

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: **Lewis & Clark County
316 N. Park Avenue
Helena, MT 59602-5026**
2. Type of action: **Change Application 30043957 41I**
3. Water source name: **Groundwater**
4. Location affected by project: **Sec. 13 TWP 10N RGE 4W, Lewis and Clark County**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The applicant proposes to change a portion of water right 89514 41I. The applicant proposes to change a portion of the irrigation purpose to wildlife and recreational uses as stated in §§ 85-2-102(2)(a), MCA.

The DNRC shall issue an authorization to change if the applicant has met the criteria in §§ 85-2-402, MCA.

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

**MT Natural Heritage Program - Species of Concern, T/E
The Montana Noxious Weed Survey and Mapping System
Montana Natural Resource Information System
USDA Soil Survey
Jim Beck, DNRC Civil Engineer Specialist**

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 and the proposed change is not associated with a chronically or periodically dewatered stream by DFWP.

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 is groundwater and was not listed by DEQ.

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.

This is an application which is proposing to utilize groundwater which seeps through an underground drain system and an existing irrigation well.

This is an application for a 390 gpm groundwater well dug to a depth of 18 feet. The well was completed in 1887. The well was registered with a GW4 Declaration of Vested Water Rights Form.

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. This change application is for proposed wetland mitigation which will utilize water from a ground water irrigation well to create new wetland habitat in the form of a pond.

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 MT Natural Heritage Program identified the Gray Wolf, *Canis lupus*, Brewer's Sparrow, *Spizella breweri*, Small Yellow Lady's-slipper, *Cypripedium parviflorum*, Wedge-leaved Saltbrush, *Atriplex truncata*, and Lewis's Woodpecker, *Melanerpes lewis*.

The Gray Wolf has no particular habitat preference. They are a carnivore species with a far reaching territory which encompasses many variable habitat types. These canines have been exterminated from large areas through trapping, shooting, poisoning, reduction in prey populations, direct human caused mortalities, and habitat loss. The threats to northern Rocky Mountain populations have been reduced or eliminated as evidence by the population exceeding the numerical, distributional, and temporal recovery goals each year since 2002 (USFWS).

The Brewer's Sparrow's can be abundant in sagebrush, desert, and shrubland/chaparral habitat and will breed in high densities. This species prefers habitat with tall sagebrush shrubs for nesting and song perches; and low percentage grass cover to facilitating foraging on the ground. Loss of breeding habitat and sagebrush fragmentation are a concern for this species linked to population declines.

The Small Yellow Lady's-slipper is a perennial plant that grows in fens, damp mossy woods, seepage areas, and moist forest meadow ecotones, in valley to lower montane zones.

The wedge-leaved saltbush occurs in vernal moist, alkaline soil around ponds and along streams in valleys.

The Lewis Woodpeckers are vulnerable to permanent losses of large snags necessary for nesting sites or degradation of foraging habitat. Important habitat features include an open tree canopy, a brushy understory with ground cover, and dead trees for nest cavities.

No fish species of concern were identified in the proposed project area.

The irrigation well is currently in use and it is unlikely that the proposed project would not impact these widespread 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 significant impact.** No existing wetlands are recognized by COE as a functional wetland. The proposed change would be for development of wetlands to mitigate wetland removal due to road construction.

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

Determination: **No significant impact.** This change application is for the creation of an emergent wetland and wildlife pond. No existing ponds wildlife, waterfowl, or fisheries are involved with this application.

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. The soil quality or the soil stability will not see degradation. The moisture content of the soils will be an increase in areas where the emergent wetland is created.

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 Montana Noxious Weed Survey and Mapping System did not identify any noxious weeds in the project vicinity. Since this change application is for wetland creation from an existing groundwater source there would be minimal disturbance to soils. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.

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

Determination: No significant impact. No deterioration of air quality is associated with the proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: No significant impact. The State Historic Preservation Office was not contacted about this proposed project. The land has been historically used for fish and wildlife and recreation purposes and would have already disturbed any historic sites. Since the property is located on county land, the decision to conduct a cultural inventory would be at the discretion of the land manager.

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. The proposed project should not cause any additional impacts on land water or energy resources.

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. No locally adopted environmental plans or goals are in place in the project vicinity.

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.**

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

Determination: **No significant impact.**

PRIVATE PROPERTY - Assess whether there is 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.**

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

1. **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.**
- (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 impacts were identified.**

Cumulative Impacts: **No impacts were 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:*
Under the no action alternative, the project would continue to be used as it is today. There do not appear to be alternatives.

PART III. Conclusion

1. *Preferred Alternative:* **Issue the authorization for the proposed project.**
2. *Comments and Responses:* **There have been no comments or 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: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

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

Name: **Lindsay Volpe**
Title: **Water Resource Specialist**
Date: **05/01/2009**