

AMENDMENT TO ENVIRONMENTAL ASSESSMENT (EA)

Title of Original Assessment (date certified):

Shell Lake Water Diversion to the Yellow River (certified May 22, 2002)

County: Washburn County

DNR Region: Northern Region

Describe the Nature of Proposed Amendments and the Reasons Therefore:

Since the original EA was certified, additional information and review indicated some further clarification was needed on one issue in the environmental analysis. The Department received comments on the original EA from the Voigt Intertribal Task Force (Task Force) of the Great Lakes Indian Fish and Wildlife Commission. The Task Force indicated that the Department of Natural Resources needed to consult with the Task Force under provisions of the Stipulation for Wild Rice Trial because the proposed diversion project could affect wild rice and other natural resources within the scope of the Tribes' ceded territory rights. The Stipulation requires the Department to consult with the Task Force on and afford the Task Force an opportunity to participate in any Department decision that may affect ceded territory wild rice abundance or habitat. In response to these comments received on the original EA, the Department indicated that the scope of the proposal and anticipated effects did not constitute an action requiring formal consultation with the Task Force under provisions of the Stipulation.

Since the EA was certified, Department staff have had additional discussions with the Task Force. Upon further review, the Department has determined that the provisions of the Stipulation do apply to this project proposal and require formal consultation with the Task Force. Department staff have initiated this consultation process and intend to consult and involve the Task Force in our decision on the permits for this proposed diversion project. The EA is hereby amended to reflect this clarification.

Discuss Probable Adverse and Beneficial Impacts Not Covered in the Original EA That Would be Generated by the Amended Action:

The above description regarding a need for consultation with the Voigt Intertribal Task Force under the Stipulation on wild rice merely represents clarification on a procedural issue. This need for formal consultation, in and of itself, does not change the remainder of the Department's analysis of anticipated impacts likely to result from this project. No new or additional impacts are anticipated as a result of this clarification.

Recommendation: These additional considerations on the environmental impacts of the proposed project as described above, when considered in conjunction with the contents of the original EA, are not of significant magnitude, complexity, or significance to change the Department's decision not to write an EIS for this project.

Evaluator:

Ferdy Bartelsson

Date:

7/16/02

Certified to be in Compliance with WEPA:

William A. Clark

Date:

7/16/02

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision, you should know that Wisconsin Statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30 day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2) Stats.