

Montana Reserved Water Rights Compact Commission

December 21, 2012

NEPA Requirements

The Flathead Compact settles water rights litigation involving the United States, the Tribes, the State of Montana, and water users. Such settlements are not major federal actions affecting the environment that trigger the environmental analysis requirements of NEPA, the National Environmental Policy Act, 43 USC 4321. Congress has recognized this fact in ratifying the tribal water rights compacts Montana has entered into with the Northern Cheyenne, Rocky Boys and Crow reservations. See, e.g. Public Law 111-291, Title IV, Sec 404 (124 Stat. at 3100); Public Law 106-163, Sec. 5 (113 Stat. at 1782); Public Law 102-374, Sec. 11(106 Stat. 1186, *et seq.*); Mont. Code Ann. 85-20-301, -601, -901. Environmental review pursuant to NEPA will be conducted as appropriate on specific individual projects contemplated by the Compact or the Flathead Indian Irrigation Project Water Use Agreement, such as rehabilitation of irrigation project structures.