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: North Star Planned Unit Development
   % Dan Chovanak
   PO Box 5104
   Helena, MT 59604

2. Type of action: Application to Change a Water Right No. 41I 30065090
   (Unperfected Permit 41I 30010349)

3. Water source name: Groundwater

4. Location affected by project: Helena Valley, Section 7, T11N, R03W,
   Lewis & Clark Co.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
   This application proposes to add North Star Planned Unit Development residential phases 4, 5 and 6 to the place of use and add wells 4, 8 and 9 as authorized points of diversion of unperfected Water Use Permit 41I 30010349. The proposed change would increase the authorized number of households served from 90 to 315 and the acres of lawn and garden irrigation from 66.5 to 77.62. The purpose of the project is to provide water to the North Star subdivision at full build out for domestic and lawn and garden use. Water Use Permit 41I 30010349 allows for the appropriation of 256.25 AF, at a maximum flow rate of 285 GPM.

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

6. Agencies consulted during preparation of the Environmental Assessment:
   (include agencies with overlapping jurisdiction)
   - Montana Department of Natural Resources (DNRC), Water Management Bureau- Attila Folnagy and Russell Levens, Groundwater Hydrologists
   - Montana Natural Heritage Program (MTNHP)
   - USDA Web Soil Survey

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 impact.

The source is groundwater. The quantity of water appropriated from the source of supply (groundwater) will not increase following the proposed change.

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 impact.

The source of supply is groundwater and the applicant's wastewater is collected in a MTDEQ-regulated lagoon (lined) and is eventually land applied with little or no infiltration back to the source aquifer.

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 impact.

The quantity of water to be appropriated has already been approved per the underlying permit (41I 30010349) and will not increase with the proposed change. The applicant's wastewater is collected in a MTDEQ regulated lagoon (lined) and is eventually land applied with little or no infiltration back to the source aquifer.

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 impact.

The wells were drilled by a licensed well driller in conformity with Montana standards.

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 impact.

The Montana National Heritage Program identified two animal species of concern in the proposed project area. The animal species of concern are: great blue heron (*Ardea herodias*) and black-tailed prairie dog (*Cvnomvs ludovicianus*). The proposed project is located in the Helena Valley in an already subdivided residential area and it is not likely to impact the two species of concern.

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: The proposed project area does not include wetlands.

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

Determination: The proposed project does not involve ponds.

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 negative impact.

According to the USDA Web Soil Survey, the type of soil for proposed additional place of use is primarily Musselshell-Crago complex and Neen silt loam. Since the proposed project is a subdivision, the construction of houses and establishment of yards should increase soil stability and localized 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.

The proposed project is a subdivision and individual homeowners will be responsible for maintaining a weed management plan for 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.

There may be a slight impact to air quality due to the dust associated with construction. However, the construction will be temporary and air quality will improve as houses are completed.

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: N/A

The project is not located on State or Federal land.

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 environmental resources of land, water and energy not already addressed were 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 impact.

Lewis and Clark County has approved the platting of the North Star Subdivision.

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 impact.

The proposed project will not impact access to or the quality of recreational and wilderness activities.

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

Determination: No impact.

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: The project, in regards to the Montana Water Use Act, does not impact government regulations on private property.

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 impacts identified.

(b) *Local and state tax base and tax revenues?* Potentially the local and state tax base and revenues could increase in the area.

(c) *Existing land uses?* No impacts identified.

(d) *Quantity and distribution of employment?* An increase in residences could increase the need for services, resulting in employment opportunities.

(e) *Distribution and density of population and housing?* The increase in available housing could potentially increase the population in the Helena Valley.

(f) *Demands for government services?* An increase in residences could increase the demands for governmental services.

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

(h) *Utilities?* Yes, 225 additional homes will need utilities. However, the proposed development is not connected to a municipal water and sewer system.

(i) *Transportation?* An increase in households could increase the amount of traffic in the area.

(j) *Safety?* No impacts identified.

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

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:*** No mitigation/stipulation measures are necessary. The Applicant will be required to submit monthly flow rate and volume usage records to the Department once a year or other times upon request.

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 human/environmental impacts exist as a result in the proposed change in place of use and points of diversion. The no action alternative would leave part of the subdivision without a legal use of water.

PART III. Conclusion

1. Preferred Alternative: No significant impacts exist that would require an alternative action.

2 Comments and Responses: None at this time.

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: Jennifer Daly
Title: Water Resource Specialist
Date: July 25, 2013