



**US Army Corps
of Engineers**

Omaha District

Public Notice

Application No: 2002-90-427
Project Name: Musselshell - East & West
Applicant: Montana Department of Transportation
Waterway: Fourmile Creek and numerous unnamed drainages and wetlands.
Issue Date: July 15, 2002
Expiration Date: July 30, 2002

REPLY TO:

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

15 DAY NOTICE

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

The application of the Montana Department of Transportation (MDT), 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 (Corps), 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 (MDT) requests permission to place fill in various Waters of the U.S. in conjunction with the planned reconstruction of 6.5 miles of U.S. Highway 12 between approximate mileposts 189.3 and 195.9. The project includes improving the vertical and horizontal roadway alignment. The final roadway configuration will remain as two 12-foot wide driving lanes with new 2-foot wide shoulders, for a final paved roadway width of 28 feet. This project is located near the community of Musselshell in eastern Musselshell County, Montana.

The proposed work includes: replacement of five timber bridges with appropriately sized new culverts; replacement of culverts with new culverts at two other locations; removal of one additional culvert crossing; and up to 2.31 Acres of wetland impacts. The total 2.31 Acres of wetland fill will be spread over 8 locations, with individual wetland fills varying in size from approximately 0.02 to 0.99 Acres. Work is expected to begin in late 2002 and may not be completed until 2004.

Location: The project is located in the Section 25, Township 9 North, Range 28 East, and in Sections 10, 11, 15, 16, 20, 21, 29, and 30 of Township 9 North, Range 29 East, Musselshell County, Montana. The project is located immediately east and west of the community of Musselshell on U.S. Highway 12 between approximate mileposts 189.3 and 195.9. A map showing the location and extent of the project is attached to this notice.

Purpose: The purpose of the proposed project, as stated by the applicant, is to reconstruct a section of U.S. Highway 12 beginning 19 miles east-northeasterly of Roundup between mileposts 189.3 and 195.9.

Background: Mitigation for the approximate 2.31 Acres of unavoidable wetland impacts is planned at the Roundup Wetland Reserve, which was developed at the abandoned City of Roundup sewage lagoons. This project will improve the overall safety of the roadway for the travelling public.

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 (NRHP) and its current supplements, and there are no known National Register sites in the vicinity. However, the Applicant has conducted a cultural resources inventory for the area, and has determined that there are four sites in the vicinity of the project that are NRHP-eligible. No adverse effects to these four eligible sites were predicted. This office will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require an additional reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: This project is in the known range of the Federally-listed threatened bald eagle, the endangered black-footed ferret, the proposed-for-listing mountain plover, and the black-tailed prairie dog, which is a candidate species. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service (USFWS) and other interested agencies and individuals. Coordination with the USFWS was completed, and the USFWS concurred with the finding that the project would have no adverse effect on the bald eagle. Further, the project was determined to have no effect on the other listed or candidate species. There are no other listed species present in the area.

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 the protection and the utilization of important resources. The benefits that 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 Federal Clean Water Act (40 CFR; 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, 10 West 15th Street, Suite 2200, Helena, Montana 59626. 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 or group 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, group, 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 and made 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 (2002-90-114) in any correspondence.** Todd Tillinger of the Helena Regulatory Office, 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 notice or received by Fax 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 Federal Clean Water Act.

2002.90 427

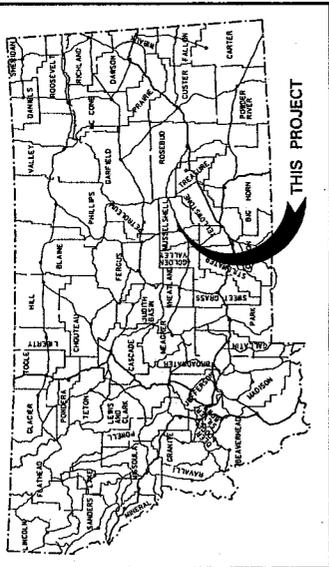
MONTANA DEPARTMENT OF TRANSPORTATION

FEDERAL AID PROJECT NO. STPP 14-5(18)189

GRADE, GRAVEL & PLANT MIX SURFACE

MUSSELSHELL E & W

MUSSELSHELL COUNTY



DESIGN DATA

1999 A.D.T. = 670
2018 A.D.T. = 820
D.H.V. = 180
D. = 56-48 %
T. = 13.1 %
V. = 100 MPH

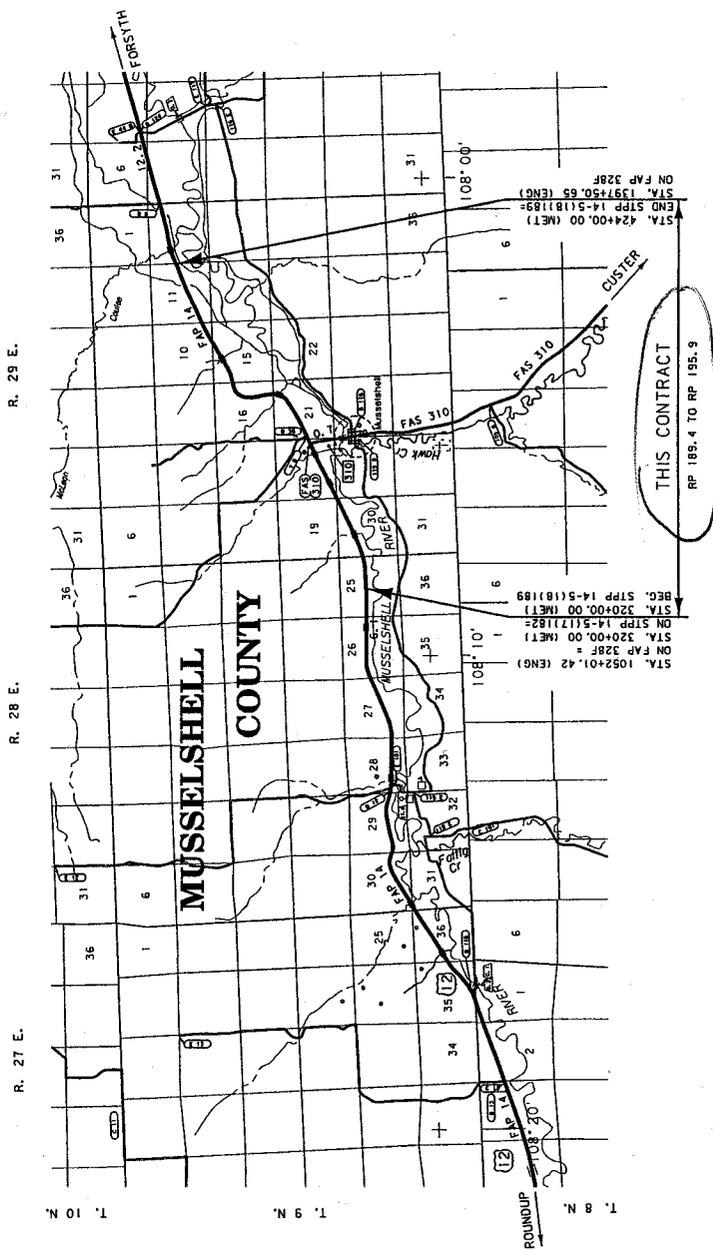
ALL TRUCKS = 68.5 %
 80 MPH GRADE = 48.52 (DAILY)
 GROWTH RATE = 1 % (ANNUAL)

LETTING DATE -

LENGTH 10.4 kilometers

SCALES
 VERTICAL: 1:100
 HORIZONTAL: 1:1000
 CROSS SECTION - HORIZONTAL & VERTICAL: 1:100
 REDUCED PRINTS ONE-HALF ORIGINAL SCALE
 ALL SCALES ARE APPROXIMATE

SURFACING SOURCES - CONTRACTOR FURNISHED



THIS CONTRACT
 RP 189.4 TO RP 195.3

JUN 17 2002

MONTANA DEPARTMENT OF TRANSPORTATION

APPROVED: *May 21, 2002*
 DAVID A. GIBB
 DIRECTOR OF TRANSPORTATION

BY: *Carol D. Paul*
 PRECONSTRUCTION ENGINEER

U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

APPROVED: _____
 DIVISION ADMINISTRATOR

DATE: _____

RELATED PROJECTS
ASSOCIATED PROJECT AGREEMENT NUMBERS
R/W & LC: STPP 14-5(18)189
P.E.: P-STPP 14-5(18)189

C.N. 1302



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DESIGNED BY: DON REIDELBACH	11-19-2001
DRAWN BY: LOON REIDELBACH	11-19-2001
APPROVED BY:	
REVISIONS:	
1 - 1302 (SPL. 020)	
05/20/02	
12:20:14 PM	

CORPS FILE No. 2002 90 427

Figure 1
Regional Location

