

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: Yellowstone County  
Attn: Commissioner Bill Kennedy  
PO Box 35000  
Billings, MT 59107
2. Type of action: Application for Beneficial Water Use Permit
3. Water source name: Yellowstone River
4. Location affected by project: Sec. 12, T3S, R21E Stillwater County, Sec. 4, T2S, R24E, Yellowstone County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to divert water from the Yellowstone River, by means of a headgate, at 225 GPM up to 21.25 AF, for irrigation use on 8.5 acres of cemetery. 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 Natural Heritage Program                   | Endangered-Threatened Species |
| Montana Department of Fish Wildlife & Parks (MFWP) | Dewatered Stream Information  |
| Montana Department of Environmental Quality (MDEQ) | TMDL Information              |

**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:* minor impact

Yellowstone River from Springdale to the Bighorn River is on the DFWP list of periodically dewatered streams. There will be some depletion on the Yellowstone River during the period of diversion. A comparison of the physical and legal availability within the affected stream reach showed water is available for appropriation throughout the period of diversion.

**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 impact

The Yellowstone River from Bridger Creek to City of Laurel PWS is listed on the MDEQ 303(d) list as category 2, 2A meaning available data and/or information indicate that some, but not all of the beneficial uses are supported. Water from this appropriation will be used for sprinkler irrigation of cemetery lands, any runoff would enter the High Ditch which does not return to the Yellowstone River.

**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 impact

This surface water will be used for sprinkler irrigation of cemetery; there may be some groundwater recharge from this use of water.

**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 headgate, canals and pump that will be used for this project are already in place, there will be no change to the channel, flows, barriers, or riparian areas.

#### **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 impact

The Montana Natural Heritage Program identified the following species of concern within the project area: Black tailed Prairie Dog, Baird's Sparrow, Great Blue Heron, Yellow-billed Cuckoo, Pinyon Jay, Spiny Softshell, Yellowstone Cutthroat Trout, Sauger, Arctic Grayling, Porcupine, Plumbeous Vireo, Brook Stickleback, Burbot, and Bald Eagle. The point of diversion has been in existence for over 100 years so there will be no impact at that site, the proposed place

of use is located near the city of Laurel and their airport, there should be no adverse impact to any species of concern within this project area.

**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 impact

This project does not involve any wetlands.

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

*Determination:* no impact

This project does not involve any 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 impact

The project area is comprised of Shorey gravelly loam, Keiser silty clay loam and Toluca clay loam. The soil types in the area well drained and good for farming. There is very low likelihood of soil degradation, alteration of stability or moisture content, or saline seep due to this proposed use of water.

**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 impact

The project area will be a cemetery; the applicant is expected to prevent the establishment or spread of 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 impact

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

**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: NA-project not located on State or Federal Lands*

**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 impact*

There should be no significant impacts on other environmental resources of land, energy or water from this proposed use.

## **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 impact*

This proposed use is not inconsistent with locally adopted environmental plans and goals for Yellowstone County.

**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*

The project is located in an area that has already been developed; this project should have no impact on recreational or wilderness activities.

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

*Determination: no impact*

There should be no significant impact on human health from this proposed use.

**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*

**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 significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

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

Secondary Impacts None identified.

Cumulative Impacts This application is being processed simultaneously with another application from Yellowstone County and State of Montana Board of Land Commissioners for another portion of the same cemetery. The two water rights would utilize the same point of diversion and same flow rate. They would have separate volumes and places of use.

**3. *Describe any mitigation/stipulation measures:*** The applicant would be required to cease diverting water if a call is made by a senior water user.

**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 proposed activity is reasonable, and is within accepted practices for irrigation water use. The no action alternative would mean that the applicant could not use this water for irrigation and would likely try to use municipal water instead.

**PART III. Conclusion**

1. **Preferred Alternative** To authorize the beneficial water use permit.

2. **Comments and Responses**

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: No significant impacts were identified. No EIS required.

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

Name: Christine Smith

Title: Water Resources Specialist

Date: January 22, 2014