



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: 2002-90-021
Applicant: John and Janet Farrar
Waterway: East Warren Creek
Issue Date: February 11, 2002
Expiration Date: March 13, 2002

30 DAY NOTICE

REPLY TO:

**Helena Regulatory Office
U.S. Army Corps of Engineers
10 West 15th Street
Suite 2200
Helena, Montana 59626**

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

The application of John and Janet Farrar, 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. **The project described herein is not being proposed by the Corps, but by the applicant. The Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant requests permission to construct a road across a wetland complex, install culverts, and restore and enhance wetlands and a creek. The road will be approximately 2,360 feet in length and 18 feet wide. Approximately 2,360 cubic yards of gravel/fill will be used for the roadway. Work also includes abandoning an existing drainage ditch that is approximately 1,320 feet long. Its water will be directed into a newly constructed stream channel approximately 2,640 feet long. A bridge will replace an existing culvert on East Warren Creek and two squash culverts will be installed on two un-named creeks. Four additional culverts will be installed to convey out-of-bank flows from the three different streams. Underground utility lines (electric and telephone) will be installed in a single conduit that will parallel the road. In addition, plans include enhancement of approximately 27 acres of degraded wetland and restoration of approximately 9.3 acres of scrub-shrub riparian vegetation. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in Section 24, Township 15 North, Range 12 West, Powell County, a few miles northeast of Ovando, Montana.

Purpose: The purpose of the proposed project is create an all-season access road and provide utilities to the west side of the applicant's property and residence.

Background: East Warren Creek and its floodplain wetlands have a long history of channel alterations, riparian shrub removal, and surface development for agricultural purposes. The land crossed by the road has been partially drained by two ditches and woody vegetation has been removed to increase hay production. A restoration/mitigation project will address restoration of riparian vegetation on the applicant's property.

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.

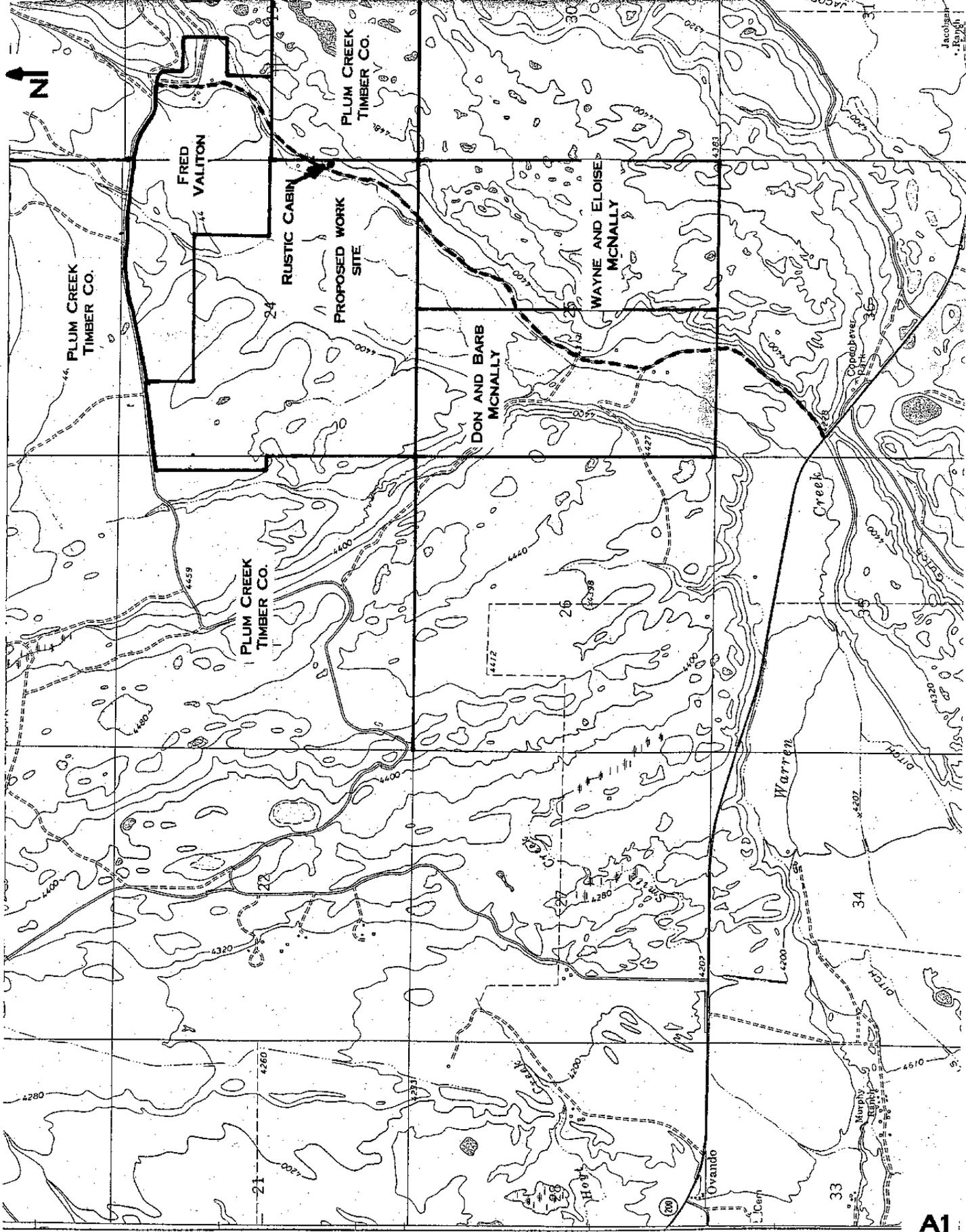
Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and 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, city, 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 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, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice in any correspondence.** Doug McDonald, 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 and Section 10 of the Rivers and Harbors Act.



Wetland Restoration/Mitigation Plan

Purpose: To restore as close as possible 27.07 acres of scrub-shrub riparian wetlands located in T15N, R12W, Section 24 SW 1/4SE1/4, SE1/4SW1/4. It is our hope that this proposed restoration plan will fulfill our mitigation needs associated with road crossing improvements.

Site Description: A drainage ditch flowing north to south was constructed over 40 years ago in an attempt to dry up a wet meadow wetland for agricultural purposes. The wetland is spring fed by ground water upwellings with flow rates of 0.75 cfs year round. The ditch is 2.4 feet deep and extends approximately 1,320 feet. While the 27.07 acres west of the drainage ditch still meet wetland criteria, the hydrology has been significantly altered and deteriorated by the ditch. In addition to the ditch, 9.33 acres of scrub-shrub riparian vegetation has been cleared to increase forage production. The existing vegetation in the cleared area is predominately tame grasses with sedges and bulitic rush scattered throughout.

Restoration Plan: Restoration of the hydrology is a critical first step in restoring this degraded wetland. Based on a field survey and on-the-ground inspections we believe the natural stream channel coming from the north was historically located 500 feet west of the existing ditch. We are proposing constructing a Rosgen E4/E5 stream type to the appropriate pattern, profile and dimensions. The newly constructed stream channel would have sinuosity of 2.0 and would be approximately 2,640 feet long. This would more than double the length of the existing stream/ditch. Also, the existing channel is bermed on both sides and does not access its floodplain except under extreme run-off events. The newly constructed stream channel would have a very low width to depth ratio which would allow the stream to access its floodplain approximately every 1.4 years. The water effluent from the newly constructed stream channel will connect to the existing stream that runs through the McNally property to the south by an existing ditch that runs west to east on the borderline between the McNally property and the Jacobsen Ranch Company/Jacobsen property. We have discussed this proposed water diversion course with the McNallys who agree that it will be effective and give uninterrupted water flow to the south. All of the material removed from the newly constructed stream channel would be placed in the old ditch to completely plug it off.

In order to encourage woody riparian vegetation to recolonize in the 9.33 acres, we would completely eliminate haying from the restoration site. We will also rest the 27.07 acre restoration site from grazing for a period of 5 years. After that point, grazing will only be allowed with an approved grazing management plan, worked out in conjunction with the U.S. Fish and Wildlife Service. Within the restoration area there exist stands of willows and red osier dogwood to the north and south of the cleared area. We will cut and sprig willows and dogwoods in an attempt to jump start the woody riparian vegetation.

Lastly, we will enter into a 30 year Cooperative Agreement with the U.S. Fish and Wildlife Service for the above mentioned work. This agreement will make sure the restoration meets the biological and hydrological needs of the wetland, as well as protect the work for the length of the agreement.

TABLE OF SURVEY POINTS

East Warren Creek Valley Cross Section

Station	Distance	Elevation	Description
1.	0+00'	100.0'	Top of road currently crossing East Warren Creek/Ditch
2.	1+00	97.8	Upland hayfield
3.	2+00	97.2	" "
4.	4+00	96.2	" "
5.	5+00	94.7	" "
6.	6+00	92.8	Wetland - currently in hay production
7.	6+12	92.1	Wetland - Proposed 12" flood plain culvert
8.	7+00	92.2	Wetland - Currently in hay production
9.	8+00	89.9	Wetland - Proposed 12" flood plain culvert
10.	9+00	90.1	Wetland - Currently in hay production
11.	10+00	89.3	" " " "
12.	11+00	89.1	" " " "
13.	11+30	90.2	Wetland - Bank of second stream/ditch crossing
14.	11+45	87.6	Stream/Ditch bottom
15.	12+00	88.7	Wetland - Currently in hay production
16.	13+00	86.6	" " " "
17.	14+00	85.2	" " " "
18.	14+85	84.3	Wetland - Proposed 12" flood plain culvert
19.	15+00	84.5	Wetland - Currently in hay production
20.	16+00	84.5	" " " "
21.	17+00	83.7	" " " "
22.	18+00	82.7	" " " "
23.	19+00	82.0	" " " "
24.	20+00	81.8	" " " "
25.	21+00	81.9	" " " "
26.	22+00	81.8	Wetland - Proposed 12" flood plain culvert
27.	23+00	82.2	Wetland - Currently in hay production
28.	24+10	84.1	Wetland - Bank of third stream/ditch crossing
29.	24+30	82.3	Stream/Ditch bottom
30.	24+45	84.7	Wetland - Bank of third stream/ditch crossing
31.	25+00	83.9	Wetland- Currently in hay/grazing production
32.	26+00	83.2	" " " "
33.	27+00	82.6	" " " "
34.	28+00	82.5	" " " "
35.	29+00	82.2	" " " "
36.	29+12	81.3	Wetland - Proposed 36" squash pipe
37.	29+40	83.2	Wetland - Currently in hay/grazing production
38.	29+70	86.0	Upland -

Survey started on the east side of the wetland and goes west (See attached map).

SURVEY POINTS

**"FIRST CREEK"
EAST WARREN
CREEK**

1

5

7

9

14

18

26

29

36

38

**PROPOSED
ROAD**

DITCHES

"2ND DITCH/SPRING CREEK"

"3RD DITCH/SPRING CREEK"

**CURRENT & PROPOSED
ROAD CROSSINGS**

WETLAND



**PROPOSED ROAD
CROSSING**

**CURRENT ROAD
CROSSING**

EAST WARREN CREEK

WETLAND

**T15N, R12W
SECTION 24
SE 1/4**

8" = 1 MILE

IMPACTED WETLAND,
PROPOSED RESTORATION
AREA



IMPACTED
WETLAND

27.07
ACRES

DRAINAGE (THIRD) DITCH

B6



12"=1 MILE

**PROPOSED RESTORATION
ACTIVITY**

