

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:* **Fallon County
P.O. Box 846
Baker, MT 59313**
2. *Type of action:* **39FJ 30022332**
3. *Water source name:* **Unnamed Tributary of Buffalo Creek**
4. *Location affected by project:* **NW NE SW Section 14, Township 6 N, Range 60 E in Fallon County**
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*

This is an application to permit an existing 18 AF pond on Fallon County property for stockwater use. The pond was initially constructed in 1970 and was reconstructed in 1985. It is fed primarily by rain fall throughout the year, though an intermittent stream also flows into the impoundment. An application for beneficial water use has never been filed for this pond.

The benefit of this reservoir being used for stock watering has already been experienced since 1970. Permitting the use is proper and will make this beneficial use legal.

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)
Montana Department of Environmental Quality (MDEQ)

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: Buffalo Creek is not listed by the DFWP as chronically or periodically dewatered. This Unnamed Tributary of Buffalo Creek is intermittent and flows mostly as a result of runoff. In the past there has not been dewatering of Buffalo Creek as a result of this impoundment.

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: Because there are only 11 animal units grazing within this entire section, it is not expected that stock watering from this reservoir will deteriorate the water quality around this reservoir.

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: This proposed use of water should have no impact on groundwater quality or quantity in the area.

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: Because the construction of the impoundment was done in 1970 the impacts to this Unnamed Tributary of Buffalo Creek's channel and flow have already been made. Future impacts are limited to maintenance of the reservoir and the stock disturbances of soil and vegetation.

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 identified the Greater Sage Grouse as the only species of concern within this project area. It is not expected that this development will adversely impact this species.

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: The area does not appear to be a wetland area, so there should be no significant impacts to wetlands from this proposed use.

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

Determination: This reservoir has served to enhance the wildlife and waterfowl resources in the area for over thirty years.

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: Because the reservoir has been in use for over thirty years there is not expected to be any additional degradation of soil quality or any additional saline seep 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 construction of the reservoir was completed in 1970 with maintenance in 1985. Routine maintenance is not expected to impact existing vegetation. It is expected that Fallon County will control the spread of noxious weeds on his property.

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: There should be no significant impacts on other environmental resources of land, energy, and water from this proposed use.

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 Fallon 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.

1. 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: **Because of the remote location of the reservoir there is little if any secondary impacts expected due to the impoundment of this water.**

Cumulative Impacts: **The cumulative impact of this reservoir being used for stock watering is not significant. The reservoirs initial construction in 1970 had the most invasive impact on the environment. It is now part of the ecosystem and may be a detriment if it was removed or went into disrepair.**

- 3. *Describe any mitigation/stipulation measures:* **Fallon County is aware that they would be required to cease using water if the use of the water is adversely impacting the rights of downstream users.**
- 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:* **In this case, because this is the permitting of an existing reservoir for stockwater use there is few reasonable alternatives. The “no action” alternative is not practical in this case.**

PART III. Conclusion

- 1. *Preferred Alternative:* **The preferred alternative is to allow Fallon County to permit the reservoir for stockwater use.**
- 2. *Comments and Responses:* **None to report**
- 3. *Finding:* **It is my finding that because this reservoir has been in use for more than thirty years; the official permitting to allow its use for stockwater will not have any affect on the environment or ecosystem in this area.**
- 4. *Yes* *No* *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 Resources Specialist**
Date: **February 2, 2015**