



# US Army Corps of Engineers

Omaha District

## PUBLIC NOTICE

**Application No:** 2001-90-022  
**Applicant:** Cape-France Enterprises  
**Waterway:** East Catron Creek  
**Issue Date:** March 20, 2001  
**Expiration Date:** April 19, 2001

**30 DAY NOTICE**

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Helena Regulatory Office 301 South Park, Drawer 10014 Helena, Montana 59626-0014

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**JOINT PUBLIC NOTICE  
FOR PERMIT APPLICATION SUBMITTED TO  
U.S. ARMY CORPS OF ENGINEERS  
AND  
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application submitted by Cape-France Enterprises, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska. \*Please note that the project described herein is not being proposed by the Corps, but by the applicant. The Corps will be evaluating the proposed work to determine if it is permissible under current laws and regulations.\*

**Description of Proposed Project:** The applicant requests permission to relocate approximately 1700 feet of the East Catron Creek, which is classified by Montana Fish Wildlife and Parks as a "stream/ditch". The existing stream channel will be abandoned and filled. A new channel, approximately 2972 feet in length, will be constructed parallel to Valley Center Road. The new channel will be designed to enhance riparian and fish habitat and improve floodplain functions. The new stream length will increase by 1272 feet and the sinuosity will increase from 1.01 to 1.48. Please refer to Exhibit D attached for a summary of impacts and mitigations. Additional drawings showing the location and extent of the project are attached to this notice.

**Location:** The proposed activity is located in the City of Bozeman, north of Cosco, in the NW1/4, NW1/4, SE1/4 of Section 26, Township 1 South, Range 5 East, Gallatin County, Montana.

**Purpose:** The purpose of the proposed project, as stated by the applicant, is "...to continue restoration of the East Catron Stream/Ditch waterway north of the Gallatin Center Development project (Action ID 1997-90-032). This project will improve fisheries habitat and create riparian floodplain while providing the landowner with a suitable commercial building site. The project proposes to relocate/restore a section of the East Catron Stream/Ditch to a newly constructed channel and floodplain, adjacent to the east property boundary and immediately west of Valley Center Road."

As determined by the Corps, the project purpose is to facilitate the development of the property north of Cosco. The impacts associated with the relocation of the stream/ditch will be mitigated by creating a new (relocated) stream channel with an adjacent wetland fringe.

**Background:** An individual permit was issued to Eugene Graff III (Action ID 1997-90-032) for the relocation of 320 feet of East Catron Creek for the construction of the Gallatin Center, including Cosco and the Wingate Hotel. That work is completed. The work being proposed in this application will connect to the reconstructed East Catron Creek channel near the Wingate Hotel. East Catron Creek was channelized for irrigation purposes back in the 1950's and is currently not in its original location.

**401 Water Quality Certification:** The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

**Cultural Resources:** The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

**Threatened / Endangered Species:** In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered, or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

**Evaluation Factors:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R.; Part 230).

**Comments:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and

location.

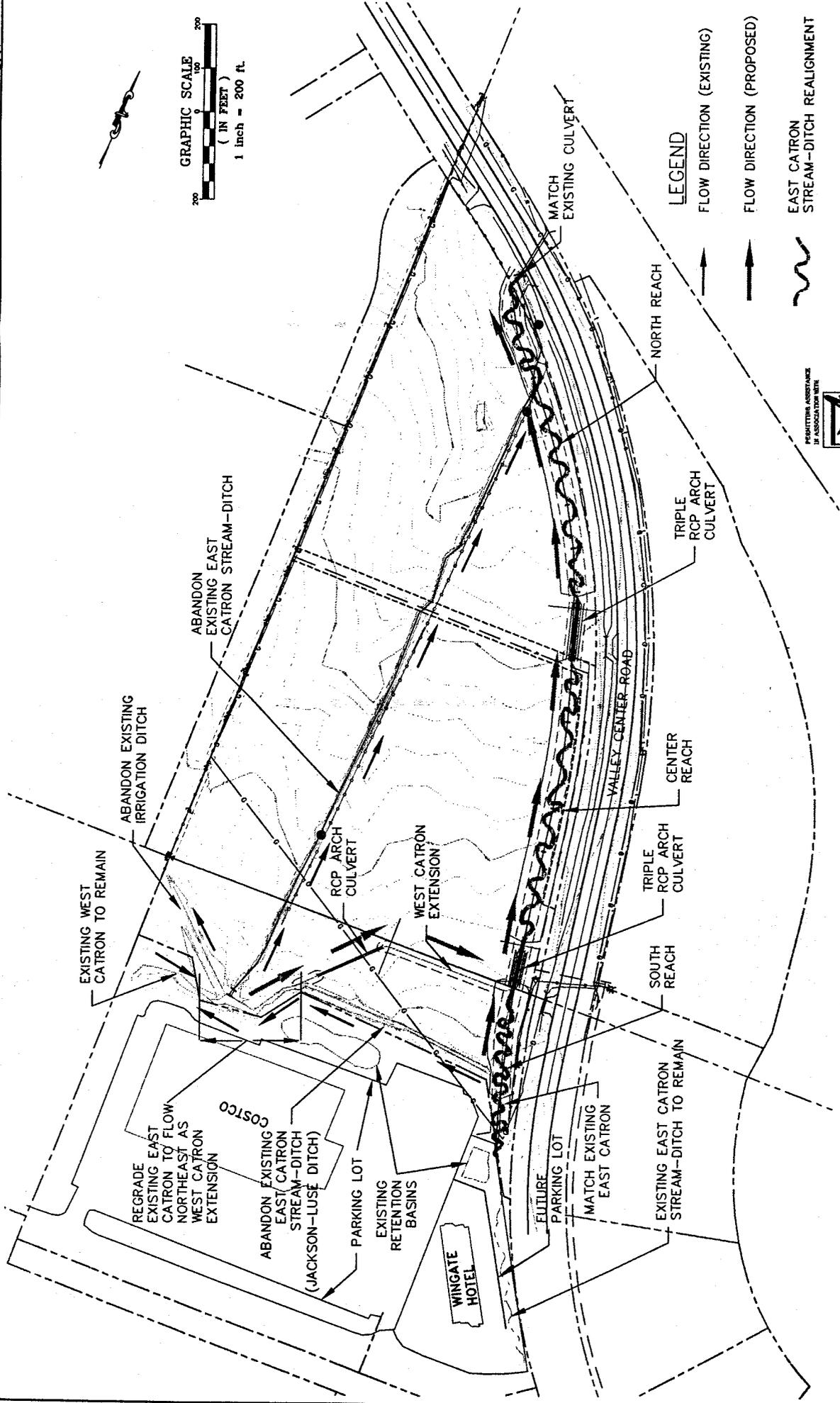
Any interested party (particularly officials of any town, county, state, federal agency, or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. Please reference the Application Number found on the first page of this notice in any correspondence.** Jean Ramer, telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380.

Comments postmarked after the expiration date of this public notice will not be considered.

**Statutory Authorities:** A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.



JAN 17 2001



**LEGEND**

- ↑ FLOW DIRECTION (EXISTING)
- ↑ FLOW DIRECTION (PROPOSED)
- ~ EAST CATRON STREAM-DITCH REALIGNMENT

PERMITTING ASSISTANCE IN ASSOCIATION WITH



**MORRISON MAIERLE, INC.**  
 REGISTERED PROFESSIONAL ENGINEERS  
 1000 N. 10th Street, Suite 100, Reno, NV 89503  
 (775) 784-1100  
 FAX (775) 784-1101  
 E-MAIL: info@morrisonmaierle.com

**DRAWING 2**  
**SITE PLAN**

PROJECT: WINGATE HOTEL  
 DATE: 01/17/2001  
 DRAWN BY: JPH  
 SCALE: 1"=200'  
 CHECKED BY: JCH  
 SHEET: 2 OF 2

☉ FLOOD CHANNEL  
0+00

☉ LOW FLOW CHANNEL  
(see note 2)

ROAD FILL  
SIDE SLOPE

ACCESS ROAD  
SURFACE

10' 10'

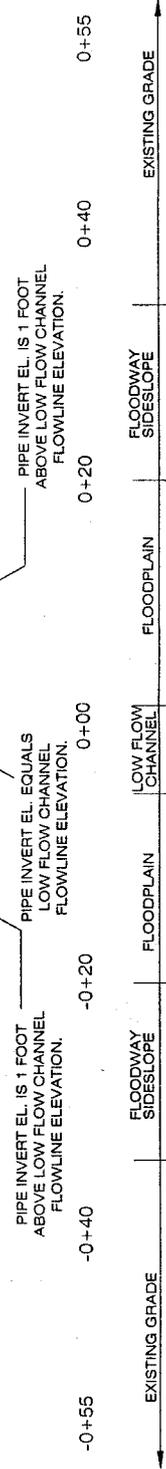
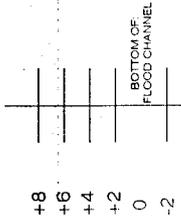
1.5' MIN.  
COVER (typ.)

APPROXIMATE EXISTING  
GRADE

6" TOPSOIL  
(see note 1)

ORGANIC SOIL (typ. 1,2)  
CLAYEY SAND (typ. 2)

SANDY GRAVEL AND COBBLE



CATRON CREEK  
END VIEW-TRIPLE RCP ARCH CULVERT (TYPICAL)

PERMITTING ASSISTANCE  
IN ASSOCIATION WITH:



DESIGNED IN ASSOCIATION WITH:

**CONFLUENCE**  
consulting, inc.

*Creative Solutions for Aquatic Resources*

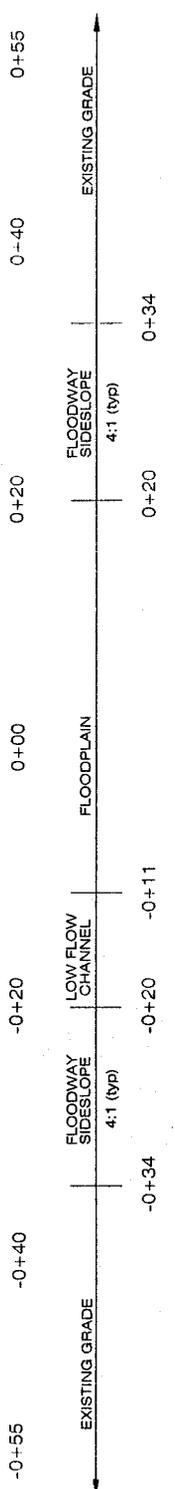
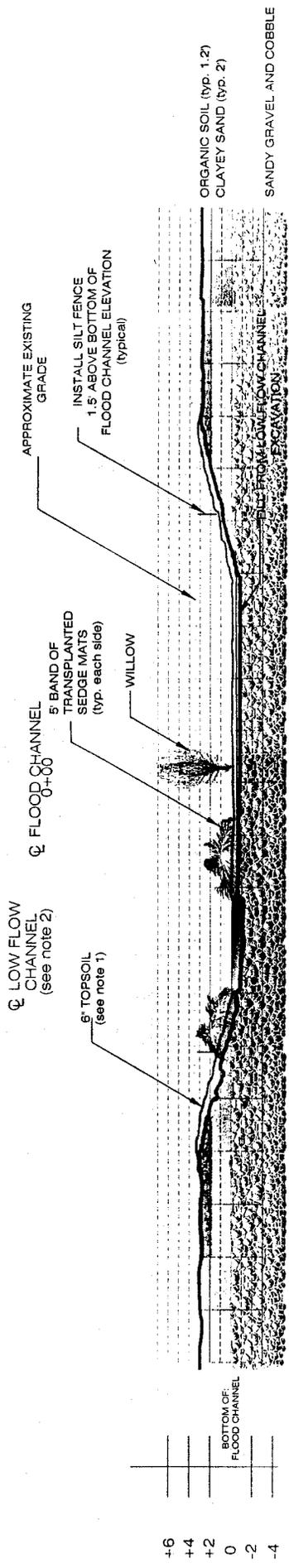
311 North Grand Ave., Brentwood, TN 37015 615-866-9000

NOTES:

1. PLACE 8" TO 9" LOOSE LIFT OF TOPSOIL (APPROXIMATELY 6" CONSOLIDATED DEPTH), SEED WITH NATIVE VEGETATION AND MULCH WITH STRAW, OVER ALL EXCAVATED AREAS EXCEPT STREAM BED AND ROAD SURFACE.
2. CENTERLINE OF LOW FLOW CHANNEL WILL ALIGN WITH FLOOD CHANNEL CENTERLINE AT CULVERT ENDS.

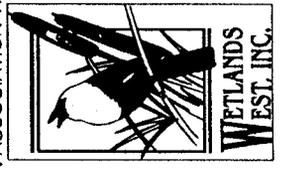
		1/4" = 1'-0" 1" = 12'-0"
PROJECT: MD 266 BRIDGE DRAWN BY: JSE CHECKED BY: JMH	DATE: 12/28/00 SCALE: 1/2" = 1'-0"	SHEET NO. 10 OF 10
MORRISON MAIRLE, INC. 1000 W. MAIN ST. SUITE 100 COLLETSVILLE, MD 21784		PROJECT NO. 00-11-001 DRAWING NAME DATE: 06/17/2001





CATRON CREEK  
PROPOSED TYPICAL CHANNEL CROSS-SECTION-RIFFLE

PERMITTING ASSISTANCE  
IN ASSOCIATION WITH:



DESIGNED IN ASSOCIATION WITH:

311 North Grand Ave. Benning, VT 05715 800-586-8000

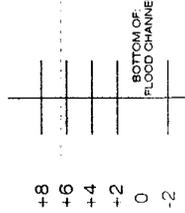
NOTES:

1. PLACE 8" TO 9" LOOSE LIFT OF TOPSOIL (APPROXIMATELY 6" CONSOLIDATED DEPTH), SEED WITH NATIVE VEGETATION AND MULCH WITH STRAW, OVER ALL EXCAVATED AREAS EXCEPT STREAM BED.
2. CENTERLINE OF LOW FLOW CHANNEL VARIES FROM 0 TO 15 FEET ON EITHER SIDE OF FLOOD CHANNEL CENTERLINE (SEE PLAN)

		PROJECT NO. 2855-01-01-02-01	
DATE: 12/28/00	SCALE: NTS	FIELD WORK BY: MSJ	CHECKED BY: WH
DRAWING NAME: SHEET 2 of 3		COUNTY: MONTANA	

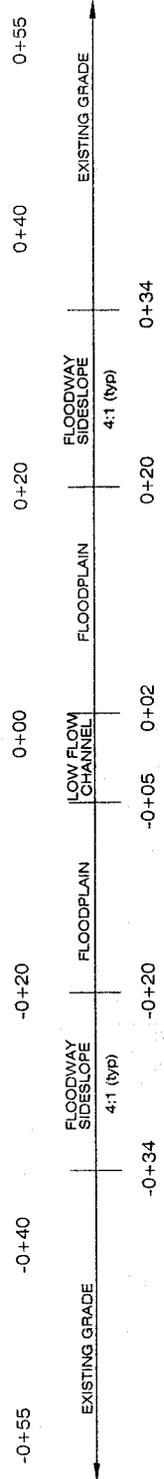
☉ FLOOD CHANNEL  
0+00

☉ LOW FLOW CHANNEL  
(see note 2)



- 5' TOPSOIL (see note 1)
- WILLOW
- 5' BAND OF TRANSPLANTED SEDGE MATS (typ. each side)
- APPROXIMATE EXISTING GRADE
- INSTALL SILT FENCE 1.5' ABOVE BOTTOM OF FLOOD CHANNEL ELEVATION (typical)

ORGANIC SOIL (typ. 1, 2)  
CLAYEY SAND (typ. 2)  
SANDY GRAVEL AND COBBLE



CATRON CREEK  
PROPOSED TYPICAL CHANNEL CROSS-SECTION-RUN

NOTES:

1. PLACE 8" TO 9" LOOSE LIFT OF TOPSOIL (APPROXIMATELY 6" CONSOLIDATED DEPTH), SEED WITH NATIVE VEGETATION AND MULCH WITH STRAW, OVER ALL EXCAVATED AREAS EXCEPT STREAM BED.
2. CENTERLINE OF LOW FLOW CHANNEL VARIES FROM 0 TO 15 FEET ON EITHER SIDE OF FLOOD CHANNEL CENTERLINE (SEE PLAN)

PERMITTING ASSISTANCE  
IN ASSOCIATION WITH:



DESIGNED IN ASSOCIATION WITH:

*Creative Solutions for Aquatic Resources*

**CONFLUENCE**  
consulting, inc.

211 North Grand Ave. Bozeman, MT 59715 406-585-6000

		PROJECT: 00-2556-2-2-00-01-0 DRAWN BY: JCS CHECKED BY: MJC
NAME: MORRISON MAIERLE, INC. ADDRESS: 1000 N. 10TH ST., SUITE 100 BOZEMAN, MONTANA 59715-1000 PHONE: (406) 585-6000 FAX: (406) 585-6001 E-MAIL: MORRISON@MAIERLE.COM	DATE: 12/28/00 SCALE: NIS SHEET: 1 OF 1	COUNTY: MONTANA SHEET: 1 OF 1

**EXHIBIT D**  
**SUMMARY TABLE OF EXISTING, ABANDONED, AND RELOCATED**  
**CHANNEL LENGTHS AND**  
**WETLAND TYPES, EXTENT AND FUNCTIONAL VALUES**  
**310/404 PERMIT**  
**RELOCATION/RESTORATION OF EAST CATRON STREAM/DITCH**

CHANNEL AND/OR WETLAND		AFFECTED CHANNEL LENGTH (FEET)	WETLAND TYPE	WETLAND FUNCTIONAL CATEGORY	FUNCTIONAL VALUE (% OF TOTAL)	WETLAND EXTENT (ACRES)
East Catron Stream-Ditch	Existing	Abandon 1,700	Riverine	Category IV	27%	0.25
	Proposed	Restore/Relocate 2,972	Riverine	Category III	47%	0.56
		Overall Gain 1,272				
Wetland Adjacent to East Catron Stream-Ditch	Existing	N/A	Depressional	Category III	36%	1.73
	Proposed	N/A	Depressional	Category III	42%	1.3
East Catron Stream-Ditch/Jackson Luce Ditch	Existing	Abandon 500	N/A	N/A	N/A	N/A
	Proposed	N/A	N/A	N/A	N/A	N/A
West Catron	Existing	N/A				
	Proposed	Relocate 550				

Ref: 178/310404/Table.doc