

DEPARTMENT OF NATURAL  
RESOURCES AND CONSERVATION



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Cover Letter

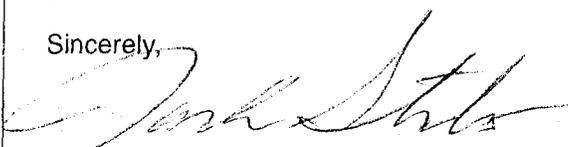
December 8, 2003

Governor's Office, Barbara Ranf, Rm. 204, State Capitol, P.O. Box 200801, Helena, MT 59620-0801  
Environmental Quality Council, Capitol Building, Room 106, P.O. Box 201704, Helena, MT 59620  
Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901  
Director's Office  
Dept. of Natural Resources and Conservation, US F&G Bldg. 1625 11<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
Information Services Section  
Water Resources Division, 1424 9<sup>th</sup> Ave, P.O. Box 201601, Helena, MT 59620-1601  
Terry McLaughlin, Water Resources Div. Helena Regional Office, 21 N. Last Chance Gulch,  
P.O. Box 201601, Helena, MT 59620-1601  
Montana Department of Fish, Wildlife & Parks, 1420 E. 6<sup>th</sup> Ave. Helena, MT 59620  
Director's Office  
MT Historical Society, State Historic Preservation Office, P.O. Box 201202 Helena, MT 59620-1202  
Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624  
Montana Audubon Council, P.O. Box 595, Helena, MT 59624  
Powell County Commissioners, 409 Missouri, Deer Lodge, MT 59722  
Wildlife Federation, P.O. Box 1175, Helena, MT 59624  
Trout Unlimited, P.O. Box 7186, Missoula, MT 59807  
Northern Plains Resource Council, 2401 Montana Ave. Suite 200, Billings, MT 59101-2336  
Steve Graveley, Nevada Creek Water Users Association, P.O. Box 68, Helmville, MT 59843  
John Fitzpatrick, 218 8<sup>th</sup> Ave. Helena, MT 59601  
U.S. Army Corps of Engineers, 301 S. Park Ave. Drawer 10014, Helena, MT 59626-0014  
U.S. Fish and Wildlife Service, MT Field Office, 100 N. Park Ave. Helena, MT 59601

Ladies and Gentlemen:

The enclosed Finding of No Significant Impact/Decision Notice has been prepared for the Fitzpatrick Ranch Building Sale. Please contact Tim Kuehn at (406) 444-6655, e-mail [tkuehn@state.mt.us](mailto:tkuehn@state.mt.us) should you have any questions about the Finding of No Significant Impact/Decision Notice or the Final EA. Copies of the Final EA are available upon request. The Final EA can also be viewed on the DNRC website at [www.dnrc.state.mt.us](http://www.dnrc.state.mt.us). Thank you.

Sincerely,

  
Jack Stults  
Water Resources Division Administrator

STATE WATER PROJECTS  
BUREAU  
(406) 444-6646

WATER MANAGEMENT  
BUREAU  
(406) 444-6637

WATER OPERATIONS  
BUREAU  
(406) 444-0860

WATER RIGHTS  
BUREAU  
(406) 444-6610

FINDING OF NO SIGNIFICANT IMPACT/  
NOTICE OF DECISION

December 8, 2003

Dear Reader:

The Montana DNRC released a draft Environmental Assessment (EA) on October 20, 2003 on the Fitzpatrick Ranch Building Sale. The Fitzpatrick Ranch site is located in Powell County Montana on DNRC property adjacent to the Nevada Lake Reservoir, SE-SE-SW1/4 of Section 18, T12N R09W and the N1/2-N1/2-NE-NE-NW1/4 of Section 19, T12N R09W. The proposed action calls for the sale and/or salvage of the ranch main dwelling via a public auction. The auction would be held on-site and main dwelling would either be moved to another location by the successful bidder or salvaged on-site. Other structures could be included in the proposed sale if interest exists. The sale is tentatively scheduled for January or February, 2004.

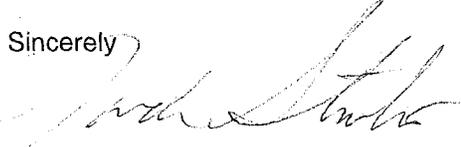
The public comment period closed on November 21, 2003 with one comment received. The Montana Department of Fish, Wildlife and Parks questioned whether all other options have been adequately investigated, specifically on leasing the site to a public and / or non-profit entity. Also questioned were the existing land use and the "no significant impact" determination to Cultural Resources, Aesthetics/Recreation and if adjacent landowners have been contacted. The current land use is vacant state owned property available to the public for recreational activities. The land use will not change. The DNRC has fulfilled all State requirements concerning consultation with the State Historic Preservation Office (SHPO) under the State Antiquities Act. The SHPO did not provide any comments on the draft EA. The buildings are located below the current spillway design flood elevation. Leasing the buildings to a public, not for profit, or private entity is not a viable option. The Powell County Board of Adjustments recommendation to the DNRC was to "encourage DNRC to sell or give away the buildings and have them moved from the site." On August 20, 1998 in a duly noticed meeting with a quorum present, the Powell County Board of Adjustments took the following action: "Voted unanimously to deny DNRC's request for a variance to section V.D.4 of the Powell County Development Regulations." The buildings are not located within a community or neighborhood; therefore the Department believes the removal of these buildings will not affect the aesthetic character of a community or neighborhood. The site is not clearly visible from State Highway 141. During the summer of 1998, a DNRC representative visited nine (9) adjacent homes and explained the DNRC proposal. None of the nine adjacent households were opposed to the sale.

Based on the criteria evaluated in this EA, no significant impacts, either individually or cumulative will result from the proposed sale. In summary, the liability of having such structures on State Water Projects Bureau property is the main reason for the proposed sale. The proof of liability exists only when an injury occurs and legal action is taken. The DNRC feels it is not prudent to wait until such legal action takes place. Other options, such as leasing or selling the entire 20 acres with the ranch buildings have been investigated. It is the policy of the DNRC to no longer lease such structures for private use. The DNRC State Water Projects Bureau does not have the funding to adequately maintain these buildings. The current subdivision codes of Powell County would not allow for the sale of this property. We believe the site has been adequately documented and recorded, thus mitigating the adverse impact to the site's cultural resources, and the sale and removal or salvage option (alternative 4) is the best remaining course of action. The DNRC concludes that the proposed action will not result in any significant impacts. The DNRC will adopt the draft EA as the final EA and proceed with the preferred alternative 4. Copies of the Final EA are available upon request. The Final EA can be viewed on the DNRC website at [www.dnrc.mt.us](http://www.dnrc.mt.us) in the Environmental Documents section. Please direct any questions to:

Tim Kuehn at (406) 444-6655, e-mail: [tkuehn@state.mt.us](mailto:tkuehn@state.mt.us)  
DNRC, 1424 9<sup>th</sup> Avenue, P.O. Box 201601  
Helena, MT 59620-1601

Thank you for your interest.

Sincerely



Jack Stults  
Water Resources Division Administrator