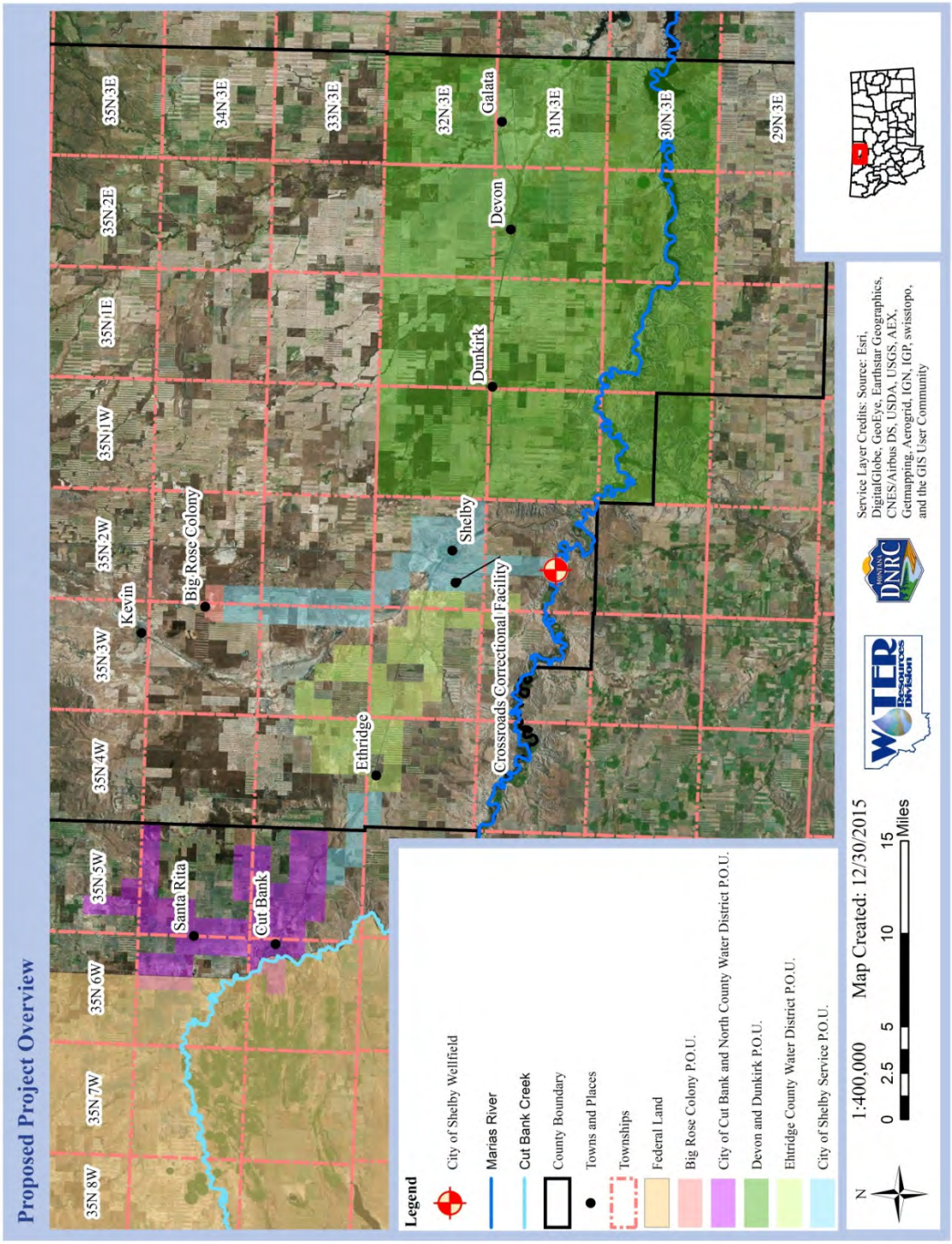

Figure 1-An overview of the service area and places of use associated with the proposed change.

Part II. Environmental Review

1. **Environmental Impact Checklist:**

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY, AND DISTRIBUTION

Water quantity- The proposed appropriation is from a groundwater source. However, surface water and groundwater are expected to behave as hydraulically connected for this highly permeable and shallow aquifer. As a result, research was conducted to discover any preexisting dewatered streams that could be adversely affected by the pumping of groundwater. The Department of Fish, Wildlife, and Parks reported that there are currently no chronically or periodically dewatered streams located within basin 41P.

Determination: It is unlikely that the proposed project will have an effect on any preexisting dewatered streams.

Water quality-The 2014 water quality information obtained from the Department of Environmental Quality's Clean Water Act Information Center indicates that the Marias River is not impaired. There are no total maximum daily load reports for the Marias River.

Determination: It is unlikely that the proposed project will cause adverse effect to water quality found in the Marias River.

Groundwater- The wellfield will be operated according to historical consumptive volumes and the historical flow rate.

Determination: No impacts to groundwater quality or supply are anticipated by the proposed project.

Diversion Works- The wellfield is currently in operation and changes are not expected for the diversion works.

UNIQUE, ENDANGERED, FRAGILE, OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – All disturbances created by the points of diversion and places of use have already occurred.

Determination: The changes proposed are intended to correct the water rights associated with the project. Therefore, no impacts to endangered and threatened species are anticipated.

Wetlands –All disturbances created by the points of diversion and places of use have already occurred.

Determination: The changes proposed are intended to correct the water rights associated with the project. Therefore, no impacts to wetlands are anticipated.

Ponds –No ponds or reservoirs are associated with the project.

Determination: Because no ponds or reservoirs are associated with the project, assessment is not applicable.

GEOLOGY/SOIL QUALITY, STABILITY, AND MOISTURE-The proposed change is to correct the water rights. All disturbances and construction has been completed.

Determination: Assessment is not applicable for proposed changes.

VEGETATION COVER, QUANTITY, AND QUALITY/NOXIOUS WEEDS-Because the places of use already exist and there is no change in land-use characteristics associated with the permit, there will be no significant impact.

Determination: Changes are to the water rights. Therefore, no impact is expected due to the proposed changes.

AIR QUALITY- The proposed change is to correct the water rights. All disturbances and construction has been completed.

Determination: No impact expected.

HISTORICAL AND ARHEOLOGICAL SITES – The proposed change is to correct the water rights. All disturbances and construction has been completed.

Determination: No assessment of unique archeological or historic sites has been performed.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY –No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS –Currently, no environmental plans or goals have been identified in the area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES –No wildlife areas or recreational land are situated adjacent to the proposed project area. Recreational and wilderness activities will not be affected by the project.

HUMAN HEALTH –Human health will not be affected by the project.

PRIVATE PROPERTY –No adverse effect on private property rights is anticipated from this development.
*Yes___ No_**x**_*

OTHER HUMAN ENVIRONMENTAL ISSUES –

Impacts on:

(a) *Cultural uniqueness and diversity?* No significant impact.
(b) *Local and state tax base and tax revenues?* No significant impact.
(c) *Existing land uses?* No significant impact. Proposed project is consistent with other land uses in the region.
(d) *Quantity and distribution of employment?* No significant impact.
(e) *Distribution and density of population and housing?* No significant impact.
(f) *Demands for government services?* No significant impact.
(g) *Industrial and commercial activity?* No significant impact.
(h) *Utilities?* No significant impact.
(i) *Transportation?* No significant impact.
(j) *Safety?* No significant impact.
(k) *Other appropriate social and economic circumstances?* No significant impact.

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

   Secondary impacts: No secondary impacts have been identified.

   Cumulative impacts: No cumulative impacts have been 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:***

   No action alternative: The applicant would not be able to develop the project as proposed.

   Alternative one: Approve the application if the applicant proves the statutory criterion has been met.

Part III. Conclusion

1. ***Preferred alternative:*** Alternative one.

2. ***Comments and Responses:*** None to date.

3. ***Finding:***
   *Yes___ No_**x**_ Based on the significance criteria evaluated in this Environmental Assessment, is an EIS required?*

   An Environmental Assessment is the appropriate level of assessment for the proposed action because no significant impacts have been identified.

Name: Mike Mahowald
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Date: December 30, 2015