ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. **Applicant/Contact name and address:**
   JEFFREY HENRY AND JENNY WOLFE
   171 EAST RIVER RD
   EMIGRANT, MT 59027

2. **Type of action:** APPLICATION FOR BENEFICIAL WATER USE PERMIT NO. 43B 30152558

3. **Water source name:** YELLOWSTONE RIVER

4. **Location affected by project:** The Applicant proposes to divert water from the Yellowstone River, by means of a pump from a point in Govt Lot 9, SWSWNWSE Section 34, T06S R07E, Park County. The proposed purpose is irrigation of 0.22 acres of lawn and garden located in Govt Lot 11, NWNWSWSE Section 34, T06S R07E, Park County. Water will be conveyed by pipeline from a pump located directly in the Yellowstone River to a sprinkler system. The project is located approximately 21 miles north of Gardiner, MT and 11 miles south of Emigrant, MT.

5. **Narrative summary of the proposed project, purpose, action to be taken, and benefits:** The Applicant proposes to divert water from the Yellowstone River, by means of a pump, from June 1 to September 30 at a flow rate of up to 30 gallons per minute (GPM) and diverted volume of 0.55 acre-feet (AF), from a point in Govt Lot 9, SWSWNWSE Section 34, T06S R07E, Park County, for lawn and garden irrigation from June 1 to September 30. The Applicant proposes to irrigate 0.22 acres of lawn and garden located in Govt Lot 11, NWNWSWSE Section 34, T06S R07E, Park County. Water will be conveyed by pipeline from a pump located directly in the Yellowstone River to a sprinkler system. The Applicant also intends to use the sprinkler system for emergency fire suppression, per ARM 36.12.105. The project is located approximately 21 miles north of Gardiner, MT and 11 miles south of Emigrant, MT.

The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. **Agencies consulted during preparation of the Environmental Assessment:**
   Montana Natural Heritage Program – Natural Heritage MapViewer
   Montana Department of Fish, Wildlife and Parks – Dewatered Streams List (2005)
FIGURE 1: Map of the proposed project
Part II. Environmental Review

1. Environmental Impact Checklist:

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<th>PHYSICAL ENVIRONMENT</th>
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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 Montana Department of Fish, Wildlife, and Parks (FWP). Assess whether the proposed use will worsen the already dewatered condition.

* Determination: No significant impact

The reach of the Yellowstone River from the headwaters to the confluence with Hunters Creek, downstream of Livingston, MT, is not listed by FWP as a periodically dewatered stream. The proposed appropriation is to divert water from the Yellowstone River at a maximum rate of 30 gallons per minute and diverted volume of 0.55 acre-feet. FWP holds several instream flow water rights for this reach of stream and a condition has been incorporated into the analysis of this application. The Applicant may not divert water during the month of September when flows at the USGS Yellowstone River near Livingston, MT stream gage fall below 2,000 CFS. The condition will ensure that existing legal demands, including the FWP instream flow water rights, are satisfied and will not create a dewatered condition.

*Water quality* - Assess whether the stream is listed as water quality impaired or threatened by MTDEQ, and whether the proposed project will affect water quality.

* Determination: No significant impact

The Yellowstone River from Reese Creek to Bridger Creek is listed by MTDEQ as not fully supporting aquatic life. Agricultural, drinking water, and primary contact recreation beneficial uses have not been assessed. The probable causes for the listed impairments for aquatic life are alteration of stream-side or littoral vegetative cover and physical substrate habitat alterations. The proposed project will require minor and temporary disturbance to the riparian habitat from installation of a pump and pipeline. No long term effects are expected from this appropriation that will worsen the aquatic life habitat conditions.

*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: Not applicable

The proposed project’s source is surface water and will not impact groundwater quality or supply.
**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*: No significant impact.

The proposed diversion consists of a pump and pipeline to supply an irrigation system for irrigation of 0.22 acres. No impacts to the channel or flow modifications are required for the proposed project. Water will be diverted using a 1.5-inch pipeline and will require minor, temporary disturbance to adjacent riparian areas.

**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*: No significant impact

The Montana Natural Heritage Program website was used to identify threatened or endangered fish, wildlife, plants, or aquatic species or any Species of Concern within Township 06 South Range 07 East, queried on April 8, 2022.

*Animal Species of Concern*: Wolverine, Canada Lynx, Grizzly Bear, Golden Eagle, Great Blue Heron, American Bittern, Veery, Peregrine Falcon, Varied Thrush, Clark’s Nutcracker, Green-tailed Towhee, Brewer’s Sparrow, Yellowstone Cutthroat Trout

*Animal special status species*: Bald Eagle

*Plant Species of Concern*: Wedge-leaf Saltbush, Nevada Clubrush

The proposed project will not require a significant disturbance to riparian or upland habitats as a result of the proposed change in point of diversion. Species of Concern listed above, such as the Grizzly Bear, are primarily found in habitats outside of the project area and may not rely directly on habitats found at the project location. The proposed appropriation is to irrigate 0.22 acres of lawn and garden in a rural subdivision. No significant impacts to animal species of concern will occur with the proposed project.

**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*: No significant impact

The US Fish and Wildlife Service National Wetlands Inventory Mapper queried on April 8, 2022, did not identify any wetlands in the vicinity of the proposed project. No wetland resources will be impacted.
**Ponds** - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

*Determination:* Not applicable

The project does not involve the construction or modification of ponds.

**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:* No significant impact

Construction of the proposed pump and pipeline will require minor, temporary soil disturbance. The proposed irrigation is for 0.22 acres of lawn and garden in a rural subdivision lot. No degradation of soil quality, moisture content, or creation of saline seeps will occur from the proposed project.

**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:* No significant impact

No change in land use is proposed with this project. Minor soil disturbance will occur with the installation of a pipeline from the proposed point of diversion. The proposed irrigation is for 0.22 acres of lawn and garden in a rural subdivision lot. Treatment of noxious weeds on private land is the responsibility of the landowner.

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

*Determination:* Not applicable

No deterioration of air quality will occur from the 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 if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.

*Determination:* Not applicable

The project is not located on state or federal land and was not assessed for degradation of archeological or historical sites.
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_: Not applicable

No other impacts on environmental resources in addition to those identified previously were assessed.

HUMAN ENVIRONMENT

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

_Determination_: No significant impact

Lawn and garden irrigation is a locally accepted practice in Park County. No inconsistencies with locally adopted environmental plans or goals were identified.

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_: No significant impact

The project is located entirely on private land and will not impact access to or the quality of recreational and wilderness activities.

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

_Determination_: No significant impact

No impact on human health from this proposed project was 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 significant impact.
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? 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: No significant secondary impacts identified.

Cumulative Impacts: No significant cumulative impacts identified.

3. Describe any mitigation/stipulation measures:

A condition incorporated into the analysis of this application requires the Applicant to curtail diversions from the Yellowstone River during September when streamflow at the USGS Yellowstone River near Livingston, MT stream gage falls below 2,000 CFS. This condition will ensure that existing legal demands are satisfied, including FWP’s instream flow water rights.
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:**

The no action alternative is to not allow the Applicant to appropriate surface water for lawn and garden irrigation of 0.22 acres. The Applicant would not be able to irrigate their lawn and have emergency fire suppression capacity in the event of a fire.

A reasonable alternative is to irrigate their lawn using their household well.

The preferred alternative is to grant a surface water permit for lawn and garden irrigation of 0.22 acres. This alternative includes the condition that diversions during September must stop when streamflow at the Yellowstone River near Livingston stream gage falls below 2,000 CFS. The preferred alternative will allow the applicant to irrigate their lawn and also ensure that existing legal demands, including the FWP instream flow water rights, are satisfied.

**PART III. Conclusion**

1. **Preferred Alternative:** The preferred alternative is the proposed beneficial water use permit for lawn and garden irrigation of 0.22 acres.

2. **Comments and Responses:** None to report.

3. **Finding:** Based on the significance criteria evaluated in this EA, is an EIS required?  
   Yes___ No X_

   *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, therefore no EIS is required.

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

Name: Jack Landers  
Title: Hydrologist / Water Resource Specialist  
Date: April 8th, 2022