

**Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau**

**ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact**

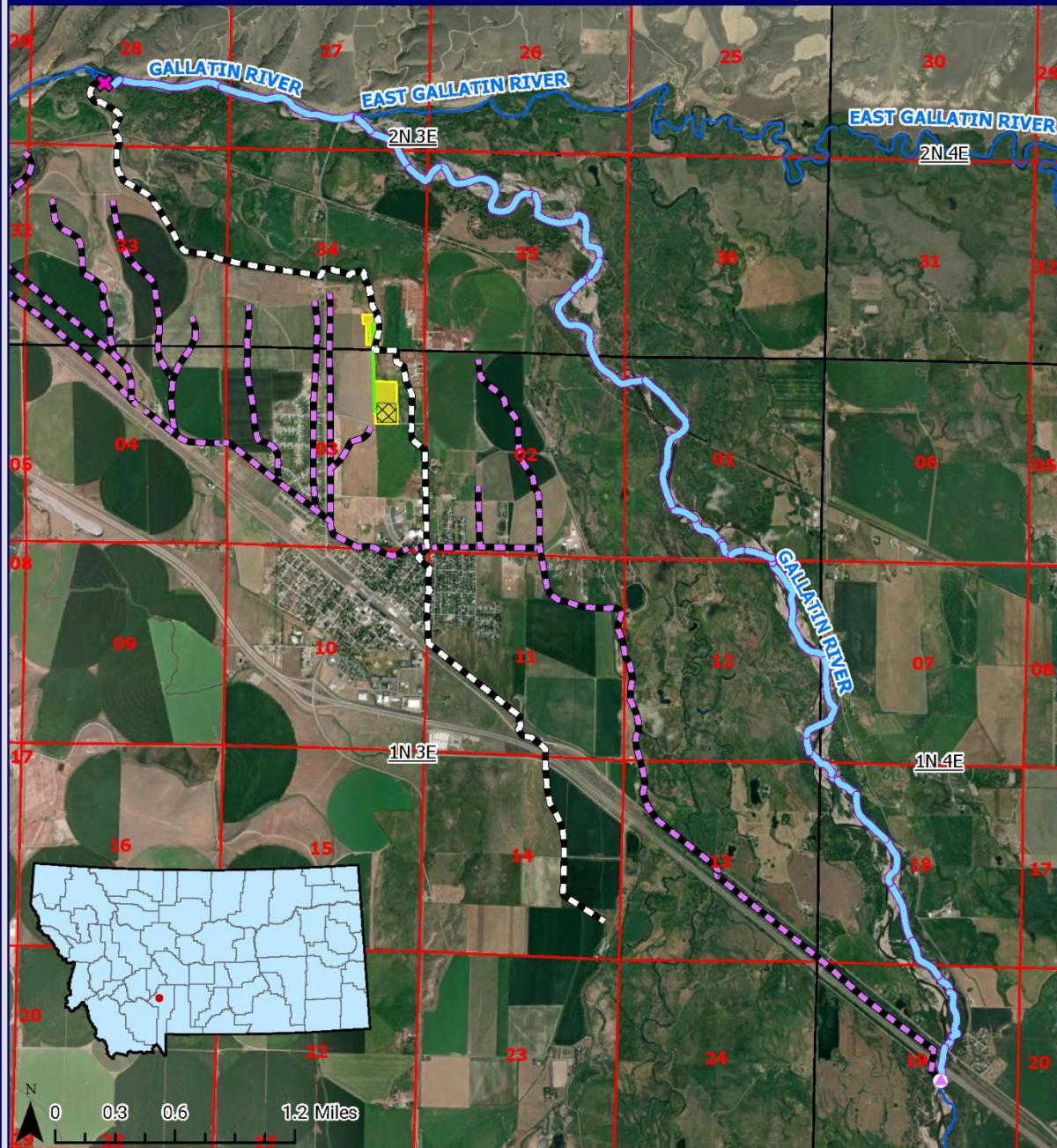
Part I. Proposed Action Description

1. Applicant/Contact name and address:

Town of Manhattan
PO Box 96
Manhattan, MT 59741-0096

2. Type of action: Application to Change an Existing Water Right No. 41H 30129387 and Petition to Modify Provisional Permit No. 41H 30021840 by Town of Manhattan
3. Water source name: West Gallatin River (Change Application No. 41H 30129387) and Groundwater (Petition to Modify Permit No. 41H 30021840)
4. Location affected by project: The Applicant proposes to change the purpose and place of use of Statement of Claim No. 41H 30069634 and modify the mitigation plan for Provisional Permit No. 41H 30021840. The proposed place of use for the claim will be a mitigation reach in the West Gallatin River from the NW NW NW SE Section 19, T1N, R4E to the SW Section 28, T2N, R3E, all in Gallatin County. Claim 41H 30069634 will also continue to irrigate 149.82 acres generally located in Section 3, T1N, R3E, Gallatin County. The point of diversion will remain in the NW NW SE Section 19, T1N, R4E, Gallatin County. The Petition to Modify Permit No. 41H 30021840 proposes to change conditions related to the plan to prevent adverse effect of the permit; the place of use and point of diversion will remain the same.

Town of Manhattan Instream Mitigation Plan



Map Created: 1/12/2026
 Author: Lyra Reynolds,
 Hydrologist/Water Resource Specialist
Elements depicted on this map are for illustrative purposes only and have not been surveyed by the Department. World Imagery: Vantir
 World Topographic Map: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GFS User Community
 World Hillshade: Esri, USGS

- Point of Diversion
- Rapid Infiltration Basin
- Baker Ditch System
- Backlin Ditch System
- Instream Mitigation Reach
- ✖ Backlin Ditch Point of Return

Figure 1. Map of proposed project

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant submitted Application to Change No. 41H 30129387 and Petition to Modify Provisional Permit No. 41H 30021840 to the Bozeman DNRC Water Resources Office on July 19, 2019. The Applicant proposes to change the place of use and purpose of Statement of Claim No. 41H 30021840 for the purpose of mitigation. The place of use and purpose of the claim are proposed to change. No change in point of diversion or place of storage is proposed. The Applicant proposes to modify the mitigation plan conditions on Provisional Permit No. 41H 30021840, no modification to the location of the permit project is proposed. The new plan to prevent adverse effect will result in no new net depletions to surface water. 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:

- Montana Department of Fish, Wildlife & Parks (DFWP) – Montana Fisheries Information System (MFISH)
<https://myfwp.mt.gov/fishMT/explore>
- Montana Department of Environmental Quality (DEQ) – Clean Water Act Information Center (CWAIC)
<https://clean-water-act-information-center-mtdeq.hub.arcgis.com/>
- Montana National Heritage Program (MTNHP) – Species of Concern:
<https://mtnhp.org/mapviewer/?t=7>
- U.S. Fish & Wildlife Service (USFWS) – National Wetlands Inventory Wetlands Mapper
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>
- Natural Resource Conservation Service (NRCS) – Web Soil Survey (WSS)
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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: No significant impact.

As determined by a search of MFISH, conducted on January 7, 2026, the West Gallatin River is listed as chronically dewatered by DFWP. The proposed change is to leave a portion of Claim

41H 30069634 instream for mitigation use. The Applicant will continue to irrigate 149.82 acres following the proposed change. The volume of water diverted under the claim will be less than historical diversions and the difference in volume will be left instream. The proposed change in purpose and place of use will not worsen the already dewatered condition.

The source of water for the Petition to Modify Provisional Permit No. 41H 30021840 is groundwater, which is not assessed by DFWP.

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: No significant impact.

According to a January 7, 2026, search of the DEQ Impaired Waters Draft 2022/2024 data on the CWAIC website identified the West Gallatin River, from Spanish Creek to the mouth of the Missouri River, as fully supporting agricultural and drinking water uses and not fully supporting aquatic life use. The source was not assessed for primary contact recreation. The data suggests that crop production leading to a flow regime modification is a reason for the impaired aquatic life use. The proposed change in purpose and place of use is unlikely to further contribute to water quality degradation. A portion of the water will continue to be used for irrigation and the remaining water will be left instream. No modifications to the streambank will occur and the amount of water in the source will increase due to the instream mitigation water.

Groundwater is not listed by the Montana DEQ on the CWAIC website. The diversion for Provisional Permit No. 41H 30021840 will be constructed in accordance with the rules of the Board of Water Well Contractors. Water will be left instream through Change Application No. 41H 30129387, and wastewater disposal has changed. These two actions will result in no new net depletions to connected surface water.

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: No significant impact.

The Applicant submitted Petition to Modify Permit No. 41H 30021840 that includes an adjusted mitigation plan to offset depletions to surface water. No change to the use of the permit is proposed. Any impacts to adjacent surface water will be addressed through the mitigation plan, and no net depletions to surface water will occur based on the new plan.

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.

Water will be diverted using the historical headgate or left instream for mitigation use. No construction of a diversion is required as part of the proposed change. No modification or impacts to the streambank or channel will occur with Change Application No. 41H 30129387.

The diversion associated with Petition to Modify Permit No. 41H 30021840 is already authorized and will not be modified as a result of the petition.

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. A search of the MTNHP website on January 7, 2026, for T1N, R4E and T2N, R3E, Gallatin County returned the following results:

- 54 animal Species of Concern: Northern Leopard Frog, Western Toad, American Goshawk, American White Pelican, Baird's Sparrow, Black Rosy-Finch, Black Tern, Black-billed Cuckoo, Black-crowned Night Heron, Black-necked Stilt, Bobolink, Brewer's Sparrow, Brown Creeper, Burrowing Owl, Caspian Tern, Cassin's Finch, Clark's Grebe, Clark's Nutcracker, Common Loon, Common Tern, Evening Grosbeak, Ferruginous Hawk, Forester's Tern, Franklin's Gull, Golden Eagle, Gray-crowned Rosy-Finch, Great Blue Heron, Green-tailed Towhee, Harlequin Duck, Horned Grebe, LeConte's Sparrow, Lewis's Woodpecker, Loggerhead Shrike, Long-billed Curlew, Pileated Woodpecker, Pinyon Jay, Sage Thrasher, Sharp-tailed Grouse, Solitary Sandpiper, Trumpeter Swan, Varied Thrush, Veery, White-face Ibis, Yellow-billed Cuckoo, Arctic Grayling, Northern Redbelly Dace, Westslope Cutthroat Trout, Little Brown Myotis, Long-eared Myotis, Northern Hoary Bat, Silver-haired Bat, Wolverine, Greater Short-horned Lizard, Snapping Turtle
- 13 animal Potential Species of Concern: Barrow's Goldeneye, Broad-tailed Hummingbird, Chimney Swift, Common Poorwill, Eastern Bluebird, Great Gray Owl, Hooded Merganser, Ovenbird, Rufous Hummingbird, Short-eared Owl, Tennessee Warbler, Western Screech-Owl, North American Porcupine
- 1 animal Special Status Species: Bald Eagle
- 9 plant Species of Concern: Alkali-marsh Ragwort, Annual Indian Paintbrush, Annual Muhly, Mealy Primrose, Oregon Bluebells, Railhead Milkvetch, Rocky Mountain Twinpod, Small Dropseed, Ute Ladies'-tresses
- 2 plant Potential Species of Concern: Slender Wedge Grass, Small Yellow Lady's Slippers
- 0 plant Special Status Species

The proposed change is not anticipated to impact any threatened or endangered species or any other species of concern listed above.

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.

According to a January 7, 2026, search of the USFWS Wetlands Mapper, no wetlands are involved in the project. Wetlands that exist in the surrounding area will not be impacted, as a portion of the water right will be left instream and a portion will be diverted for the same

historical use. Proposed diversions will not exceed historical diversions, so no wetland impact will occur.

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

Determination: Not applicable. No ponds are involved in the project.

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.

A January 7, 2026, search of the NRCS Web Soil Survey identified the soils in the project area as having a low salinization risk. Some of the area surrounding the mitigation reach and remaining irrigation place of use have higher salinization risk, but the proposed change is not anticipated to further degrade the soil or cause saline seeps. Water will either be left instream for mitigation or continue to irrigate historical acres following the proposed change. The diversion structure for the Petition to Modify Permit No. 41H 30021840 will be constructed by a licensed well driller following the rules of the Board of Water Well Contractors and is not anticipated to cause saline seeps.

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.

The proposed project is to leave a portion of the water right instream for mitigation use. Any retirement or continued irrigation of historically irrigated acres should not promote the establishment of noxious weeds. Under Montana law, owners are responsible for noxious weed control on their property.

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

Determination: No significant impact.

The proposed project will not impact air quality.

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 Lands. Furthermore, the Applicant made no mention of significant historical or archeological sites on the property.

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: No significant impact.

No other demands on environmental resources of land, water, and energy have been identified.

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.

The proposed project is to change the purpose and place of use for a portion of Claim 41H 30069634 for mitigation and irrigation. Mitigation use to offset surface water depletions associated with Permit 41H 30021840 and continued irrigation use are recognized beneficial uses of water in the state of Montana. Mitigation and irrigation use are locally accepted practices.

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 proposed project will leave a portion of the water right instream for mitigation use. The proposed change 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.

The project will not impact human health.

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.

The project does not impact government regulations on private property rights.

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 impacts identified.
- (b) Local and state tax base and tax revenues? No significant impacts identified.
- (c) Existing land uses? No significant impacts identified.
- (d) Quantity and distribution of employment? No significant impacts identified.
- (e) Distribution and density of population and housing? No significant impacts identified.
- (f) Demands for government services? No significant impacts identified.
- (g) Industrial and commercial activity? No significant impacts identified.
- (h) Utilities? No significant impacts identified.
- (i) Transportation? No significant impacts identified.
- (j) Safety? No significant impacts identified.
- (k) Other appropriate social and economic circumstances? No significant impacts identified.

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

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. *Describe any mitigation/stipulation measures:*

The Applicant must retire a portion of historically irrigated acres and leave a portion of the historically diverted but not consumed water instream to offset return flows. Water left instream for mitigation use must be in the amount required to mitigate surface water depletions resulting from the use of Provisional Permit No. 41H 30021840. Wastewater disposal method is changing as a part of the plan to prevent adverse effect. No use of Provisional Permit No. 41H 30021840 may occur until mitigation water is in place and until conditions are met. The Applicant will be subject to any conditions included in the Preliminary Determination to Grant. For the change authorization to be granted by the DNRC, the Applicant must prove the criteria in §85-2-402 MCA are met.

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 for the Applicant to continue to use the water right for irrigation, as done historically.

Part III. Conclusion

1. ***Preferred Alternative:*** The preferred alternative is to grant the Change Application if the Applicant has proven the criteria of §85-2-402, MCA.
2. ***Comments and Responses:*** None at this time.
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: The EA is the appropriate level of analysis because the proposed project is to change the purpose and place of use of an existing irrigation water right. The Applicant proposes to use the water right for mitigation and irrigation use. The Applicant will divert at a maximum flow rate of 7.75 CFS up to a maximum volume of 409.8 AF. No change in place of storage or point of diversion is proposed. No significant impacts were identified, so no EIS is required.

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

Name: Lyra Reynolds
Title: Hydrologist/Water Resource Specialist
Date: January 12, 2026