

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

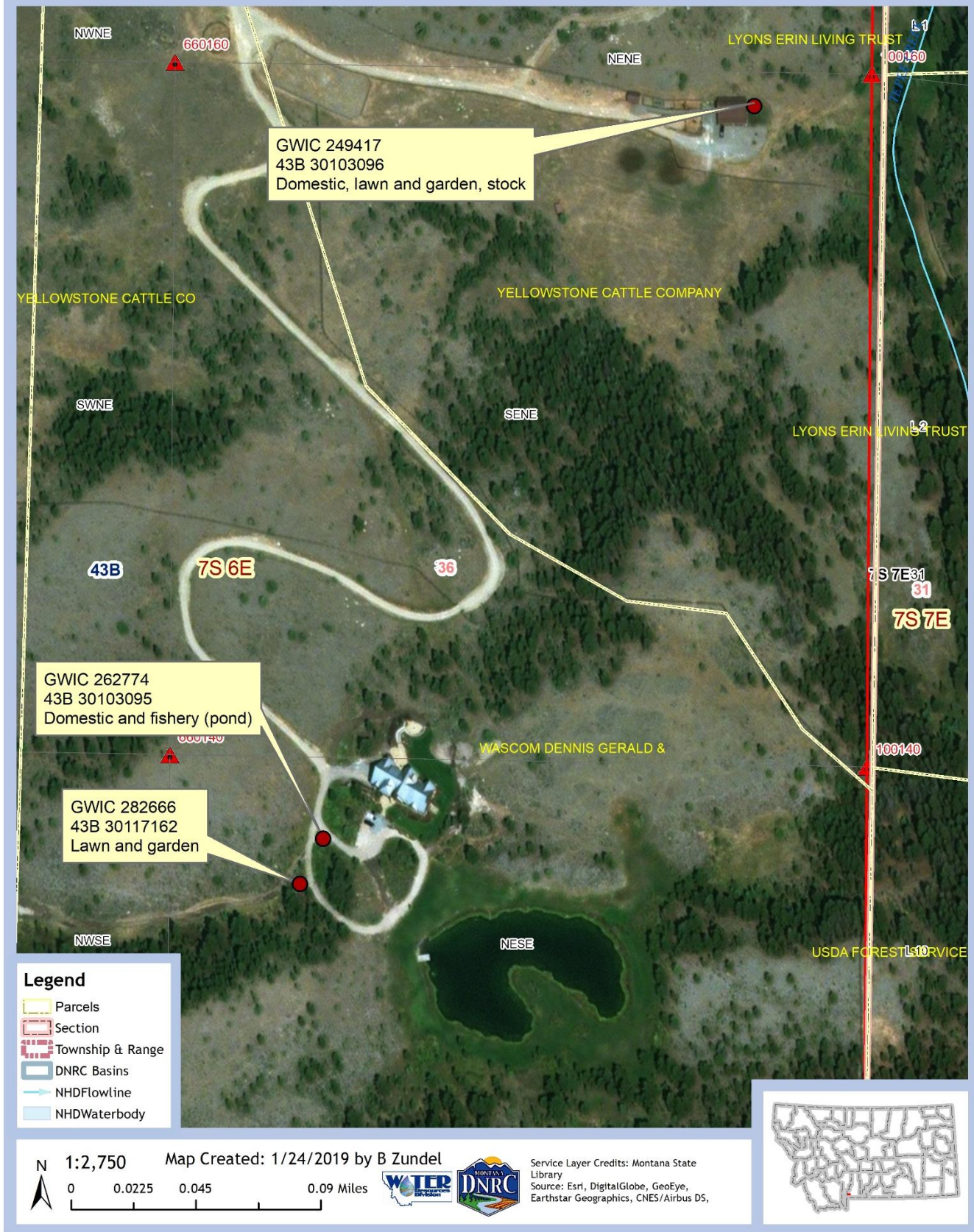
**Part I. Proposed Action Description**

1. Applicant/Contact name and address:

Dennis Gerald & Deborah B Wascom  
1750 Sky Lark Ln Unit 2314  
Houston, TX 77056-3741

2. Type of action: Application for Beneficial Water Use Permit No. 43B 30117162. The Applicant has installed a well and proposes to appropriate up to 35 gallons per minute (GPM) and up to 4.60 acre-feet (AF) per year of water within the Yellowstone Controlled Groundwater Area (YCGA).
3. Water source name: Groundwater. The well is located on the Applicant's property and is approximately 450 yards west of Tepee Creek and approximately 640 yards east of an unnamed tributary to Tom Miner Creek that is the outlet from Merrell Lake.
4. Location affected by project: NWNESE, Section 36, T7 S, R6 E, Park County. This is private property owned by the Applicant outside of the the census-designated place of Tom Miner. (See Figure 1 for a map on the next page.)

43B 30103095, 43B 30103096, and 43B 30117162



**Figure 1:** Map of project area. Note that, as of the date of map creation, the text displaying ownership of the northern parcel had not updated. Both parcels are owned by Dennis Gerald and Deborah Wascom.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to pump a maximum of 35 GPM not to exceed 4.60 AF per year of water for lawn and garden use of 1.84 acres up to 4.60 AF from April 1 to October 31 of each year. The well is located on private property outside of the census-designated place of Tom Miner and is located within the YCGA. The water from this well measured 53 degrees Fahrenheit at the wellhead and had a specific conductance of 572 micromhos.

The National Park Service received notification of this application and did not respond.

6. Agencies consulted during preparation of the Environmental Assessment:
- Montana Department of Fish, Wildlife & Parks (DFWP) – FishMT
    - <https://myfwp.mt.gov/fishMT/explore>
  - 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:**

<b>PHYSICAL ENVIRONMENT</b>
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#### **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. However, the well is located approximately 450 yards west of Tepee Creek and approximately 640 yards east of an unnamed tributary to Tom Miner Creek that is the outlet from Merrell Lake. DFWP does not list either Tepee or Tom Miner Creeks as chronically or periodically dewatered. The well's proposed flow rate of 35 GPM and annual volumetric usage of 4.60 AF will not have a significant impact on nearby surface water flow or water users.

**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 source of water is groundwater, which is not listed by the Montana Department of Environmental Quality (DEQ) on the CWAIC website. Adjacent surface water quality is not likely to be affected by the proposed well, as Hayes Drilling, a licensed driller (license number WWC-361), has constructed the well in accordance with the rules of the Board of Water Well Contractors.

DEQ does not have any data for Tepee Creek but lists the nearby stretch of Tom Miner Creek as fully supporting agricultural, aquatic life, drinking water, and primary contact recreation uses. This well is unlikely to impact the surface 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.

The source of water is groundwater. Groundwater quality is not likely to be affected by the proposed well, as Hayes Drilling, a licensed driller, has constructed the well in accordance with the rules of the Board of Water Well Contractors.

The well is located approximately 450 yards from nearby surface water in Tepee Creek, but the proposed 35 GPM and 4.60 AF per year are not likely to have a significant impact on surface water flows, nor are they likely to have a significant impact on nearby water right owners. Water use will be measured with a meter supplied by DNRC.

The U.S. National Park Service has been notified of this application pursuant to the State of Montana/U.S. National Park Service Compact, Article II, Section B.2.b.ii.3.(b).

**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.

Water will be diverted using a well with a pump, and use will be measured using a meter supplied by DNRC. Hayes Drilling, a licensed driller, has constructed the well in accordance with the rules of the Board of Water Well Contractors. The diversion works should not create significant channel impacts, flow modifications, or barriers. 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.

An May 9, 2019, search of the Montana Heritage Program's website returned the following results:

- Eight animal Species of Concern: Wolverine, Canada Lynx, Grizzly Bear, Golden Eagle, Great Blue Heron, Veery Thrush, Clark's Nutcracker, and Yellowstone Cutthroat Trout
- Zero animal Potential Species of Concern.
- One animal Special Status Species: Bald Eagle
  
- One plant Species of Concern: Whitebark Pine
- One plant Potential Specie of Concern: Suksdorf Monkeyflower
- Zero plant Special Status Species.

As this proposed application is to divert water from a well located on private property, no significant impacts will occur to threatened, endangered, or special concern species. The pumping of groundwater 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:* Not applicable.

According to an May 9, 2019, search of the USFWS Wetlands Mapper, no wetlands exist on the project property. No wetlands are involved in the project.

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

*Determination:* Not applicable.

This 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 impact.

This well has been constructed by Hayes Drilling, a licensed driller, in accordance with the rules of the Board of Water Well Contractors, so there should not be significant impacts on nearby streambanks and vegetative cover. Use of water will continue in a manner consistent with locally accepted, historic practices and will not significantly impact soil quality. The NRCS Soil Survey website, queried on May 9, 2019, did not return any results for this project 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.

This well has been constructed by Hayes Drilling, a licensed driller, in accordance with the rules of the Board of Water Well Contractors, so there should not be significant impacts on nearby streambanks and vegetative cover. A small area was disturbed by drilling the well, but this should have no significant impact on the surrounding area's vegetative cover and neither should it allow the establishment of noxious weeds.

**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.

No deterioration of air quality will result from the drilling of this well or diversion of water from it.

**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 impact.

No other demands on environmental resources of land, water, and energy 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 impact.

Drilling wells for water supply and using water lawn and garden purposes are locally accepted practices within the state of Montana.

**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.

Significant recreational and wilderness activities exist in the area, but the proposed project is located on a parcel of private property and will not impact access to or the quality of recreational and wilderness activities.

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

*Determination:* No impact.

The water will be used lawn and garden purposes, which 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 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 significant impacts identified.
- (c) Existing land uses? No significant 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 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:*** No mitigation or stipulation measures have been identified.

**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:*** If the applicant is not allowed to divert water from the existing well, they may not be able to water their lawn and garden. Since the property is located in a rural region, they cannot connect to a municipal system, but they may be able to haul water in. The no-action alternative would be to not water the lawn and garden.



*PART III. Conclusion*

1. ***Preferred Alternative:*** The preferred alternative is to obtain a water right permit to use the drilled well.
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:* The EA is the appropriate level of analysis because the proposed project is to drill a small groundwater well in the YCGA. No significant impacts are anticipated. None of the identified impacts for any of the alternatives is significant as defined in ARM 36.2.524.

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

*Name:* Brent Zundel  
*Title:* Civil Engineering Specialist  
*Date:* May 9, 2019