

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:

Richard Maus  
200 East Williams Road  
Gallatin Gateway, MT

C/O David Baldwin  
303 Clarke, St  
Helena, MT 59601

2. Type of action: Application for a beneficial water use permit # 30029946-41H

3. Water source name: Groundwater

4. Location affected by project: A wellhead located in the NESWNW, Sec. 28, T1N, R4E, Gallatin, Co.

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

THIS APPLICATION PROPOSES TO CHANGE A PORTION OF THE FLOW RATE, VOLUME, PURPOSE AND PLACE OF USE OF CERTIFICATE OF WATER RIGHT NO. 41H-115588-00. THE PROPOSED CHANGE IS BEING USED TO MITIGATE POSSIBLE SURFACE WATER DEPLETION OF THE GALLATIN RIVER AND GROUNDWATER TRIBUTARY TO THE GALLATIN RIVER LOCATED WITHIN THE UPPER MISSOURI BASIN CLOSURE, DUE TO THE PUMPING OF PUBLIC WATER SUPPLY WELLS FOR COUNTRY'S EDGE SUBDIVISION (APPLICATION NO.30029944-41H). THE NEW PURPOSE IS MITIGATION. PART OF THE IRRIGATION WILL BE REMOVED FROM THIS WATER RIGHT TO SUPPLY WATER FOR AQUIFER RECHARGE. THE PROPOSED NEW PLACE OF USE OF THIS WATER RIGHT WILL BE IN THE E2, SEC. 19, T01N, R04E FOR MITIGATION AND 34.67ACRES IN THE W2NW, SEC. 28, T01N, R04E, GALLATIN, CO.

5. Agencies consulted during preparation of the Environmental Assessment:

Montana Natural Heritage Program, Montana Dept. of Fish, Wildlife & Parks, Montana Dept. of Environmental Quality, Gallatin County Planning Office, State Historic Preservation Office.

## **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:* The project location is near the West Gallatin River. There is an FWP Water Reservation in place for the nearby river. This project (change application) is filed in conjunction with permit application #30029944-41H to mitigate water usage for a 91 unit subdivision and associated lawn and garden. The requested volume amount is 53.0 acre-feet from the permit.

**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:* This application is for groundwater and not associated with DEQ's impaired or threatened list.

**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 adverse impact. The water will be left in the aquifer to mitigate possible impacts on the Gallatin River and surrounding groundwater from the public water supply wells.

**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:* The diversion is a well and upon field investigation appears to have been used only moderately if at all, no well head was visible.

#### **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:* The Montana Natural Heritage Program was contacted, no significant impacts will occur due to this project.

**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 wetlands have been identified in the location of this project.

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

*Determination:* This project does not include 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:* Soils in this area have been identified as well-drained. No saline issues have been identified.

**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:* The project consists of high density housing likely to have lawn grass and streets and probably sidewalks. Weeds will most likely be kept to a minimum.

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

*Determination:* Air quality may initially be reduced by the construction process. By the end of the project no deterioration should be identifiable.

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

*Determination:* SHPO has been contacted. They stated that any cultural properties that may have been in the area have already been impacted.

**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:* With an increase in population, an increase in energy, water and environmental resources follow.

## HUMAN ENVIRONMENT

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

*Determination:* Gallatin County has approved the 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 impacts have been identified.

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

*Determination:* No impacts to human health have been identified.

**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 impacts identified.

**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? No impacts identified
- (c) Existing land uses? No impacts identified
- (d) Quantity and distribution of employment? No impacts identified
- (e) Distribution and density of population and housing? No impacts identified
- (f) Demands for government services? No impacts identified
- (g) Industrial and commercial activity? No impacts identified
- (h) Utilities? No impacts identified
- (i) Transportation? No Impacts identified
- (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:

Secondary impacts from this proposed project are not anticipated. The proposed project involves the mitigation of possible surface water impacts to the Gallatin River and surrounding groundwater. A portion of the water from a groundwater well will be left in the aquifer to mitigate possible impacts on the Gallatin River and surrounding groundwater by the Country's Edge Subdivision public water supply wells.

Cumulative Impacts:

- 3. Describe any mitigation/stipulation measures:** This proposed application is for mitigation of groundwater and the Gallatin River. The application is to mitigate the possible affects on groundwater and the Gallatin river from two public water supply wells. The wells are for the Country's Edge Subdivision. The application will go through the public notice process, and water users concerned with the potential impacts will be given the opportunity to object to the application. The decision by the DNRC to grant or deny the application would not be made until these review processes are completed
- 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:**  
This mitigation change and the permit application will go through the public notice process at the same time. The subdivision is in the process of being developed. The no action alternative would prevent the applicant from mitigating the possible adverse affects of the public water supply wells from the proposed subdivision. The water use permit cannot be granted without a mitigation plan in place.

**PART III. Conclusion**

- 1. Preferred Alternative:** No preferred alternative exists at this time.
- 2. Comments and Responses:** No comments or responses have been received 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 adequate for this project.*

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

*Name:* Porter Dassenko  
*Title:* Water Resources Specialist  
*Date:* 3/15/2008