

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION



JUDY MARTZ
GOVERNOR

DIRECTOR'S OFFICE (406) 444-2074
TELEFAX NUMBER (406) 444-2684

STATE OF MONTANA

WATER RESOURCES DIVISION (406) 444-6601
TELEFAX NUMBERS (406) 444-0533 / (406) 444-5918
<http://www.dnrc.state.mt.us/wrd/home.htm>

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1424 9TH AVENUE
PO BOX 201601
HELENA, MONTANA 59620-1601

LEGISLATIVE ENVIRONMENTAL
POLICY OFFICE

Cover Letter

November 5, 2004

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
MT Dept. of Environmental Quality, Metcalf Building, P.O. Box 200901, Helena, MT 59620-0901
Director's Office
MT 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, 1424 9th Ave., P.O. Box 201601, Helena, MT 59620-1601
Regional Manager, MT DNRC Water Resources Division, Lewistown Regional Office, 613 NE Main,
Suite E, Lewistown, MT 59457-2020
MT Dept. of Fish, Wildlife & Parks, 1420 E. 6th Ave. Helena, MT 59620
Director's Office
Regional Supervisor, MT Dept. of Fish, Wildlife & Parks, Region 4 Office, 4600 Giant Springs Rd.
Great Falls, MT 59405
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
Fergus County Commissioners, 712 N. Main, Lewistown, MT 59457
U.S. Army Corps of Engineers, Helena Regulatory Office, 10W 15th St. Suite 2200, Helena, MT 59626
U.S. Fish & Wildlife Service, MT Field Office, 100 N. Park Ave. Helena, MT 59601
Edward and Connie Heggem, P.O. Box 178, Winifred, MT 59489
Helen Popnoe, P.O. Box 76, Winifred, MT 59489
Ron and Judy Heggem, P.O. Box 25, Winifred, MT 59489
Montana Environmental Information Center, P.O. Box 1184, Helena, MT 59624
Montana Audubon Council, P.O. Box 595, Helena, MT 59624
Northern Plains Resource Council, 2401 Montana Ave. Suite 200, Billings, MT 59101-2336
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 North Winifred Water Project Release of Easement and Transfer of Water Rights. Please feel free to contact Tim Kuehn at (406) 444-6655, e-mail tkuehn@state.mt.us should you have any questions or comments 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 3, 2004

Dear Reader:

The Montana Department of Natural Resources and Conservation (DNRC) released a Draft Environmental Assessment (EA) on the North Winifred Water Project Release of Easement and Transfer of Water Rights on September 29, 2004. The proposed action calls for the release of easements related to the North Winifred Water Project, which consists of a dam and reservoir on 87.5 acres of property in Fergus County, Township 21 North, Range 18 East, section 27. The project is located entirely on private land. This water project is currently inactive and no longer provides benefits to the State. The original easements were initiated in 1938, with the dam completed that same year. The dam has been classified as low hazard, which means there is a low potential for loss of life should the dam fail (85-15-106, MCA). The release of these easements and water rights transfer will absolve the State of any liability associated with the project and reduces the State's administrative duties. The easements and water rights would be transferred to the existing landowners, listed below:

Edward and Connie Heggem, P.O. Box 178, Winifred, MT 59489
Helen Popnoe, P.O. Box 76, Winifred, MT 59489
Ron and Judy Heggem, P.O. Box 25, Winifred, MT 59489

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 contacted as part of the draft EA development. The public comment period closed on October 29, 2004, with one comment received. The U.S. Fish and Wildlife Service, Helena Field Office submitted notification that no federally-listed species or designed critical habitat occurred within the project area, and that no further consultation under Section 7 of the Endangered Species Act was necessary.

Based on the EA's disclosure and analysis of potential impacts, 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 release of easements and water rights 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:

Tim Kuehn
State Water Projects Bureau
DNRC, P.O. Box 201601
Helena, MT 59620-1601
(406) 444-6655
e-mail: tkuehn@state.mt.us

Thank you for your interest.

Sincerely,



Jack Stults
Water Resources Division Administrator