



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 200190439

Applicant: U.S. Army Corps of Engineers

Waterway: Missouri River mile 1761.9

Issue Date:

July 20, 2001

30 DAY NOTICE

Regulatory Branch 106 South 15th Street Omaha, Nebraska 68102-1618

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

Under the provisions of Federal regulations 33 C.F.R. 335-337 and instructions from the Office, Chief of Engineers, Washington, D.C., relative to Federal projects involving the discharge of dredged or fill material in waters of the United States, notice is hereby issued to advise interested parties of a proposed project consisting of construction of flow modification dikes on the Missouri River at mile 1761.9 near Fort Peck in Valley County, Montana.

Sections 313 and 404 of the Clean Water Act (33 U.S.C. 1323 and 1344) require each agency of the Federal Government engaged in any activity resulting in, or which may result in the discharge or runoff of pollutants, to comply with Federal, State, or interstate and local requirements respecting the control and abatement of water pollution to the same extent as any person or entity is subject to such requirements. In accordance with 33 C.F.R. 335-337, activities involving the discharge of dredged or fill material to be performed by the Corps of Engineers will be subject to public review procedures that are followed in processing applications for Section 404 permits.

The proposed project is located along the left bank of the Missouri River (mile 1761.9) across from the spillway exit in Section 32, Township 27 North, Range 42 East, Valley County, Montana. An engineering analysis indicates that 2 existing irrigation sites may incur erosion due to flow modifications from Fort Peck Dam and may be damaged beyond repair or totally lost. The proposed project consists of placing three spur dikes at the upstream end of the problem area as shown on the attached drawings. A spur dike can be defined as an elongated structure having one end on the bank of a stream and other end projecting towards the river. Spur dikes have been

widely used to direct current away from an eroding bank and cause deposition of sediment on the downstream side of the structure. Dike #1 is 50 feet long and requires a 150-foot long refusal key.

Dikes #2 and #3 are 150 feet long and require 25-foot long refusals. A refusal key is stone or concrete rubble placed in a trench excavated landward from the riverbank approximately

perpendicular to the streamflow at the upstream end of the revetment. The refusal prevents the stream from flanking the spur dike structure. Rock quantities were estimated using 1.55 tons/cubic yard. The estimated quantity of rock is 2520 tons, the estimated excavation is 700 cubic yards and the estimated fill is 185 cubic yards. The excavated material will be used to backfill the dike refusals. (See attached drawings for dike dimensions and stone quantities).

The purpose of the project is to protect the irrigation intakes from erosion due to flow modifications from Fort Peck Dam.

Several alternatives were considered as a means to solve the irrigation intake erosion problem. The following alternatives were evaluated.

- a. Take no Federal Action
- b. Rock spur dikes
- c. Water intake relocation
- d. Real estate acquisition

Taking no Federal action will result in damage to or loss of the irrigation sites and does not meet the project purpose.

The rock spur dike alternative consists of placing a series of three rock dikes in the vicinity of the pump sites. This alternative protects the site from erosion and is the least costly alternative. Therefore, the rock spur dike alternative is the recommended plan for construction.

Relocating the water intakes consists of relocating both pump sites a safe distance from the river. This alternative is not the least costly method of protection.

Acquiring real estate consists of purchasing an interest in the affected areas. This alternative is not the least costly method of protection.

The Montana Department of Environmental Quality, P.O. Box 200901, 1520 East Sixth Avenue, Helena, Montana 59626-0014, 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.

The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity. This area will be surveyed by the Fort Peck Tribes for the Fort Peck Flow Modification Mini Test and Test. Results of the inventory will be provided to the Montana State Historic Preservation Officer as soon as they are available.

This project is in the known range of the endangered **Pallid Sturgeon** (*Scaphirhynchus albus*), and **Interior Least Tern** (*Sterna antillarum athalassos*); and the threatened **Piping Plover** (*Charadrius melodus*), and **Bald Eagle** (*Haliaeetus leucocephalus*). In compliance with the Endangered Species Act, a preliminary "no effect" determination has been made. Coordination with the U.S. Fish and Wildlife Service and other interested agencies will be completed to determine the effects on these species or their critical habitat.

The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefit 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, 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).

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.

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 shall be identified as such and shall state specifically the reasons for holding a public

hearing and what additional information would be obtained. Requests should be submitted to the District Engineer, Omaha District, Corps of Engineers, 106 South 15th Street, Omaha, Nebraska 68102-1618. Should the District Engineer decide that additional information is required and 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 or Federal agency; Indian Tribe; 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 identify their concern or interest 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 District Engineer at the address listed in the previous paragraph. Ms. Kathy Iske, telephone number (402) 221-3055, may be contacted for additional information. You may also fax your comments to (402) 221-4939 or e-mail them to: Kathy.L.Iske@usace.army.mil.

Comments received after the close of business on the expiration date of this public notice will not be considered.

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

Drawings showing the location and extent of the project are attached to this notice.