

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Yellowstone River Weirs LUL# 6193
Proposed Implementation Date:	March 2011
Proponent:	Dan Reyer, P.O. Box 309, Shepherd, MT 59079 Ph: 406-698-2861/ Yellowstone County (Cal Cumin), 217 North 27 th , Billings, MT 59101
Location:	SE ¼ Section 12-T2N-R27E (Navigable River – Common School)
County:	Yellowstone

I. TYPE AND PURPOSE OF ACTION

The Proponent has applied to the DNRC for a Land Use License for the purpose of installing five - 60' bendway weirs in the Yellowstone River. The proposed project would occur in Section 12-T2N-R27E of Yellowstone County in order to stabilize the riverbank, protect an irrigation lateral, and to prevent erosion in Yellowstone County's Arrow Island Park. The 60' - weirs would be placed approximately 250' apart, would be keyed into the riverbank, and extend into the Yellowstone River. The construction activities for the five weirs would consist of depositing approximately a total of 500 cubic yards of concrete rubble with geotextile fabric placed under each weir. Project activities would occur during low water flow in February or March and be performed both above and below the low water marks of the Yellowstone River.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

Agencies involved include the Montana Fish, Wildlife & Parks, Army Corp of Engineers, Yellowstone County Conservation District, Yellowstone County, U.S. Army Corps of Engineers, Montana Department of Environmental Quality, and the Montana Natural Heritage program. No formal public scoping was performed for this License request.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

The Yellowstone County Conservation District (310 Permit), Montana Department of Fish, Wildlife & Parks (SPA 124 Permit), U.S. Army Corps of Engineers (Section 404 Permit), and the Montana Department of Environmental Quality (318 Authorization). The Yellowstone County Weed Board administers the State weed laws in Yellowstone County.

3. ALTERNATIVES CONSIDERED:

Action Alternative: A Land Use License would be granted for the purpose of installing five - 60' bendway weirs in the Yellowstone River in Section 12-T2N-R27E in order to stabilize the riverbank, protect an irrigation lateral, and to prevent erosion in Yellowstone's County Arrow Island Park.

No-Action Alternative: A Land Use License would not be granted.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

4. **GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:**

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

The placement of geotextile fabric and approximately 100 cubic yards of concrete material per weir would cause some disturbance to the riverbed. Construction equipment would remain outside of the Yellowstone River low water mark. All construction activities would occur during low water flow conditions in February or March and all necessary permits would be secured (310 permit, SPA 124 Permit, 404 permit, and 318 authorization). Expected impacts would be minimal and of short duration. Minimal impacts are anticipated.

5. **WATER QUALITY, QUANTITY AND DISTRIBUTION:**

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The placement of geotextile fabric and approximately 100 cubic yards of concrete material per weir would cause some disturbance to the riverbed. Construction equipment would remain outside of the Yellowstone River low water mark. All construction activities would occur during low water flow conditions in February or March and all necessary permits would be secured (310 permit, SPA 124 Permit, 404 permit, and 318 authorization). Expected impacts would be minimal and of short duration. Minimal impacts are anticipated.

6. **AIR QUALITY:**

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

A short duration increase in pollutants and particulates would occur from heavy machinery during proposed activities. Minimal impacts to air quality are expected.

7. **VEGETATION COVER, QUANTITY AND QUALITY:**

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The proposed project on State property is located within the Yellowstone River bed where there is no vegetation cover. Project activities would be completed promptly in February or March during low water conditions. No significant impacts are expected.

8. **TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:**

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

A variety of fish, big game, small mammals, raptors, and birds use this area. The proposed project's construction activities could disrupt wildlife movement and patterns. Due to the short duration of the

proposed project activities occurring in February or March, before most, if not all nesting and calving activities begin, minimal impacts are expected.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A proposed project area search of the Montana Natural Heritage Program database identified four vertebrate animals listed as a species of concern or threatened species: bald eagle, sauger, spiny softshell, and milksnake.

Bald eagles are known to exist within the proposed project area. Due to the proposed project activities occurring in February or March before nesting activities begin, no significant impacts are anticipated.

Sauger are native to Montana and exist year-round within the proposed project area. The proposed project would be completed in February or March, before the mid-April to May sauger spawning season. Minimal impacts are expected.

Spiny softshells are known to exist within the proposed project area. The turtles are active from April to October (usually May to September). Proposed project activities would be completed in February or March, before the turtle's active season, minimal impacts are anticipated.

Milksnakes are known to occur approximately $\frac{3}{4}$ of a mile to the north of the proposed project area. Proposed project activities would be completed in February or March, before the snakes emerge from their dens in April/May, minimal impacts are anticipated.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

The proposed project is located within the low water marks of the Yellowstone River. No significant impacts are anticipated.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Due to the distance from the proposed project area to the nearest residences in a sparsely populated area, minimal impacts are anticipated.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

None.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

None.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES* potentially impacted are listed on the form, followed by common issues that would be considered.
- Explain **POTENTIAL IMPACTS AND MITIGATIONS** following each resource heading.
- Enter "NONE" if no impacts are identified or the resource is not present.

14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

None.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

None.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

None.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

None.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services.

None.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

None.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The proposed project area is within the low water marks of the Yellowstone River and access would remain the same after the proposed project as before. No impacts are anticipated.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

None.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

None.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The proposed action has provided \$25 via a Land Use License application fee and would provide a one-time \$150 rental fee.

EA Checklist Prepared By:	Name: Richard A. Moore	Date: January 18, 2011
	Title: Southern Land Office Area Manager	

V. FINDING

25. ALTERNATIVE SELECTED:

After review, I have selected the proposed Action Alternative, to grant a Land Use License for the purpose of installing five - 60' bendway weirs in the Yellowstone River in Section 12-T2N-R27E in order to stabilize the riverbank, protect an irrigation lateral, and to prevent erosion in Yellowstone County's Arrow Island Park. I believe this alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

I conclude all identified potential impacts will be avoided or mitigated by the project size, short construction duration, timing, and no significant impacts will occur as a result of implementing the selected alternative.

Mitigation measures:

1. All in-river work shall be completed in an expeditious manner in February or March to avoid unnecessary impacts to the river.
2. Licensee must carry general liability insurance for all its activities upon the tract that lists the Licensee and the State as co-insured. The minimum coverage shall be in the amount of \$1,000,000 combined single limit per occurrence.

3. All activities performed in the river and immediate vicinity shall be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
4. To prevent leaks of petroleum products into the river, no defective equipment shall be operated in the river or adjacent areas.
5. All necessary permits will be secured before any activities begin.
6. All construction equipment to remain outside of the Yellowstone River low water mark.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS
 More Detailed EA
 No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman
	Title: Southern Land Office Area Planner
Signature:	Date: