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:
   Ross P. & Jennifer B. Mitchell
   131 Carney Lane
   Whitehall, MT 59759

2. Type of action: Application to Change an Existing Irrigation Water Right No. 41G 30159590

3. Water source name: Groundwater

4. Location affected by project: The Applicant proposes to change the point of diversion (POD) of Provisional Permit 41G 30153029. The proposed POD is a well in the NESENE Section 26, T1S, R5W, Madison County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposed to change the POD of Provisional Permit 41G 30153029 to add a well in the NESENE Section 26, T1S, R5W, Madison County. The proposed well will be used for 63.1 acres of irrigation between April 15 and October 15 and divert up to 138.2 AF. 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 Department of Fish, Wildlife & Parks (FWP) – Dewatered Streams Page 3 of 4 https://gis-mtfwp.opendata.arcgis.com/datasets/e0849312c41b415992a075f8696164c8_0/explore?lo cation=46.751212%2C-110.425168%2C7.85
   - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC) https://clean-water-act-information-center-mtdeq.hub.arcgis.com/
   - Montana National Heritage Program (MTNHP) – Natural Heritage Map Viewer https://mtnhp.org/mapviewer/?t=7
   - U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper
   - Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS) https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

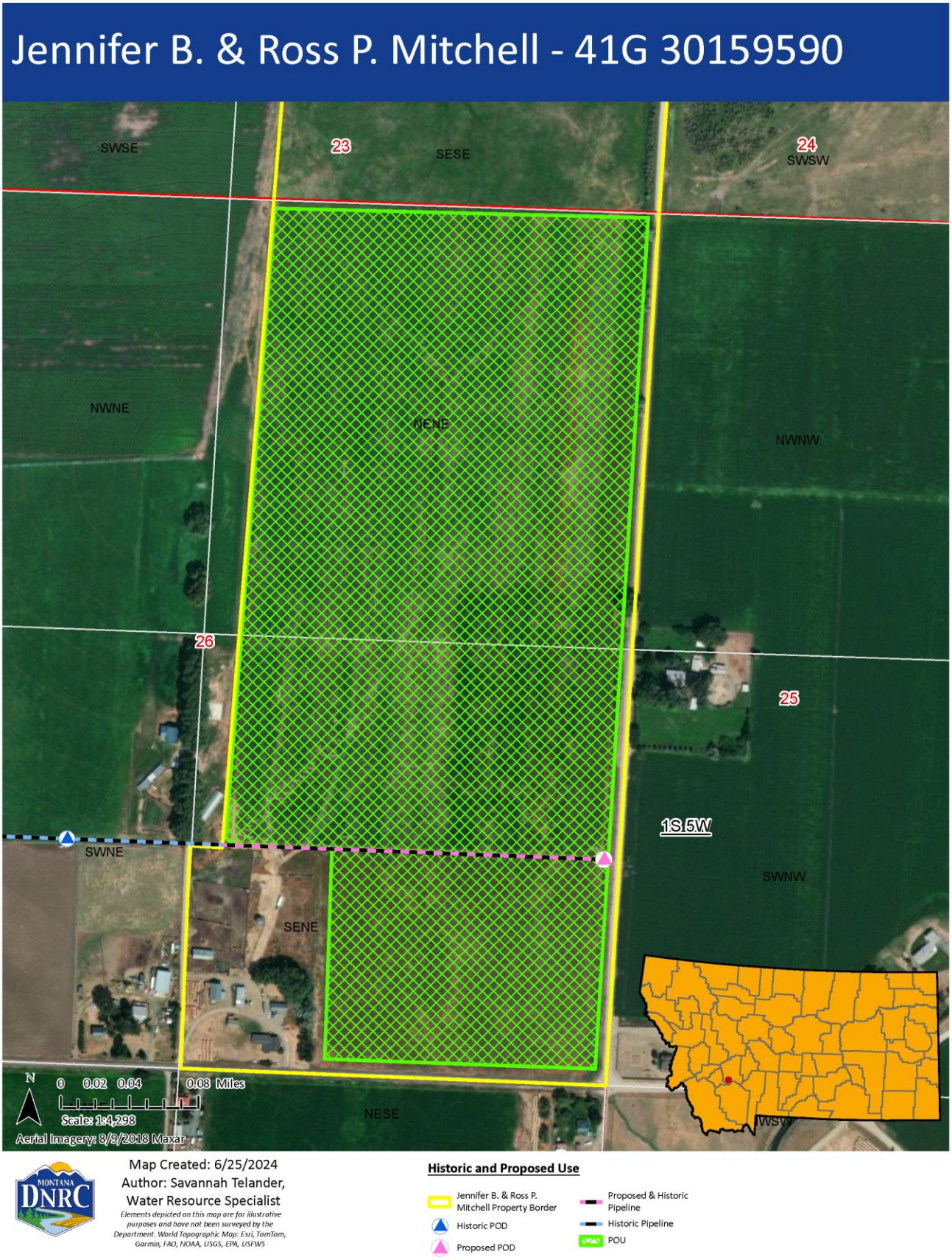

Figure 1. Change Application 41G 30159590 Historical and Proposed Use Map

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 identified.

The source is groundwater, which is not assessed by DFWP. The proposed well is not yet drilled, but the proposed location is approximately 1,600 ft east of the existing well and is assumed to be hydraulically connected to the same surface water as the existing well. Depletions to hydraulically connected surface water will not change under the proposed additional POD because no additional volume is requested. The Applicant is not proposing to change the place of use (POU), so the location of return flows will remain the same as historically.

A September 24, 2024, search of the FWP Dewatered Streams site lists the stretch of the Jefferson River identified as hydraulically connected to the source aquifer is listed for chronic dewatering. As no changes in the volume of diverted water is proposed, no significant impact on nearby surface water flows will occur.

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.

The source of water is groundwater, which is not listed by the Montana Department of Environmental Quality (MTDEQ) on the CWAIC website. Adjacent surface water quality is unlikely to be affected by the proposed well that will be drilled by a licensed well driller in accordance with the rules of the Board of Water Well Contractors.

According to a September 24, 2024, search of the DEQ CWAIC website, the stretch of the Jefferson River identified as hydraulically connected to the source aquifer is on the Montana Impaired Waters 2020 list. The Jefferson River stretch is listed as fully supporting agricultural and drinking water uses, but not fully supporting aquatic life due to contaminants, temperature, and flow regime modifications. The proposed well is unlikely to impact the surface water quality of the hydraulically connected surface water.

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 source of water is groundwater. Groundwater quality is unlikely to be affected by the proposed well, as a licensed well driller will drill the well in accordance with the rules of the Board of Water Well Contractors. The existing well permitted under 41G 92516-00 has been in use for approximately 20 years. The proposed well is located approximately 1,600 ft of the existing well. No additional volume is requested in Change Application 41G 30159590. The Jefferson River is the hydraulically connected surface water for the historical and proposed well. No change in the amount or timing of depletions to hydraulically connected surface water is expected under the proposed change.

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.

Water will be diverted from the proposed well that will be constructed by a licensed well driller located within the Applicant's property. The diversion will not create flow modifications or barriers for nearby surface water.

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. A search of the Montana Heritage Program's website on September 24, 2024, for T1S, R5W, Madison County, returned the following results:

- Twenty-Three animal Species of Concern: Long-eared Myotis, Wolverine, American Goshawk, American White Pelican, Bobolink, Brewer's Sparrow, Cassin's Finch, Clark's Nutcracker, Evening Grosbeak, Ferruginous Hawk, Golden Eagle, Great Blue Heron, Great Gray Owl, Green-tailed Towhee, Harlequin Duck, Long-billed Curlew, Mountain Plover, Pinyon Jay, Thick-billed Longspur, Trumpeter Swan, Artic Grayling, Rocky Mountain Cutthroat Trout, Westslope Cutthroat Trout
- Four animal Potential Species of Concern: Silver-haired Bat, Common Poorwill, Hooded Merganser, Rufous Hummingbird
- One animal Special Status Species: Bald Eagle
- Five plant Species of Concern: Parry's Fleabane, Slender Cottongrass, Five-leaf Cinquefoil, Mealy Primrose, Ute Ladies'-tresses
- Two plant Potential Species of Concern: Flat-toped Broomrape, Austin's Knotweed
- Zero plant Special Status Species

The proposed project is to divert and use water from a well within the Applicant's property boundary, no significant impacts will occur to threatened, endangered, or special concern species. The pumping of groundwater will not decrease surface water flows of hydraulically connected surface water to significantly impact any of the 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 impact.

A search of the USFWS National Wetlands Inventory mapper on July 19, 2024, shows no wetlands are involved in the proposed project area.

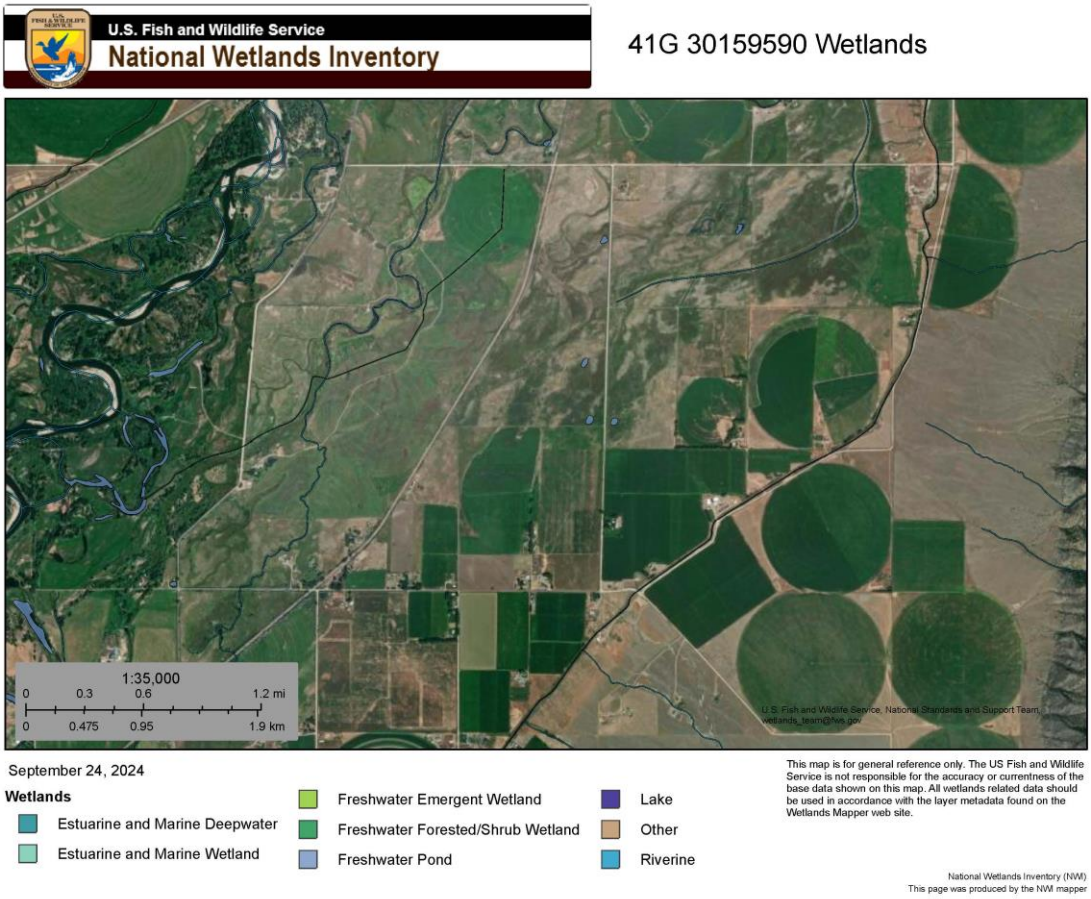

Figure 2. Map of wetlands in and near the project area

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

Determination: No impact.

No ponds are involved in the proposed project.

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.

A search of the Web Soil Survey on July 19, 2024, indicates that the proposed well is located in soils with a typical profile of sandy loam and silty loam. The soils are generally well drained with low surface salinization risk to high surface salinization risk or already saline. The proposed well will be constructed by a licensed well driller located in the Applicant's property boundary. The POU will remain as it has historically and no change in historical irrigation practices will occur as a result of the project. No degradation of soil quality or alteration of soil stability is expected with the proposed project.

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.

The proposed well will be constructed by a licensed well driller on the Applicants property. The disturbance associated with installing the proposed well should be minimal and should not promote the establishment of noxious weeds. Under Montana law, private landowners are responsible for noxious weed control on their property.

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 identified.

The proposed project will not impact air quality.

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 identified.

The proposed well is not located on State or Federal Lands. The Applicant did not mention significant historical or archeological sites on the property.

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 significant impact identified.

No impacts on environmental resources of land, water, or energy not already addressed.

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 significant impact identified.

This change is to add a point of diversion for continued irrigation use, which is a recognized beneficial use of water within Madison County and the State of Montana (§85-2-102(5), MCA).

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 significant impact identified.

The proposed change is located entirely on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

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

Determination: No significant impact identified.

The project will not impact 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 significant impact identified.
This project does not impact government regulations on 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 impact identified.

(*b) Local and state tax base and tax revenues?* No significant impact identified.

(c) Existing land uses? No significant impact identified.

(*d) Quantity and distribution of employment?* No significant impact identified.

(e) Distribution and density of population and housing? No significant impact identified.

(f) Demands for government services? No significant impact identified.

(g) *Industrial and commercial activity?* No significant impact identified.

(h) *Utilities?* No significant impact identified.

(i) *Transportation?* No significant impact identified.
(j) *Safety?* No significant impact identified.

(k) *Other appropriate social and economic circumstances?* No significant impact identified.

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

Secondary Impacts: No significant impact identified.

Cumulative Impacts: No significant impact identified.

3. ***Describe any mitigation/stipulation measures:*** Following the construction of the proposed well, the Applicant will be required to obtain a Beneficial Water Use Permit that grants the Applicant a flow rate.

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 to not allow the Applicant to add an additional point of diversion, and the Applicant would continue to irrigate the POU as it has historically.

PART III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the Change Application if the Applicant has proven the criteria of §85-2-402, MCA.

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: The EA is the appropriate level of analysis because the proposed project is to add a POD to the existing irrigation system. Agricultural irrigation is consistent with state and local plans. None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

Name of person(s) responsible for preparation of EA:

Name: Lyra Reynolds
Title: Hydrologist/Water Resources Specialist
Date: September 25, 2024