



**US Army Corps  
of Engineers**

Omaha District

**Public Notice**

**Application No:** 2004-90-310  
**Project Name:** US93 Eavro - Polson  
MDT Segment Number 3  
N. of Arlee - White Coyote Road  
**Applicant:** Montana Department of Transportation (MDT)  
**Waterway:** Jocko River, unnamed tributaries, and wetlands  
**Public Notice Issue Date:** **June 16, 2004**  
**Public Notice Expiration Date:** **July 16, 2004**

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**REPLY TO:**

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

**30 DAY NOTICE**

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

**CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION**

The District Engineer, U.S. Army Corps of Engineers (Corps), is considering 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 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.**

**General Information on the US 93 Evaro to Polson Highway Projects:** Overall, the proposed Evaro to Polson project will improve U.S. Highway 93 from Evaro, Montana to the intersection with Montana Highway 35 near Polson, Montana, excluding an 11.5-mile segment in the Ninepipe area (north of St. Ignatius through Ronan). The Ninepipe area will be improved under separate future design and construction contracts. The entire Evaro to Polson corridor was broken into nine segments. This allowed for development of projects that are manageable in size and scope when considering design and construction issues. A map of the project segments is included as a figure attached to this Public Notice.

**Description of Proposed Project:** The applicant (MDT) requests permission to place fill in various Waters of the U.S. in conjunction with the planned U.S. Highway 93 reconstruction. The segment presently under review by the Corps and the Confederated Salish and Kootenai Tribes is referred to by MDT as Segment 3, and is approximately 1.5 miles long. This project segment includes construction of a new bridge over the Jocko River and the new roadway sections that will lead up to the bridge. The new roadway configuration will provide three 12-ft wide driving lanes with an additional intermittent 14-ft wide left turn lane. The new road will have 8-foot wide

shoulders. The new 394-ft long three-span bridge over the Jocko River and its floodplain will improve flow capacity and wildlife connectivity in the Jocko River corridor. Two culverts in an unnamed perennial tributary to Jocko River (also referred to as Jocko Spring Brook) will be replaced. Two bridges over the Jocko River will be removed: the presently used 105-ft long US 93 bridge and the 94-ft long frontage road truss bridge located just upstream of US 93. Access will be maintained to property in the corridor during and after the project.

There will be a total of 1.55 acres of permanent and unavoidable wetland fill at four locations as a result of construction of this segment. An additional 0.10 acre of wetland will be temporarily filled and then restored to facilitate construction. Enhancement of a 1.0 acre wetland on-site will provide some compensatory mitigation credit, with compensation for the remaining unavoidable wetland impacts occurring at an off-site mitigation reserve located within the watershed.

This is the first project segment along the US 93 Evaro to Polson corridor that has been reviewed by the Corps for authorization under Department of Army permitting authorities. Work is expected to begin on this segment in late 2004 and may not be completed until 2007.

**Location:** This segment of the US 93 project is located entirely within Lake County on the Flathead Indian Reservation, in Section 2, Township 16 North, Range 20 West, and in Section 35, Township 17 North, Range 20 West. This project segment begins near the northern limits of the community of Arlee and extends north for approximately 1.5 miles. 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 “improve safety, traffic flow, access, and secondary features of the roadway including provisions for wildlife crossing structures. The U.S. Highway 93 corridor is important for local, regional, and national transportation. The existing roadway from Evaro to Polson has features that do not meet current safety and design guidelines, the level of service is poor, and the per mile accident rate is substantially higher than the statewide average for similar roadways.”

**Background:** The planning for improvements to the Evaro to Polson portion of US 93 has been underway for a number of years. The presently proposed improvements to the highway and adjacent features throughout the corridor are the result of several years of inter-governmental discussions and cooperation. Representatives from various Federal Agencies, the Montana Department of Transportation, and from the Confederated Salish And Kootenai Tribes of the Flathead Nation have been involved throughout the project planning and review process.

**401 Water Quality Certification:** The Natural Resources Department of the Confederated Salish and Kootenai Tribes of the Flathead Nation, P.O. Box 278, Pablo, Montana, 59855, 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 Tribe’s opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Confederated Salish and Kootenai Tribes of the Flathead Nation hereby incorporate 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 at least two known National Register sites in the vicinity. The Fort Connah site is near the US 93 crossing of Post Creek, and the St. Ignatius Mission is located east of the US93 corridor in the community of St. Ignatius. However, the Applicant and the Confederated Salish and Kootenai Tribes of the Flathead Nation have coordinated or conducted cultural resources inventories for the area. No adverse effects to listed or eligible sites were predicted as part of this project segment. 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 within the known range of the Federally-listed threatened bald eagle, bull trout, Canada lynx, gray wolf, grizzly bear, Spalding's catchfly, water Howellia, and the slender moonwort, 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. MDT and the Federal Highway Administration completed coordination with the USFWS, and the USFWS issued a Biological Opinion for the US 93 Evaro to Polson project on October 19, 2001 (M.17 FHWA – Evaro – Polson [Hwy 93]). Since that time, proposed critical habitat for bull trout has been identified in the project corridor. Potential impacts on critical habitat were assessed in a recent addendum to the Biological Assessment. The USFWS has issued a Conference Opinion (an addendum to the Biological Opinion containing the USFWS response on the addendum to the BA) on proposed critical habitat in the project corridor and concurred with the findings in the Addendum. A copy of the Conference Opinion and the Biological Opinion were provided to the Helena Regulatory Office of the US Army Corps of Engineers.

**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 evaluation factors listed above. Comments are used 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 15<sup>th</sup> 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:

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

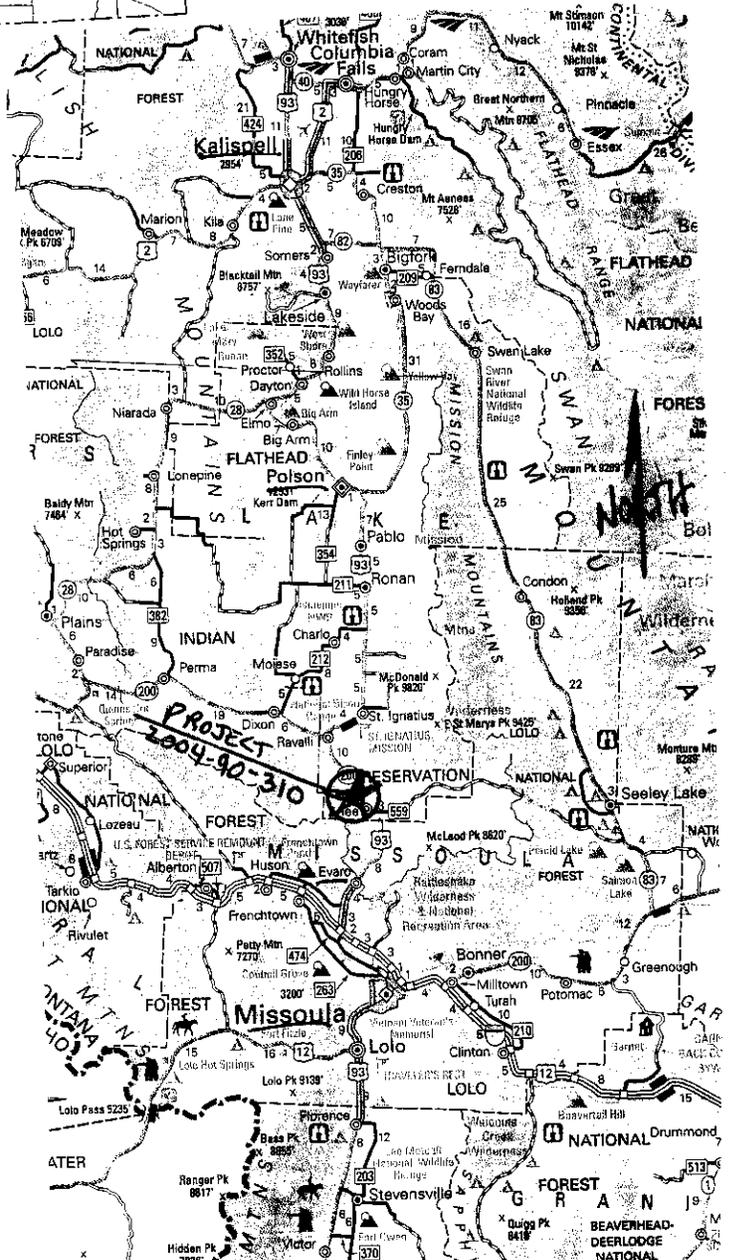
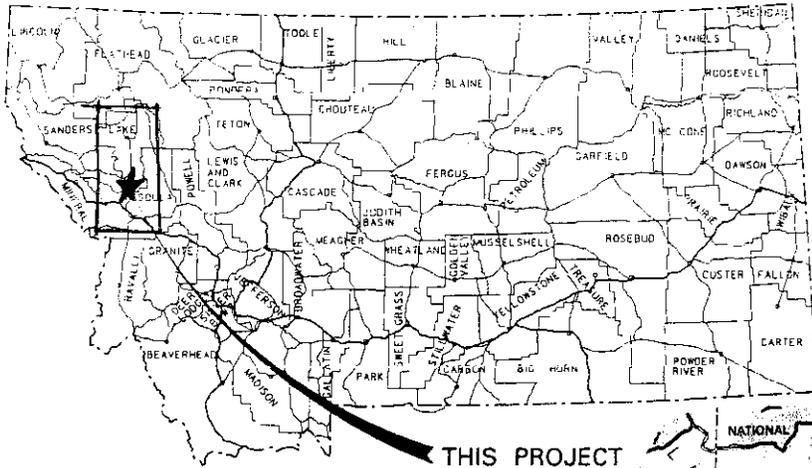
**Please reference the Application Number found on the first page of this notice (2004-90-310) in any inquiries, correspondence, or comments.**

Todd Tillinger of the Helena Regulatory Office, telephone number (406) 441-1375, may be contacted for additional information. You may also fax comments to the Corps at (406) 441-1380, or e-mail comments to [todd.n.tillinger@usace.army.mil](mailto:todd.n.tillinger@usace.army.mil).

**Comments postmarked after the expiration date of this notice or received by Fax or e-mail after midnight on 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 MAPS - US 93 Evaro-Polson  
CORPS FILE NUMBER 2004-90-310



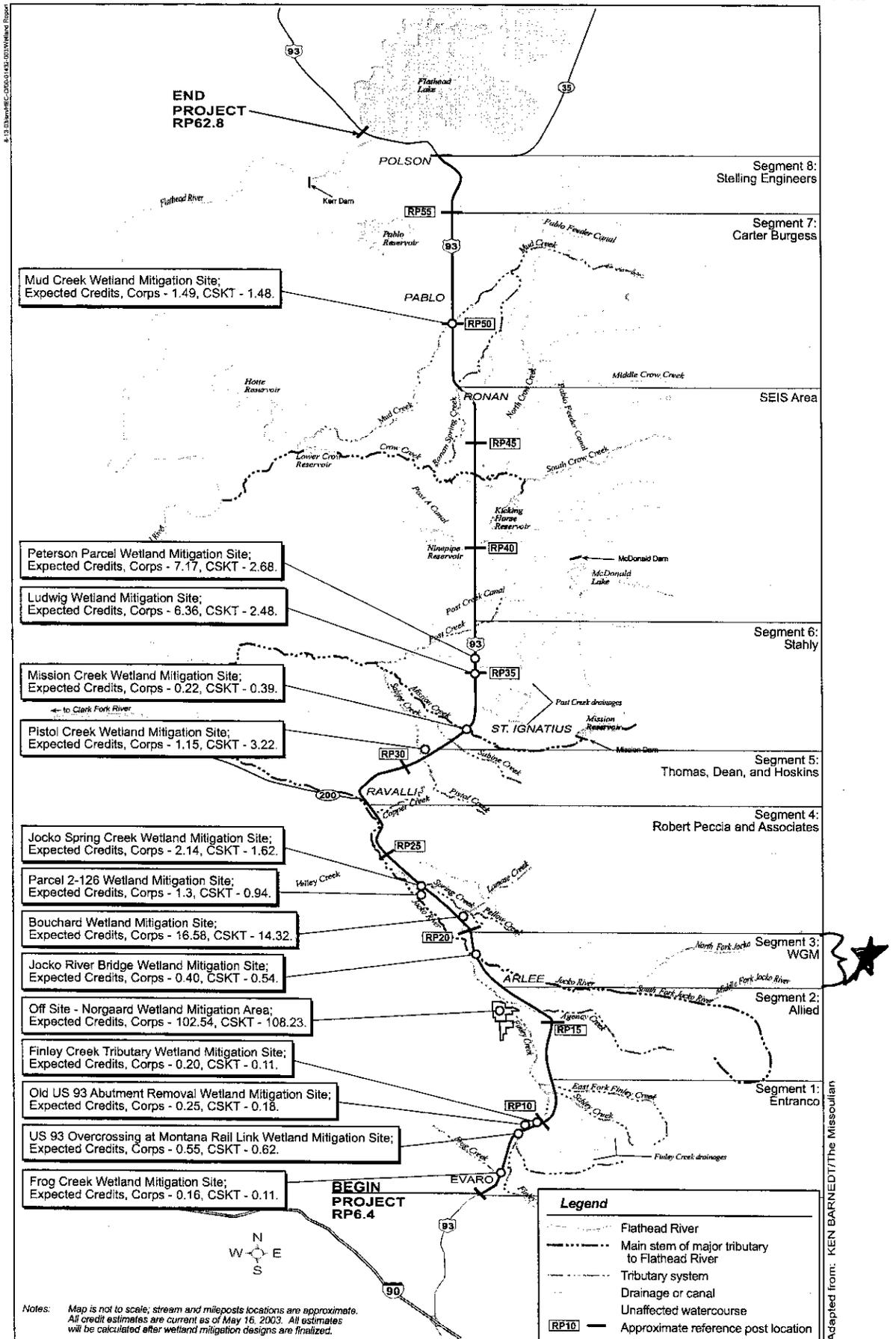


Figure 1. On-site and off-site wetland mitigation sites and expected credits for the US 93 Evaro to Polson, Montana.

