

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: Eastgate Water & Sewer Association
3920 McHugh Lane
Helena, MT 59620

2. Type of action: Application to Change a Water Right # 41I 30050020

3. Water source name: Prickly Pear Creek

4. Location affected by project: The project proposes to cease irrigation of 147.8 acres in the SW quarter Section 20 T10N R2W and mitigate groundwater depletions associated with Eastgate Well #7, located in the NWNENE Section 30 T10N R2W, all in Lewis & Clark County.

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

Applicant seeks to change the point of diversion, place of use, and purpose of use of its share of Statement of Claim Nos. 41I 89277, 41I 89278, and 41I 89279. 147.8 acres are proposed to be retired with an associated consumptive volume of 134.5 acre-feet (AF), to mitigate groundwater depletions to Prickly Pear Creek from the operation of Eastgate Well #7. Eastgate Well #7 was authorized by Provisional Permit 41I 30026328 and per the Final Order in the 2009 permit proceeding, the Applicant is required to obtain authorization from the Department to the mitigation purpose.

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

Dept. of Environmental Quality Website – Clean Water Act Information Center
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper

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: Low likelihood of impact.

Prickly Pear Creek is listed as a chronically dewatered stream by DFWP. The stream reach listed as chronically dewatered begins at river mile 7.3 and ends at river mile 18.5, generally located between East Helena and Lake Helena. This stream reach of Prickly Pear Creek is the reach closest in proximity to the project location for this application. In a report dated June 20, 2007 and contained in associated permit file 41I 30026328, Department Hydrogeologist Bill Uthman stated that there is no hydraulic connection between the source aquifer and streams in the proximity of the proposed project. He stated infiltration will not occur as a result of pumping but that the proposed groundwater appropriation will intercept groundwater flow tributary to surface water that will eventually result in the development of stream depletion impacts further down-gradient in the North Helena Valley. This project will discontinue irrigation on acreage associated to three existing water rights. Provided the amount of water left in Prickly Pear Creek for the proposed mitigation project is greater than or equal to groundwater depletions from Eastgate's Well #7, there is a low likelihood of negative impacts to water quantity.

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: Low likelihood of impact.

The DEQ website shows that Prickly Pear Creek does have impairments that inhibit the streams ability to support beneficial use. The impairments are likely caused by habitat alteration, contamination from mining activities and sedimentation/siltation. This project proposes to cease diversion of water from Prickly Pear Creek and although increased flows can generally contribute to increased sedimentation/siltation, the proposed flows to be changed are insignificant when compared to the total flow in Prickly Pear Creek. There is a low likelihood that water quality will be adversely affected as a result of this project.

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: Low likelihood of impact.

Localized ground water elevations under the acres to be retired will not see seasonal contributions from historic irrigation. However, this proposal will leave water in Prickly Pear Creek to offset groundwater depletions that would eventually affect down gradient surface water sources. Assuming the Applicant will not consume more water with Eastgate Well #7, than they consumed with the historic irrigation from Prickly Pear Creek, there is a low likelihood of impact to ground water quality or supply.

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 proposed change is to retire a portion of three irrigation water rights and leave the water in Prickly Pear Creek to mitigate groundwater depletions. No diversion or conveyance facilities are necessary to cease diversion.

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: Low likelihood of impact.

The Montana National Heritage Program lists six species as Species of Concern within Township 10 North Range 2 West. The common names for these five bird species and one fish include Golden Eagle, Bald Eagle, Great Blue Heron, Veery Thrush, Bobolink and the West Slope Cutthroat Trout. No impacts to any of these species are expected as the project proposes to simply cease diversion of irrigation water.

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: Low likelihood of impact.

There are no known impacts to wetlands expected as a result of this project.

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

Determination: Low likelihood of impact.

This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.

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: Low likelihood of impact.

Because this project proposes to cease historical irrigation, there is a low likelihood of adverse impact to soil quality or stability. The soil moisture content under retired acres will decrease with a lack of irrigation, but should not cause any negative impact to soil properties.

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: Low likelihood of impact.

Since the Applicant will simply cease irrigation diversions, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner 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: Low likelihood of impact.

No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal.

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

Determination: Low likelihood of impact.

This project intends to merely leave historic irrigation water in Prickly Pear Creek to mitigate groundwater depletions; there is a low likelihood of impact to archeological or historical sites. A cultural resource inventory is unwarranted at this time.

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: Low likelihood of impact.

No additional impacts are anticipated.

HUMAN ENVIRONMENT

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

Determination: Low likelihood of impact.

No locally adopted environmental plans or goals have been identified.

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: Low likelihood of impact.

The proposed action should not negatively impact recreational activities in the area.

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

Determination: Low likelihood of impact.

No impacts to human health have been identified.

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 known impacts.

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? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **No significant impact from discontinuing irrigation.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

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:

As mentioned previously, three water rights will be partially retired to mitigate groundwater depletions authorized by Provisional Permit 41I 30026328.

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: Deny the application. This alternative would result in no change to the existing water rights for irrigation.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2. Comments and Responses

None Received.

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:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Douglas Mann

Title: Water Resources Specialist - LRO

Date: 10/7/2011