



**US Army Corps
of Engineers**

Omaha District

Public Notice

Application Number: 2003-90-398

Project Name: Stillwater River Road - Montana Forest Highway 83

Applicant: US Federal Highway Administration

Waterways: Little Rocky Creek and unnamed wetlands.

Issue Date: January 14, 2004

Expiration Date: January 29, 2004

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 US Federal Highway Administration (FHWA), 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 (FHWA) requests permission to place fill in various Waters of the U.S. in conjunction with the planned reconstruction of 4.2 miles of Montana Forest Highway 83, also known as Stillwater River Road and Montana Secondary Highway 419. The project includes improving the roadway surface width, foundation, drainage, and the vertical and horizontal roadway alignment. The roadway configuration will remain as two 12-foot wide driving lanes with new 2-foot wide shoulders for each lane, for a total paved width of 28 feet.

The proposed work includes a planned 17.3-ft culvert extension at the inlet of the existing 13.5-ft by 13.5-ft concrete box culvert at Little Rocky Creek, and adding new wingwalls and riprap at the new inlet end. Little Rocky Creek will be temporarily diverted around the box culvert extension area by using sandbag diversions, a channel lined with plastic, and a temporary culvert under the roadway. The temporary diversion will be in place for up to 21 days. No work will occur in Little Rocky Creek between October 1 and November 15.

There will be up to 1.62 Acres of wetland fill, with 1.59 acres of that total occurring in a single large wetland located approximately 1 mile west of the Little Rocky Creek box culvert extension, between Little Rocky Creek and the Stillwater River. The existing bridge over the Stillwater River will be used in-place, with new gabion backwalls installed at each end. However, this project will not involve any work below the ordinary high water mark (OHW) of the Stillwater River.

All project work should be completed by Autumn 2004.

Location: The project is located on the Stillwater River Road (Montana Secondary 419) from milepost 16.3 to 20.5, between the communities of Dean and Nye in Section 31, Township 4 South, Range 16 East, and in Sections 3, 4, 5, 6, and 10 of Township 5 South, Range 16 East, Stillwater County, Montana. A map showing the location of the project is attached to this notice.

Purpose: The purpose of the proposed project, as stated by the applicant, is to “Reconstruct and upgrade the highway to applicable safety design standards and replace the failing and unsafe driving surface.” This project will improve the overall safety of the roadway for the public.

Background: This project is the last segment of this 25-mile highway corridor that will be constructed. All other segments of this highway have already been improved. Compensatory mitigation for the approximate 1.62 Acres of unavoidable wetland impacts is required. Mitigation specifics have not yet been determined, but available methods for compensation include either a future wetland project within the watershed or participation in an In-Lieu Fee mitigation program presently under development by the Corps’ Regulatory Program in Montana.

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 immediate project vicinity. Also, the Applicant has conducted a cultural resources review of the area as part of an Environmental Assessment, and it was determined that there will be no adverse effects to any listed or eligible cultural sites.

Threatened / Endangered Species: This project is in the known range of the Federally-listed **threatened bald eagle, grizzly bear, and Canada lynx, the endangered gray wolf and black-footed ferret, the proposed-for-listing mountain plover, and the candidate black-tailed prairie dog**. In addition to any consultation already completed between the Applicant and the USFWS, coordination with the USFWS will be part of the Corps’ review of the project. 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.

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 all aspects of 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.

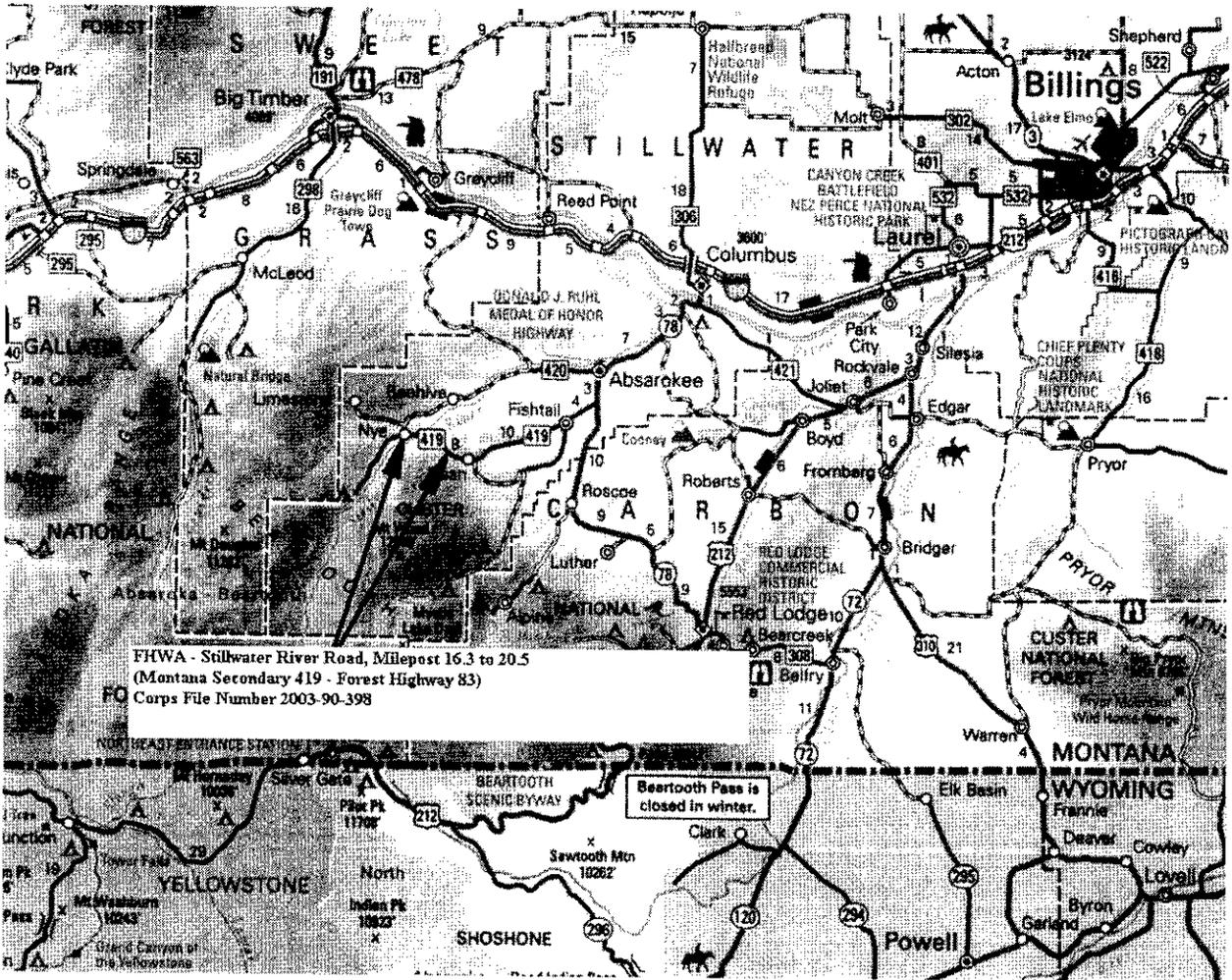
Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and 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 Application Number 2003-90-398 in any correspondence. Todd Tillinger of the Helena Regulatory Office (telephone number (406) 441-1375, e-mail todd.n.tillinger@usace.army.mil) may be contacted for additional information. You may also fax your comments to (406) 441-1380 or e-mail comments to Mr. Tillinger at the above e-mail address.

Comments postmarked after the expiration date of this notice, or received by Fax or e-mail 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.



Location Map