

# Groups sue for further analysis of Gallatin River

- [By Shaylee Ragar Chronicle Staff Writer](#)

- Feb 21, 2020



**Buy Now**

The Gallatin River flows through the mountains Tuesday near Big Sky.  
[Ryan Berry/Chronicle](#)

An environmental law firm and two Bozeman-based conservation groups have filed a lawsuit asking the state to conduct further environmental analysis as part of a push to protect a section of the Gallatin River.

Cottonwood Environmental Law Center, Gallatin Wildlife Association and Montana Rivers filed a lawsuit Feb. 18, asking Gallatin County District Court to require the Montana Department of Environmental Quality to conduct a supplemental environmental impact statement. The original environmental assessment published in 2007 was part of a petition to designate a section of the Gallatin River as an Outstanding Resource Water.

The lawsuit comes as Big Sky [looks to update](#) its water and sewer systems, including the possibility of discharging treated wastewater into the river. The expansion would aim to accommodate further development in the area.

John Meyer, attorney for the Cottonwood Environmental Law Center, said that's the type of project the lawsuit aims to stop. Part of the complaint asks that a judge stop DEQ from permitting any discharge of treated wastewater into the Gallatin River.

"Clean water and healthy rivers are more important than vacation homes," Meyer said.

In the complaint, Cottonwood argues further analysis is in order because the state must consider new information when it's discovered. The complaint argues that the detection of pharmaceuticals in the river that could threaten aquatic species constitutes as new information. The complaint says that Big Sky's plans to discharge treated wastewater into the river would also pollute the water with pharmaceuticals, and that the original statement does not account for that.

The complaint argues that not providing further analysis violates the Montana Environmental Policy Act and the Montana Administrative Procedure Act.

Rebecca Harbage, public policy director for DEQ, said the agency had not yet received the court filing and declined to comment.

The stretch of river in question is from Yellowstone National Park's boundary to the river's confluence with Spanish Creek. All surface water within the national park is already protected as an Outstanding Resource Water. The designation outside of the park would prevent state authorization of degradation of the river or new pollutants that harm water quality.

The group American Wildlands first petitioned the Montana Board of Environmental Review for the designation on this section of the river in 2001, according to the lawsuit. In 2002, an environmental impact statement was ordered as part of the petition and a final draft was published 2007. It recommended the board grant the designation, but rule-making was stalled.

The board never took final action on that petition.

In 2018, Cottonwood filed a [new petition](#) with the Board of Environmental Review asking the designation be granted. The board declined to initiate rule-making on that petition at a meeting on Oct. 5, 2018.

In a letter May, 30, 2018, DEQ told Cottonwood that petitioners of an Outstanding Resource Water designation are required to pay for the environmental analysis. In this case, it would cost \$250,000. That requirement came from an amendment to Montana's Water Quality Act passed in 2003.

Meyer said this law should not apply to Cottonwood's request for the supplemental analysis because it's an addition to the petition filed and accepted in 2001, before the law was changed.

Meyer said the hope is that a supplemental report will force a final decision on the 2001 petition. He said Cottonwood is trying to be proactive in protecting the Gallatin River from pollution.

“We want to get ahead of this problem before it’s the 11th hour,” Meyer said.

Shaylee Ragar can be reached at [sragar@dailychronicle.com](mailto:sragar@dailychronicle.com) or at 582-2607.

