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: Mountain West Bank, NA
Represented by: W. John Tietz
Browning, Kaleczyc, Berry & Hoven P.C.
PO Box 1697
Helena, MT 59624

2. Type of action: Application for Beneficial Water Use Permit 41I 30064203

3. Water source name: 2 Groundwater Wells

4. Location affected by project: The project proposes to appropriate groundwater from two wells located in the SENESW of Section 5, Township (T) 10 North (N), Range (R) 3 West (W), Lewis and Clark County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The project proposes to appropriate groundwater from two wells located in the SENESW of Section 5, T10N, R 3W, Lewis and Clark County, in order to provide water for domestic and lawn and garden irrigation in the Glacier Point Subdivision. The applicant request 60 gallons per minute (GPM) up to 46.13 acre-feet (AF) to provide water to 85 households and 8.51 acres of lawn and garden irrigation. The water would be used year-round for domestic purposes and from April 1 to October 31 for lawn and garden irrigation. The Glacier Point subdivision is located in the NESW of Section 5, T10N, R3W. Both wells have been drilled to the depth of 167 feet by a licensed driller. The volume of water annually consumed by the proposed project (14.75 AF) would be mitigated by the partial retirement of an existing water right under change application no. 41I 30064204.

   The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311, 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)
   - Montana Department of Fish, Wildlife & Parks (DFWP)
   - 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 significant adverse impact. The proposed project is expected to cause depletions to a chronically or periodically dewatered stream, Tenmile Creek (as identified by the Department of Fish, Wildlife and Parks (DFWP)); however, the surface water depletions will be mitigated by the retirement of historically irrigated acreage. The proposed appropriation is anticipated to affect Tenmile Creek due to a hydraulic connection between the stream and the source aquifer. The proposed mitigation plan will offset depletions to Tenmile Creek by satisfying the legal demands of the historic pattern of use, which typically saw the appropriation of irrigation water from April to early July. After early July, the source is not capable of providing sufficient water to meet existing legal demands through the remainder of the irrigation season. The only water right on Tenmile Creek outside of the irrigation season is an instream flow reservation held by DFWP. The Applicant and DFPW have drafted a third party agreement which states that the mitigation plan satisfies DFWP's legal demands during the non-irrigation season.

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. The proposed project would appropriate groundwater and, therefore, should not affect surface water quality. The proposed mitigation plan would leave more runoff instream, likely improving water quality.

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. Analysis of the aquifer characteristics estimates the annual volumetric flux to be 3,906 AF/yr, while the existing legal demands are 1,473 AF/yr within the zone of influence. Given the quantity of water within the zone of influence, the quality of water will not be adversely affected by the pumping of the 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: No impact. The proposed wells, completed by a licensed well driller, are both equipped with a 5 horse power submersible pump capable of producing 60 GPM against 150 feet of head. The project will not disturb any surface water features.

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 adverse impact. The Montana National Heritage Program identified 8 animal species of concern and 2 plant species of concern in the propose project area. The animal species of concern are: great blue heron (Ardea Herodias), bald eagle (Haliaeetus leucocephalus), pinyon jay (Gvmnorhinus cvanocephalus), clark's nutcracker (Nucifraqa Columbiana), veery (Catharus fuscescens), brewer's sparrow (Spizella breweri), bobolink (Dolichonvx orvzivorus) and cassin's finch (Haemorhous cassinii). The two plant species of concern are wedge-leaf saltbush (Atriplex truncate) and small yellow lady's-slipper (Cypripedium parviflorum). The proposed subdivision is located in a previously developed area and should not adversely impact the identified 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 does not involve 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 significant adverse impact. According to the USDA Web Soil Survey, the type of soil underlying the proposed place of use is primarily Nippt-Attewan-Beaverell complex. Since the proposed project is a subdivision, the construction of houses and establishment of lawns and gardens should increase soil stability and have negligible effects to 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 deterioration of air quality during the construction phase of the subdivision. However, the construction phase will be temporary and air quality should 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 significant adverse impact. Lewis and Clark County has approved the platting of the Glacier Point 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 significant adverse impact. There are no wilderness areas immediately adjacent to the proposed project and therefore it will not impact the access to or quality of recreational and wilderness areas.

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

Determination: No significant adverse 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 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?* No significant impacts identified. Potentially, the local and state tax base and revenue could increase in the area.

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

(d) *Quantity and distribution of employment?* No significant impacts identified. The project has the potential to increase the demand for services in the Helena Valley and create employment.

(e) *Distribution and density of population and housing?* No significant impacts identified. The development of the subdivision could slightly increase the population in the Helena Valley.

(f) *Demands for government services?* No significant impacts identified. An increase in residences may increase the demands for certain governmental services. The proposed project, however, will preclude the Glacier Point subdivision from connecting to municipal water supply systems.

(g) *Industrial and commercial activity?* No impacts identified. The development is for domestic use and lawn and garden irrigation.

(h) *Utilities?* No significant impacts identified. The 85 homes to be built in the subdivision will need basic utilities; however, there shouldn't be a significant impact to utility services.

(i) *Transportation?* No significant 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 No secondary impacts have been identified.

Cumulative Impacts No cumulative impacts have been identified.

3. ***Describe any mitigation/stipulation measures:*** The applicant calculated the annual consumptive use to be 14.78 AF. Application 41I 30064204 has been submitted to the Department to change 14.78 AF of historic consumptive use historically associated with the irrigation of 27.57 acres to instream mitigation use in order to offset the annual

surface water depletions associated with pumping the Glacier Point public water supply wells. If the permit is granted, the applicant will be required to maintain and submit records to the Department of monthly the flow rate and volume appropriated.

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 reasonable alternative to the proposed action has been identified. The no action alternative would leave the subdivision without a beneficial water use permit and out of compliance with the Montana Water Use Act.

PART III. Conclusion

1. ***Preferred Alternative:*** As proposed. 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 as defined in ARM 36.2.524, therefore an EIS is not required.

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

Name: Jennifer Daly
Title: Water Resource Specialist
Date: October 11, 2013