EA Form R 1/2007

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

Applicant/Contact name and address: **HAMLIN FAMILY REVOCABLE LIVING TRUST**
1625 UNIVERSITY ST
HELENA, MT 59601-5953

1. Type of action: **Application to Change a Water Right # 41I 30071601**

2. Water source name: **Prickly Pear Creek**

3. Location affected by project:

   Applicant proposes to cease irrigation of 99.1 acres in Section 20 T10N R2W, Lewis & Clark County. The project proposes to change three supplemental irrigation water rights to the purpose of Marketing for Mitigation or Aquifer Recharge. The proposed service area is Prickly Pear Creek located between the historic point of diversion in the SESENE Section 36 T10N R3W (headgate for Company Ditch), and the SWSW Section 23 T11N R3W, the point where Prickly Pear Creek discharges into Lake Helena.

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

   Applicant proposes to change three supplemental irrigation water rights to the purpose of Marketing for Mitigation or Aquifer Recharge. The proposed amount to be changed is 2.97 CFS and a consumed volume of up to 96.7 acre-feet (AF) annually. It should be noted that the Applicant shares the three water rights to be changed with Eastgate Water and Sewer Association, hereafter Eastgate. The change will provide the Applicant's portion of the above-noted water rights to be left instream as a means to mitigate future consumptive uses.

5. 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: **No Significant 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 within the reach being mitigated by the proposed application. This project will discontinue irrigation on acreage associated to three existing water rights to mitigate future regional groundwater depletions. As the mitigation volume will be limited to 96.7 AF (historic flood irrigation use), there are no significant, negative impacts to water quantity expected.

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.**

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. Water quality in Prickly Pear Creek should not 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: **No Significant Impact.**

Localized ground water elevations under the acres to be retired will not see seasonal contributions from historic irrigation. This proposal will leave water in Prickly Pear Creek to offset groundwater depletions that would eventually affect regional down gradient surface water sources.

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.**

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: **No Significant 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: **No Significant 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: **No Significant 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: **No Significant 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: **No Significant Impact.**

Since the Applicant will 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: **No Significant Impact.**

No impacts to air quality or adverse effects to vegetation from air quality 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: **No Significant 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: **No Significant 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: **No Significant 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: **No Significant 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: **No Significant 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:

Secondary impacts from this project are expected to be minor. Groundwater withdrawals can be mitigated with the historic volume used for irrigation being left in Prickly Pear Creek between East Helena and Lake Helena.

Cumulative Impacts:

As more development occurs in the Helena Valley, there will be increased demands of water for domestic, irrigation, stock, and other beneficial uses. The increased

demand will eventually result in a higher potential for significant impacts to the flows of regional surface water sources. Retiring historic irrigation has the potential to offset impacts from these increased demands.

3. ***Describe any mitigation/stipulation measures:***

As mentioned previously, three water rights will be retired to mitigate groundwater depletions. The Department may deem specific conditions necessary to meet the statutory criteria for changes set forth at § 85-2-402, MCA. These conditions would be required in the Departments' preliminary determination, if applicable.

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: Hydrologist - LRO
Date: 10/7/2015