

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

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Becker Land & Livestock
ATTN: Stephen Becker
7650 Blue Creek Rd
Billings, MT 59101

2. *Type of action:* Change Application No. 43Q-30014814

3. *Water source name:* Well

4. *Location affected by project:* NE SW SE of Section 21 Township 2 South, Range 26 East
Yellowstone County

5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This change application is to add 2 new wells that will be manifold together with the 3 existing wells and a cistern. The intent is to improve water quality and add reliability to the existing system. The five wells will be used intermittently and this change will not increase the flow or volume of the existing water right. The application also proposes to extend the existing pipelines and add 5 new stock tanks to allow better distribution of water for livestock. The change will not increase the total number of animals to be watered from the existing permit.

The original permit with a priority date of 11/13/1998 allows for the use of 65 GPM and up to 60 AF a year for commercial, domestic, and stock purposes. The means of diversion is through 3 wells manifold together with a cistern. The water quality from each well varies and must be mixed and aerated in the cistern, additional wells may improve the overall quality. The water is distributed by a pipeline to stock tanks over a six section area. The completion date for the original permit is 12/31/2009. The applicant emphasized that redundancy, reliability and improved water quality is the goal of the change application.

6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)
Montana Natural Heritage Program
Montana Historic Preservation Office
Montana Department of Fish Wildlife & Parks (MFWP)

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: The source of water is from five wells near Blue Creek. Neither Blue Creek nor any wells in this section are listed by Montana Fish Wildlife & Parks as chronically or periodically dewatered. The proposed change should have no impact on available water quantity.

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 source for the proposed change is ground water and should have no effect on water quality in the project area.

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: The change to the existing permit will not increase flow or volume and as such should have no additional impact on ground water quantity or any additional impact on the intermittent Blue Creek. Back flow preventers are required under the existing permit and will continue to be a required if this change is authorized.

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: The existing well and cistern system is built using sophisticated controls and equipment to mix and aerate water from several wells. The addition of two more wells to that system would enable the operator to improve the overall water quality and the reliability of the diversion works. This distribution system provides water for multiple households, stock and commercial use year around and should be as reliable as possible.

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 found no record of species of special concern or endangered species in the project area.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: There should be no impacts to wetlands from this proposed use.

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

Determination: There is not a pond involved in this change application.

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 proposed change should not degrade soil quality or cause saline seep problems in the 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: The greatest impact on vegetation will occur as the additional pipeline is installed. It is expected that the landowner will control the spread of noxious weeds on his property and minimize disturbances on vegetation.

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 deterioration of air quality or adverse effects on vegetation due to increased air pollutants from this proposed project.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: The Montana Historic Preservation Office did not identify any archeological or historic sites of record in the proposed project area. This proposed use of water is not expected to have any significant impact on any historical or archeological sites in the area.

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: The existing pipeline is buried and the proposed extension will be buried. This will cause some ground disturbance that may create erosion problems depending on the care taken during construction. It's expected the applicant will make efforts to control erosion during construction. There should be no significant impacts on other environmental resources of land, energy, and water from this proposed change.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

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

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: There should be no significant impacts on recreational or wilderness activities from this proposed use.

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

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

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

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

Determination: No significant impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.

- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.
- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

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

Secondary Impacts: No secondary impact to report.

Cumulative Impacts: As more development takes place in this area, there may be more demands on ground water for domestic, irrigation, and other uses. This could cause impacts to other water users and increased pressure on ground water within Blue Creek area.

3. Describe any mitigation/stipulation measures: The applicant is aware that he would be required to cease using water if this use is adversely impacting the rights of users with earlier priority dates.

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:

5. One alternative is that the applicant uses on site wells for his stock tanks. This would eliminate the need of a buried pipeline to deliver the water over this large area. However it may create other problems.

The “no action” alternative would mean that Becker Land & Livestock could not use two additional wells to improve the existing manifold and cistern system.

PART III. Conclusion

- 1. Preferred Alternative:** The preferred alternative would be to allow Becker Land & Livestock to change the existing permit. Install additional wells to improve these diversion works.
- 2. Comments and Responses:** None to report
- 3. Finding:**

Yes ___ No X Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant environmental impacts were identified. No EIS is required.

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

Name: Tim Lewis

Title: Water Conservation Specialist

Date: May, 30, 2006