

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

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

Note: Instructions to DNRC staff for preparing this EA can be found at:  
[http://www.dnrc.state.mt.us/eis\\_ea.html](http://www.dnrc.state.mt.us/eis_ea.html)

**Part I. Proposed Action Description**

1. *Applicant/Contact name and address:* City of Livingston  
c/o Steve Golnar  
414 E. Callender St.  
Livingston, Mt. 59047
2. *Type of action:* Application To change A Water Right # 30016353-43B
3. *Water source name:* Yellowstone River
4. *Location affected by project:* N2 Sec 24 T2S R9E, & w2 Sec 18 T 2S R10E, Park County.
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*  
The applicant proposes to convert their Yellowstone River water rights to instream flow, and leave water in stream to enhance and maintain the fishery. A flow of 4,100GPM, or 8,200 GPM will be diverted from the Yellowstone River and will be run into the Sacagawea Lagoon, and through a man improved spawning channel before entering the Yellowstone River. Water will be used from the old Point of Diversion located in the SWSENW Sec 24 T2S R9E, to the confluence with the Yellowstone River in the NENENW Sec 18T2S R10E, Park County.
6. *Agencies consulted during preparation of the Environmental Assessment:*  
(include agencies with overlapping jurisdiction) Montana State Historical Preservation office, Montana Natural Heritage Program, Montana Department of Fish, Wildlife & Parks, Montana Department of Environmental Quality, Park County Planning Office.

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

<h2><b>PHYSICAL ENVIRONMENT</b></h2>
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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:* This reach of the Yellowstone River has not been listed as Chronically or Periodically dewatered. This proposed action will leave water instream.

**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:* The Yellowstone River has been listed on the DEQ, 303(d) list. Water quality should not be impacted by leaving water instream.

**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:* This use of surface water will have no impact on groundwater.

**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:* Water will be diverted into an existing headgate & pipeline. There will be no channel impacts, dams, or barriers created.

### **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:* The Montana Natural Heritage Program was contacted. Yellowstone Cutthroat trout can be found in this area. The intent of the lower stream improvements is to provide spawning habitat for Yellowstone Cutthroat trout. This could provide a positive impact for this 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:* There would be no impact to any wetlands if they exist.

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

*Determination:* Water is currently diverted into Sacagawea Lagoon. This change would make legal that diversion of water. Numerous ducks & geese currently use the Lagoon. The lower reach has been improved to create spawning habitat. This change would be a good thing for the fish & waterfowl.

**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:* The moisture content of the ground will not change. Soil quality and stability remain unchanged. There is no saline seep in this 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:* Existing riparian vegetation will be unchanged. Noxious weeds will not be spread by this project.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:* There should be no significant impact on air quality relating to 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.*

*Determination:* SHPO has been contacted in the past. Since no land will be disturbed, and diverted water will be left instream, they believe there is a low likelihood that unidentified cultural properties will be impacted.

**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 additional impacts on other environmental resources 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:* The Park County Planning Board has no restriction against instream flows.

**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:* Sacagawea Lagoon provides a recreational activity to the City of Livingston. It flows through a city park, and provides the opportunity to fish, feed the ducks & geese, ice skate, and enjoyment of the riparian corridor. There is no access to wilderness activity.

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

*Determination:* No impact on human health is expected.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes \_\_\_ No \_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination:* Private property rights are not impacted by this proposed action.

**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 It has been determined that there are no secondary impacts to the human and physical environment.

Cumulative Impacts It has been determined that there are no cumulative impacts to the human and physical environment.

**3. Describe any mitigation/stipulation measures:** No mitigation measures are necessary.

**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 continue to divert water into the lagoon without a water right. If the city of Livingston closed the headgate, and shut off the water, Sacagawea Lagoon would go dry. The city park would lose a great asset. They prefer to change an existing municipal water right to this instream use.

**PART III. Conclusion**

**1. Preferred Alternative** To file for and receive Authorization to change their existing municipal water right to instream use.

**2. Comments and Responses** No comments have been received 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: Jan R Mack

Title: Water Resources Specialist

Date: February 9, 2006