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:

Applicant:	Contact:
Tin Cup Water & Sewer District	Andrew Gorder
PO Box 292	140 S. 4th St. W #1
Darby, MT 59829	PO Box 7593
	Missoula, MT 59807

2. Type of action: Application to Change Water Right No. 76H 30161311

3. Water source name: Tin Cup Creek

4. Location affected by project:

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

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

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.*

The Montana Department of Fish, Wildlife and Parks lists Tin Cup Creek as chronically dewatered along a two-mile reach beginning in the SWNW Sec. 22, T3N, R21W and ending in the SWNW Sec. 14, T3N, R21W. The purpose of this application is to reduce an irrigation water

right by 400 AF and use that volume to increase instream flows during the months of August and September.

Determination: No negative impact.

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.*

The Montana Department of Environmental Quality's 2020 305(b) list identifies Tin Cup Creek as fully supporting the purposes of agriculture, drinking water, and recreation, but not fully supporting aquatic life. The proposed project will not alter and/or adversely affect water quality in Tin Cup Creek. The purpose of the project is to leave water instream for the benefit of the fishery resource and aquatic ecosystem. Flow maintenance resulting from this change in water use will help provide better habitat for aquatic species.

Determination: No negative impact.

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: N/A – The proposed change does not involve groundwater.

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.*

The proposed change does not require any new means of diversion, storage, or conveyance. The proposed change will result in a new flow regime in Tin Cup Creek in the months of August and September, namely, more water flowing in the protected reach for the benefit of aquatic life.

Determination: No negative impact.

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."*

The Montana Natural Heritage Program was consulted to determine if there are any threatened or endangered fish, wildlife, plants, or aquatic species or any "species of special concern" that could be impacted by the proposed project. The proposed application will require no site disturbance, and the change in purpose of 400 AF of water for instream flow is proposed for the benefit of aquatic life.

Determination: No negative impact.

Wetlands **-** *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

No disturbances or alterations to land use are expected as a result of the proposed change.

Determination: No negative impact.

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

Determination: N/A – Project does not involve 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.*

No adverse effects to soils are anticipated as a result of the proposed change.

Determination: No negative impact.

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.*

This project will not result in any ground disturbance that could allow for the spread of noxious weeds, or in any negative change to existing vegetative cover.

Determination: No negative impact.

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

No changes in air quality are anticipated as a result of the proposed change.

Determination: No negative impact.

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.*

There will be no construction or other disruptive activities that could degrade unique archaeological or historical sites associated with this change. There are no known unique archaeological or historical sites in the vicinity of the proposed project.

Determination: No negative impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

None identified.

Determination: No negative impact.

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 negative impact.

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 negative impact.

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

Determination: No negative impact.

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 negative 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? None identified.

(*b) Local and state tax base and tax revenues?* None identified.

(c) Existing land uses? None identified.

(*d) Quantity and distribution of employment?* None identified.

(e) Distribution and density of population and housing? None identified.

(f) Demands for government services? None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

(k) *Other appropriate social and economic circumstances?* None identified.

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

Secondary Impacts: None identified.

Cumulative Impacts: None identified.

3. *Describe any mitigation/stipulation measures:*

No mitigations or stipulations are deemed necessary.

PART III. Conclusion

1. Preferred Alternative: None identified.

2 Comments and Responses: N/A

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:

An EIS is not the appropriate level of analysis for the proposed action because no significant impacts were identified.

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

Name: Benjamin Thomas
Title: Water Conservation Specialist
Date: December 16, 2024