

Application to Change a Water Right 41R 30065838 by State of Montana Department of Transportation

EA Form R 1/2007

Montana Department of Natural Resources and Conservation Water Resources Division Water Rights Bureau
<b>ENVIRONMENTAL ASSESSMENT</b> <b>For Routine Actions with Limited Environmental Impact</b>

**Part I. Proposed Action Description**

Applicant/Contact name and address: Montana, State of Department of Transportation  
PO Box 201001  
Helena, MT 59620

1. Type of action: Application to Change a Water Right No. 41R 30065838

2. Water source name: Unnamed Tributary of Mud Spring Coulee

3. Location affected by project:

Project located approximately 5 miles northeast of Geraldine, Montana; more specifically the W2 of Section 8 Township 22 North, Range 12 East, Chouteau County.

4. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

5. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

Montana Natural Heritage Program  
USDA Natural Resources Conservation Service (NRCS) Soils Data Website  
Montana Dept. of Environmental Quality Website (TMDL 303d listing)  
Montana Dept. of Fish, Wildlife & Parks Website (Montana Rivers Information System)  
USDI National Wetlands Inventory Website  
Montana Natural Resource Information System

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

<b>PHYSICAL ENVIRONMENT</b>
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**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 data is found for this unnamed tributary of Mud Spring Coulee.

**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 data is found for this unnamed tributary of Mud Spring Coulee.

**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:* Minimal impacts to groundwater quality or supply are anticipated by the proposed appropriation from this Unnamed tributary of Mud Spring Coulee.

**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:* Water will be diverted from the Unnamed tributary of Mud Spring Coulee by means of a small impoundment structure located in the NWNWSW Section 8 T22N R12E, Chouteau County. The impoundment structure will create the place of use (reservoir) for Wetland purposes and be generally located in the W2 of Section 8 T22N R12E. The new project development (Wetland) will create minimal if any impacts to stream channels, flow modifications, barriers, riparian areas and/or dams.

**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:* According to the information provided by the Montana Natural Heritage program, the following chart contains specific information about the identified species:

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**Species of Concern**  
**2 Species**  
 Filtered by the following criteria:  
 Township = 22 N Range = 12 E

BIRDS (AVES)										2 SPECIES
										FILTERED BY THE FOLLOWING CRITERIA: TOWNSHIP = 22 N RANGE = 12 E
SCIENTIFIC NAME COMMON NAME TAXA SORT	FAMILY (SCIENTIFIC) FAMILY (COMMON)	GLOBAL RANK	STATE RANK	USFWS	USFS	BLM	CFWCS TIER ID	% OF GLOBAL BREEDING RANGE IN MT	% OF MT THAT IS BREEDING RANGE	HABITAT
<b>Lanius ludovicianus</b> Loggerhead Shrike	<b>Laniidae</b> Shrikes	G4	S3B			SENSITIVE	2	4%	100%	Shrubland
<b>Species verified in these Counties:</b> Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Dawson, Fallon, Fergus, Garfield, Golden Valley, Hill, Jefferson, Liberty, McCone, Meagher, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Teton, Toole, Valley, Wheatland, Wibaux, Yellowstone										
<b>Numenius americanus</b> Long-billed Curlew	<b>Scolopacidae</b> Sandpipers	G5	S3B			SENSITIVE	1	19%	100%	Grasslands
<b>Species verified in these Counties:</b> Beaverhead, Big Horn, Blaine, Broadwater, Carbon, Carter, Cascade, Chouteau, Custer, Daniels, Dawson, Deer Lodge, Fallon, Fergus, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Madison, McCone, Meagher, Missoula, Musselshell, Petroleum, Phillips, Powder River, Powell, Prairie, Ravalli, Roosevelt, Rosebud, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, Yellowstone										

The proposed project is located in a sparsely populated area primarily composed of primarily grassland/agricultural land, it is not anticipated that the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or the species of special concern identified. It is also not anticipated that the proposed project will create a barrier to the migration or movement of fish or wildlife.

**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:* There are wetlands identified from GIS mapping of the proposed project utilizing NWI data. The proposed project is Wetland development, the wetlands identified within the proposed project area will be enhanced with the completion of this project.

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

*Determination:* No existing ponds or reservoirs are associated with the proposed project therefore the assessment is not applicable.

**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:* Data from the NRCS soils website indicate the following soil types:

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Chouteau County Area, Montana (MT615)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
28	Nishon clay loam, 0 to 1 percent slopes	18.0	25.1%
68B	Gerber silty clay, 0 to 4 percent slopes	13.5	18.9%
671B	Bearpaw-Vida clay loams, 0 to 4 percent slopes	38.3	53.4%
671C	Bearpaw-Vida clay loams, 4 to 8 percent slopes	1.8	2.6%
<b>Totals for Area of Interest</b>		<b>71.7</b>	<b>100.0%</b>

Degradation of soil quality, alteration of soil stability is expected to be minimal.

**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:* Minimal impacts to the existing vegetative cover are anticipated. It is the applicant's responsibility to control noxious weeds 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 deterioration of air quality or adverse effects on vegetation due to an increase in air pollutants is expected.

**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:* NA-project is 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 additional impacts on other environmental resources were identified.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:* There are no known environmental plans or goals in this area.

**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:* The project should have no significant or harmful impact on recreational or wilderness activities.

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

*Determination:* The development should have no 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 adverse effect on private property rights is anticipated from this development.

**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
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (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

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(k) Other appropriate social and economic circumstances?

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 their project as proposed.

Alternative 1:

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

**PART III. Conclusion**

1. **Preferred Alternative:** Alternative 1.

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

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: An EA is the appropriate level of assessment for the proposed action as no significant impacts were identified.

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

Name: Kraig Van Voast

Title: Deputy Regional Manager

Date: February 20, 2014