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July 15, 1975 **RECEIVED**

JUL 17 1975

Mr. Loren Bahls
Environmental Quality Council
State Capitol
Helena, MT 59601

ENVIRONMENTAL QUALITY
COUNCIL

Dear Loren:

Please find enclosed two copies of the draft environmental impact statement issued by our Department in conjunction with the application of the Billings Livestock Commission Company's request to relocate its market facility from 1202 First Avenue North, Billings, to a site adjacent to the Exxon refinery in the Lockwood area east of Billings.

We have today mailed copies of this statement to appropriate state agencies, local government agencies and other interested parties and have asked that they return any comments they may wish to make by August 18, 1975. In addition, notice of the availability of this statement for review and comment will be published in the "Billings Gazette".

In the event that the nature of the comments received indicates a need, a public hearing on this matter will be scheduled in the Billings area.

Sincerely,

Charles Brown

Charles Brown
Staff Attorney
Department of Livestock

CB:mb
Enclosures

I have reviewed this EIS and find it to be a very thorough job. The length and detail are warranted by the potential impacts of siting such a facility in a suburban environment.

LB

DRAFT ENVIRONMENTAL IMPACT STATEMENT

PROPOSED RELOCATION OF
THE BILLINGS LIVESTOCK
COMMISSION COMPANY'S
AUCTION YARDS

Prepared by

MONTANA DEPARTMENT OF LIVESTOCK

Submitted Pursuant to:

Montana Environmental Policy Act
Section 69-6504(b) (3)

May 1975

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The Montana Department of Livestock is charged with the duty of licensing and regulating all livestock auction markets in the state. Part of that duty includes reviewing and, where appropriate, approving changes in the operation of licensed auction markets. The change requested by the Billings Livestock Commission Company to relocate its yards has been felt by the Department to be one having potentially significant impact upon the environment. Therefore, this Environmental Impact Statement has been prepared and issued in order that the Department's responsibilities under the Montana Environmental Policy Act might be properly discharged.

DESCRIPTION OF PROPOSED ACTION

It is proposed by the owner-operators of the Billings Livestock Commission Company to move their auction yard from its present location at 1202 First Avenue North in Billings to a new site east of the Yellowstone River in an area adjacent to the Exxon oil refinery in the Lockwood section of east Billings. A location map is attached as Exhibit 1.

The Billings Livestock Commission Company is a year-around livestock auction operation which in the last fiscal year processed nearly 142,000 head of cattle and about 20,000 head of sheep, horses, and swine in about 160 auctions.¹ The yards are currently located on land owned by Pierce Packing Company of Billings and are about 35 years old. The present site has inadequate space, parking, and access (See exhibit 2) as well as being plagued by faulty water pipes and a generally antiquated physical facility. Runoff from the present yard area drains untreated into the Yegen Ditch and from there, along with many other partially treated or untreated wastes, into the Yellowstone River. (Exhibit 3) Further, because of a lack of heating facilities and inherent design inadequacies, water must be left running in the pen area throughout the present site during the colder

portions of the year to prevent freezing. There are over 100 faucets located in the presently existing facility and the water wastage to prevent freezing is tremendous in addition to adding to the runoff. Besides the need to leave the water running, water is also used for domestic (drinking, cooking, etc.) purposes in the offices of the existing auction facility; water is also consumed by the livestock and in yard cleaning processes. Because of both the broken water distribution system and because the water use is charged against the overall Pierce Packing Company operation, water use by the present auction facility is not known. However, the Public Auction Yards, a second livestock auction located in Billings which processed about 168,000 head of livestock in 1973 used over 24 million cubic feet of water in that year; an area restaurant usage is also included in that total.²

The existing facility's pens are also extremely difficult to clean because the fences are stationary and the enclosed areas are small; each pen must be cleaned as a separate unit by a small tractor-loader. Since the major factor in stockyard odor production is facility cleanliness, the ease of waste removal is an important operational and environmental factor.

The proposed relocation site is presently mostly open field with a few dilapidated buildings currently located on a small portion of the site. These will be torn down or removed prior to the planned relocation. Exhibit 4 includes a schematic layout of the facility as it would be located on the site, a parallelogram shaped lot.

The proposed auction facility will be all new construction using modern design and facilities. Exhibit 5 through 13 are copies of plans for the project. From the North Frontage Road of Interstate 90, which serves the new site, a paved road

will lead into the parking area of which size and runoff characteristics will be discussed later. Immediately adjacent to the parking area and at its southwest corner is planned the unloading facilities which will be constructed to handle one and two decker livestock trailers and trucks. The offices and arena are located directly east of the unloading area adjacent to the parking lot.

The livestock pens which comprise the yard area itself are located to the rear of the arena office complex. To the immediate rear of the concrete which supports the livestock pens are several acres of open space which will become an irrigated pasture. To the north of this and near the north end of the site is the waste water retention ponds which are connected to the pen area by an underground drainage pipe.

The arena-office complex will be a two story structure which will house the sale ring and arena with a seating capacity of 200 to 220 persons, office space for the auction market, a restaurant, office space for the Department of Livestock and space to be leased to other businesses.

Water will be supplied for both livestock and human use by the Lockwood Water Users Association. (See Exhibit 14) Human waste disposal will be handled through a septic tank-drain field system consisting of four 1000 gallon septic tanks connected in series to 1000 lineal feet of pipe in the drain field. Because approval of this application has not yet been granted by the Department of Livestock, a building permit has not been acquired at the time of this writing. When the building permit is applied for, the Yellowstone City-County Health Department will investigate the adequacy of the proposed system and will require any necessary changes be made in the plans as a condition for granting the building permit.

As is the current practice in both Billings markets, trucks needing cleaning will be directed to commercial truck cleaning facilities located elsewhere in Billings. There will be some equipment available to perform minor cleaning work at the new site. Any waste from this will be collected along with waste from the yard proper.

The paved parking area in front of the proposed building is L-shaped with two approaches onto the North Frontage Road as shown on the schematic drawing. The paved parking area covers about 57,000 square feet; the commission building has a planned roof area of about 8,000 square feet. Precipitation from a ten year frequency storm, estimated at 2.2 inches over a 24 hour period, would require that 4.5 acres of absorption surface surrounding the paved or roofed areas absorb about 0.003 acre-feet of water hourly. Runoff from the impervious areas of parking and building is planned to drain onto adjacent unpaved gravel or planted open space areas such as the triangular parcel of land formed by the parking lot and the North Frontage Road; precipitation runoff will also be absorbed by the open space buffer area provided along the east side of the site.

The existing drainage way along the site's west side will also probably receive precipitation runoff from the parking area. There are no current plans to prevent this as the resulting impact on the drainage way is expected to be minimal. The latter is presently full of old cars, tires, and other junk as well as fallen trees and debris from the existing farmstead. Since the proposed development, as part of its construction activity, will clean up the area including the drainage way, the net impact on the latter will probably be beneficial.

The livestock yard area is rectangular, measuring 744 by 402 feet, and covering an area of 299,088 square feet. The yard base is planned as a four-inch rein-

forced concrete slab over a three inch gravel base, a formula based on the soil characteristics on the site as determined by on-site subsurface tests and the existing area soil survey as described later in this analysis. The slab will tilt downward at a 1.2 percent slope to the north; in addition, the east and west edges will be slightly higher than the north/south centerline area of the slab. This latter design prevents runoff from entering the previous areas adjacent to the concrete yard area.

There will be, in addition, small parallel troughs in the slab running from south to north through the plan area to facilitate runoff collection and drainage and to prevent slab runoff collection at just one congested point. Runoff from these troughs and the total concrete yard area is planned to be collected in a grate-covered ditch adjacent to the north edge of the slab, from which point it is drained by an underground 18-inch pipe to the pond area as shown on the accompanying schematic drawing.⁴

The ponds are located side by side and extend over a fenced area approximately 188 feet wide by 343 feet long. Pond One is designed with a capacity of 239,360 gallons. The ponds are both shallow with a full depth of five feet and a surface area at full depth of 10,000 square feet for the small pond and 18,496 square feet for the large pond. The location of the ponds is shown on the accompanying schematic drawing of the proposed development site; details of the ponds and related facilities are shown on an accompanying separate planning sheet.

The ponds are designed for retention and storage of the entire runoff from the livestock yard area based on a 25-year, 24-hour storm frequency loading. Although it was indicated that design capacity for a ten year storm frequency was adequate, a search of the U.S. Department of Commerce, National Weather Service at the

Billings Airport found that a 24-hour rain produced 2.83 inches in May of 1952, the most recorded for such a period from 1951 to 1974; the 2.83-inch loading was used for design purposes at this facility. In addition, 100 percent runoff was assumed with no allowance made for absorption and evaporation even though these will occur. The precipitation records search also indicated that most monthly precipitation is less than half an inch which will normally produce no runoff. Accordingly, the small pond by itself has been designed to handle .75 of an inch total runoff from the yard area.

The ponds have been designed to be used separately, at the same time, or in a series. Under normal monthly precipitation runoff, the large pond would not function properly; it will only be used when heavy runoff demands it, when the smaller pond needs cleaning, or in the occurrence of a series of rain or snow falls. It is expected that, given the precipitation records, the small pond by itself will adequately provide the settling-evaporation function required by total yard-area runoff. A 2.83-inch rainfall, the maximum designed for in a 24-hour period, would produce 527,601 gallons of runoff compared to a 742,614 total holding capacity of the two ponds.⁵

Runoff from flushing-cleaning operations or natural precipitation is collected at the north end of the slab and then drained into the small pond where the solids will settle out and, it is expected, the clear liquid will probably evaporate. If the small pond fills, however, the clear liquid is drained off (see accompanying "Details" drawing) into the larger pond. This larger pond is planned in conjunction with a wet well and pump which, under continued heavy runoff conditions, can pump out the clear liquid as a spray irrigation system designed into the planned open area between the ponds and stockyards.

The open area is planned as an irrigated pasture and the effluent from the large pond will be sprayed as required by the loading on the pasture. Irrigation water on the site will also be used to irrigate this same pasture area to help control any odor build-up that may occur, to help prevent any chemical accumulation or leeching in the pasture's soils, and finally because it is not anticipated there will be adequate pasture desired. (The 25-year storm for which the system is designed may not occur until the year 2000--and it may occur in the first year of operation.)

A hydrologist with Mueller Engineering, Inc. of Billings, the engineers for the development's disposal system, determined that given a yard area of 320,000 square feet (to allow for any future expansion), the average annual runoff would amount to about 8.10 acre feet. Given this and figuring pasture grass evapotranspiration rates, normal effective precipitation, and the free water surface evaporation factors, the hydrologist found that the runoff from precipitation in an average year if not retained for any length of time in the holding ponds, could properly irrigate from 2.50 to 2.75 acres on the site.⁶ There are over four acres available for the pasture area north of the yard.

The interior sides of each of the ponds is planned to slope at a rate of four on one which will enable cleaning machinery to drive into the ponds and load up the dry solids when accumulation of the latter requires it. An idea of the expected build-up can be grasped if the solids are assumed at 1,000 parts per million; less than 2,000 pounds of solids would accumulate from a full capacity loading on the small pond with a total settling out of solids.⁷

Livestock urine is not expected to add to the runoff loading from the yards as it will probably be either evaporated or absorbed by straw or other floor covering in the pens; however, given an average loading of 1,000 head of 1,000 pound livestock held for an average of 48 hours in the pens, the urine volume could be around .006 acre-feet per day.⁸ In such an estimate there are too many variables for accurate loading projection, and the evaporation-absorption assumption is probably still valid.

In the Application for Permit to Discharge (Water Quality Bureau, State Department of Health and Environmental Services form, see Exhibit 15; the owner-operators state that the maximum number of cattle the proposed facility is designed for at any one time is 4,000 head. The approximate figure of 1,000 head is an average figure based on number of sales, number of cattle processed, and average length of time stock is on the premises--all from experience with the presently operating Billings Livestock Commission Company yards. Gross estimations of maximum loadings can be derived by multiplying the 1,000 unit increment accordingly.

The solid waste product from the yard's livestock in the form of manure will be picked up by tractor or dozer loaders, hauled to the north end of the yard area, and trucked away. This operation is planned as a continuous operation with cleanups occurring after each yard loading which is basically at each sale; in the last fiscal year the developers had 159 sales. A rough estimate of the manure generated, given gross characteristics and based on 1,000 head of 1,000 pound livestock, each producing 16 pounds of waste and held for 48 hours, would be eight tons per day.⁹ Again higher, maximum loadings can be estimated by multiplying the 1,000 head incremental figure. In addition to the manure produced, straw and other bedding and various feeds, mainly hay, contribute to the

solid waste loading.

The entire concrete yard area is planned to contain metal posts or postholes at 12 foot centers throughout. In combination with movable, tubular metal panels and gates, the post location provides the yard operators with optimum design choice as to location, number, and pattern of pens and alleys. This plan also allows large dozer-loaders to clean the whole yard area quickly by merely creating long north/south alleys throughout the yard complex and cleaning in long sweeps accordingly. Given the type of livestock facility and the current technology and environmental control levels, prompt removal of wastes is the best preventative measure against all three endemic pollutants: flies, odors, and dust (FOD).

The solid waste is moved to the area adjacent to the north end of the concrete slab, and there is loaded onto trucks and hauled to disposal sites located away from populated areas. Presently manure from the existing operation is hauled to a farm east of Billings where the owner is trying to reclaim or improve some poor soil areas.

The proposed pen area as composed of the tubular panel and gate system mentioned earlier is planned to be built by a firm specializing in livestock yard construction. As part of the pen construction, feed bunks, watering troughs, and watering pipes are designed into the pen facilities.¹⁰ The watering system will be both automatic, to only turn on in a particular pen when needed, and heated to prevent freezing in the wintertime; the latter characteristic also eliminates the need to leave water running during the cold season.

THE PROBABLE IMPACT OF THE PROPOSED ACTION ON THE ENVIRONMENT

Land Use

The proposed development site is within the jurisdiction of the Billings-Yellowstone, City-County Planning Board and is included in the Comprehensive Plan for the Billings Planning Area. The Comprehensive Plan indicates this site and all of the area immediately adjacent to it is planned as heavy industrial use.¹¹

The site is also covered by the Zoning Plan for the Jurisdictional Area of Yellowstone County which classifies this site as General Commercial-Controlled Industrial.¹² (See Exhibit 16) According to the regulations and requirements of the zoning plan, a livestock auction yard is required to apply for a special exception to locate a facility in a General Commercial-Controlled Industrial zone. The developers have made application to the Yellowstone County Board of Adjustment through the Planning Offices for a special exception, and the application was approved on February 14th, 1975; Exhibit 17 to this assessment is a copy of the resolution of the Yellowstone County Board of Adjustments approving the special exception.

The properties adjacent to the proposed site are also covered by the Zoning Plan, and the attached Exhibit indicates the zone classifications as they exist on the Official County Zoning Map. The property immediately adjacent to the east of the proposed site is also presently zoned General Commercial-Controlled Industrial and is being used for agricultural purposes. Farther east along the frontage road is a small lumber mill operation which is in the same zone.

Approximately 1,600 feet east of the proposed site is the closest residential subdivision which lies north of the interstate highway. At the present time there are between ten and fifteen residential structures in the subdivision with

additional platted lots available for development. This subdivision is immediately east of and adjacent to Johnson Lane.

Immediately north and adjacent to the proposed site is a Burlington-Northern Railroad spur line. North, beyond the railroad right-of-way, the land is zoned Agricultural and is used mainly for that purpose; this classification continues from the right-of-way boundary to the south bank of the Yellowstone River.

The area northwest of the proposed site and north of the right-of-way is zoned Heavy Industrial and is the location of the Exxon Oil Company's refinery bulk plant and the Montana Sulphur and Chemical Plant. This use extends from the railroad right-of-way north to the south bank of the Yellowstone River.

The land directly west of the proposed site is also zoned General Commercial-Controlled Industrial. The property adjacent to the proposed site is presently in industrial usage by a trucking company for storage and repair work. Farther west along the frontage road the land is being used for agricultural purposes, and approximately 1,500 feet west of the proposed site is the Exxon Oil Company Tank Yard.

The southern boundary of the proposed livestock auction area is the Interstate Highway 90 right-of-way. The site fronts on the frontage road and is separated from the commercial and residential areas of Lockwood further to the south by the four lane interstate highway.

As mentioned in the first paragraph of this section, this site is zoned General Commercial-Controlled Industrial. Although in the past the property has been used for agricultural purposes, it is presently idle. There are some old, dilapidated farm buildings on the site which will be removed at the time construction

begins. Exhibit 18 of this assessment indicates generalized land uses surrounding the proposed site.

Surface Water

There are no natural water systems such as streams, lakes, rivers and marshes located on or adjacent to the proposed site. There is a drainage way existing at the present time in the southwest corner of the proposed site. This drainage way runs from south to north and serves as a drain for the area only in times of excess runoff which usually occurs during the months of April, May, June, September and October.¹³ Occasionally, during the summer months, thunderstorms may cause an excessive amount of moisture which cannot be absorbed quickly enough and which cause runoff that can be handled by this drainage; because it is about ten feet deep, it also absorbs excessive water from any area irrigation, an activity which is decreasing as the Billings urban area expands. There are no proposals to alter or change the existing drainage way or to allow any livestock area effluent to enter it.¹⁴

There are no canals, aqueducts or reservoirs located on or immediately adjacent to the proposed site. This site and some of the adjacent lands are used at the present time for agricultural purposes and the area is irrigated. The proposed development will provide an individual, on-site irrigation system as described in "Description of Proposed Action" of this assessment.

There are no shoreline or stream bank alterations proposed by this development. The Yellowstone River, the only "live" stream in the area, is located approximately 2,500 horizontal feet northwest of the property at its closest point and approximately 60 vertical feet to the stream bed elevation.¹⁵

Ground Water

According to the "Critical Overlay Maps" which were prepared and adopted by the Billings-Yellowstone, City-County Planning Board in January 1975, the proposed development site is not within the "critical area" for water table. The definition used to describe this critical area in the overlays reads "...area where the water table raises to the surface or within five feet of the surface each year during irrigation or high water". A preliminary subsurface analysis report filed by Northern Testing Laboratories of Billings, Montana, on conditions at the site reported the following:

"The five drill holes varied from about 16 to 21 feet in depth and were uniformly spaced over the site which is about 500 by 300 feet in dimension. Groundwater was encountered in one drill hole at a depth of about 19 feet. The rest of the drill holes did not penetrate to this depth and no water table was encountered."

This testing was done on March 19, 1975. Additional information concerning ground water levels from water well log data was unavailable in the Yellowstone County Clerk and Recorder's Office for the southwest quarter of Section 19, Township 1 North, Range 27 East in which the proposed development is located, but well log data obtained for a well in the east half of the north half of the southeast quarter of Section 19 indicated a static water level of 35 feet with a well depth of 100 feet. This well is located east of the proposed site about three-quarters of a mile; the well log was filed in 1963. A further check indicates there are no records for any wells within one-half mile of the proposed auction yard area filed with either Yellowstone County or, at the state level, the Hydrology Division of Bureau of Mines and Geology at Butte. There is an existing well at the site, but as there are no records, nothing is known about it.

Most subsurface water degradation occurs from raw or partially treated sewage

effluent absorbed into the ground from surface development; this assessment has addressed this problem in the section dealing with livestock waste treatment.

It is anticipated that there will be no ground water degradation resulting from the human sewage disposal system. As mentioned previously the City-County Health Department will monitor and control the nature and quality of that system.

As stated earlier, the proposed site is about 2,500 feet south of the Yellowstone River. The site is also approximately 600 feet south of the delineated flood fringe and approximately 2,300 feet south of the designated flooding.¹⁶ The Burlington-Northern rail line lies between the site and the flood plain as delineated by the Army Corps of Engineers.

Geology, Slopes, and Soils

Geology:

The geology of the site is composed of unconsolidated Quaternary deposits formed during Pleistocene times and extending as deep as 120 feet; beneath this is the Colorado shale which underlies the Yellowstone Valley. The Quaternary deposits underlying the site compose the first of three deposit terraces in the river valley. This first terrace is located adjacent to the river but does not parallel it continuously down the valley; the terrace is located 10 to 20 feet above the river surface and is underlain at depth by 20 to 40 feet of coarse gravel and sand.¹⁷

There are no known geologic hazards affecting the proposed development site, i.e., rock falls or slides; land, mud, or snow slides; or surface subsidence.

Slopes:

Excessive slopes, i.e., slopes in excess of 15 percent occur only along the very edge of the previously described drainage way and occupy only a small portion of the overall site. If used at all, this area will be pasture land.

Soils:

There are two major soil areas which take up about 90 percent of the site. They are the Fort Collins and Thurlow clay loam soil series (Fr) of zero to one percent slope which covers about 75 percent of the site, and the Fort Collins and Thurlow clay loam soil series (Ft) of one to four percent slope covering about 15 percent of the site.

The Fort Collins series consists of well drained soils that are more than 60 inches deep. These soils formed in loamy alluvium on fans, terraces, and the sides of large stream valleys. The largest areas are on the high terraces along the Yellowstone River.

In a typical profile, the upper layer is clay loam eight inches thick; the subsoil is brown to light brown clay loam ten inches thick and the calcareous substratum is light grey loam several feet thick. Permeability is moderately slow, and the available water capacity is 10 to 12 inches. The Fort Collins series constitutes approximately 90 percent of the total site area.

The Thurlow series is similar to the Fort Collins series in location and typical profile. Permeability is moderately slow and water holding capacity is 9 to 11 inches.

The remaining ten percent of the site located near the west edge of the property (see Soils Map, Exhibit 19 to this assessment) is composed of Haverson and Lohmiller soils of zero to four percent slope. This soil characteristically occupies the edges and bottoms of small drainage ways which carry water only occasionally. The two soils in this type differ mainly in texture with the Haverson soil having a loam texture and Lohmiller soil characterized by a silty clay loam texture; both soils usually have their layers of gravel below a depth of 24 inches. Permeability is moderate, the available water capacity is eight to ten inches, and runoff is slow to medium.¹⁸

The preliminary report of subsurface conditions prepared by Northern Testing Laboratories generally substantiates the soil survey:

"The soil at the site is a silty clay with sand seams extending from the surface to depths penetrated. The clay exhibits a low plasticity while the sand is fine grained and contains considerable amounts of clay and silt."

Further estimated or interpreted engineering properties of the above soil types taken from the county soil survey are shown below.

SOIL FEATURES

<u>Feature</u>	<u>Fort Collins</u>	<u>Thurlow</u>	<u>Haverson</u>	<u>Lohmiller</u>
Permeability in place	0.2-0.63	0.2-0.63	0.63-2.0	0.2-0.63
Salinity	None to Low	None	Low to Moderate	None from 0 to 42
Corrosivity of untreated steel pipe	Moderate	Moderate	Moderate to High	High from 0 to 42 Inches

SOIL FEATURES (continued)

<u>Feature</u>	<u>Fort Collins</u>	<u>Thurlow</u>	<u>Haverson</u>	<u>Lohmiller</u>
Shrink-swell potential	Moderate	Moderate	Low to Moderate	High from 0 to 42 Inches
Frost-action potential	Moderate to High	Moderate	Low below 58 Inches	Moderate from 0 to 42 Inches
Affecting Waterways	Generally Favorable	Moderate	Moderate	Moderate
Affecting sewage lagoons	Moderate	Moderate	Slight	Severe on slopes more than 7%

Vegetation

The natural vegetation or ground cover which is usually found in this area no longer exists because of the agricultural practices that have taken place. The natural, principal forage species that exist in undisturbed soils of this classification include western wheatgrass, bluegrass, and cheatgrassbrome.

The distinguishing tree species are willow and cottonwood. There are existing on the property at the present time both the willow and cottonwood and also some Russian olive, mostly along the drainage way. Other common species in this soil area include shrubs such as rose, sagebrush, silver sagebrush, rabbitbrush, common snowberry, and silver buffaloberry; grasses such as needle and thread, blue grama and saltgrass; and forbs such as lambsquarter, goosefoot, sunflower, slickseed and plantain.¹⁹

Wildlife

Because of the growing human-related activities in this area, the impact of the proposed project will be minimal on wildlife in the area. Several years ago,

this area provided a good habitat for both bird and animals. The area was frequented by a wide array of animals. Sightings have diminished in recent years, and the area seems to have reverted to only those species which can co-habit in close proximity to man. This has come about through the agricultural use of the land and also the residential and industrial development which has taken place in the area over the last few years.²⁰

Accordingly, it is not anticipated the proposed development will disturb any hitherto undisturbed wildlife habitat areas.

Historical Features

No known historic, archaeological, or cultural sites, structures, or objects will be affected by or are located on or near the proposed development site.

Visual Impact

The proposed development is intended to contain a building or a group of buildings and livestock holding pens. The visual impact should be approximately the same or less than that which has taken place with the construction of the refinery, chemical plant, and the trucking operation in the area and will be an improvement over the thoroughly dilapidated farmstead which is currently located at the site.

The proposed auction facility will be landscaped. The block structure itself will have an attractive stone or brickwork veneer. The large cottonwood trees occurring along the drainage way will remain to the extent possible, and the development's management intends to plant additional trees along the east edge of the site for screening, shade, and aesthetic purposes.²¹

In addition to the primary and secondary impacts discussed above, of particular importance as a secondary impact is the economic impact of the planned facility. In the last fiscal year the Billings Livestock Commission Company processed almost 163,000 head of livestock through their auction yards, 88 percent of which were cattle; these livestock brought their consignors about \$39,000,000. About 75 percent of the customers served by the commission auction are located within 100 miles distance; the remainder come from as far away as 400 miles. The money circulating in this market area is at the secondary economic level having the actual ranching feedlot operations as the basic economic or primary level. Basic agricultural operations such as farming and ranching are not necessarily major employers or major consumers; the greatest economic impact of agriculture is at the secondary economic level, i.e., the goods, services, and people who depend on agricultural production for use and livelihood. The existing livestock auction operation and the proposed change is a major part of the production-consumption economic cycle, most particularly as it relates to agriculture--the economic base of Montana.

The proposed operation will employ approximately 20 people full time in addition to providing part time employment for about 15 people who can be drawn from the unskilled portion of the available labor force. In the last fiscal year the developers spent approximately \$213,000 for needed labor. Some of the jobs that are created by such an operation or dependent upon, although not necessarily employed by the auction, are highly skilled such as veterinarians, brand inspectors, auctioneers, etc. Further employment at various technical levels will be provided by the proposed restaurant, western goods shop, and other offices.

Besides providing employment or employment opportunities for a considerable number of people, the proposed facility is a consumer of a considerable amount of

local goods and services. For example, in the last fiscal year the developers spent about \$23,000 in advertising, about \$21,000 for insurance, truck and car maintenance and service--almost \$8,000, about \$11,000 for office equipment and postage, in addition to thousands of dollars for expenses such as professional services and utility and telephone needs. Further, the operation generates considerable taxes.

These figures are from the existing livestock auction facility so the relocation would not be new industry in the Billings area, but the proposed development will be an improved, expanded operation. If the proposed facility is capitalized at \$700,000 and appraised at 100 percent of market value, the development could produce a taxable valuation for the county of \$84,000 a year. At present the site proposed for relocation produces about \$240 a year in taxes.²² Further the present site, when vacated by the developers will be re-occupied, given its prime commercial-industrial location, by a new industry or an expansion of an existing one which will provide additional beneficial, economic impact.

A further secondary impact will be that of additional traffic generation. Again because this is a relocation, the increase in proposed site traffic will be a decrease in existing site traffic. An attempt can be made to estimate traffic loading given numbers of animals, average vehicle loads, number of buyers, spectators, and sale days, etc., but to this must be added restaurant use as well as use of the other related facilities planned. Usually trip generation standards in commercial and industrial areas are based on square footage or acres of each type of use. For example, one study determined that commercial establishments located about three miles from the city's Central Business District (CBD) generated about 194 person trips per average week day per acre of commercial land

use; industrial uses in this area generated about 92 person trips.²³ Since the proposed facility is a combination of industrial-commercial uses, a figure of 143 person trips per day per acre of use can be used for gross estimation purposes. If a figure of ten acres is used which would include the buildings, parking, livestock yards, and treatment area, the proposed development would generate 1,430 person trips per day; again this is a gross estimation.

The proposed site is served by the North Frontage Road as shown on Exhibit 1 to this assessment. Roadway capacity is a function of many factors including traffic speed and roadway size and condition; however, for purposes of estimation, a general standard can be used. Under ideal conditions, a two lane, two way roadway such as the North Frontage Road has a capacity of 2,000 passenger cars per hour total in both directions, a volume which is reduced when trucks are included. The North Frontage Road is a new, wide, paved, two lane highway, and if because of the consideration of the truck traffic and other non-ideal conditions, only half the ideal loading figure is used, the proposed development as estimated here would generate daily less than six percent of estimated roadway capacity. This leaves considerable margin for assessment error, future development traffic, and existing use by adjacent industries such as Exxon Oil Company. The current average daily traffic volume as measured a year ago at a point just west of the proposed development site was 1,320 vehicles.²⁴

A further secondary impact, that of FOD pollution, is discussed elsewhere in this report.

PROBABLE ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED SHOULD THE
PROPOSAL BE IMPLEMENTED

The most noticeable adverse environmental impact the proposed development will

have will be the construction of the project. The construction will require excavation for the building, livestock holding pens, any out buildings and related facilities. The excavation and building will permanently disturb ecosystems that presently occupy the site. A portion of the property is proposed to be blacktopped to facilitate parking and on-site travel in addition to the concrete base holding pens.

These areas and any other disturbance of the natural area such as placement of the treatment ponds will commit the land on which they are placed to an almost irreversible course. The commitment of the natural resources of the land will be extremely difficult and expensive to reclaim should anyone decide to reverse the process. The sewage ponds which will be situated on the northeast portion of the property will require large amounts of excavation and will result in a commitment of the land resource to that particular use.

A second adverse environmental effect will be odorous emissions produced by livestock sales yards. The surrounding area presently is primarily agricultural and industrial in nature with the exception of those areas south of Interstate Highway 90 as noted in the land use section of this assessment. As pointed out by the Yellowstone County Air Pollution Control Office, the average yearly wind rose for this area indicates that odorous emissions would primarily (45 percent of the time) be carried to the northeast which is largely uninhabited at this time. The slowest winds, which would allow greatest odor buildup usually come from the east (five percent of the time) which would allow three miles for dilution of odors to occur before reaching any concentrated housing developments. Slow winds, common in the spring months (30 percent of the time) frequently come from the northeast quadrant which would carry any existing odors into the most

populated area of Lockwood. While odors cannot be eliminated, properly maintained and properly operated yards can effectively reduce odor emissions.²⁵ (See attached letter from Yellowstone County Air Pollution Control, Exhibit 20 to this assessment.)

Visual impact is another unavoidable environmental impact related to development. Any area that is taken from its natural or open space state will affect the aesthetics of any adjacent still natural area. The minimization of effects depends on the surrounding uses at present and condition of the site at the time the project is being considered.

Increased traffic to the site will cause additional air pollutants to be emitted into the air. At the present time the proposed site is within an area of severe sulfation content as shown on the local planning board's Critical Areas Maps. Although the additional traffic generated from this site will not be enough to require an Environmental Protection Agency study on direct source of air pollution, the traffic increase will add additional pollutants in the area. The site is served by a paved road which will reduce any dust problems.

Flies, odors, and dust (FOD) are another adverse environmental impact which will occur from the proposed development and which are related to or dependent upon the manure and urine produced by livestock. Odor is probably the primary impactor; at the same time it is the least easy to measure especially in an open yard facility such as is proposed. The U.S. Environmental Protection Agency measures odors by odor units, the quantity of odorous substance (s) which when dispersed in a cubic foot of odor-free air is detectable by a median number of observers in a panel of eight or more persons; the measure is odor units per standard

cubic foot (ou/scf).²⁶ However, so far it appears that no measure of allowable livestock-related odor in an open yard has been established other than the "nuisance" criteria.²⁷ A nuisance in the legal sense may be summarized as anything which causes an unreasonable interference with the use and enjoyment of property.²⁸

The odor level is a function of the waste management with high odor levels generating from wet and warm yards and large quantities of waste with dry relatively clean yards and lesser quantities of waste reducing the odor level. As delineated earlier, the yard operators intend to clean the pen facility after each sale, the major yard loading times, and as often as otherwise required to prevent accumulation of manure. As an aside to the subject of air pollution, a local area planning official was concerned about the effects of surrounding industrial air pollutants on feed stored on site and fed to livestock in the yards.²⁹ The feed, mostly hay, is, however, only on site for short periods of time and is not stock piled.³⁰

The major source of dust at the proposed facility would be from dried manure. However, because of the number of cattle through the yards, manure would probably only dry to the dust level stage in unused pens which if properly cleaned prior to being left idle would largely eliminate dust problems.

Excessive numbers of flies which may occur at the new facility are, again, largely dependent on waste management. In the existing auction facility when needed, portable sprayers mounted on pickup trucks have been used to spray yard area (not livestock) for excessive flies. This practice will be continued at the proposed site, although it is expected to require less because of the improved waste management facilities

ALTERNATIVES TO THE PROPOSED ACTION

In addition to the proposed site, the developers considered two other locations. The first location was a 30 acre site in southwest Billings located south of Interstate Highway 90 and west of Billings Boulevard; this site has a commercial zoning classification. This site was rejected for several reasons; one, it is not served by a rail line; two, wind conditions are not favorable given the proximity of non-industrial urban areas; three, except for the Billings Landfill Site located further south across the river, other commercial-industrial uses in this area are not of the odor pollution-generating type, and opposition was anticipated from a relocation to this area; finally, a preliminary review of soil conditions and the flood plain in this area were not as good as the selected site.

A second site was located in the rural, unpopulated area east of Lockwood. This site was rejected on the basis of lacking rail service and of unfavorable slope conditions over the site.

The alternative of not moving the existing operation can also be considered. This would involve continued operation of an old facility with antiquated equipment and its inherent problems of water wastage; untreated, uncontrolled liquid runoff; odor pollution in an intensely utilized area; and difficulties of access and general area traffic congestion. The alternative of refusing to allow relocation, which would in effect destroy the business since the impetus for relocation has come from the terminating of the lease on the Pierce yards has been considered and rejected because the well being of the livestock industry requires at least two well functioning auction markets in the Billings area. Accordingly, relocation is felt to be imperative.

Given the needs of area size, good topography, low volume traffic on good access roads, rail service, generally favorable wind conditions, compatible surrounding land use, and favorable zoning, it is felt that the proposed site is the best one for their planned relocation.

THE RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OR MAN'S ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM EFFECTS

The short-term uses of man's environment proposed by the relocation of the auction yard facility have been delineated throughout this analysis. These uses will be imposed on an area which for the last approximately 100 years has been in an agricultural-open space use and as a long-term use before that of natural open space. In a pristine sense, destruction of the natural environment started 100 years ago, and very seldom does continued human use of an area result in any enhancement of that area's ambient environment.

In a long-term sense, construction of the proposed facility will add additional structures to the site and other area disturbances or changes as delineated throughout this report; however, in the sense that proper utilization of land, a limited resource, is a beneficial activity, the location of the development on this site will put the latter to optimum use given the adjacent heavy industrial uses of petroleum and sulphur product production.

ANY IRREVERSIBLE OR IRRETRIEVABLE COMMITMENTS OF NATURAL AND ECONOMIC RESOURCES

The point in question here is what constitutes an irretrievable commitment. For example, the existing vegetation located what will be under the concrete yard area will be irretrievable committed to the extent that the exact same grasses, etc., will not return, although the species can be replanted at some future date.

Energy resources in the form of power used for electrical facilities and appliances in the operation will be a permanent commitment of electrical power units consumed, but the amount per time increment is not known at this time.

The rest of the resources, such as the 20 acres of land, the construction material, and the capital needed are committed for varying periods of time. At some future time the concrete can be broken up and removed to be used elsewhere as fill or riprap; the lumber can be removed and used again or burned as fuel; and the land can be graded, plowed, and replanted. The water used is only part of a continual precipitation cycle.

In an economic sense, everything from the site's grass to the concrete in the slab has an economic value and in varying degrees will be committed in the project. Major quantities in just the construction material include, but are by no means limited to, 7,200 cubic yards of gravel, two ton of prefabricated rebar, 10,000 square feet of wire mesh, 576 lineal feet of 18 inch R.C.P., 7,200 yards of asphaltic gravel, 11,000 square feet of CMU masonry units, 6,000 board feet of dimensional lumber, 1,500 - 12 x 5 foot tubular metal panels and 500 tubular metal gates.

OBJECTIONS BY PUBLIC AND PRIVATE ORGANIZATIONS AND INDIVIDUALS

There are no known objections by any organized groups or from any public agencies. In a public hearing some individuals have expressed opposition based on their own economic interests. At the hearing on this matter before the Board of Livestock, an individual who has filed an application with Board of Livestock for a license to operate a third livestock market in Billings appeared in protest.

ECONOMIC BENEFITS VS. ENVIRONMENTAL COSTS

The economic benefits of this proposed development are similar to the economic impact of the existing auction facility, but considering the increased efficiency being designed into the new facility the benefits should increase over that presently existing and costs should decrease. The economic benefits are a secondary impact and are described in "The Probable Impact of the Proposed Action on the Environment" section of this assessment; the environmental effects are delineated throughout this analysis.

POTENTIAL GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTION

As stated earlier in this assessment, in addition to this basic livestock auction and yard facility, the proposed development will provide office and other retail space; no difficulty in leasing such space is anticipated. Because of number of spectators and traders frequenting the auction facility and their agricultural orientation, agri-business type industries will find the adjacent vacant land an attractive potential market area. Coupled with this is the general zoning pattern existing in the area which is conducive to commercial-industrial capital investment. Further, the area parallels the interstate highway and could provide excellent sites for large lot displays, examples of which are the farm implement company areas along the interstate in southwest Billings.

Given such characteristics, the area will probably grow without the proposed development; with it, however, it will probably occur faster. It is not expected adjacent areas will become residential, considering the already existing industrial conditions and sound guidance from county planning officials.

LISTING OF AGENCY PERSONNEL HAVING CHIEF RESPONSIBILITY FOR PREPARATION OF THE STATEMENT

The Department of Livestock lacks the funding and personnel to adequately assemble the data required for an environmental impact statement. Our practice, therefore, has been to require the applicant to submit environmental assessment for departmental review and modification where necessary. This draft EIS is based primarily upon an assessment prepared by Cumin Associates 1925 Grand Avenue, Billings. Charles Brown, Staff Attorney of the Department of Livestock supplied some additional material.

SOURCE DATA

1. Department of Livestock Records at Helena, Montana.
2. Montana Livestock Marketing Association, Weekly Report, No. 4, First Bank Building, Bozeman, Montana; and Water Meter Shop, Public Works Department, Billings, Montana; communication, March 25, 1975.
3. Jim Cronin, Jimco Construction, 411-24th Street West, Billings, Montana; communication, March 27, 1975.
4. Jack Mueller, P. E., Mueller Engineering, Inc., 1629 Avenue D., Billings, Montana; communication, March 28, 1975.
5. Ibid.
6. Harry Schmitt, P. E., Hydrologist, Mueller Engineering, Inc., 1629 Avenue D, Billings, Montana.
7. Jack Mueller, P.E., op. cit.
8. Average loading from "Odor Control in Cattle Feed Yards", by W. L. Faith, Journal of Air Pollution Control Association, November 1964, p. 459.
9. Ibid.
10. H. C. Wyman, Billings Livestock Commission Company, 1202 First Avenue North, Billings, Montana; communication, March 25, 1975.
11. Comprehensive Plan for the Billings Planning Area, Clark, Coleman and Rupeiks, Inc., Seattle, Washington, December 1968.
12. Zoning Plan for the Jurisdictional Area of Yellowstone County and the Official County Zoning Maps, November 1973.
13. Local Climatological Data, Annual Summary with Comparative Data, 1969, Billings, Montana; U.S. Department of Commerce, Environmental Science Services Division.
14. Jack Mueller, P.E., op. cit.
15. Flood Plain Information, Yellowstone River, Volume I, Billings Metropolitan Region, Montana; U.S. Army Corps of Engineers, 1972, p. 13.
16. Ibid, plate 4.
17. Water Resources of the Yellowstone River Valley, Billings to Park City, Montana, by Arthur W. Gosling and Emil F. Pashley- Jr., USDI-USGS Hydrologies Investigations Atlas HA-454, 1973.

18. Soil Survey of Yellowstone County, Montana, USDA-SCS, USDI-BIA, in cooperation with Montana Agricultural Experiment Station, March 1972, pp. 88, 92, 115.
19. Vegetative Rangeland Types in Montana, Montana Agricultural Experiment Station, Montana State University, Bozeman, Montana; Bulletin 671, April 1973, pp. 12-13.
20. Buck Compton, Information Officer, District Office, Montana Fish and Game Department, 1125 Lake Elmo Drive, Billings, Montana; communication, March 25, 1975.
21. H. C. Wyman, op. cit.
22. Records, Yellowstone County Treasurer's Office, County Courthouse, Billings, Montana.
23. Principles and Practice of Urban Planning, International City Managers' Association, Washington, D.C., 1968, p. 140.
24. Bob Lambert, Planning and Research Division, State Highway Commission, Helena, Montana; communication, March 28, 1975.
25. James L. Glenn, Director, Yellowstone County Air Pollution Control; letter to Yellowstone County Board of Adjustment, February 13, 1975.
26. "Odor Controls for Rendering Plants" by Robert Bethea, Belur Murthy, and Donald Carey; Environmental Science and Technology, June 1973, pp. 504-510.
27. Discussion by Thamon E. Hazon of Robert M. Bethea's "Solutions for Feedlot Odor Control Problems--A Critical Review", Journal of the Air Pollution Control Association, October 1972, pp. 765-773.
28. "Odors From Confined Livestock Production", U.S. Environmental Protection Agency, Environmental Protection Technology Series, April 1974, p. 10.
29. Gary Boetcher, Planning Director, Billings-Yellowstone City-County Planning Board; communication, March 5, 1975.
30. H. C. Wyman, op. cit.

LIST OF EXHIBITS

1. Location map
2. Letter from A. J. Baldry, State Highway Patrol
3. Letter from Steve Pilcher, State Department of Health, Water Quality Bureau
4. Layout of facility on the property
5. View of building and arena area
6. Front elevation of building
7. Main floor plan
8. Arena floor plan
9. Arena dimension control plan
10. Human waste disposal plan
11. Pen layout
12. Restaurant
13. Pumping system for lagoons
14. Letter from Lockwood Water Users Association
15. Application for Permit to Discharge
16. Zoning map
17. Resolution permitting variance
18. Map of generalized uses
19. Soils map
20. Letter from James Glenn, Yellowstone County Air Pollution Control

LAW OFFICES

BERGER, ANDERSON, SINCLAIR & MURPHY

BERGER BUILDING 2512 3RD AVE. NORTH
BILLINGS, MONTANA 59103

ARNOLD A. BERGER
RICHARD W. ANDERSON
JAMES J. SINCLAIR
JAMES P. MURPHY

P. O. BOX 1914
TELEPHONE 252-3439

June 16, 1975

State of Montana
Department of Livestock
Livestock Building
Helena, Montana 59601

Attention: Mr. Charles Brown,
Staff Attorney

Re: Billings Livestock Commission Company

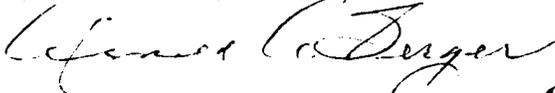
Dear Mr. Brown:

Please be advised that the county sanitarian has inspected the plans for human waste disposal and has tentatively approved the same subject to the final examination as to operational inspection. In this regard, the building permit has been issued allowing the construction of the facility as designed.

Yours very truly,

BERGER, ANDERSON, SINCLAIR & MURPHY

By



Arnold A. Berger

dl

Attorneys for Billings Livestock
Commission Company

AGENCIES, GROUPS AND INDIVIDUALS FROM WHOM COMMENTS HAVE BEEN REQUESTED

Federal

U. S. Department of Agriculture
Packers and Stockyards Administration
Federal Office Building
1961 Stout
Denver, CO 80202

U. S. Department of Agriculture
Veterinary Services
Box 639
Bismarck, ND 58502

Congressman John Melcher
Federal Building
Room 1016
Billings, MT 59101

State or Local Agencies

Governor Judge
Governor's Office
Capitol Building
Helena, MT 59601

Director
Department of Fish and Game
Mitchell Building
Helena, MT 59601

Director
Department of Health & Environmental Sciences
Cogswell Building
Helena, MT 59601

Director
Department of Agriculture
Capitol Annex Building
Helena, MT 59601

Director
Department of Natural Resources & Conservation
32 South Ewing
Helena, MT 59601

M. J. Beckman
2711 North Frontage Road
Billings, MT 59101

Billings Water Quality Bureau
P. O. Box 20296
Billings, MT 59102

County Planning Office
Courthouse
2620 North 3rd
Billings, MT 59101

Environmental Quality Council
1228 11th Ave.
Helena, MT 59601

Yellowstone City-County Health Department
Room 205 Courthouse
2620 North 3rd
Billings, MT 59101

Yellowstone County Air Pollution Control
3302 4th Ave. North
Billings, MT 59101

Private Groups or Individuals

BERGER ANDERSON SINCLAIR & MURPHY
2512 3rd Ave. North
Billings, MT 59101

Big Horn County Livestock Association
Box F
Hardin, MT 59034

Billings Chamber of Commerce
2705 Montana Avenue
Billings, MT 59101

Billings Livestock Commission Company
Box 1438
Billings, MT 59103

Bozeman Livestock Market Center
Box 819
Bozeman, MT 59715

Burlington Northern
333 North Broadway
Billings, MT 59101

Central Montana Livestock Market Center
Box 1058
Lewistown, MT 59457

DAVIDSON VEEDER ROBERTS & BAUGH
805 Midland Bank Building
Billings, MT 59101

Kenneth Finley
Johnson Lane
Billings, MT 59101

Fox Land & Cattle Company
Box 739
Billings, MT 59103

Clinton Frank
Lockwood Superette
1960 Old Hardin Road
Billings, MT 59101

Gallatin County Beef Producers Association
Room 285, Federal Building
Bozeman, MT 59715

HIBBS SWEENEY & COLBERG
2720 3rd Avenue North
Billings, MT 59101

Lockwood Lions Club
c/o Bob Solie, President
118 Buck Deer Pass
Billings, MT 59101

Lockwood P. T. A.
c/o Dennis Esplan, Superintendent
Lockwood Schools
Hardin Road
Billings, MT 59101

Meagher County Livestock Association
Martinsdale, MT 59053

Robin MacNab
Montana Livestock Auction Market Association
#4 First Bank Building
Bozeman, MT 59715

Mons Teigen
Montana Stockgrowers
P. O. Box 1679
Helena, MT 59601

Bob Gilbert
Montana Woolgrowers
Box 1693
Helena, MT 59601

Park County Livestock Association
Wilsall, MT 59086

Park County Ranchers Marketing Association
Box 643
Livingston, MT 59057

Pierce Corporation
Box 1356
Billings, MT 59101

Public Auction Yards
Public Stockyards
Billings, MT 59101

Jack Sannon, Chairman
County Variance Committee
3604 Old Hardin Road
Billings, MT 59101

The Milwaukee Road
2816 3rd Avenue North
Billings, MT 59101

James Wempner
c/o Midland National Bank
Billings, MT 59101

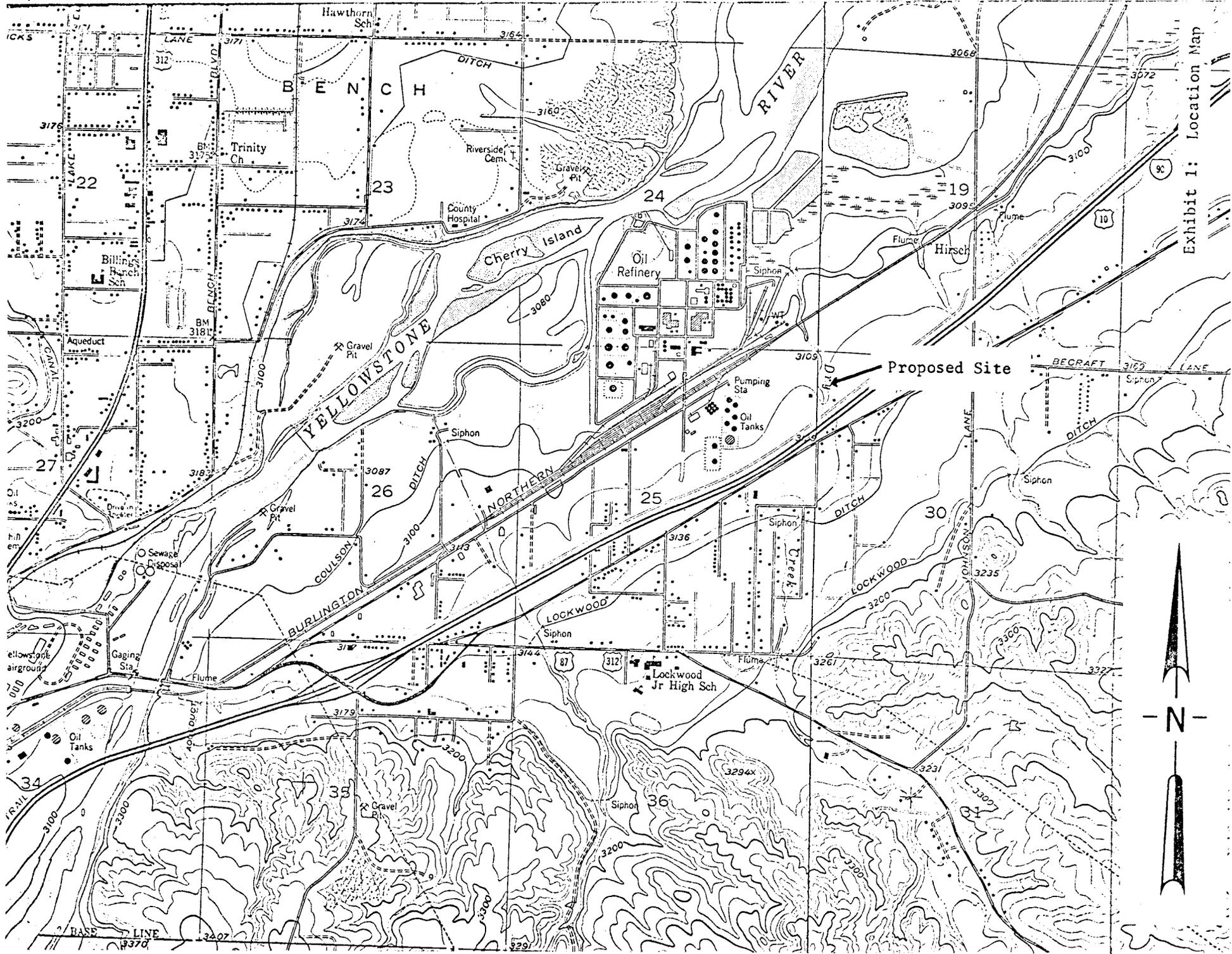


Exhibit 1: Location Map



ROBERT L. WOODAHL
ATTORNEY GENERAL

State of Montana
Department of Justice

HIGHWAY PATROL BUREAU
1014 NATIONAL AVENUE
HELENA, MONTANA 59601

April 24, 1975

Mr. Scott Langman
Billings Livestock Yards
Billings, Montana

Dear Mr. Langman,

This letter is in regard to your request for my opinion of the traffic problems on First Avenue North in the vicinity of the Livestock Yards. We have had numerous accidents in this area, particularly in front of the Yards and the Seventeen Bar at 1123 First Avenue North. It is my opinion that this is indeed a "high accident area."

Our most difficult problems with traffic in this area occur on days when a livestock sale is in progress. The parking lot at the Yards is not at all adequate for the number of vehicles (trucks and cars) involved in the sales. The over-loaded parking lot forces many trucks to park on the street. Many truck drivers have resorted to double-parking on First Avenue North, causing an obvious traffic hazard and blocking traffic in all directions. These trucks parked on First Avenue North also make it difficult for vehicles in the parking lot to get out of the lot, since they frequently block the driveways. Additionally, trucks often line up beneath the 13th Street underpass, blocking traffic in that direction as well. In short, the volume of traffic attending the sales far exceeds the available parking space and the over-flow is what is causing the traffic problems on First Avenue North.

There have been several pedestrian-car accidents in this area recently. This leads us to believe that on-street parking should be prohibited on First Avenue North from 13th Street eastward to Exposition Drive. However, such prohibition of on-street parking would, in my opinion, only aggravate the already critical shortage of parking space in the area and increase the problems we have had with trucks blocking the traffic lanes. Prohibition of on-street parking would force the general public to use the Yard's parking lot, making it even more difficult for the trucks to get into the parking lot. Apparently, such a prohibition would not solve our traffic problems.

I have been stationed in Billings as Division commander for nearly five years and the traffic and parking situation has not improved. Accidents in that area are still all too frequent. The State is currently considering a lighting project to lessen the night-time hazard, but at present the problem is still with us.

Sincerely,

A handwritten signature in cursive script that reads "A. J. Baldry".

A. J. Baldry, Captain

Exhibit 2

MONTANA STATE DEPARTMENT OF HEALTH
AND
ENVIRONMENTAL SCIENCES

Field Investigation

February 28, 1975

Location: Billings Livestock Commission Company, Billings, Montana

On February 20, 1975, accompanied by Mr. Alf Hulteng of our regional office in Billings, an inspection was made of the wastewater discharge from the Billings Livestock Commission Company into Yegan Drain. This discharge is created by the overflow from the continuous flowing livestock watering system. In addition to this flow, livestock waste is discharged into the same system during periods of surface runoff. Even though the temperature at the time of the investigation was in the mid-30's and surface runoff should have been minimal, there was significant livestock waste being discharged into the sewer system as evidenced by the color of the discharge.

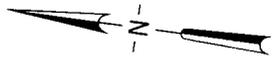
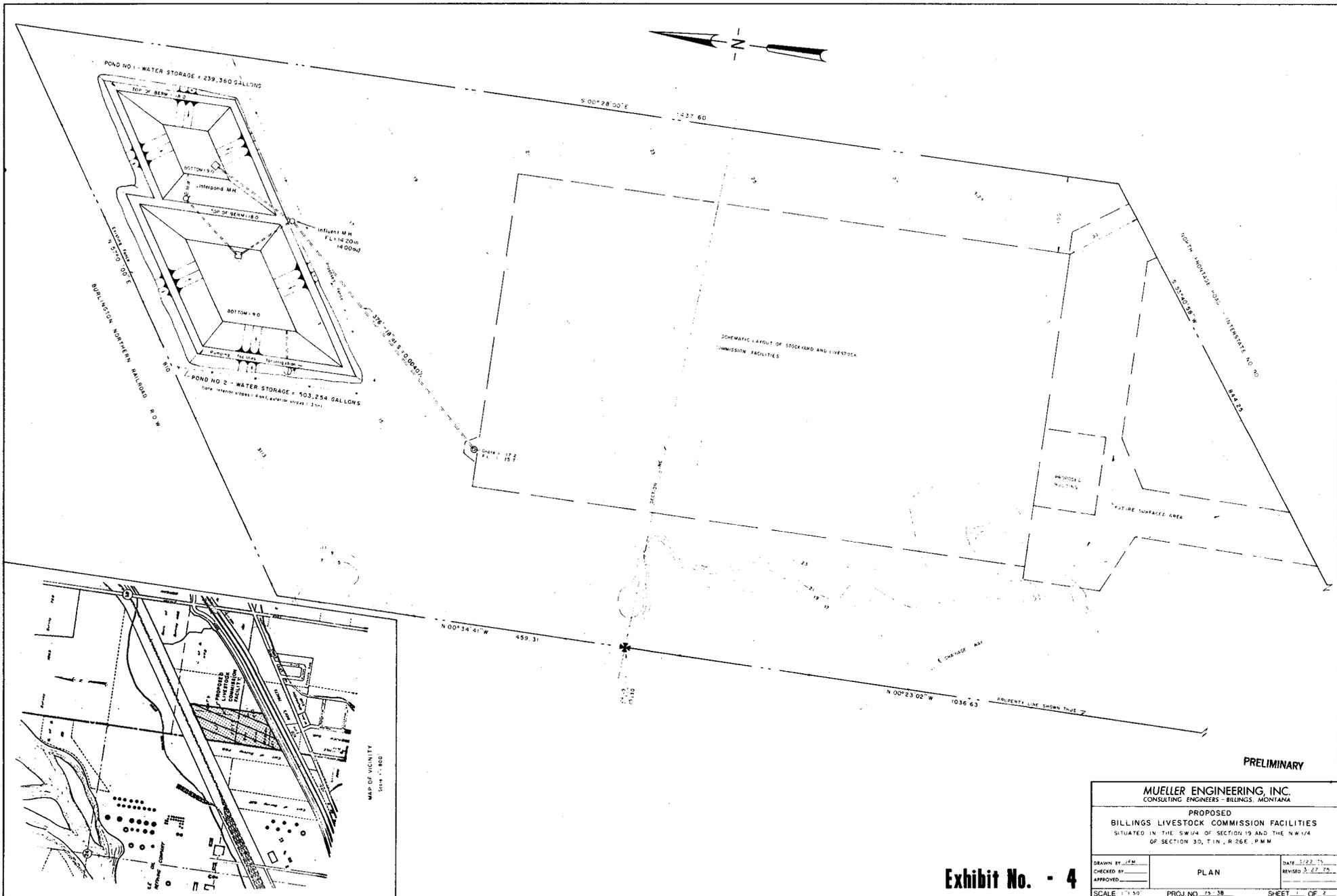
An inspection of the yards themselves indicated the accumulation of excessive quantities of livestock waste. In several pens, the waste material had accumulated to a depth of eight to ten inches or more. Realizing fully well that the waste material cannot be readily removed during periods of subzero weather, it appears that it has been quite some time since these pens were cleaned thoroughly. As this manure pack thaws during warmer spring weather, significant quantities of livestock waste are going to be discharged into the sewer system and consequently into Yegan Drain.

An application for a waste discharge permit for this animal confinement facility has never been submitted, and the existing discharge is in violation of the Montana Pollutant Discharge Elimination System Rule, MAC 16-2.14(10)-S14460 and the Montana Water Pollution Control Act. It will be necessary to either totally eliminate this discharge or to improve the quality by removal of the livestock waste. Due to the location of the facility the retainment of surface runoff might prove quite difficult. It may even be necessary to pump this surface runoff to an area southeast of the yards across the railroad tracks. Various alternatives for a solution to this problem should be evaluated as soon as possible. Once a reasonable alternative is selected the proper application forms should be submitted for a waste discharge permit.

This situation was discussed with Mr. Jack Yurco and the proper application forms were left with him.

Reports to: Alf Hulteng, Branch Office, Box 20296, Billings

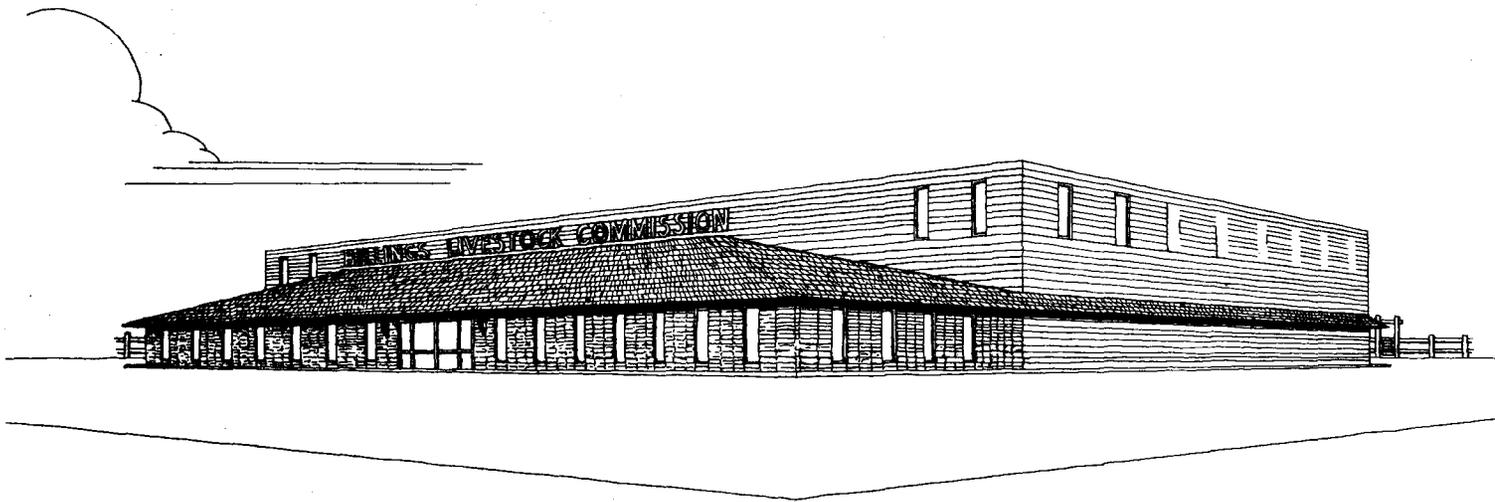
Steven L. Silber



PRELIMINARY

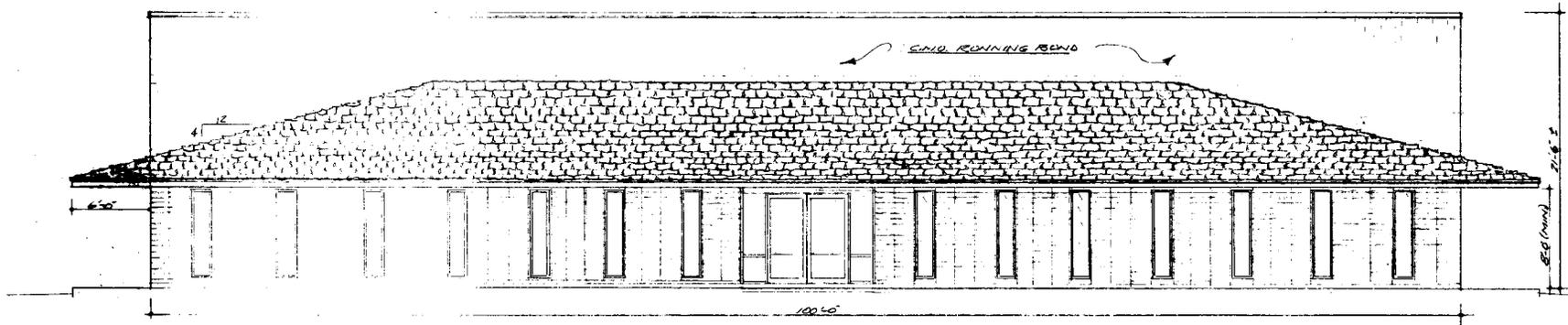
MUELLER ENGINEERING, INC. CONSULTING ENGINEERS - BILLINGS, MONTANA		
PROPOSED BILLINGS LIVESTOCK COMMISSION FACILITIES SITUATED IN THE SW 1/4 OF SECTION 19 AND THE NW 1/4 OF SECTION 30, T.1N., R.26E., P.11M.		
DRAWN BY: JEM CHECKED BY: APPROVED:	PLAN	DATE: 3.22.75 REVISED: 3.27.75
SCALE: 1" = 50' PROJ. NO. 75-38	SHEET 1 OF 2	

Exhibit No. - 4

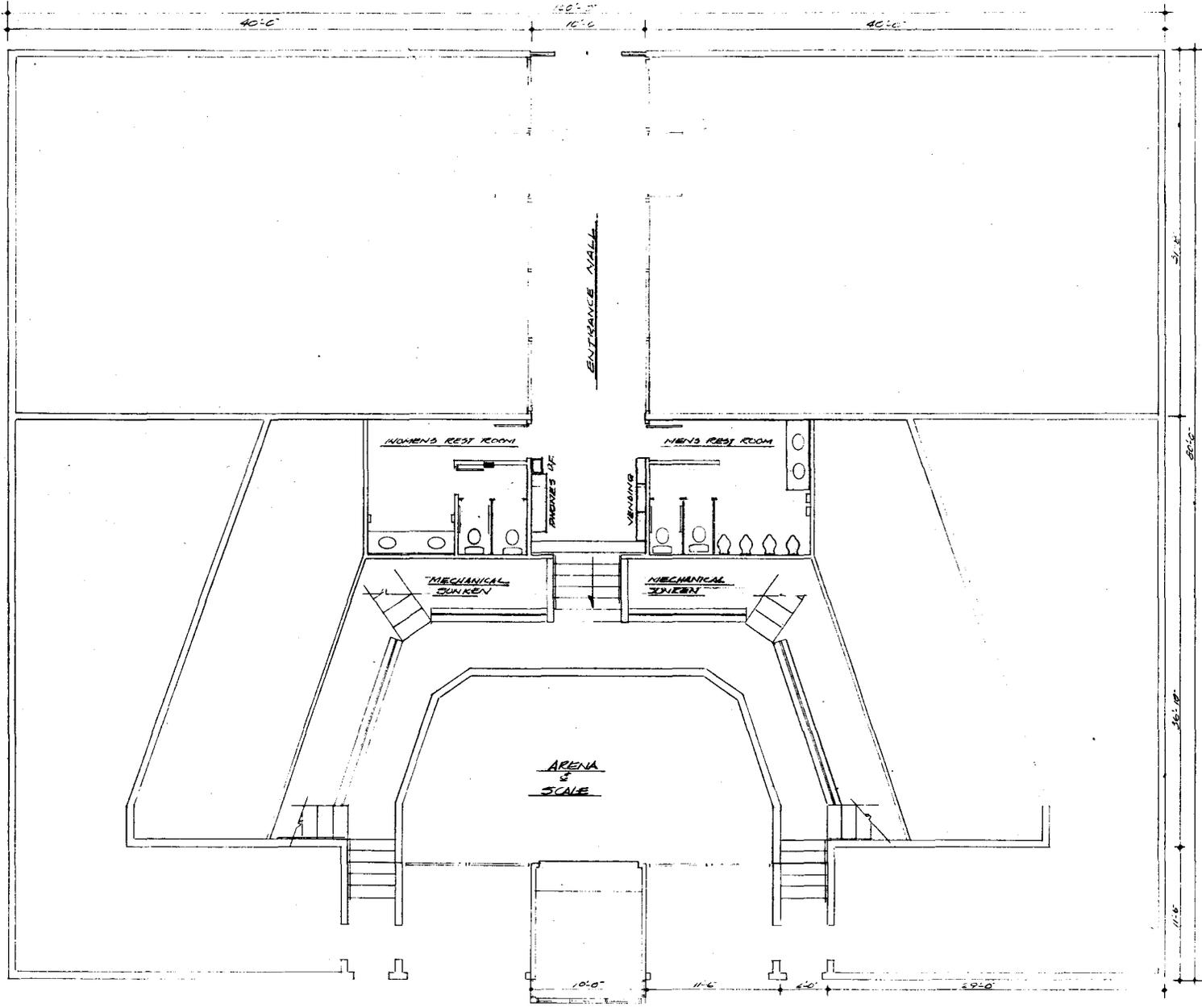


Prepared by Jimco Const., Inc.

Exhibit No. - 5



FRONT ELEVATION
SCALE 1/8" = 1'-0"



MAIN FLOOR PLAN
SCALE 1/8" = 1'-0"

Exhibit No. - 7

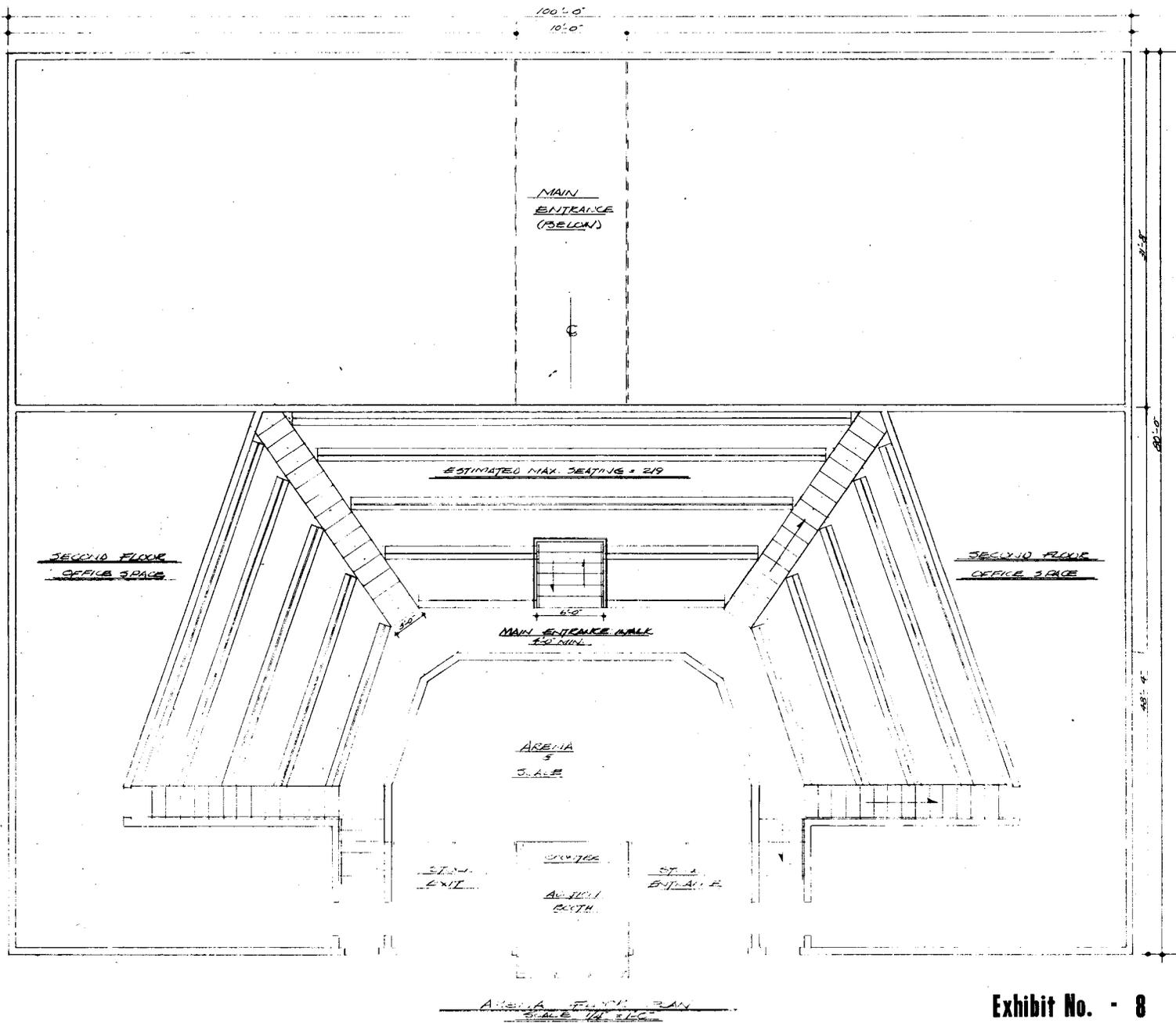
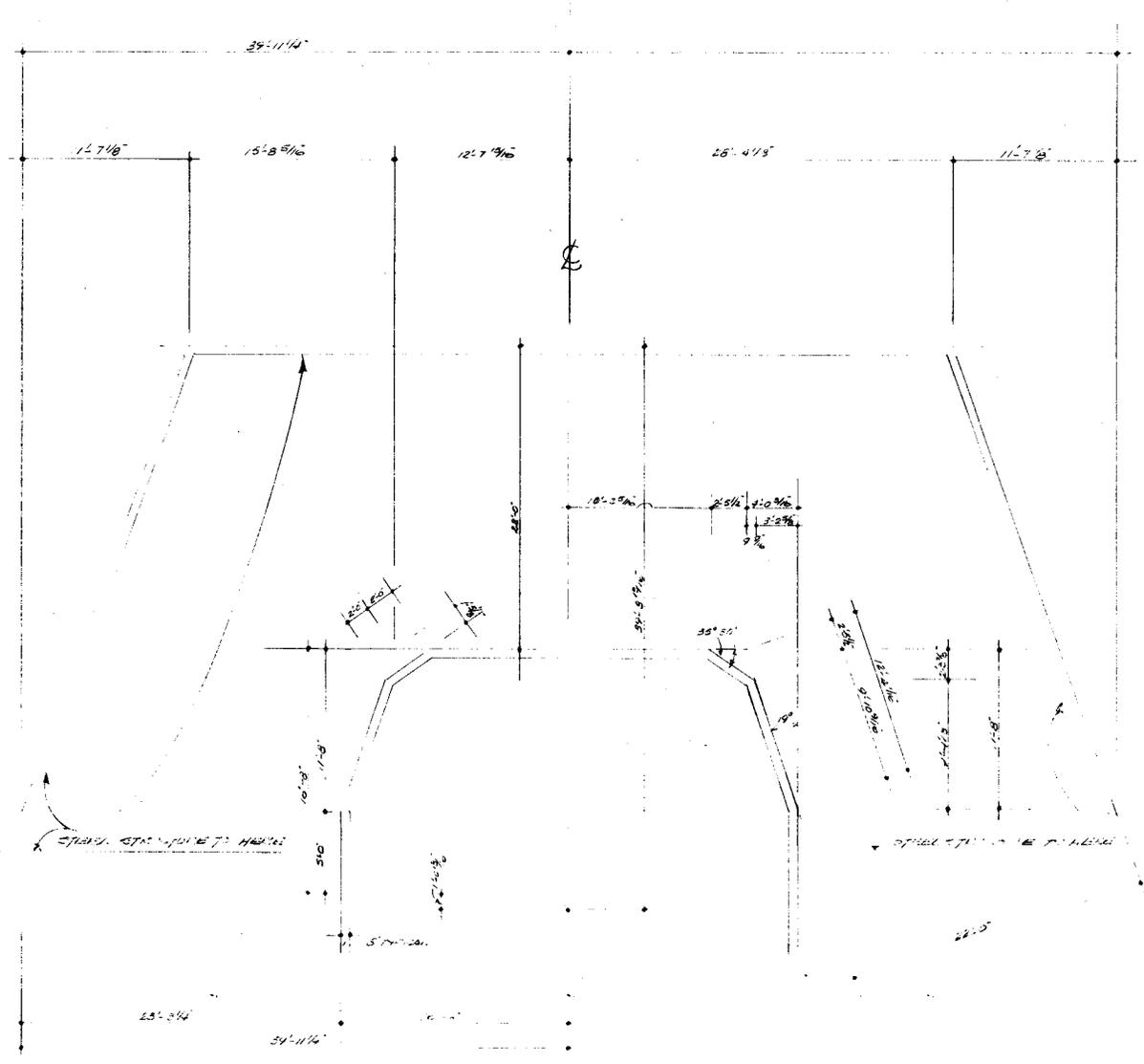


Exhibit No. - 8

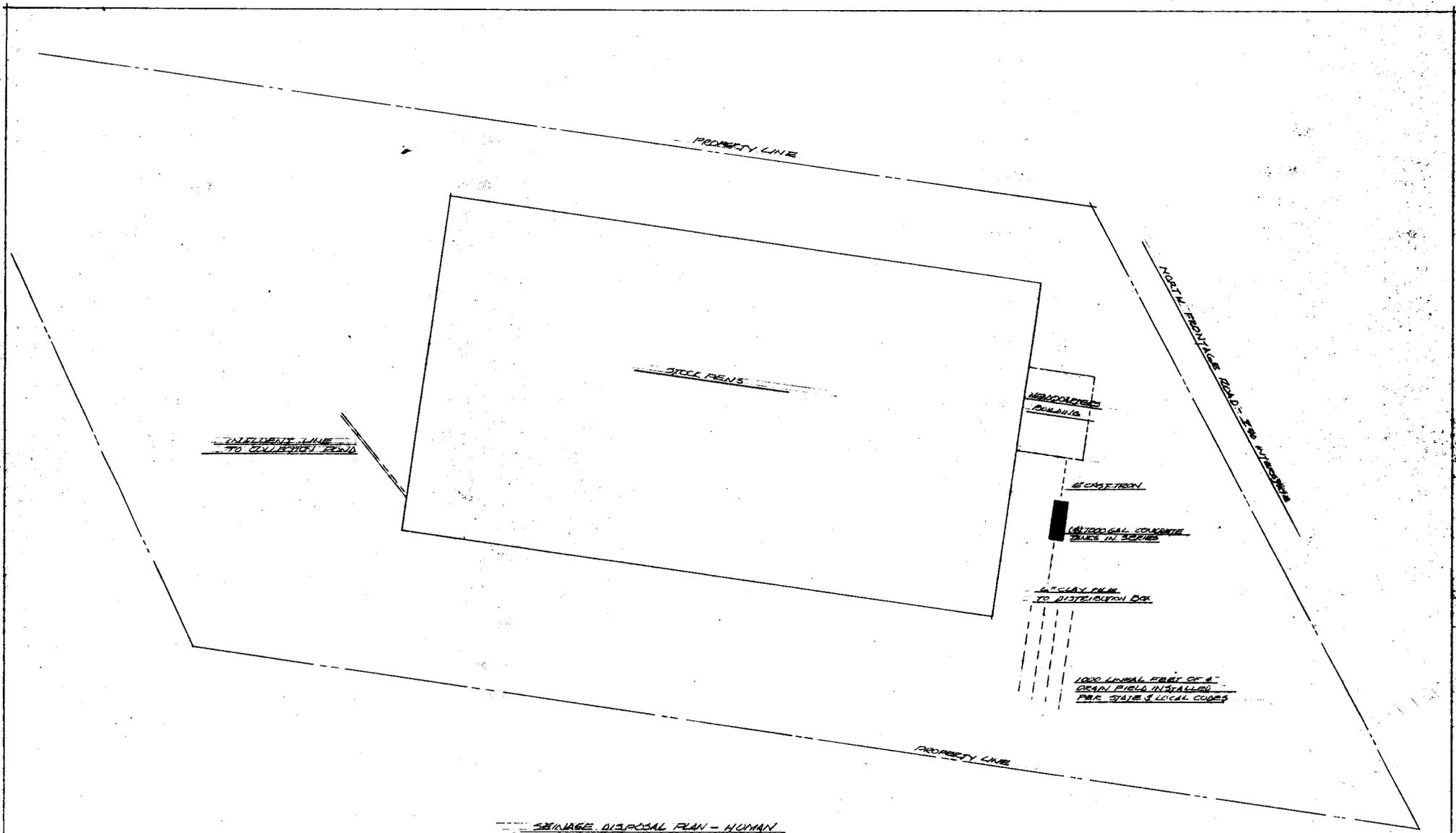
SYNOPSIS - A-207 &



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LOG TAN	9.89697
LOG COT	0.46503
LOG COS	9.97561

LOG SIN	9.85201
LOG TAN	9.85207
LOG COT	0.14673
LOG COS	9.97561

AVENUE UNIVERSITY, S. W. COR. 4. 11. 11.



PROPERTY LINE TO GULLY BED

PROPERTY LINE

STOCK PENS

HOUSE

NORTH BRIDGE ROAD - 500' WIDE

SEWER LINE

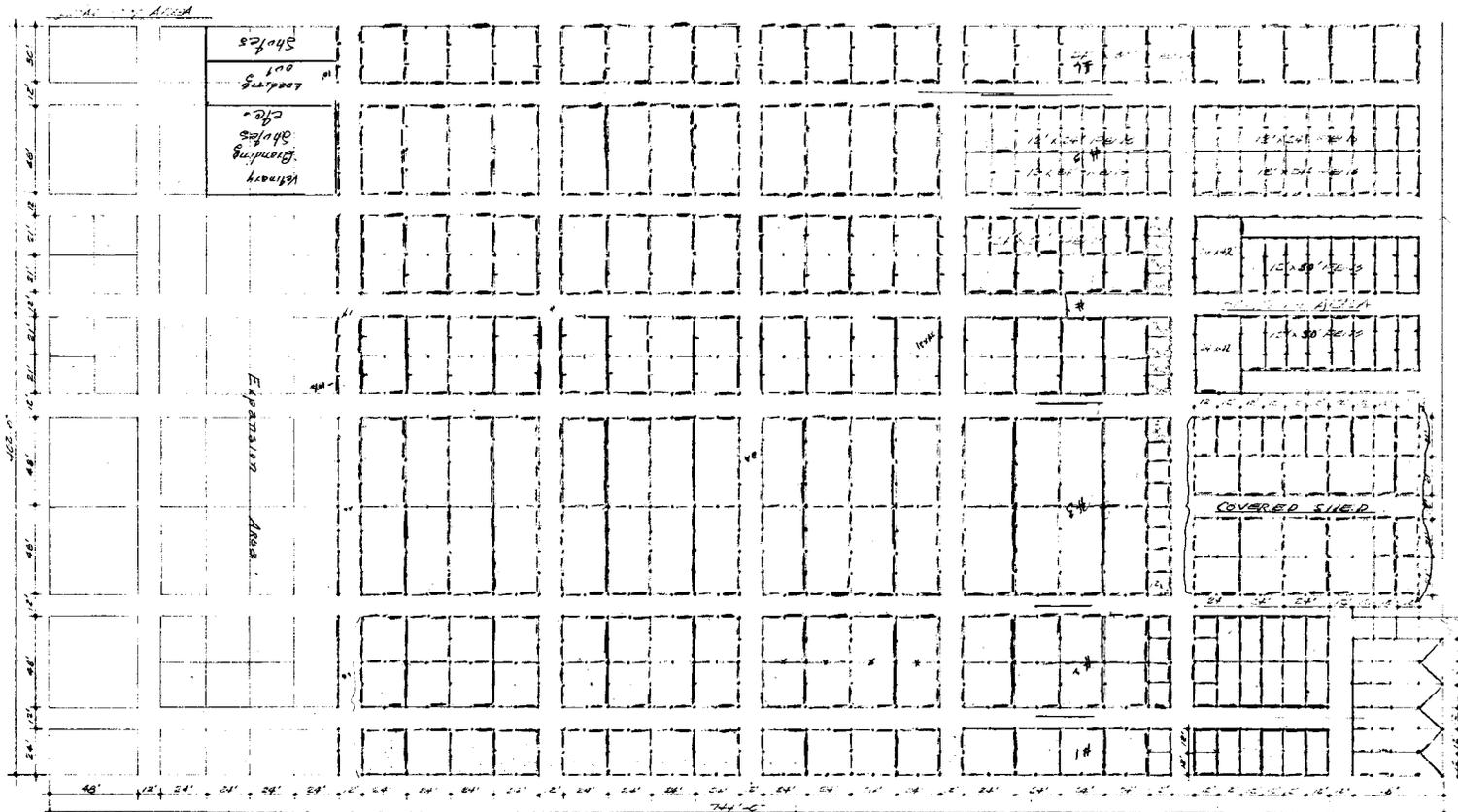
18\"/>

6\"/>

1000' LONG FEET OF A
DRAIN FIELD INSTALLED
PER STATE & LOCAL CODES

PROPERTY LINE

SEWAGE DISPOSAL PLAN - HUMAN
SCALE 1" = 30'-0"



SEE PLAN FOR DETAILS

- 12' Gates
- Feed bunks
- 10' stall panels - Removable

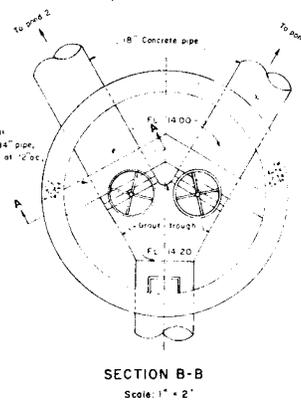
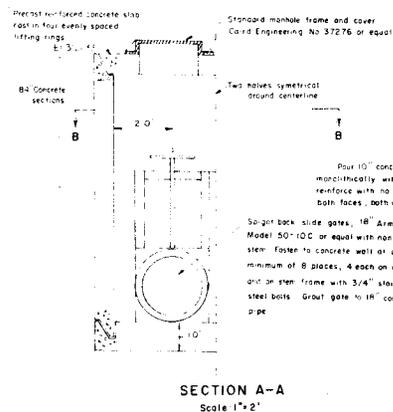
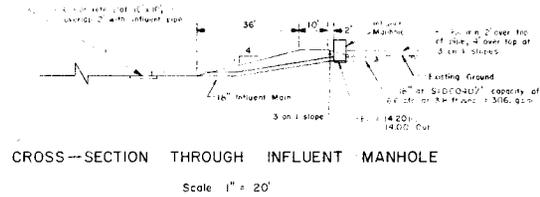
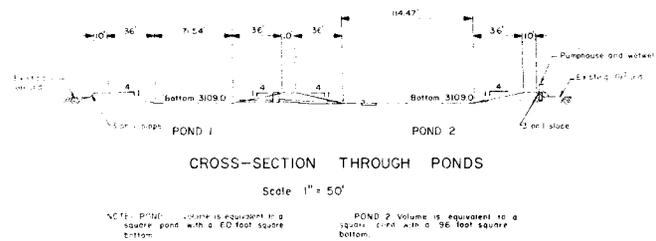
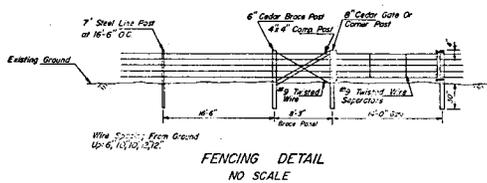
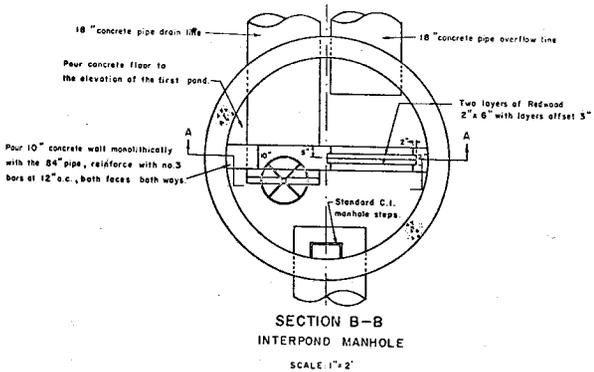
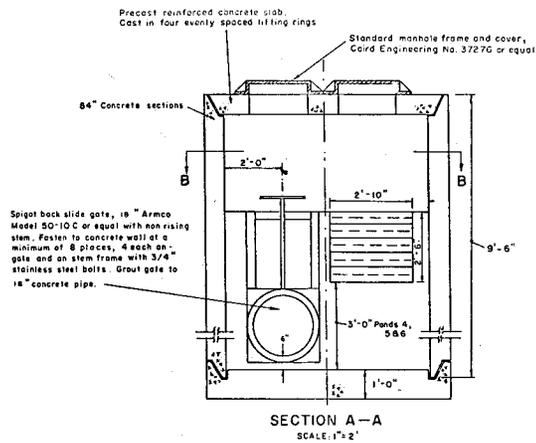
LEGEND

ITEM	MAKE	MODEL	LOAD
1 WALK-IN COOLER	NORLAK	8'0" X 7'0" X 7'6"	
2 REFRIGERATION SYSTEM	NORLAK	75M	3/4 H.P.
3 WALK-IN FREEZER	NORLAK	8'0" X 5'6" X 7'6"	
4 REFRIGERATION SYSTEM	NORLAK	EX73E	3/4 H.P.
5 ERECTA SHELVING	METROPOLITAN	ZINC	
6 HAND SINK	SECO	H5-11	
7 COULERY SINK	TERRELL	55-72-24-3	
8 PREPARATION TABLE	DUKE	7121	
9 PREPARATION TABLE	TERRELL	55-48-24-2	
10 WORK TABLE	DUKE	7121	GAS 8 FT 0"
11 BENCH	WOLF	CH 500 36	87000
12 TYERS	KEATING	712 TSP	13,000 EACH
13 RANGE	WOLF	CH55-4 229-FT-5	205,000
14 RANGE HOOD	NORCO CUSTOM	42" X 13' 0"	
15 EXHAUST FAN	JENYAIR	302 BTD.	1/2 H.P.
16 FINE CONTROL SYSTEM	KIDDE	NDR-250E-11	5720 CFM
17 WORK TABLE	DUKE	7121	
18 CLEAN UP TABLE	NORCO CUSTOM	14 GA. SS.	
19 WASHER	HATCO	E-13	15 K.W.
20 SH. WASHER	HUBART	AV-11	1 H.P. PLUS 5 KW
21 SCHEDULED UPH. TABLE	NORCO CUSTOM	14 GA. SS.	
22 WASHER	HUBART	FW150-5-2	1/2 H.P.
23 SH. CAB	BELMFIELD	336	
24 ALD. SANDWICH TABLE	DELFIELD	40-48 H.	1/4 H.P.
25 WASH. TABLE	GENERAL ELECTRIC	CI 24	2.70 K.W.
26 MOUNTING TABLE	NORCO	E 58 GL	4 K.W.
27 SERVING TABLE	NORCO	FB 48-30 MG	
28 SERVING SHELF, S/S	NORCO CUSTOM	18" X 12"	
29 REST LAMP	HATCO GRAH EE	GRAH 84	2050 WATT
30 REFRIGERATOR	HUBART	M 2V	1/3 H.P.
31 FREEZER	HUBART	MF 2V	3/4 H.P.
32 TRAY COUNTER	NORCO CUSTOM	24" X 15' 5"	
33 COFFEE WARMER	FRY	CH30WV	325 W.
34 HOT & COLD DISP.	STARLINE	101	740 W.
35 JULE MIP	STARLINE	I	1/6 H.P.
36 ICE TEA DISPENSER	STARLINE	1/2 T	1/6 H.P.
37 MASH. MSH.	NORCO	N-10-5	1/6 H.P.
38 MASH. COUNTER	NORCO CUSTOM	28" X 8' 0"	
39 ICE MACHINE	VILLE HIGH	614 D 48	3/4 H.P.
40 ICE CREAM	SWEDEN	260	1/2 H.P. PLUS 1 H.P.
41 MEL. CASE	DELFIELD	17 H25E	6 AMP
42 COFFEE MAKER	BY OTHERS		28 AMP
43 CASH COUNTERS	NORCO CUSTOM	24 LIN. FT.	
44 FURNER STAND	NORCO CUSTOM	32"	
45 COUNTER SINKS	LIB 1150	60SE SEAT	12 REQUIRED
46 TABLE TOPS	FORMICA	30" X 36"	10 REQUIRED
47 TABLE TOPS	FORMICA	30" X 30"	4 REQUIRED
48 TABLE TOPS	FORMICA	30" X 44"	10 REQUIRED
49 TABLE BASES	FALCON	23C1-34	10 REQUIRED
50 TABLE BASES	FALCON	204-30	10 REQUIRED
51 DOCTHS SINGLE	FALCON	710C	4 REQUIRED
52 DOCTHS DOUBLE	FALCON	710D	7 REQUIRED
53 ANTISEPT. STAND	JOHNSON	30P 40M 41	ICE & WATER STATION
54 COFFEE WARMER	KORY	CH2AWY	250 WATT
55 CHAIRS	WIRCO	230 F1760	48 REQUIRED

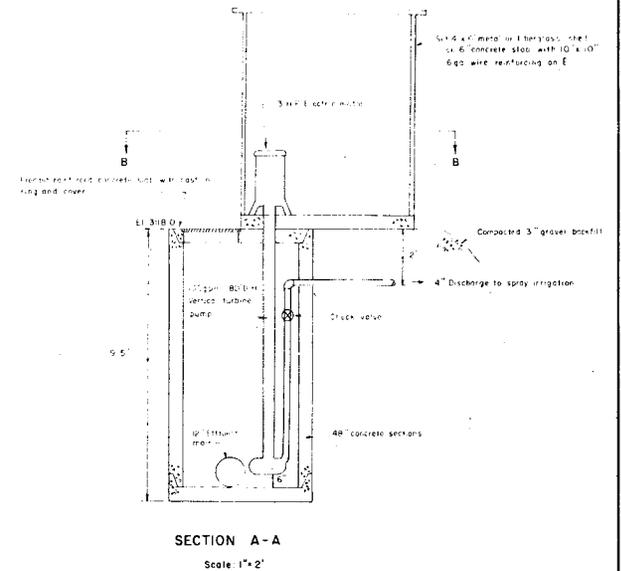
DESIGNED FOR:
BILLINGS LIVESTOCK CO

1/4" 4-26-75 INNES

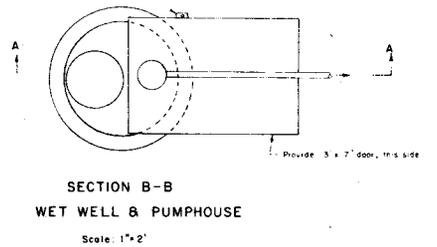
Exhibit No. - 12



INFLUENT MANHOLE



WET WELL & PUMPHOUSE



PRELIMINARY

MUELLER ENGINEERING, INC.
CONSULTING ENGINEERS - BILLINGS, MONTANA

PROPOSED
BILLINGS LIVESTOCK COMMISSION FACILITIES

DRAWN BY: J.P.H.	DATE: 3/29/75
CHECKED BY: _____	REVISED: 3/22/75
APPROVED: _____	SCALE: AS SHOWN PROJ. NO. 25-38 SHEET 2 OF 2

Exhibit No. - 13

LOCKWOOD WATER USERS ASSOCIATION

P. Q. BOX 1708

BILLINGS, MONTANA 59103

March 27, 1975

To whom it may concern,

The Lockwood Water Users Association is looking forward to the possible move of the Billings Livestock Commission Co. to the North Frontage road in the Lockwood Community.

The Livestock yard with there high sellings season being from September on which is our slack water usage season and we feel the addition reveue would be a big asset to our Water Association. Therefore as a Board of Directors we feel we can furnish adequate water for the Billings Livestock Yards Needs.

A handwritten signature in cursive script that reads "Jack Sannon". The signature is written in dark ink and is positioned above the printed name and title.

Jack Sannon President

FOR
AGENCY
USE

APPLICATION NO.			
DATE RECEIVED			
YR.	MO.	DAY	

3. Name, ownership, and physical location of facility

A. Name of facility

B. Ownership (check one)

(1) Public

(2) Private

(3) Both public and private

C. Check box if this is a federally owned and/or operated facility (for example, Black Creek National Fish Hatchery)

D. Location (complete as applicable) (See Attached Drawings for Metes & Bounds Description)

(1) Facility located where grid system is used

a. Township One North b. Section 19 and 30
c. Quarter Lot 1 and Lot 4 d. Range 27 East
e. County Yellowstone f. State Montana

(2) Facility located where grid system is not used

a. City or town (as applicable) _____
b. County _____ c. State _____

FOR AGENCY USE			
CITY	COUNTY		

4. Is this facility (check one) A. Existing? B. Proposed?

5. Date facility was (or will be) constructed 10 / 75
Month/Year

6. Receiving water(s) (e.g., stream, river, lake) None, Retention Pond - Irrigation System
Name(s)

7. State water pollution control permits

At this time

A. Have you applied for a State water pollution control permit for this facility? (1) Yes (2) No

B. If a State water pollution control permit for this facility has been issued, give date of issue and permit number

(1) Date of issue / /
Month/Day/Year

(2) Permit number _____

8. Have you received, from any level of government, written notice of complaint pertaining to water pollution from this facility?

A. Yes B. No

9. Give directions to this facility from nearest town 2.2 miles due East of the City of Billings,
adjacent to the Exxon Refinery, on the North side of Interstate 90.

See Attached Sheet 1 of 2

10. Attach a sketch, aerial photograph, or map of the existing or proposed facility and/or activity, with the following information marked (a Soil Conservation Service aerial photograph, or a U.S. Geological Survey Map, of the area involved is preferred).

- A. Approximate overall dimensions of the facility
- B. Direction and location of surface drainage and other discharges from the facility
- C. General location of waterways (e.g., streams, rivers, lakes) in the area
- D. Location of area for manure disposal (See E.I.A. for Disposal Area)
- E. Direction and location of diversion points for irrigation activities

11. Submission of this application is the result of (check as many as are applicable)

- A. Animal confinement facility
- B. Fish farm, hatchery, or preserve
- C. Irrigation return flow
- D. Other (specify)

If 11A was checked, complete items in section II, "Animal Confinement and Feeding Facilities."
 If 11B was checked, complete items in section III, "Fish Farms, Hatcheries, and Preserves."
 If 11C was checked, complete items in section IV, "Irrigation Return Flows."

II. ANIMAL CONFINEMENT AND FEEDING FACILITIES

1. Largest number of animals held by confinement or feeding facilities at any one time in the previous 12 months. Give type and number of animals.

TYPE OF ANIMAL	NUMBER OF ANIMALS
Cattle and Calves	3200

2. Approximate area used for animal confinement or feeding. 6.9 acres

3. Approximate land available for manure disposal. None on site - Hauled away after every sale acres

4. A. Animals in this facility are (check one)
- (1) In open confinement
 - (2) Housed under roof
 - (3) Both in open confinement and housed under roof

B. Percentage of animals housed under roof is 1 %

C. If there is open confinement, has a run-off diversion been constructed to prevent surface run-off into the confinement area?

- (1) Yes
- (2) No

D. If there are any housed animals at this facility, is there a liquid manure handling system used for manure management?

- (1) Yes
- (2) No If yes, is there a discharge to a waterway (e.g., stream, river, lake)?
- (3) Yes
- (4) No

FOR
AGENCY
USE

APPLICATION NO.			
DATE RECEIVED			
YR. MO.		DAY	

6. Average pounds of food fed per day is A. _____ pounds of B. _____ (type of food).

IV. IRRIGATION ACTIVITIES WITH POINT RETURN FLOWS

1. A. Check here if discharge occurs all year.

B. If discharge does not occur all year, check the month(s) discharge occurs.

- (1) January (2) February (3) March (4) April
(5) May (6) June (7) July (8) August
(9) September (10) October (11) November (12) December

2. Estimate the total number of acres under irrigation using

- A. Surface method of irrigation _____ acres
B. Sprinkler method of irrigation _____ acres
C. Other methods of irrigation _____ acres

3. Estimate the total water

- A. Diverted for irrigation by this activity _____ acre-feet/year
B. Discharged to surface waters (e.g., lakes, streams, rivers) from irrigation return flow _____ acre-feet/year

4. Estimate the number of separate points at which

- A. Water is diverted for irrigation _____
B. Water is returned to surface waters _____

COMMENTS:

SHORT FORM B

A. Name of confined feeding operation _____
 Name of owner Scott Langman Verda L. Wyman
 Address (Street or RFD) c/o 30 Mile Ranch 1101 O'Malley Drive
Billings, MT 59002
 Town Roundup, Montana Zip Code 59072
 Telephone: Residence 323-1249 Business 245-4151
 Name of authorized representative H.C. Wyman
 Address (Street or RFD) 1101 O'Malley Drive
 Town Billings, Montana Zip Code 59102
 Telephone: Residence 245-7491 Business 245-4151

B. Location of Confined Feeding Operation:

1. Legal Description:
~~(NE)(SE)(NW)(SW) Quarter~~ SW Quarter Section 19
~~(NE)(SE)(NW) (SW) Quarter~~ SW Quarter Section 30
 Township 1 (N) ~~(X)~~, Range 27 (E) ~~(X)~~ P.M.M.
 County Yellowstone County, Montana
 2. Directions and distance from the nearest town 2.2 miles due East of the
City of Billings, adjacent to the Exxon Refinery, on the North Side of
Interstate 90.

C. Description of Confined Feeding Operation:

1. Maximum design capacity of the operation:
 Cattle 4000 Swine None Sheep 10,000
 2. Type of operation: Existing Yes (Date started 1934)
 Relocation
 Proposed in 1975 Open lot Yes Total Confinement _____
 3. Physical data for feedlot site:
 Feedlot area 6.9 acres.
 Slope: Length 744 feet, 1.2 %, aspect Uniform

Soil characteristics: Clay Loam 0 to 0.5 foot surface
Silty Clay with Sand Seams 0.5 ft. to 21 ft. subsurface

(Show predominant texture, i.e. sand, silt, clay, gravel and kind of bed-rock.)

Depth to groundwater 19 feet on March 19, 1975 feet

Area contributing surface flow from outside feedlots (not diverted) that must be handled through the control facility None acres.

Total area contributing runoff to the system 6.9 acres.

10-year, 24-hour rainfall 2.83 inches.

Volume of runoff which can be expected from the above area following a ~~25~~ year frequency, 24-hour storm event 19.5 acre inches.

(This information may be obtained from the Soil Conservation Office in your area.)

Where livestock are totally confined within a building, estimate the maximum daily wastewater production including animal wastes and water used for flushing which will enter the control facility: Storage capacity = Number of animals x daily waste production (gallons or cubic feet) x desired storage time (days) + water used in flushing. _____ gallons or _____ cubic feet. (No confined operation)

D. Description of Control Facilities (Attach additional sheets when necessary):

1. Type of system planned or existing (check)

Lagoon: Aerobic _____ Anaerobic _____

Retention pond X See Attached Sheets 1 & 2

Holding tank _____

Other (Explain) Retention Ponds plus Irrigation as per Attached Sheets

2. Dimensions of each facility: Width _____ feet; Length _____ feet; Depth _____ feet. See Attached Sheets

3. Capacity: 742,614 gallons 27.3 acre inches

4. Soil characteristics of impoundment area:

Surface soil (sand, silt, clay, etc.) Silty Clay

Subsurface (sand, gravel, silt, clay, bedrock) Silty Clay

Depth to groundwater from the bottom of excavation 13 feet

5. Person designing the control facility Mueller Engineering, Inc.

E. Describe the method and frequency of removal and disposal of both liquid and solid waste from the control facilities (Ponds) Liquid will be spray irrigated on 3 or more acres adjacent to ponds. Solids will be loaded and hauled to disposal as required.

F. Describe the method and frequency of removal and disposal of manure from the feedlot area Lot area is concrete slab and slopes down to North for drainage into ditch which leads to treatment ponds. Manure is collected after each loading and hauled away from site; collection is by tractor loader.

G. Describe the disposal area for both liquid and solid waste:
Liquid
Area available 7 ± acres. Land use in pasture
Owner of land Billings Livestock Commission
Kind of soil (sandy, silty, or clay) Silty Clay
Depth to groundwater 19 feet
Average slope 1%

H. Describe program for reducing odor and dust from confined feeding operation:
No enclosed - confined area

I. Describe program for fly and rodent control: - A portable pressure sprayer is mounted on a pickup truck and the yard area is sprayed as needed with Korlen 24E. No problems have ever been experienced with rodents.

J. Describe the method for the disposal of dead animals: Billings Rendering

The about one animal per month loading is picked up by Billings Rendering Company when death occurs.

K. Attach a sketch of the existing or proposed confined livestock feeding operation and indicate the following:

1. Overall dimensions of the confinement and the location of physical features including livestock waste control facility.
2. Drainage pattern of confined feeding operation and surrounding area.
3. Location of drain ditches and streams within one (1) mile.
4. Location of occupied dwellings within a radius of one (1) mile of the operation. Names and addresses of persons living in the dwellings.
5. Location of wells within one-half (1/2) mile and their approximate depths.
6. Direction of prevailing winds.

See attached Environmental Impact Assessment.

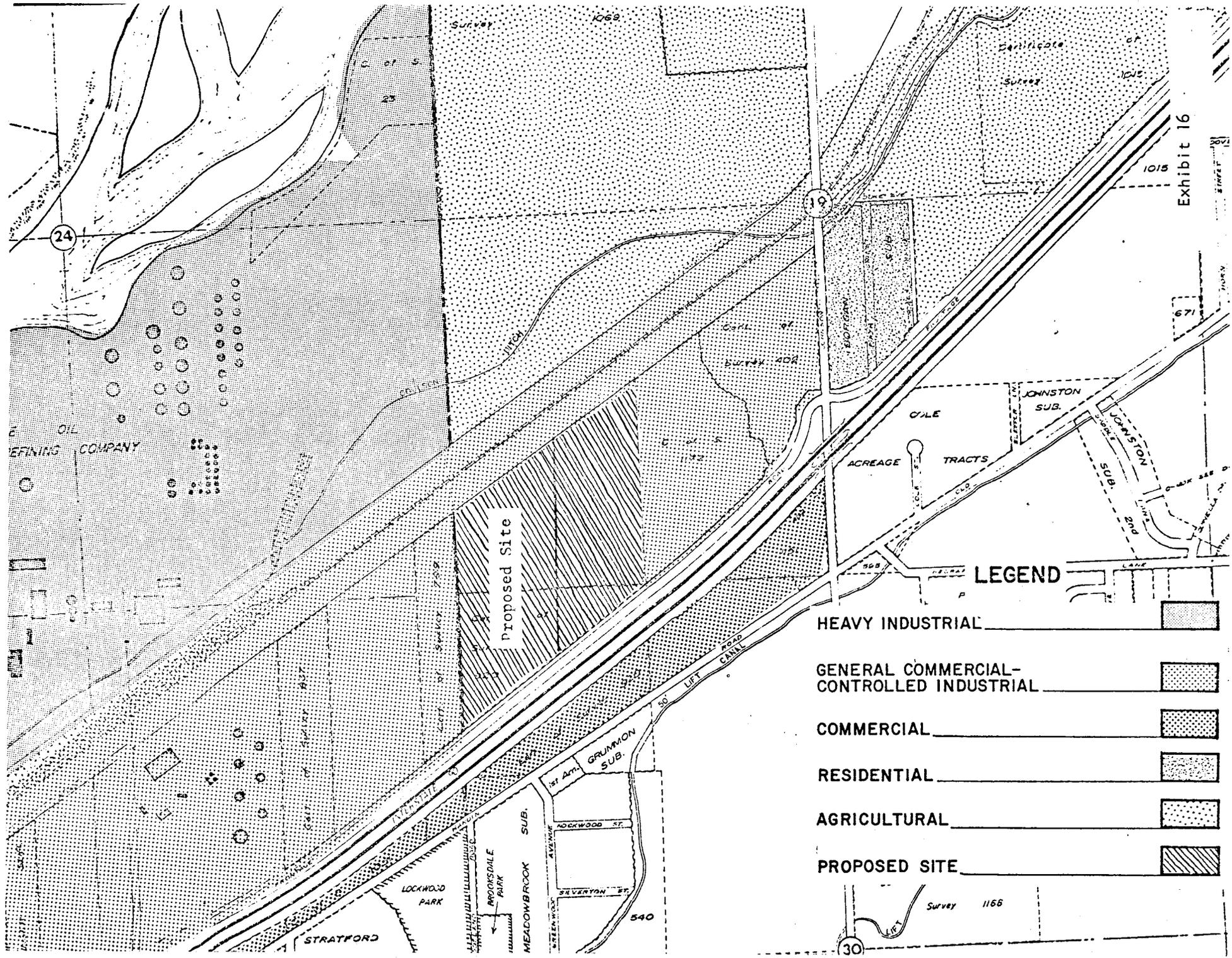
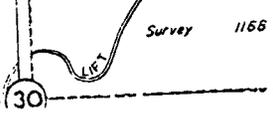


Exhibit 16

LEGEND

- HEAVY INDUSTRIAL
- GENERAL COMMERCIAL-CONTROLLED INDUSTRIAL
- COMMERCIAL
- RESIDENTIAL
- AGRICULTURAL
- PROPOSED SITE



RESOLUTION

SUBJECT: Special Exception #13

The County Board of Adjustment, acting within the power given them by the County Commissioners in Resolution #34723, the County Zoning Plan, do hereby authorize the Special Exception listed below by a vote of 4 - 0.

A request for a Special Exception on 28 acres in a fraction of Lot 4, south and east of the railway in Section 19, T1N, R27E and 14 acres of a fraction of Tract 3, Certificate of Survey #920 Amended in Section 30, T1N, R27E for establishment of a livestock auction market in a General Commercial-Controlled Industrial (GC-CI) zone. The property is located in Lockwood joining Exxon refinery on the east and lies between Interstate 90 on the south and Burlington Railroad on the north.


Jack Sannon

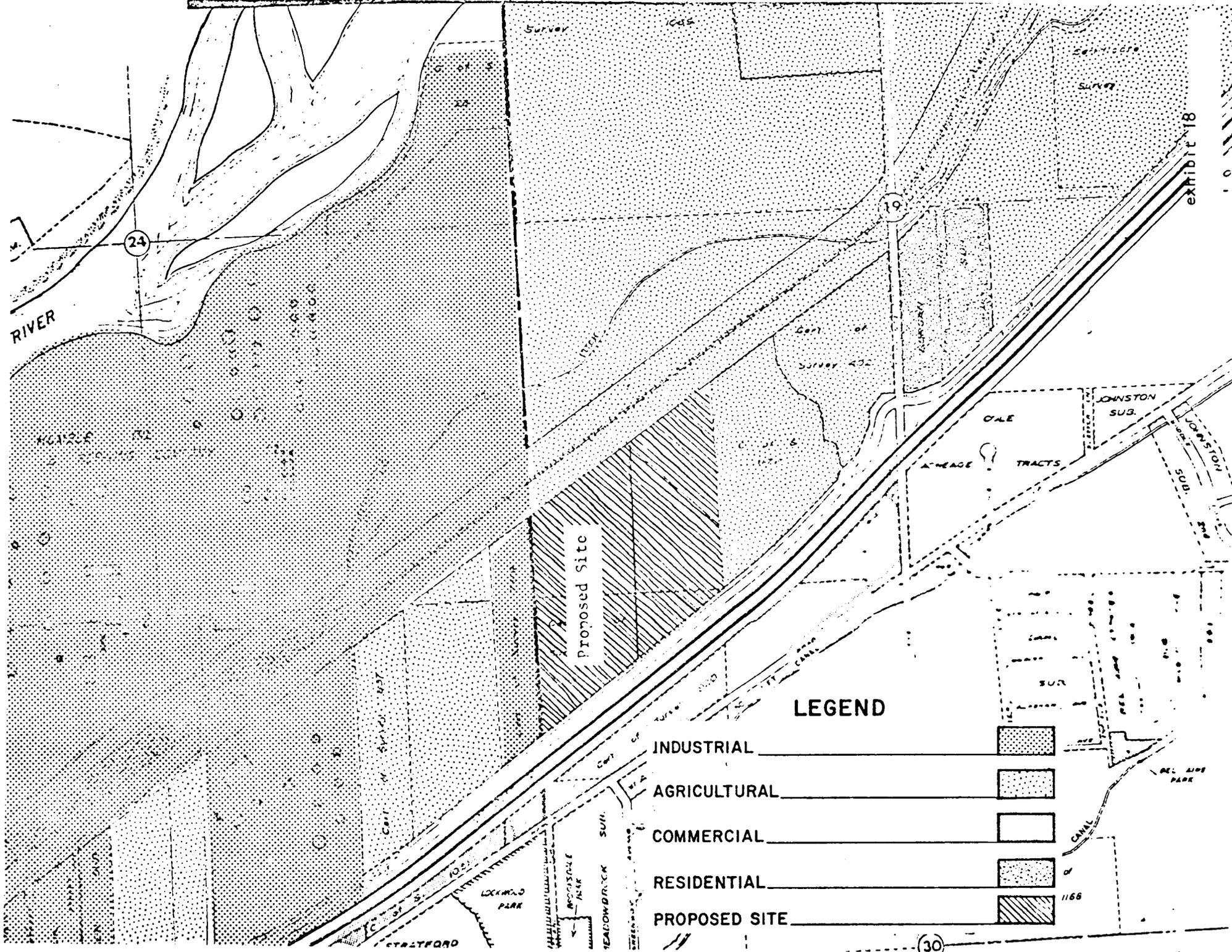


Exhibit 18

LEGEND

- INDUSTRIAL
- AGRICULTURAL
- COMMERCIAL
- RESIDENTIAL
- PROPOSED SITE

1168

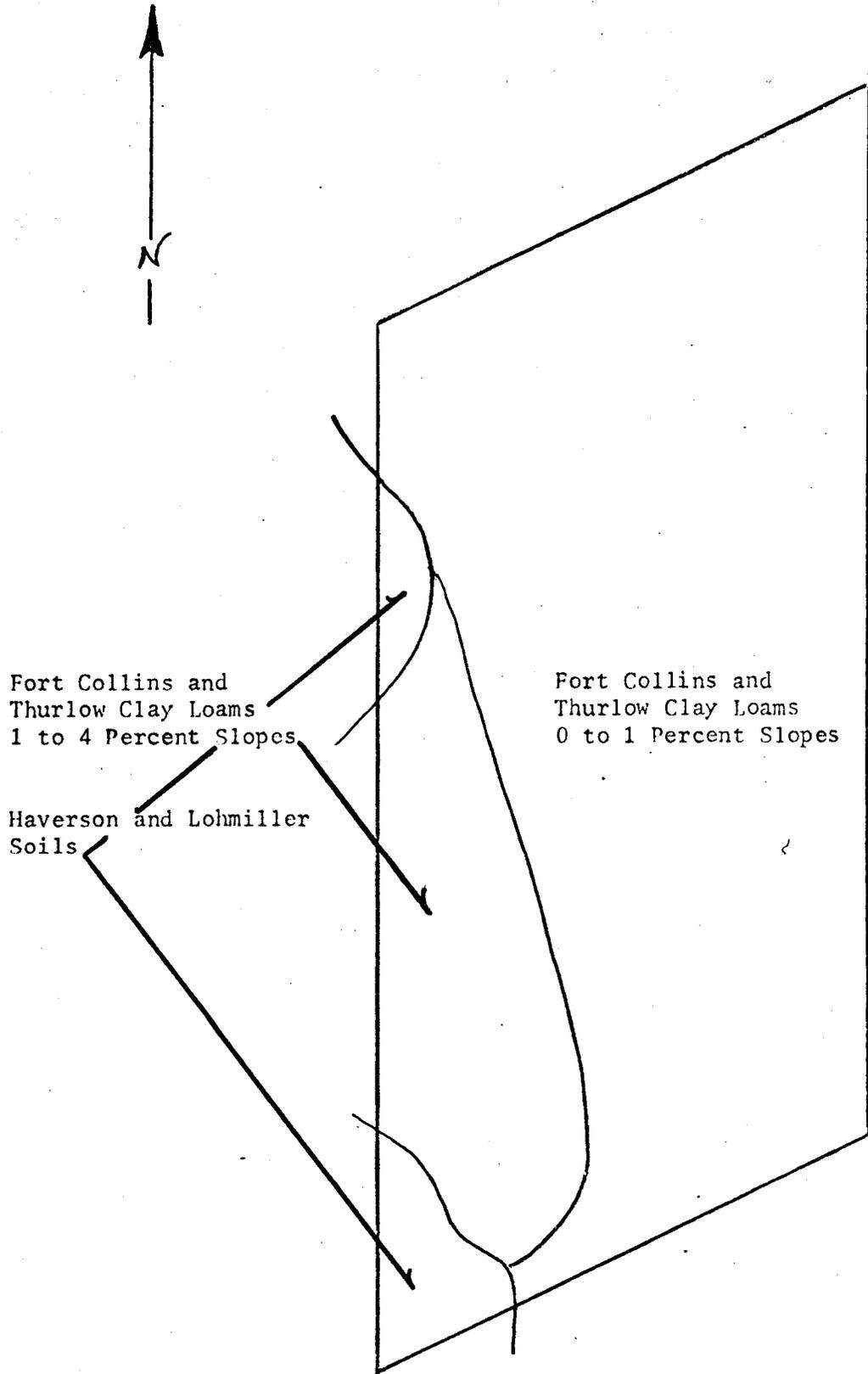


Exhibit 19



YELLOWSTONE COUNTY AIR POLLUTION CONTROL

3302 SECOND AVENUE NORTH — PHONE 252-0756

BILLINGS, MONTANA 59101

February 13, 1975

Statement of the Yellowstone County Air Pollution Control Agency

Director: James L. Glenn Re: Requested special exception as described in Request No. 6 of public hearing notice dated January 30, 1975.

To: The Board of Adjustment, County of Yellowstone

The requested special exception for establishment of a Livestock Auction Market is of primary concern to this office. Plus factors in establishing a market at this site are: The surrounding area presently is primarily agricultural and heavy industrial in nature with the exception of the area south of Interstate 90; Average yearly wind rose indicated that odorous emissions would primarily (45% of the time) be carried to the northeast which is largely uninhabited; Slowest winds, allowing greatest odor buildup, commonly come from the east (5% of the time), which would allow three miles for dilution of odors to occur before reaching any concentrated housing development; Access to the proposed site is relatively clear with a light-traffic, paved roadway available.

Minus factors include slow winds, common in the spring months (roughly 30% of the time) when odor would be expected to be strongest, frequently occurring from the northeast quadrant; These winds would carry any existing odors into the most populated areas of Lockwood; This Agency has already received one complaint regarding the proposed establishment.

Generally it is safe to suggest that given a choice many persons would rather not have an auction market located in the vicinity of their residence. In view of observations of the odorous emissions from the livestock yards located in Billings over the past several years, I would feel that while odors do exist, they are minimal in a properly operated yard.

Conclusion: It is my position that the site selected after superficial study appears to be a good choice. I do recommend that final judgement of construction at the location be left to the scrutiny of the administrators of the existing feedlot regulations and the possible requirement of an environmental impact statement.

Respectfully submitted,

James L. Glenn
Director

JL.G:mb