

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:

Utility Solutions, LLC
PO Box 10098
Bozeman, MT 59719

2. Type of action: Application to Change an Existing Irrigation Water Right No. 41H 30110660. The Applicant proposes to change the place of use of Provisional Permit 41H 30046241 to add additional service area to this municipal permit.
3. Water source name: Groundwater
4. Location affect by project: See Table 1

Table 1. Located Affected by Project

Quarter Section	Section	Township	Range	County
	23	01 S	04 E	Gallatin
	24	01 S	04 E	Gallatin
	25	01 S	04 E	Gallatin
	26	01 S	04 E	Gallatin
*	35	01 S	04 E	Gallatin
	36	01 S	04 E	Gallatin
	19	01 S	05 E	Gallatin
*	20	01 S	05 E	Gallatin
*	29	01 S	05 E	Gallatin
*	30	01 S	05 E	Gallatin
	31	01 S	05 E	Gallatin
*	32	01 S	05 E	Gallatin
*	1	02 S	04 E	Gallatin
*	2	02 S	04 E	Gallatin
*	11	02 S	04 E	Gallatin
*	12	02 S	04 E	Gallatin

*	13	02 S	04 E	Gallatin
*	14	02 S	04 E	Gallatin
*	23	02 S	04 E	Gallatin
*	24	02 S	04 E	Gallatin
*	25	02 S	04 E	Gallatin
*	26	02 S	04 E	Gallatin
* N2, NW	35	02 S	04 E	Gallatin
* NE	35	02 S	04 E	Gallatin
* N2	36	02 S	04 E	Gallatin
*	5	02 S	05 E	Gallatin
	6	02 S	05 E	Gallatin
*	7	02 S	05 E	Gallatin
*	8	02 S	05 E	Gallatin
*	17	02 S	05 E	Gallatin
*	18	02 S	05 E	Gallatin
*	19	02 S	05 E	Gallatin
*	20	02 S	05 E	Gallatin
* NW	29	02 S	05 E	Gallatin
* N2, NE	29	02 S	05 E	Gallatin
* SW, NE	29	02 S	05 E	Gallatin
* N2, SE, NE	29	02 S	05 E	Gallatin
* E2, SW	29	02 S	05 E	Gallatin
* NE, SW	29	02 S	05 E	Gallatin
*	30	02 S	05 E	Gallatin
* N2	31	02 S	05 E	Gallatin
* N2, NW, NW	32	02 S	05 E	Gallatin
* SE, NW, NW	32	02 S	05 E	Gallatin
* Changed legal description for the proposed place of use				

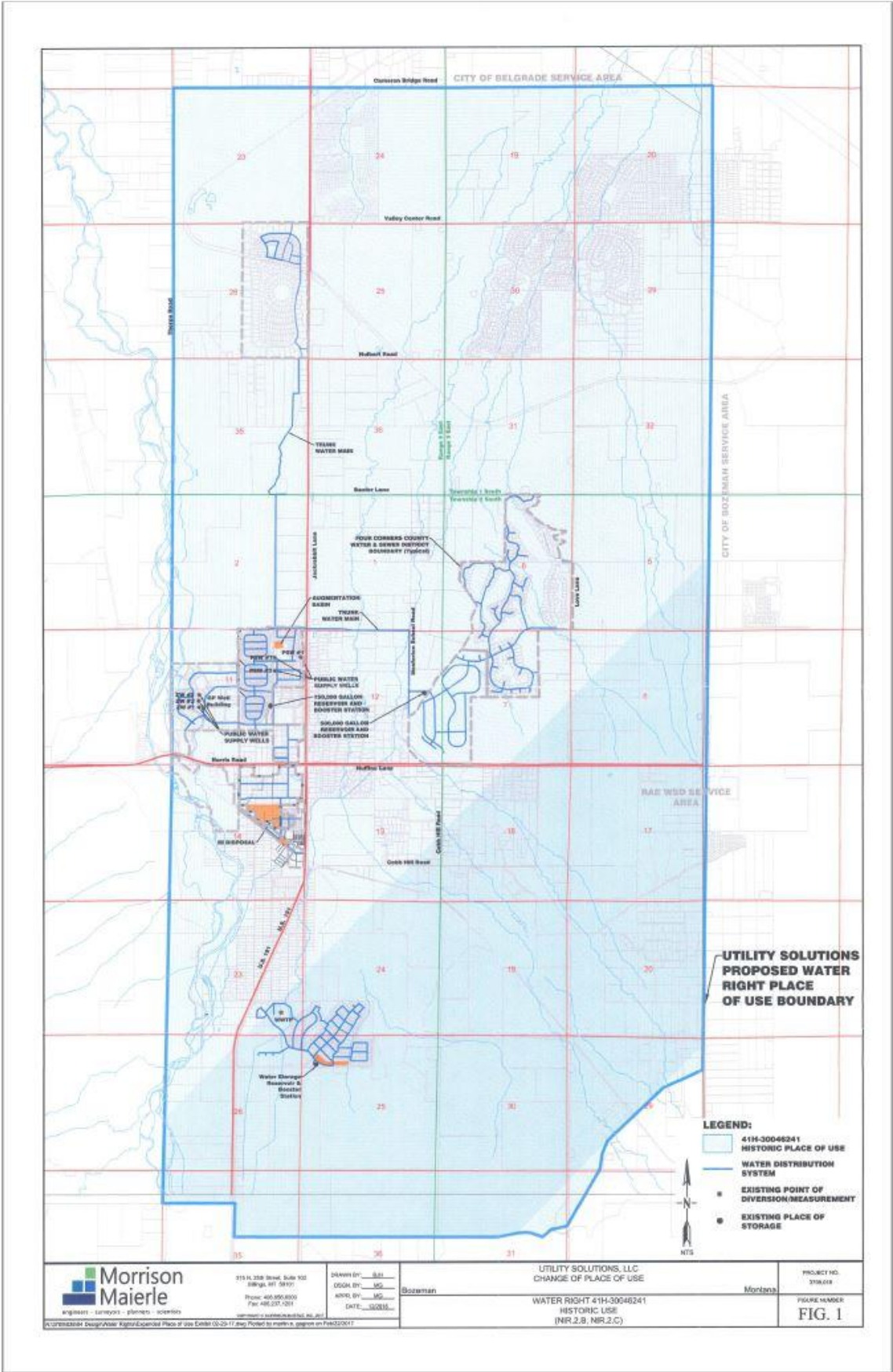


Figure 1. Map of Project Location

5. The Applicant is proposing to change the place of use for this water right to extend the service area of the utility company to include properties that fall within a gap between utility service providers. The Applicant is not proposing any changes to the points of diversion, purpose, or period of use. The volume of water authorized under this permit has not been perfected by the Applicant, and the proposed extension of the service area has been designed to fall within the authorized limitations of the Provisional Permit.

6. Agencies consulted during preparation of the Environmental Assessment:
 - Montana Department of Fish, Wildlife & Parks (FWP) – Montana Fisheries Information System (MFISH)
 - <http://fwp.mt.gov/fishing/mFish/>
 - Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
 - <http://deq.mt.gov/wqinfo/CWAIC/default.mcp>
 - Montana National Heritage Program (MTNHP) – Species of Concern:
 - <http://mtnhp.org/SpeciesOfConcern>
 - U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
 - <http://www.fws.gov/wetlands/Data/Mapper.html>
 - Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
 - <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

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 impact.

The source of water is groundwater which is not listed by DFWP. There are several surface water sources that run through and adjacent to the proposed place of use. Since the mitigation plan established by Provisional Permit 41H 30046241 addresses surface water depletions, there will be no significant impacts to water quantity by 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 significant impact identified.

The source of water is groundwater, which is not listed by the Montana Department of Environmental Quality (DEQ). These wells are unlikely to affect adjacent surface water quality, as Haggerty Drilling, a licensed driller (license number WC-353), has constructed these wells in accordance with the rules of the Board of Water Well Contractors. Additionally, wastewater from this municipal system is collected and treated prior to being returned to the aquifer via a rapid infiltration basins. The basins are operated under a DEQ discharge permit and will remain in use in the proposed change. This treatment and return of water from the municipal system will not significantly impact 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 impact identified.

The right being changed is from groundwater. Groundwater is not likely to be affected by the proposed change, as this system returns treated wastewater to the aquifer via a system of infiltration basins regulated by DEQ.

There are several surface water sources that run through or adjacent to the place of use. The mitigation plan that will remain in affect under the proposed change will prevent significant impacts to surface water sources from the operation of this municipal system. The Applicant will also be required to submit measurement reports to the Department, which will ensure there is no expansion of the authorized use of water that may significantly impact surface water supply and nearby water right owners.

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 impact identified.

Consistent with applicable laws and locally accepted practices, water will be diverted using wells with pumps, and use will be measured and reported to the Department. Haggerty Drilling, a licensed driller, has constructed these wells in accordance with rules of the Board of Water Well Contractors. No significant impacts to existing resources have been identified.

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 impact identified.

The Montana National Heritage Program's website was queried on January 8, 2018. Results are summarized below:

- Animal Species of Concern – two (2): Plains Spadefoot, *Isocapnia integra*
- Animal Potential Species of Concern – None
- Animal Special Status Species – one (1): Bald Eagle
- Plant Species of Concern – one (1): Rocky Mountain Twinpod
- Plant Potential Species of Concern – one (1): Slender Wedgegrass
- Plant Special Status Species – None

As this proposed change is to expand the service area for a municipal permit, no significant impacts will occur to threatened, endangered, or special concern species. The operation of this municipal system will not decrease surface water flows to significantly impact any of these species.

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 impacts.

According to a January 8, 2018, search of the USFWS Wetlands Mapper, there are several small, freshwater emergent wetlands within the project area. The proposed change will not create any significant impacts to these wetlands as treated wastewater is returned to the groundwater aquifer via infiltration basins regulated by DEQ.

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

Determination: No significant impact.

There are two water storage reservoirs involved in this project. These reservoirs are used for the storage and treatment of water within the municipal system. These reservoirs are not designed for the purpose of supporting fish and wildlife. The storage and treatment of water in these reservoirs will not significantly impact wildlife, waterfowl, or fisheries resources as they are lined and managed as a municipal resource.

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 impact identified.

These wells have been constructed by Haggerty Drilling, a licensed driller, in accordance with rules of the Board of Water Well Contractors, so there should not be significant impacts on nearby soil quality. The build out and maintenance of the utility infrastructure will also not significantly impact soil quality. Use of water will occur in a manner consistent with locally accepted, historic practices and will not significantly impact soil quality. A January 8, 2018, search of the NRCS WSS site did not identify any saline seeps in the area.

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 identified.

These wells have been constructed by Haggerty Drilling, a licensed driller, in accordance with rules of the Board of Water Well Contractors, so there should not be significant impacts on nearby vegetative cover. The build out and maintenance of the utility infrastructure will also not significantly impact vegetative cover. Under Montana law, owners are responsible for noxious weed control 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: No impact.

This project will not impact air quality.

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: Not applicable.

The project is not located on State or Federal Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

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 impact identified.

This municipal system requires the use of land, water, and energy resources; however, since these resources are used to provide a utility service across a widely dispersed area, no significant impacts will be created by the proposed change.

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 impact.

The water rights involved in this change are located within a basin closed to new appropriations of water, so this change shall not allow any expansion of historic use without mitigation

measures. The Applicant plans to expand the service area for an unperfected permit. There will be no expansion of historically diverted flow rate and volume which will not create any significant impacts.

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 identified.

This change is located on private property and will not affect access to recreational activities or the quality of recreational and wilderness activities.

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

Determination: No significant impact identified.

The Applicant is a utility service provider that distributes water throughout a public water supply system in accordance with the rules and regulations imposed upon these systems by DEQ. Distribution of water in this manner will not significantly 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: No impact identified.

The project does not impact government regulations on private property rights.

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 significant impacts identified.
- (f) Demands for government services? No significant impacts identified.

- (g) Industrial and commercial activity? No significant impacts identified.
- (h) Utilities? No significant 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: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

- 3. **Describe any mitigation/stipulation measures:** This change will not allow for any expansion of the historically diverted flow rate and volume of the underlying unperfected permit. Additionally, the mitigation plan, conditions, and measurement requirements placed on the underlying permit will remain enforceable under the proposed change.
- 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:** The “no action” alternative would be to not increase the service area of this right. The “no-action” alternative would leave new developments within the gaps between utility providers without a system in place for water use and wastewater disposal. Without this system, the concentration of private wells and septic systems would increase dramatically and may have a greater impact to the resources of the region.

PART III. Conclusion

1. **Preferred Alternative:** The preferred alternative is to grant the change application if Applicant has proven the criteria of 85-2-402, MCA.

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:

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

Name: Brant Lumpkin

Title: Water Resource Specialist

Date: 1/8/2018