

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: American Fork Ranch
PO Box 265
Two Dot, MT 59085

2. Type of action: Application to Change a Water Right # 40A-30042035

3. Water source name: Lebo Creek

4. Location affected by project: The point of diversion is an infiltration gallery located in the NE SE NW Section 7 T6N R14E and the place of use is two stock tanks in the NW NE SE Section 7 T6N R14E, all in Wheatland County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The applicant proposes to change a non-recorded stock water right out of Lebo Creek in Wheatland County. The intent of the project is to lessen livestock impacts to the riparian zone and better utilize their available pasture land away from the source of water. The applicant has installed an infiltration gallery next to the stream that facilitates pumping water uphill to two stock tanks located adjacent to each other. The pump will supply a maximum flow rate of 12 gallons per minute (gpm) up to 1.24 acre-feet (AF) per year.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Dept. of Environmental Quality Website - TMDL 303d listing
MT. National Heritage Program Website - Species of Concern
USDI Fish & Wildlife Service Website - Endangered and Threatened Species
MT State Historic Preservation Office - Archeological/Historical Sites
USDA Natural Resources Conservation Service – Web Soil Survey
USDI Fish & Wildlife Service – Wetlands Online Mapper

Part II. Environmental Review

1. Environmental Impact Checklist:

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| PHYSICAL ENVIRONMENT |
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WATER QUANTITY, QUALITY AND DISTRIBUTION

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

Determination: Low likelihood of impact.

This project is designed to move more livestock away from the riparian zone along Lebo Creek and should not have a significant impact on surface water quantity. Lebo Creek has not been designated as a dewatered concern area by DFWP and the project will not use any more water than has been used historically for stock water.

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: Low likelihood of impact.

Research of the Lebo Creek source does not yield any information from the DEQ website; water quality has not been assessed. The intent of this project is to move livestock off Lebo Creek by pumping water to stock tanks located away from the source. This project should improve water quality by lessening cattle impacts to the riparian zone along Lebo Creek. Other than the possible short term increase in turbidity associated with the installation of the infiltration gallery, there is a low likelihood that water quality will be adversely impacted as a result of this project.

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: Minor impact.

The proposed project will consist of an infiltration gallery located adjacent to Lebo Creek in the NE SE NW Section 7 T6N R14E, Wheatland County. There could be a small amount of pre-stream tributary ground water captured by the system; however the infiltration gallery is designed to be hydraulically connected to Lebo Creek and will pull water from the creek. No significant impacts to ground water quality or supply are expected as a result of this project.

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: Minor impact.

There could be some flow modification associated with the water now being pumped from the infiltration gallery at a specific point along the creek; however the impacts are expected to be minor. The collection area will be fenced and all riparian and pipeline disturbances will be re-seeded.

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: Low likelihood of impact.

The Montana National Heritage Program Website lists 1 species as a Species of Concern within Township 6 North Range 14 East. The common name for this species is the Gray Wolf. The USDI Fish & Wildlife Service shows Wheatland County has two species listed as threatened; the Bald Eagle and the Canada Lynx. They list one species as endangered; the Black-footed Ferret. No impacts to any of these species are expected as the place of use has been previously grazed and is consistent with other livestock operations in the 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: Low likelihood of impact.

There are no known wetlands associated with this project. The USDI Fish & Wildlife Service – Wetlands Online Mapper has no data available for the area of interest.

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

Determination: Low likelihood of impact.

This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.

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: Low likelihood of impact.

The USDA-NRCS Web Soil Survey does not provide any information on the soil characteristics in this area. Because this project is simply for the addition of an infiltration gallery and two off-stream stock water tanks, there is a low likelihood of adverse impact to soil quality, stability, or moisture content.

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: Low likelihood of impact.

Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities; therefore, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control noxious weeds on their property.

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

Determination: Low likelihood of impact.

It is unlikely air quality would be impacted; as this project will utilize a small propane generator to power a 1 HP pump.

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

Determination: Low likelihood of impact.

The State Historic Preservation Office believes there is a low likelihood cultural properties will be impacted; the project area has been previously used for livestock operations. A cultural resource inventory is unwarranted at this time.

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: Low likelihood of impact.

No additional impacts are anticipated.

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

Determination: Low likelihood of impact.

The proposed action is consistent with typical livestock practices in the area.

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: Low likelihood of impact.

The proposed action should not impact recreational activities in the area.

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

Determination: Low likelihood of impact.

No impacts to human health have been identified.

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 known impacts.

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? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **None**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

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

Secondary Impacts – Moving cattle away from the riparian zone along the creek could have positive impacts to water quality and will allow the livestock to graze further from the stream without having to return directly to Lebo Creek for water.

Cumulative Impacts - No cumulative impacts are anticipated.

3. Describe any mitigation/stipulation measures:

No mitigation measures have been identified at this time.

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:

No action alternative: Deny the application. This alternative would result in none of the related benefits being realized by the applicant.

PART III. Conclusion

1. Preferred Alternative

The preferred alternative is the proposed alternative.

2. Comments and Responses

None Received.

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:

None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.

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

Name: Douglas Mann

Title: Water Resources Specialist - LRO

Date: 2/11/2009