



**US Army Corps
of Engineers**

Omaha District

Application No:

Applicant:

Waterway:

Issue Date:

Expiration Date:

PUBLIC NOTICE

2003-20-002

General Public

Boat Ramp

Montana Waterways

April 9, 2003

April 24, 2003

15 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
U.S. ENVIRONMENTAL PROTECTION AGENCY
CONFEDERATED SALISH AND KOOTENAI TRIBES
FORT PECK TRIBES**

The U.S. Army Corps of Engineers, Omaha District, proposes to issue a regional general permit (General Permit 03-02) for the construction of new boat ramps; the expansion, extension and modification of existing boat ramps; the placement of protective fills immediately adjacent to proposed and existing ramps; and temporary attendant features on Montana Waterways under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The District Engineer is authorized to use an alternative procedure for evaluating permit applications for categories of activities that are substantially similar and will cause only minimal individual or cumulative impacts. This alternative procedure avoids unnecessary duplication of regulatory control exercised by other government agencies. The District Engineer, Omaha District, proposes to issue this regional general permit for a period of five (5) years.

Description of Authorized Work: Construction of Boat Ramps Within the State Of Montana. Detailed Descriptions Of Authorized Activities can be found in Appendix A. Special Conditions can be found in Appendix B. Application Procedures can be found in Appendix C. Typical Drawings of boat ramps are attached to this notice.

Location: Montana Waterways With Exclusions (See Appendix B For Exclusions)

Purpose: The purpose of the proposed General Permit is for the construction of new boat ramps and the expansion, extension and modification of existing ramps. Under the event of extended periods of low water conditions, the provisions of this general permit may apply to filling activities associated with the construction of attendant facilities (e.g. access roads, parking areas, latrines, public notification boards, etc.), proposed in conjunction with the boat launching ramp.

401 Water Quality Certification: The appropriate agency 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 certifying agency'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, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901; U.S. Environmental Protection Agency, 10 West 15th Street, Suite 3200, Helena Montana 59626; Confederated Salish and Kootenai Tribes, P.O. Box 278, Pablo, Montana 59855-0278; and Fort Peck Tribes, P.O. Box 1027, Poplar, Montana, 59255; hereby incorporates this public notice as their 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. Proposed project sites will be reviewed on a case-by-case basis.

Threatened / Endangered Species: The Corps of Engineers, Omaha District will comply with the Endangered Species Act and coordination with the U.S. Fish and Wildlife Service and other interested agencies will be completed on the proposed project sites on a case-by-case basis.

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 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 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.** Vicki Sullivan, Project Manager, telephone number (406) 441-1375, or email address Vicki.L.Sullivan@usace.army.mil 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.

General Public
General Permit 03-02
DA Permit NO.: 200320002
Montana Waterways

APPENDIX A
DETAILED DESCRIPTION OF WORK

In accordance with the terms and conditions of this General Permit, the General Public is authorized by the Secretary of the Army to construct boat ramps and associated erosion protection on Rivers, streams, artificial lakes, and natural lakes within the State of Montana.

The ramps will be constructed of gravel; natural rock; steel matting; poured in place concrete or pre-cast concrete slabs on crushed stone, stone spall or gravel base that are mechanically placed in position; or other non-organic materials not to exceed typically eight (8) inches in thickness.

The ramps shall have a minimum slope of eight (8) percent with the desired slope being twelve (12) percent. A maximum slope of eighteen (18) percent may be used for that portion of the ramp placed in the water. Single lane boat ramps will be a minimum of ten (10) feet and a maximum of twenty (20) feet in width. Multiple lane ramps will not exceed a maximum width of seventy (70) feet. A minimum of ten (10) feet will be provided for each lane on a multiple lane facility.

A maximum thickness of twenty-four (24) inches of granular fill material will be placed as bedding for boat ramp construction. Additional suitable materials (e.g., rock) may be used to stabilize the foundation prior to the placement of the bedding or base material, provided such material is free of any deleterious substances.

The ramp facility may be protected from erosion by the placement of rock riprap on both sides of the ramp. On man-made reservoirs, the Missouri River and Yellowstone River, a maximum of three (3) cubic yards per linear foot of ramp will be allowed. On all other waters, a maximum of one and one-half cubic yards per linear foot of ramp will be allowed.

In the event of extended periods of low water conditions, filling activities associated with temporary attendant facilities (e.g. access roads, parking areas, latrines, public notification boards, etc.), proposed in conjunction with the boat launching ramp, may apply. Parking lot fill is typically not to exceed one-quarter cubic yard per square yard. A reclamation plan is required for filling activities resulting from extended periods of low water conditions and must be implemented prior to inundation of the site upon identification of rising water elevations. A reclamation plan and a monitoring plan describing how the permittee will monitor rising water elevations must be included with the Preconstruction Notification submittal.

Cofferdams utilized in the construction of poured-in-place concrete ramps will be limited to that which is absolutely necessary to construct the ramp.

**APPENDIX B
SPECIAL CONDITIONS**

All activities authorized under this permit must comply with the following **Special Conditions**:

- 1. Minimization:** Permittees are required to minimize the effects of the projects by:
 - a. Placing all construction debris (which includes excess dredge and/or fill materials, wood, cleared vegetation, concrete, and all other material not specifically addressed in the permit) on upland areas above the ordinary high water mark in such a manner that it cannot enter a waterway or wetland.
 - b. Operating equipment that handles and/or conveys material during construction to prevent dumping or spilling the material into the water except as approved by the permit.
 - c. Performing work in the waterway in such a manner so as to minimize increases in suspended solids and turbidity that may degrade water quality and damage aquatic life outside the immediate area of operation.
 - d. Utilizing only clean riprap materials in order to avoid the introduction of fines that would result in excessive local turbidity.
 - e. Utilizing only clean rock material from a non-streambed source for riprap or associated with the placement of riprap. Use of streambed source materials for cofferdam construction is allowed, provided the material is returned to the source area and the bottom elevation is restored to pre-project contours.
 - f. Limiting clearing of vegetation to that which is absolutely necessary for construction of the project.
 - g. Conducting close coordination with downstream water users, advising them of any water quality changes to be caused by the construction.
 - h. Ensuring that deposition of excavated materials on shore and conducting all earthwork operations on shore in such a manner that sediment runoff and soil erosion to the water is controlled.
 - i. Complying with remedial measures given by the District Engineer if there has been notification that the filling and/or dredging activity associated with the project is adversely affecting fish or wildlife resource or the harvest thereof. This may include suspending or modifying the activity to the extent necessary to mitigate or eliminate the adverse effect.
 - j. Reseeding areas along the banks disturbed or newly created by the construction activity, which are not a part of the boat ramp, parking facilities, or access road, with vegetation indigenous to the project area for protection against subsequent erosion and to minimize adverse impacts to fish and wildlife resources on areas. This may require maintenance such as reseeding, watering, implementation of grazing restrictions, fencing, etc, to ensure the survival of the replacement vegetation. Measures will be implemented to prevent weed growth.
 - k. Ensuring that no petroleum product, chemical, or other deleterious materials be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent the entry of these materials in the water. In the case of accidents, the applicant will take immediate action to contain spillage and alert local authorities.

- l. Ensuring measures are employed to prevent wet concrete from entering the waterway.
- m. Ensuring concrete trucks will be washed at a site and in such a manner that wash water cannot enter the waterway.
- n. Ensuring temporary cofferdams, necessary for the construction of the ramps, will be limited to that which is absolutely necessary to construct or repair the ramp. Temporary cofferdams will be removed in their entirety immediately upon completion of the construction activity and properly disposed of in a land based disposal area.
- o. Ensuring that with the exception of material for forms and expansion joints, treated wood will not be utilized in ramp construction.
- p. Ensuring that the site of the boat ramp and associated facilities will be inspected for any underground pipeline markers or warning signs. If such signs or markers are present, the telephone number shown on the sign will be called prior to the start of construction.
- q. Ensuring that the boat ramp shall not extend waterward of the point which will provide four feet of water depth at ordinary low water.
- r. Ensuring that all lumber materials used for construction of the boat dock shall be free of leaching creosote, pentachlorophenol, inorganic arsenicals or any other treatment that may cause toxic effects to aquatic life or cause adverse impacts to water quality.
- s. Ensuring that any barrel used for floatation which has contained a biocide (e.g. herbicide, pesticide or insecticide) will not be utilized as a floatation device.
- t. Ensuring that the boat dock will not be utilized for long-term boat mooring.
- u. Ensuring that if a floatation type boat dock is utilized, it shall be securely anchored so as not to constitute a safety hazard.

2. **Wetlands and Other Waters:** Total area of waters of the U.S. that can be affected by a single and complete project is one half (0.5) acre. Of that, filling and other impacts (excavation, drainage, vegetation removal) to wetlands cannot exceed one-tenth (0.1) acre for the project. The only exception to the half-acre limit is for impacts resulting from filling and other impacts on man-made reservoirs where no wetlands will be affected. In these cases, impacts cannot exceed two (2) acres. Projects located within the boundaries of environmentally sensitive areas; such as spawning, nesting, feeding and resting areas, side channels, river chutes, backwater areas, etc., will not be considered under this general permit.
3. **Water Quality:** The permittee must comply with the conditions established under 401 certification by one of the appropriate certifying agencies. (Montana Department of Environmental Quality, Environmental Protection Agency, Confederated Salish and Kootenai Tribes, Fort Peck Tribe).
4. **Historic Properties:** No activity is authorized that would adversely impact sites included in the most current listing of the National Register of Historic Places, sites known to be eligible for such listing, sites included in the National Register of Natural Landmarks, or any other know historic, cultural, or archaeological sites. The District Engineer will comply with the provisions of 33 CFR Part 325, Appendix C, pursuant to the National Historic Preservation Act of 1966.
5. **Threatened and Endangered Species:** Sites where the activity would result in adverse impacts to Federally or state listed threatened and/or endangered species or their critical habitat will not be considered under this general permit. The project must comply with the Endangered Species Act. Compliance with the Endangered Species Act will be

determined on a case-by-case basis in consultation with the U.S. Fish and Wildlife Service.

6. **Spawning Areas:** Activities in spawning areas during spawning seasons must be avoided.
7. **Tribal Rights:** No activity is authorized that would impair reserved tribal rights; including, but not limited to water, fishing, and hunting rights.
8. **Cultural Resources:** In the event any historical, archeological, architectural, or other cultural artifacts, vestiges, or remains are found prior to, during, or after any earth disturbance or construction activity in the proposed project area, the permittee shall immediately notify the Helena Office, Corps of Engineers and if within the Flathead Indian Reservation, the Shoreline Protection Office, P.O. Box 278, Pablo, Montana 59855.
9. **Suitable Fill Material:** No discharge may consist of unsuitable material (e.g. trash, debris, car bodies, asphalt, etc.) and material discharged must be free from toxic amounts as required by Section 307 of the Clean Water Act. In Montana, the Corps issued a notice of prohibition against the use of certain material as fill in a Special Public Notice dated May 24, 2002.
10. **Proper Maintenance:** Any fill material must be properly maintained, including maintenance necessary to ensure public safety.
11. **Water Supply Intakes:** No discharge may occur in the proximity of a public water supply intake.
12. **Stockpiling:** Temporary and permanent storage of excess soil, channel sediment, unwanted vegetation or other material in waters of the U.S. is not authorized. This does not prohibit the construction of temporary cofferdams.
13. **Time:** The construction of any boat ramp facility authorized under this provisions of this General Permit must be started within one (1) year of such authorization and must be completed within three (3) years, or said authorization if not previously revoked or specifically extended shall automatically expire.
14. **Department of Natural Resources and Conservation:** Contact this State agency at 1625 Eleventh Avenue, P.O. Box 201601, Helena, Montana 59620-1601, to determine if there are easements or licenses issued for other purposes in the project area that may conflict with the proposed project.
15. **Flathead Indian Reservation:** For projects within this area, a valid 64-A (revised) Shoreline Protection Construction Permit shall be obtained from the Shoreline Protection Office, P.O. Box 278, Pablo, Montana 59855.
16. Any proposed project located in an area named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries, will not be considered under this general permit.
17. The cumulative impacts of this general permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at the end of the five (5) years.
18. Areas in which the density of boat ramps exceeds ten (10) ramps per mile of shoreline will not be considered under this permit.
19. In the event of extended period of low water conditions, boat ramps and their associated facilities may be extended to the extent necessary on a case-by-case basis to provide for a functional facility. If it is necessary to extend the boat ramps, prior Department of the Army authorization shall be obtained by the permittee before implementation of the extension. Under the event of extended period of low water conditions, the provisions of this general permit will apply to filling activities associated with the construction of

attendant facilities, such as access roads, parking areas, latrines, public notification boards, etc, proposed in conjunction with the boat launching ramp.

20. For attendant features placed during extended periods of low water conditions, a reclamation plan identifying the facilities that will remain in place and/or to be removed once water elevations rise, a description of the reclamation plan, and a monitoring plan that identifies how the permittee will monitor rising water elevations must be included in the Preconstruction Notification (PCN).
21. The District Engineer has the discretion to require an individual permit on a case-by-case basis for any of the activities authorized herein.
22. The following river areas are excluded from this General Permit:
 - a. Fort Benton to the Robinson Bridge on the Missouri River.
 - b. Those portions of the North, South, and Middle Forks of the Flathead River that have been designated under the National Wild and Scenic River System.

General Public
General Permit 03-02
DA Permit NO.: 200320002
Montana Waterways

APPENDIX C

APPLICATION PROCEDURE

All persons who desire to construct boat ramp projects in accordance with the General Permit (GP) 03-02 are required to submit a Preconstruction Notification (PCN) using the Joint Application Form to the Corps at the following address at least 30 days prior to the anticipated start of construction.

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

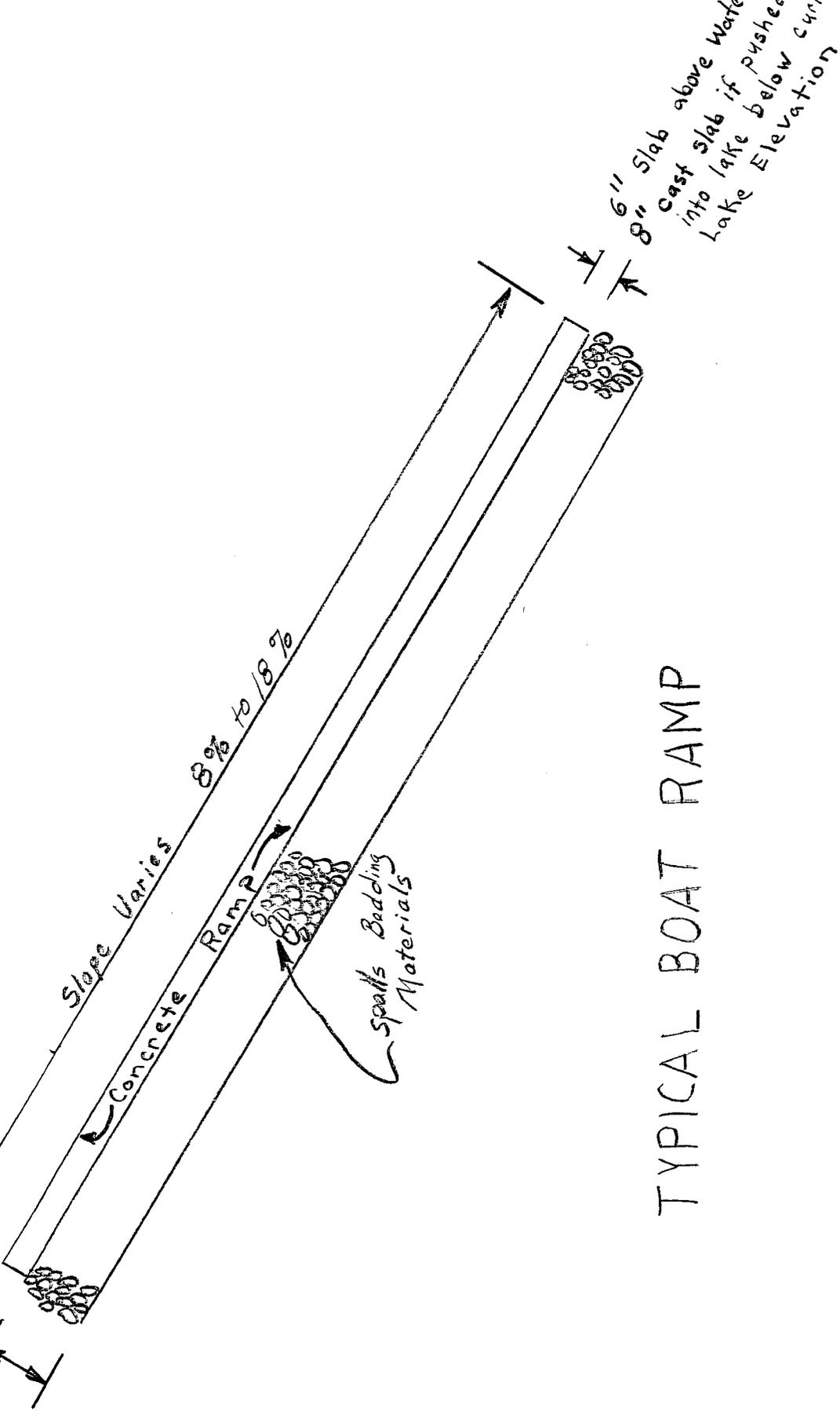
All Preconstruction Notifications must obtain sufficient information to the Corps to determine if a project complies with the terms and conditions of GP 03-02. All applications must contain the information described below. However, the Corps or EPA may require more detailed information if necessary to ensure compliance.

1. **Applicant:** Name, address, and telephone number of the applicant (landowner) and contact person.
2. **Project Location:** A legal description of the project location, including borrow and disposal sites, by quarter, section, township, and range. An enlarged copy of the appropriate portion of the U.S. Geological Survey topographic map for the area is the preferred method of specifying location information.
3. **Project Description:** A brief written description of the project including the primary purpose; compositions and volume (cubic yards) of all fill material and areas of excavation; number and locations of project features, areas of fill in water of the U.S. and wetlands. If wetlands are to be filled with the project, the application must include a wetland delineation (see item 5 below); types and numbers of construction equipment to be used, total area of surface disturbance, including uplands; and any other pertinent information.
4. **Project Drawings:** Drawings of the project, preferably on 11" x 17" paper. Drawings must include at least a plan view of the lake with all project features easily discernible on it. For projects that involve fills in wetlands, a baseline wetland delineation map showing existing wetland boundaries and water features.
5. **Wetland Delineations:** Projects that involve fills in wetland must include a wetland delineation for the entire project area, including all wetland areas that could be impacted. Delineations must be completed by qualified individuals in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual dated January 1987 and any updated and supplements thereto. As list of wetland delineation consultants and more detailed information on delineation requirements is available upon request. Delineation maps must show all areas that meet the definition of wetland, as defined in the manual and all other water features such as ditches, streams, ponds and lakes.

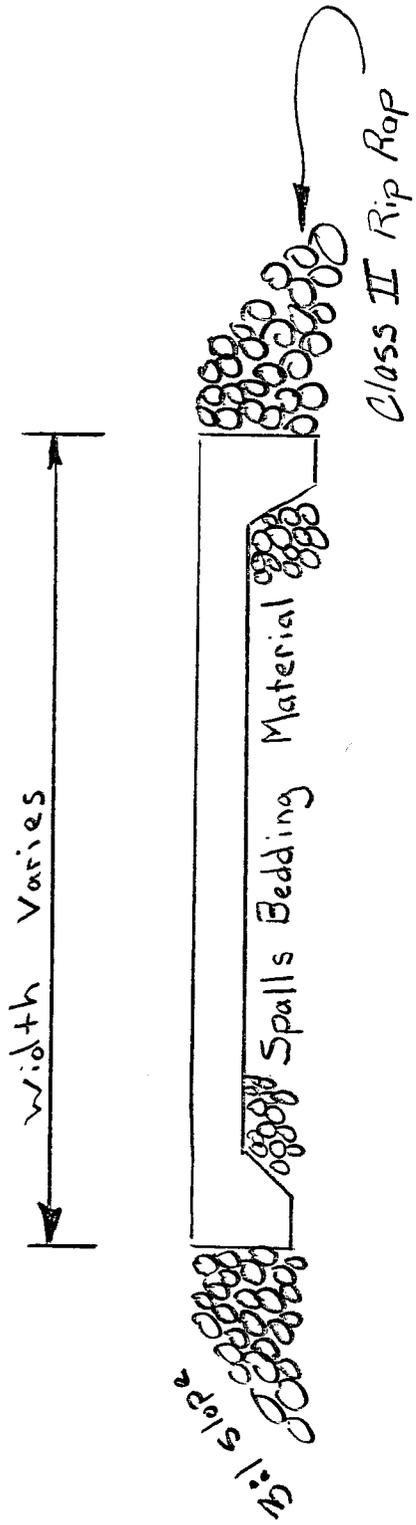
6. **Photographs:** The applicant is encouraged to provide color photographs of the project area, especially typical wetland/upland boundaries. in order to facilitate permit processing.

No construction of any proposed project shall take place prior to receipt of the following:

1. Written notification from the Helena Office, Corps of Engineers, that confirms the proposed project complies with the criteria and provisions of the General Permit.
2. Water Quality Certification from the appropriate certifying agencies. (Montana Department of Environmental Quality, Confederated Salish and Kootenai Tribes, Environmental Protection Agency, Fort Peck Tribe)
3. If within the Flathead Indian Reservation, a valid 64-A (Revised) Shoreline Protection Construction Permit from the Shoreline Protection Office, P.O. Box 278, Pablo, Montana 58855



TYPICAL BOAT RAMP



TYPICAL BOAT RAMP SECTION