

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name: LUL#8643 , Livestock Water Pipeline

Proposed Implementation Date: Spring 2010

Proponents: Miller Colony, (David Wipf), 5130 Hwy #89, Choteau, MT 59422

Type and Purpose of Action: The adjacent land owner, Miller Colony, (David Wipf), has requested to place a livestock water line across the E2E2NE4NW4, Sec. 18, T25N, R5W in order to connect water well located on deeded land in Sec. 18 with pasture land located Northwest of Sec. 18. The water line will be 3” pipe placed 6’ deep and travel for an approximate distance of 1300’. A detailed map showing the locations for this project lay out is included within this assessment. The primary objective is to provide stock water to deeded pasture.

Location: E2E2NE4NW4, Sec. 18, T25N, R5W

County: Teton

Trust: Public Buildings

I. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED: Provide a brief chronology of the scoping and ongoing involvement for this project.

DNRC, Surface owner
Miller Colony, (David Wipf),, Surface Lessee, Lease #6430
Miller Colony, (David Wipf), adjacent land owner, Proponent

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

There are no other agencies with jurisdiction on this project.

3. ALTERNATIVES CONSIDERED:

Approve the requested livestock water line installation.

No action. Do not approve the requested livestock water line installation.

II. IMPACTS ON THE PHYSICAL ENVIRONMENT

RESOURCE

[Y/N]

POTENTIAL IMPACTS

N = Not Present or No Impact will occur.
Y = Impacts may occur (explain below)

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE: Are fragile, compactable or unstable soils present? Are there unusual geologic features? Are there special reclamation considerations? Are cumulative impacts likely to occur as a result of this proposed action?

[Y] The soil types are Yamacall-Delpoint loams which contain 8 to 15% slopes, Cabbart-Delpoint loams which contain 15 to 35% slopes, and Delpoint-Cabbart loams which contain 2 to 15% slopes. These soil types are made up of class 4E, 6E and 7E soils which are gently rolling to steep topography. The concerns over the steepness of the slopes will be mitigated as the water line will be installed in order to avoid the steep slopes. Equipment will cause localized areas of soil compaction and will disturb the soil were the water line is being placed. Reclamation requirements are to compact and level the trench created in the installation of the water line. Then seed the impacted area with the existing grass types and seeding rates that are listed in item 7 of this assessment.

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	<p>Cumulative impacts on soil resources are not expected and any difficulties will be further mitigated by the use of a trencher to place the water line which will result in limited soil disturbance. In addition, the disturbed areas will be reclaimed and reseeded by the proponent.</p>
<p>5. WATER QUALITY, QUANTITY AND DISTRIBUTION: Are important surface or groundwater resources present? Is there potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] There are no ephemeral drainages present on this tract. There are no documented and/or recorded water rights associated with the proposed tract for sale. Other water quality and/or quality issues will not be impacted by the proposed action. The proposed action will improve overall water quality and quantity for Miller Colony on their adjacent deeded land.</p>
<p>6. AIR QUALITY: Will pollutants or particulate be produced? Is the project influenced by air quality regulations or zones (Class I airshed)? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The proposed action will not impact the air quality.</p>
<p>7. VEGETATION COVER, QUANTITY AND QUALITY: Will vegetative communities be permanently altered? Are any rare plants or cover types present? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] Vegetation will be minimally impacted as approximately 1300' of 3" pipe will be placed 6' deep. The pipe will be installed by the utilization of a trencher. Noxious and annual weeds within the proposed construction areas are a concern, but this concern will be mitigated as the applicants are responsible for controlling weeds within the construction areas. Cumulative impacts on the vegetative resources are not expected as the proposed construction areas will be reclaimed and reseeded. The reseeding mixture will consist of a grass seed mixture of 35% Western Wheatgrass, 35% Slender Wheatgrass, 10% Green Needle grass, 15% Blue Bunch Wheatgrass and 5% Lewis Blue Flax . If drilled the rate will be 7#/acre. If broadcast the rate will double. There were no plant species of concern or potential species of concern noted on NRIS survey.</p>
<p>8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS: Is there substantial use of the area by important wildlife, birds or fish? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The area is not considered critical wildlife habitat. However, these tracts provide habitat for a variety of big game species (mule deer, whitetail deer, pronghorn antelope), predators (coyote, fox, badger), upland game birds (sharp tail grouse, Hungarian partridge), other non-game mammals, raptors and various songbirds. The proposal does not include any land use change which would yield changes to the wildlife habitat. The proposed action will not impact wildlife forage, cover, or traveling corridors. Nor will this action change the juxtaposition of wildlife forage, water, or hiding and thermal cover.</p>
<p>9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES: Are any federally listed threatened or endangered species or identified habitat present? Any wetlands? Sensitive Species or Species of special concern? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] A review of Natural Heritage data through the NRIS was conducted. There were five animal species of concern and four potential species of concern noted on the NRIS survey:</p>

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Gray Wolf- The Gray Wolf is the largest of the wild dogs. Adult male Gray Wolves in Montana weigh around 47 kilograms (104 pounds) and females weigh around 36 kilograms (80 pounds). Males average approximately 186 centimeters (73 inches) in length, while 180 centimeters (70 inches) is the average for females, with the tail comprising a little less than one-third of the total length in both sexes (Foresman 2001). About half the Gray Wolves in Montana are black with the other half gray. Both color phases may be found in a pack or in a litter of pups. The Gray Wolf exhibits no particular habitat preference except for the presence of native ungulates within its territory on a year-round basis. In Minnesota and Wisconsin, Gray Wolves usually occur in areas with few roads and human disturbance (Thiel 1985, Mech et al. 1988, Mech 1989). Gray Wolves establishing new packs in Montana have demonstrated greater tolerance of human presence and disturbance than previously thought characteristic of this species. They have established territories where prey are more abundant at lower elevations than expected, especially in winter (Montana Fish, Wildlife and Parks 2003). Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Great Blue Heron- Largest heron in North America, 60 cm tall, 97 to 135 cm long, 2.1 to 2.5 kg mass. Wings are long and rounded, the bill is long and tapered with a short tail. Upperparts gray, fore-neck streaked with white, black and rust-brown. In flight, the bird folds its neck in "S" shape and extends legs along the body axis; deep slow wing beats (Butler 1992). Great Blue Herons in northwestern Montana nested primarily in cottonwoods in riparian zones, and also in drier, coniferous sites. Active colonies are farther from rivers than inactive colonies. The number of nests in the colony corresponded to the distance from roads (Parker 1980). They feed mostly in slow moving or calm freshwater (Butler 1992), and eat mostly fish but also amphibians, invertebrates, reptiles, mammals, and birds (Palmer 1962, Kushlan 1978, Verbeek and Butler 1989). This tract contains no trees that would be necessary for nesting by the birds and limited amounts of prey necessary for the birds' survival. Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Ferruginous Hawks- Ferruginous Hawks have rusty backs and shoulders, pale heads, and white tails washed with pale rust. They have a white patch at the base of the flight feathers on the upper wing surface. Their wings are brown above and white below. The rusty legs of the adult form a dark V contrasted with whitish underparts. Ferruginous Hawks usually appear very light-colored when viewed from a distance. The

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uncommon dark phase lacks dark tail bands and are dark brown on the body, but still have the whitish tail. The species averages 58 cm long with a 135 cm wingspan. Immature birds are brown instead of rust, and have brown streaking on the undersides. The habitat of Ferruginous Hawks in Montana has been studied extensively (Ensign 1983, Restani 1989, 1991, De Velice 1990, Wittenhagen 1992, Black 1992, Atkinson 1992, 1993) and described as mixed-grass prairie, shrub-grasslands, grasslands, grass-sagebrush complex, and sagebrush steppe. In southeastern Montana, Ensign (1983) reported mixed-grass prairie with greasewood (*Sarcobatus vermiculatus*) and big sagebrush (*Artemisia tridentata*) in uplands and drainages. Other shrub and tree species present in the habitat were junipers (*Juniperus* spp.), cottonwoods (*Populus* spp.), willows (*Salix* spp.), and ponderosa pine (*Pinus ponderosa*). Also in southeastern Montana, Wittenhagen (1992) reported Ferruginous Hawk habitat to consist of shrub-grasslands with big sagebrush present as well as wheatgrasses. The Kevin Rim area of north-central Montana has been categorized as grasslands dominated by bluebunch and western wheatgrass, blue gramma, and other grasses (De Velice 1990). Habitat also exists for Ferruginous Hawks in the Centennial Valley in the southwestern portion of the state. Restani (1989, 1991) reported grass-sagebrush complexes on mid-elevation slopes to be where most hawks nested. These complexes included sagebrush species and rabbitbrush as overstory to wheatgrasses, needle-and-thread grass, and junegrass. Also in southwestern Montana, Atkinson (1992, 1993) described the preferred habitat as sagebrush steppe over foothill prairie or mountain mahogany. Black (1992) surveyed Ferruginous Hawk habitat in Phillips County and reported the habitat to be 69% grassland, 25% shrubland and 13% bare area. Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Black Tern- The head and body of breeding Black Terns are black, fading to gray on the rump. The undertail coverts are white. The upper surface of the wings and tail are dark gray, and the wing linings are pale gray. The leading margin of the wing from the body to the first digit is white. The bill is black and the feet are a dark reddish-purple (Goodwin 1960, Farrand 1983). Females are somewhat duller black than males, but this difference is often difficult to distinguish in the field (Goodwin 1960). Black Terns begin their prebasic (postbreeding) molt in late June when eggs begin to hatch. White feathers appear first around the eyes and cheeks, then on the forehead, neck, throat and breast, and finally on the abdomen. Heavily molting adults take on a peculiar, piebald appearance. The prebasic molt is completed during fall migration (Goodwin 1960). In basic (winter) plumage, the underparts are pure white except for a small, dark patch on each side of the breast. The back becomes a shade of gray similar to the wings and tail. A blackish cap joins black ear coverts on the otherwise white head (Goodwin

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1960, Farrand 1983). The juvenile plumage is similar to the basic plumage, but the feathers of the back are darker and the wing coverts and cap are barred and scalloped brown (Goodwin 1960, Farrand 1983). The total length of adults is 23 to 26.5 cm (9 to 10.5 inches). Black Tern breeding habitat in Montana is mostly wetlands, marshes, prairie potholes, and small ponds. However, several locations are on man-made islands or islands in man-made reservoirs. Across all Montana sites where Black Terns are present, approximately 30%-50% of the wetland complex is emergent vegetation. Vegetation within known breeding colonies includes alkali bulrushes, canary reed-grass, cattail spp., sedge spp., rush spp., reed spp., grass spp., *Polygonum* spp., *Juncus* spp. and *Potamogeton* spp., indicating a wide variety of potential habitats are usable by Black Terns. Water levels in known breeding localities range from about 0.5 m to greater than 2.0 m with most having depths between 0.5 m and 1.0 m (MTNHP 20030). Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Horned Grebe-Nonbreeding plumage (September-March) is black and white. The head is topped with a gray crown bordering on white cheeks; this border extending in a rather straight line from behind the eyes. The front of the neck, flanks and belly are dingy white. In breeding plumage, the neck and flanks are ruddy in color, the crown and cheeks are black and a stripe of white to gold feathers extends back from the eye. Breeding Range is on shallow freshwater ponds and marshes with beds of emergent vegetation, especially sedges, rushes and cattails. In spring and fall the Horned Grebe is found mainly on large sized bodies of water, including rivers and small lakes. The winter range consists of large sized bodies of fresh and more commonly salt water; usually inshore. (Stedman, 2000) Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Swainson's Hawk- Adults are dark brown above, and white with chestnut-brown bib below; tail grayish-brown, finely barred, becoming lighter toward the base. In flight, the wing undersides appear two-toned, with the flight feathers dark and the leading edge of the wing white. The wings of Swainson's hawks are slightly more pointed than those of other buteos. Dark-phase Swainson's hawks appear all dark brown above and below and on the entire wing undersides, making them look like a miniature eagle. Intermediate color phases occur, with dark brown bibs and chestnut barring on the belly. Immature hawks lack the bib and are more strongly barred or streaked underneath. Swainson's hawks are slightly smaller than red-tailed hawks, and have longer narrower wings than other buteos. Swainson's hawks range in length from 18-22 inches, and have a wingspan of 48-52 inches. Swainson's hawks nest in

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river bottom forests, brushy coulees, and shelterbelts. They hunt in grasslands and agricultural land, especially along river bottoms (FWP). Swainson's hawks prey on a wide variety of small mammals, songbirds and insects. Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Hooded Merganser- The Hooded Merganser is a small (length 46 cm) duck with a thin, serrated bill and a puffy crest. The adult male has a black head with a large white patch on each side, a dark back, brown flanks, and a white chest with two black bars on each side. The adult female is brownish overall, with a yellowish lower mandible. The first-winter male resembles the female. In flight, both sexes show black-and-white inner secondary's (Peterson 1980, NGS 1983). Hooded Mergansers are generally found in river areas bounded by woods and supporting good fish populations associated with clear water (Johnsgard 1986). The Hooded Merganser's diet consists primarily of aquatic insects, fish, and crustaceans. The Hooded Merganser is a cavity nester using live or dead trees (Dugger and Fredrickson 1994). Given the fact that no on the ground management changes will occur on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Brook Stickleback- The brook stickleback is unique among Montana's fishes in its appearance. This species is native east of the Continental Divide in northeastern Montana. Sticklebacks live in slow streams and lakes with submerged plants. They are spring spawners that build a nest from pieces of vegetation they glue together with a special kidney secretion. Sticklebacks feed on small crustaceans and insects and can reach a length of about 3 inches. They provide some food for other predatory fishes. Brook sticklebacks are associated with dense vegetation in slow, clear streams and shallow lakes. Given the fact that no water is present on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.

Northern Redbelly Dace- The northern redbelly dace is another of Montana's small minnows. This native fish is found in small, clear, plains streams and ponds. During the spawning season, this species becomes quite colorful with red flanks. Its maximum size is about 3 inches. In some locations in the northern U.S. and Canada, the northern redbelly dace hybridizes with its close relative, the finescale dace. The resultant hybrids are very unusual in that they are all females and produce offspring that are likewise all female. Eggs from the hybrids are "fertilized" by the sperm of northern redbelly dace. It appears that this "fertilization" is necessary for egg development to begin, but curiously none of the genetic traits of the male are incorporated into the fertilized embryo. This type

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	<p>of reproduction is known as gynogenesis and is found in only a few fish and amphibians. Here in Montana we have the northern redbelly dace and the hybrids, but no finescale dace. Because of its genetic uniqueness, the northern redbelly dace x finescale dace hybrid is a Fish of Special Concern in Montana. Northern redbelly dace prefer clear, cool, slow-flowing creeks, ponds and lakes with aquatic vegetation, including filamentous algae. Given the fact that no water is present on the tract, any direct, indirect, or cumulative effects are not expected due to the installation of the stock water line on the tract.</p> <p>The proposal does not include any activities which would alter any habitat, so no effects are expected in either alternative.</p>
<p>10. HISTORICAL AND ARCHAEOLOGICAL SITES: Are any historical, archaeological or paleontological resources present?</p>	<p>[Y] The water line installation route was surveyed and no items of archaeological significance were located. Past lease records indicate the presence of stone circles on the tract. The stock water line will be installed in a manner to avoid any existing stone features.</p>
<p>11. AESTHETICS: Is the project on a prominent topographic feature? Will it be visible from populated or scenic areas? Will there be excessive noise or light? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The water line will be buried so there will be not aesthetic impacts.</p>
<p>12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY: Will the project use resources that are limited in the area? Are there other activities nearby that will affect the project? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The demand on environmental resources such as land, water, air, or energy will not be affected by the proposed project. The proposed project will not consume resources that are limited in the area. There are no other projects in the area that will affect the proposed project.</p>
<p>13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA: Are there other studies, plans or projects on this tract? Are cumulative impacts likely to occur as a result of other private, state or federal current actions w/n the analysis area, or from future proposed state actions that are under MEPA review (scoping) or permitting review by any state agency w/n the analysis area?</p>	<p>[N] Currently, this tract has been nominated for the land banking process. The land banking EA has been completed, but has not received preliminary approval from the Land Board. The proposed project will not provide cumulative impacts to the land banking process.</p>

III. IMPACTS ON THE HUMAN POPULATION

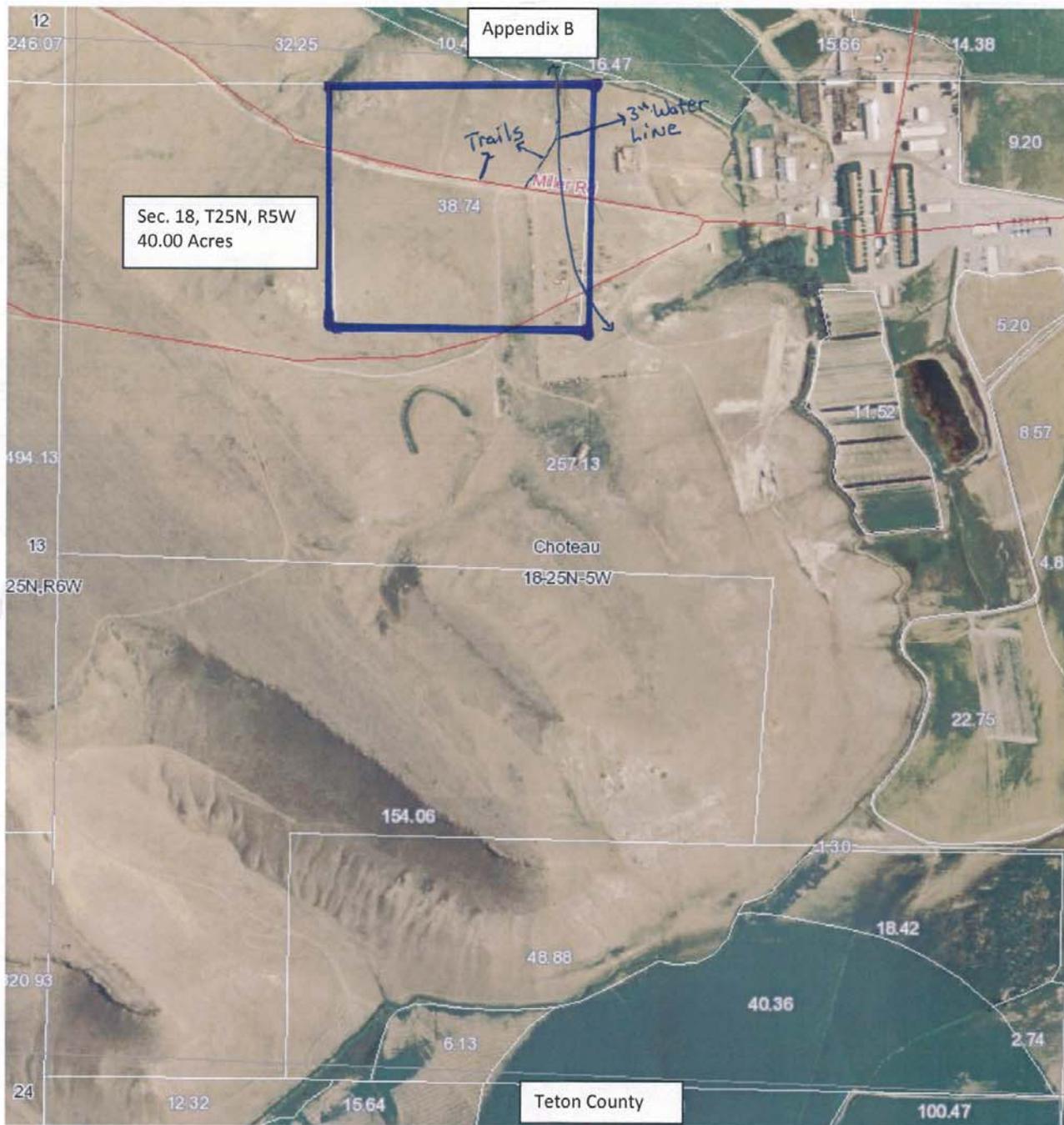
RESOURCE	[Y/N] POTENTIAL IMPACTS AND MITIGATION MEASURES
<p>14. HUMAN HEALTH AND SAFETY: Will this project add to health and safety risks in the area?</p>	<p>[N] The proposed project will not affect human health or human safety in the area.</p>
<p>15. INDUSTRIAL, COMMERCIAL AND AGRICULTURAL ACTIVITIES AND PRODUCTION: Will the project add to or alter these activities?</p>	<p>[Y] The proposed water development will improve livestock distribution and generally improve the Miller Colony's ranching opportunities.</p>
<p>16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT: Will the project create, move or eliminate jobs? If so, estimated number. Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The proposed action will not significantly affect long-term employment in the surrounding communities.</p>
<p>17. LOCAL AND STATE TAX BASE AND TAX REVENUES: Will the project create or eliminate tax revenue? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The proposed action will not affect tax revenue.</p>

<p>18. DEMAND FOR GOVERNMENT SERVICES: Will substantial traffic be added to existing roads? Will other services (fire protection, police, schools, etc) be needed? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[Y] This project is being funded by Miller Colony. There will be no excessive stress placed of the existing infrastructure of the area.</p>
<p>19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS: Are there State, County, City, USFS, BLM, Tribal, etc. zoning or management plans in effect?</p>	<p>[N] The proposed project is in compliance with Federal, State, and County laws. No other management plans are in effect for the area.</p>
<p>20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES: Are wilderness or recreational areas nearby or accessed through this tract? Is there recreational potential within the tract? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The area where the project is being performed is on State Land that is not readily accessible to the public. The proposed project is not expected to impact general recreation activities on this State Land.</p>
<p>21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING: Will the project add to the population and require additional housing? Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] The proposed project will not change the human population distribution or the housing requirements in the area.</p>
<p>22. SOCIAL STRUCTURES AND MORES: Is some disruption of native or traditional lifestyles or communities possible?</p>	<p>[N] The proposed project will not alter the social structure of the surrounding native communities.</p>
<p>23. CULTURAL UNIQUENESS AND DIVERSITY: Will the action cause a shift in some unique quality of the area?</p>	<p>[N] The proposed project will not impact the cultural uniqueness and/or cultural diversity of the area.</p>
<p>24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES: Is there a potential for other future uses for easement area other than for current management? Is future use hypothetical? What is the estimated return to the trust. Are cumulative impacts likely to occur as a result of this proposed action?</p>	<p>[N] This project will return \$150.00 over the next ten year term of the LUL #8643 and will not affect the productivity of the grazing lease. Currently, this tract is nominated for sale under the Land Banking process. This project will not cause any cumulative impacts to the sale of the tract.</p>

EA Checklist Prepared By: /S/ Tony Nickol
 Tony Nickol

Land Use Specialist –Conrad Unit
 Title

Date: April 27, 2010





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