

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: US Department of Interior – Bureau of Land Management, 5001 Southgate Drive, Billings, MT 59101
2. Type of action: Surface Water Permit Application
3. Water source name: Unnamed Tributary to the Yellowstone River
4. Location affected by project: NESESE Section 21 T3N R30E and NWSWSW Section 22 T3N R30E, Yellowstone County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The applicant proposes to divert water from an unnamed tributary (UT) to the Yellowstone River, by means of a solar powered pump, from May 1 through September 30 at 11 GPM up to 1.55AF, from a point in the NESESE section 21 T3N R30E, Yellowstone County for wildlife habitat use from May 1 through September 30. The Applicant proposes to create a brooding pod on 0.092 AC. The place of use is generally located in NESESE section 21 and NWSWSW section 22 T3N R30 E, Yellowstone County. The place of use is approximately 0.8 miles SE of Pompey’s Pillar. 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 and Conservation
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
Montana Natural Heritage Program
United States Fish and Wildlife Service
United States Natural Resource and Conservation Service
United States Bureau of Land Management

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - The unnamed tributary (UT) to the Yellowstone River is not identified as a dewatered stream. It is a waste ditch of the Huntley Project irrigation system and is dependent on diversions for that project not natural stream hydrographs. Taking 11 GPM from the UT will have no effect on water quantity in the UT or in the Yellowstone River.

Determination: No Impact.

Water quality – The UT is not listed as an impaired water source. The proposed project will filter water through non-fertilized soils and will potentially improve water quality.

Determination: No Impact

Groundwater – Although minor quantities of water may infiltrate into the groundwater as a result of this project and so improve groundwater quantity, in general, the project will not affect groundwater.

Determination: No Impact

DIVERSION WORKS – The diversion works are a solar powered pump that provides 3300 gallons per day and approximately 130 feet of 2 inch pipe. A buried perforated spring box acts as a pump intake point. The diversion works do not create a barrier, do not modify flow, and have no effect on riparian areas. The UT is 15 feet wide and up to 6 feet deep, has roughly laminar flow and no riparian area associated with the channel.

Determination: No Impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - The Montana Natural Heritage Program lists 12 animal species of concern including the Black-tailed Prairie Dog, the Spotted Bat, the Hoary Bat, the Little Brown Myotis, the Great Blue Heron, the Greater Sage Grouse, the Black-billed Cuckoo, the Bobolink, the Loggerhead Shrike, the Spiny Softshell, the Greater Short-horned Lizard and the Sauger. There are no listed plant species of concern. The project disrupts less than a tenth of an acre of previously agricultural land. The State of Montana, Office of the Governor has issued Executive Order No. 12-2015 creating the Montana Sage Grouse Oversight Team and the Montana Sage Grouse Habitat Conservation Program. The proposed place of use falls within currently mapped general sage grouse habitat. This application was received prior to the effective date of the Order and is not subject to the core area stipulations. The project creates no barriers and improves habitat.

Determination: No Impact

Wetlands – The project involves no wetlands. There are several emergent palustrine wetlands with a half mile of the project primarily along the Yellowstone River. The proposed project would not change water availability to existing wetlands and does not include any existing wetlands within the area of the project.

Determination: No Impact

Ponds – The proposed project does not involve ponds.

Determination: No Impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The only soil in the project area is Hysham-Laurel silty clay loam with 0 to 2% slopes. This soil is moderately well drained and moderately to strongly saline. Given the low slopes and minimal amount of applied water, it is unlikely that there would be degradation of the soil quality, instability or saline seep even given the high salt content.

Determination: No Impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – The area of the project has been in agricultural production and existing vegetative cover consists of crops. The solar pump and pipes are in place and there is little chance of establishment or spread of noxious weeds.

Determination: No Impact

AIR QUALITY – There are no effects to air quality. Even the pump is solar powered.

Determination: No Impact

HISTORICAL AND ARCHEOLOGICAL SITES – According to Craig Drake with the BLM, the infrastructure for the project is entirely in place and the site was previously disturbed by the creation of the waste ditch and existing agriculture. There would be no degradation of archeological or historical sites as a result of the project.

Determination: No Impact

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – No other impacts on environmental resources are recognized.

Determination: No Impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known local environmental plans or goals.

Determination: No Impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – The extremely small scale of the project and its location well removed from recreational or wilderness areas

insure that no recreational or wilderness activities or access to those activities would be impacted.

Determination: No Impact

HUMAN HEALTH – There are no impacts on human health from the small habitat project.

Determination: No Impact

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: Not Applicable

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: No secondary impacts due to the habitat project are recognized.

Cumulative Impacts: There are no pending applications or other projects in the vicinity of the habitat project and no cumulative impacts.

3. ***Describe any mitigation/stipulation measures:*** None

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:*** There are only two alternatives to the proposed project: proceed as proposed or the no action alternative. The no action alternative prevents the applicant from providing habitat as part of their public duty. Because no significant impacts to the proposed project are anticipated, the no action alternative has no benefit over proceeding.

PART III. Conclusion

1. ***Preferred Alternative:*** Issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

- 2 ***Comments and Responses:*** None

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: The environmental assessment found no significant impacts associated with the proposed action and therefore is the appropriate level of analysis.

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

Name: Mark Elison
Title: Hydrologist
Date: 2/4/2016