

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

**THIS ENVIRONMENTAL ASSESSMENT FOR APPLICATION NO. 411-30031012-411
(CITY OF HELENA) REPLACES THE ONE PREPARED ON MAY 2, 2008.**

Part I. Proposed Action Description

1. Applicant/Contact name and address: **City of Helena
Department of Parks and Recreation
316 N. Park Avenue
Helena, MT 59623-0002**
2. Type of action: **Application To Change A Water Right No. 411-30031012
(Statement of Claim No. 411 89213)**
3. Water source name: **Tenmile Creek**
4. Location affected by project: **SE & SWSE of Sec. 7, Twp 10N, Rge 3W, 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 the purpose, flow rate, volume,
acres, and place of use of Statement of Claim No. 89213-411 (Application to
Change No. 30031012-411). The change is to be used to mitigate possible surface
water depletion of Tenmile Creek due to the pumping of the well (Permit
Application No. 30026231-411) to be used for irrigation of grass and shrubs at
Kindrick Legion Field and Memorial Park.**

**The additional purpose would be mitigation. The additional place of use would be
the SE and SESW of Sec 7, Twp 10N, Rge 3W. 7.5 acres of irrigation will be retired
to provide water for mitigation.**

The maximum flow rate, volume, and acres for this change are as follows:

**Flow rate: 25.5 gpm
Volume: 12.28 acre-feet per year
Acres: 7.5 acres**

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

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

Montana Natural Heritage Program

The Montana Noxious Weed Survey and Mapping System
NRCS Web Soil Survey
Dan Shaffer, Tetra Tech EMI, Consultant
Bill Uthman, DNRC Hydrogeologist

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 adverse impact.**

This proposed project would not affect chronically dewatered streams as identified by the Department of Fish Wildlife and Parks. DFWP has designated Tenmile Creek from river mile 0.00 through 13.4 as chronically dewatered. The proposed project does not seek to develop water from a surface water source. The proposed application is for mitigation of Tenmile Creek.

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 adverse impact.**

This proposed project would not affect water quality in Tenmile Creek. The proposed application is to mitigate possible impacts on Tenmile Creek by the Kindrick Legion Field and Memorial Park irrigation well.

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 application involves mitigation of possible impacts to Tenmile Creek. There is no groundwater involved in this application.

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 adverse impact.**

The proposed application is to mitigate possible impacts on Tenmile Creek by the Kindrick Legion Field and Memorial Park irrigation well. The proposed project will not divert 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 adverse impact.

The Natural Heritage Program identified the Gray Wolf, *Canis lupus*; Brewer's Sparrow, *Spizella breweri*; Small Yellow Lady's-slipper, *Cypripedium parviflorum*; Wedge-leaved Saltbush, *Atriplex truncate*; Lewis's Woodpecker, *Melanerpes lewis*; Black-tailed Prairie Dog, *Cynomys ludovicianus* as species of special concern in the vicinity of the project.

None of the species are in the immediate project area boundaries. This is a well developed area in close proximity to existing infrastructure.

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 adverse impact.

There are no wetlands involved in this project.

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

Determination: No significant adverse impact.

There are no ponds involved in the 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 adverse impact.

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 identified Spotted Knapweed, Leafy Spurge, and Dalmatian toadflax as the noxious weeds in the proposed project area. The proposed project does not involve any type of construction or diversion. The proposed application is to mitigate possible impacts on Tenmile Creek by the Kindrick Legion Field and Memorial Park irrigation well.

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 adverse impact.

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 adverse impact.

The State Historic Preservation Office was not contacted about this proposed project.

The proposed application is to mitigate possible impacts on Tenmile Creek by the Kindrick Legion Field and Memorial Park irrigation well.

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 adverse impact.**

The proposed project will 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 adverse impact.**

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 adverse impact.**

This proposed project will not impact access to or the quality of recreational and wilderness activities. The project is located in the city of Helena.

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

Determination: **No significant adverse impact.**

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes ___ No X

Determination: **No 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 adverse impact.**
- (b) Local and state tax base and tax revenues? **No significant adverse impact.**
- (c) Existing land uses? **No significant adverse impact.**
- (d) Quantity and distribution of employment? **No significant adverse impact.**
- (e) Distribution and density of population and housing? **No significant adverse impact.**
- (f) Demands for government services? **No significant adverse impact.**

- (g) Industrial and commercial activity? **No significant adverse impact.**
- (h) Utilities? **No significant adverse impact.**
- (i) Transportation? **No significant adverse impact.**
- (j) Safety? **No significant adverse impact.**
- (k) Other appropriate social and economic circumstances? **No significant adverse impact.**

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

Secondary Impacts: **Secondary impacts from this proposed project are not anticipated.**

Cumulative Impacts: **Cumulative impacts from this proposed project are not anticipated.**

- 3. *Describe any mitigation/stipulation measures:* **This proposed application is for the mitigation of Tenmile Creek. The application is to mitigate possible impacts on Tenmile Creek by the Kindrick Legion Field and Memorial Park irrigation well.**
- 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.* **Permit Application No. 30026231-41I went through the public notice process and received one objection. This Change Application (30031012-41I) is to mitigate the possible affects of the permit application well on Tenmile Creek. The no action alternative would prevent the applicant from mitigating the possible adverse affects of the well. The water use permit cannot be granted without a mitigation plan in place.**

**Application for Beneficial Water Use Permit No. 30026231-41I
Application to Change a Water Right No. 30031012-41I**

PART III. Conclusion

- 1. *Preferred Alternative:* **Issue the authorization as applied for by the applicant, or in some modified form considered reasonable.**
- 2. *Comments and Responses:* **There have been no comments or responses 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: Lindsay Volpe & Kathy Arndt

Title: Water Resource Specialist

Date: May 15, 2008