

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION



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Cover Letter

November 15, 2002

TO: 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 11th Ave. Helena, MT 59620
Director's Office
Information Services Section
Water Resources Division, 48 N. Last Chance Gulch, P.O. Box 201601, Helena, MT 59620-1601
Montana Fish, Wildlife & Parks, 1420 E. 6th Ave. Helena, MT 59620
Director's Office
FWP Region 2 Office, 3201 Spurgin Road, Missoula, MT 59804
Wayne Hadley, MT Dept. of Fish, Wildlife & Parks, P.O. Box 1, Deer Lodge, MT 59722
MT Historical Society, State Historic Preservation Office, P.O. Box 201202 Helena, MT 59620-1202
MT State Library, 1515 E. Sixth Ave., P.O. Box 201800, Helena, MT 59620
Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Montana Audubon Council, P.O. Box 595, Helena, MT 59624
Ed Lord, Flint Creek Water Users Association, Box 4796 Skalkaho Rd., Philipsburg, MT 59858
Granite County Commissioners, P.O. Box 929, Philipsburg, MT 59858-0925
Northern Plains Resource Council, 2401 Montana Ave. Suite 200, Billings, MT 59101-2336
U.S. Army Corps of Engineers, 301 S. Park Ave. Drawer 10014, Helena, MT 59626-0014
U.S. Fish & Wildlife Service, MT Field Office, 100 N. Park Ave. Helena, MT 59601
Wildlife Federation, P.O. Box 1175, Helena, MT 59624
Trout Unlimited, P.O. Box 7186, Missoula, MT 59807

Ladies and Gentlemen:

The enclosed Finding of No Significant Impact / Decision Notice has been prepared for the Flint Creek Water Project Easement Transfer for the Allendale, Metcalf, East and Marshall Canals. Please feel free to contact James P. Domino at (406) 444-6622, e-mail jdomino@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. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jack Stults".

Jack Stults
Water Resources Division Administrator

FINDING OF NO SIGNIFICANT IMPACT/
NOTICE OF DECISION

November 15, 2002

Dear Reader:

The Montana Department of Natural Resources and Conservation (DNRC) released a draft Environmental Assessment (EA) on the Flint Creek Water Project Easement Transfer for the Allendale, Metcalf, East and Marshall Canals on September 16, 2002. The proposed action calls for the transfer of easements and water rights related to irrigation canals that are part of the Flint Creek Water Project. The canals are located on private and state school trust lands in Granite County, Montana. The transfer would be accomplished by a quitclaim deed, with no monetary transactions between the State and the Flint Creek Water Users Association. The original easements were initiated from the 1930's to the early 1950's. The transfer of these property interests will absolve the State of any liability associated with the project and reduces the State's administrative duties. The Montana Department of Environmental Quality, Montana Department of Fish, Wildlife and Parks, Montana Natural Heritage Program, and the Montana State Historic Preservation Office were consulted as part of the draft EA process. The original comment period closed on September 30, 2002, with two comments received. Montana Trout Unlimited (TU) and the MT Department of Fish, Wildlife and Parks (DFWP) submitted comments requesting additional information on the leases and water rights associated with the proposed transfer. TU also commented on the adequacy of the EA in complying with the MEPA. The public comment period was extended to October 31, 2002 in order to address the TU and DFWP concerns, and to provide additional opportunity for comment. The US Fish and Wildlife Service (FWS) submitted one comment during the extension. The FWS agreed that the easement transfer itself would probably not have any significant impacts, however they recommended that fish screens be installed, along with a maintenance agreement. The TU and DFWP issues were addressed in a letter sent on October 29, 2002, in which the TU and DFWP questions on the leases and water rights were answered, and the EA's full compliance with the MEPA process was detailed. A letter was also submitted to the FWS on November 7, 2002 explaining that the fish screen issue has been investigated, and that the Water Users Association would be responsible for compliance with all applicable federal, state, and local laws related to the operation of the canal system. No other comments were received. The DFWP also requested a further extension of the comment period in a letter sent on October 31, 2002. Based on the EA's disclosure and analysis of potential impacts, and DNRC concludes that the proposed action will not result in any significant impacts, and that a further extension of the comment period is not warranted. The DNRC will adopt the draft EA as the final EA and proceed with the transfer as planned. Copies of the Final EA are available upon request. The Final EA can also be viewed on the DNRC website at www.dnrc.mt.us. Please direct any questions to:

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State Water Projects Bureau
DNRC, P.O. Box 201601
Helena, MT 59620-1601
(406) 444-6622
e-mail: jdomino@state.mt.us

Thank you for your interest.

Sincerely,
Jack Stults
Water Resources Division Administrator