

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	E-E Ranch Riverbank Stabilization (LUL #6181)
Proposed Implementation Date:	January 2010
Proponent:	E-E Ranch, LLC, (Renato Strauss), 645 West End Avenue, Apt. 4B, New York, NY 10025 phone: 212-721-1554
Location:	SENENW Section 20, Township 1 North, Range 14 East (Navigable River – Common School Trust)
County:	Sweet Grass

I. TYPE AND PURPOSE OF ACTION

The Proponent has applied to the DNRC for a Land Use License to install riprap along the bank of the navigable Yellowstone River for approximately 225 lineal feet to stabilize the bank and slow the erosion of property/farmland. This 225' stretch would be within the low water mark of the Yellowstone River in Section 20-T1N-R14E. Riprap installation activities would consist of placing angular 24" minus rock sloped in a manner to maintain the existing bank. Project activities would occur during low water flow and the entire project would require less than a week to complete.

II. PROJECT DEVELOPMENT

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

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

No public scoping was performed for this easement request. The Montana Natural Heritage Program and Jim Bower, Montana DNRC Fishery Program Specialist were consulted.

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

Sweet Grass County Conservation District (310 permit), U.S. Army Corps of Engineers (Section 404 permit), Department of Environmental Quality (318 Authorization), and the Sweet Grass County Floodplain Administrator. The Sweet Grass County Weed Board administers the State weed laws in Sweet Grass County.

3. ALTERNATIVES CONSIDERED:

Action Alternative: A Land Use License would be granted for the purpose of installing riprap along the bank below the low water mark of the navigable Yellowstone River in Section 20-T1N-R14E.

No Action Alternative: No Action – 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 proposed project would be located within the rocky riverbed below the low water marks of the Yellowstone River. An excavator would perform the proposed work from the top of the river bank on private land and only the excavator bucket (36-foot reach) would be within the river banks. All necessary permits would be secured (310 permit, Floodplain permit, 404 permit, and 318 authorization). All activities would occur during low water flow, 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 proposed project would be located within the rocky riverbed below the low water marks of the Yellowstone River. Project activities would be completed promptly during low water flow and all necessary permits would be secured (310 permit, Floodplain permit, 404 permit, and 318 authorization). Minimal impacts are expected.

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.

None.

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 is located within the rocky riverbed of the Yellowstone River where there is no vegetative cover. An excavator would perform the proposed work from the top of the river bank on private land and only the excavator bucket (36-foot reach) would be within the river banks. Project activities would be completed promptly during low water conditions and all necessary permits would be secured (310 permit, Floodplain permit, 404 permit, and 318 authorization). No 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 installation activities could disrupt wildlife movement and patterns. Due to the short duration of the

proposed riprap installation activities during low water flow, and minimal area of impact below the low water mark, 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 six vertebrate animals that are listed as sensitive, a species of concern, threatened species, or endangered species: bald eagle, peregrine falcon, greater sage-grouse, Yellowstone cutthroat trout, gray wolf, and greater short-horned lizard.

Bald eagles occupy the proposed project area. Due to the short duration of the proposed riprap installation activities in January or February which is outside of mating season and nesting season, minimal impacts are expected.

Peregrine falcons occupy the proposed project area. Due to the short duration of the proposed riprap installation activities in January or February which is outside of mating and nesting season, and no potential nesting habitat within the immediate proposed project area, minimal impacts are expected.

Greater sage-grouse occur in the proposed project area. Due to the short duration of the proposed riprap installation activities in January or February which is outside of mating and nesting season, and no potential nesting habitat within the immediate proposed project area, minimal impacts are expected.

Yellowstone cutthroat trout are known to inhabit the Yellowstone River within the proposed project area. Due to the short duration of the proposed riprap installation activities in January or February which is outside of spawning season, minimal impacts are expected.

Gray wolves inhabit the proposed project area. Individual wolves or a wolf pack may occasionally use the proposed project area, however, due to the size, nature, and location of the proposed project, activities associated with this proposal are not expected to affect wolves.

Greater short-horned lizard is known to occur approximately ¼ mile to the east of the proposed project area. Due to the short duration of the proposed riprap installation activities in January or February, which is during the lizard's period of inactivity, minimal impacts are expected.

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 remote and sparsely populated area, and the winter timing of proposed project, 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.

The proposed project would slow the erosion of existing farmland, no significant impacts are expected.

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.

Access opportunities would remain the same as before the proposed project, no impacts are expected.

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 6, 2010
	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 riprap along the bank of the navigable Yellowstone River. A 225' length would be within the low water mark of the Yellowstone River in Section 20-T1N-R14E. 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 securing the appropriate permits, short project duration, timing, and no significant impacts will occur as a result of implementing the selected alternative.

Mitigation measures:

- 1. All work shall be completed in an expeditious manner during low water conditions to avoid unnecessary impacts to the river.
- 2. Riprap installation activities will consist of placing rock sloped in a manner to maintain the existing bank.
- 3. All activities performed in the river and immediate vicinity will be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
- 4. All necessary permits (310 permit, Floodplain permit, 404 permit, and 318 authorization) shall be secured before any activities begin.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

EIS More Detailed EA No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman
	Title: SLO Area Planner
Signature: /s/ Jeff Bollman	Date: 1/6/2010