



**US Army Corps
of Engineers**

PUBLIC NOTICE

Application No: 200190093

Applicant: Canyon Creek Ditch Company

Waterway: Yellowstone River

Issue Date: February 15, 2002

Expiration Date: March 17, 2002

30 DAY NOTICE

Billings Regulatory Office

1629 Avenue D, Building A

Billings, Montana 59102

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

The application of the Canyon Creek Ditch Company 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.

Description of Proposed Project: The applicant requests permission to dredge a channel across a gravel bar along the left bank of the Yellowstone River. The channel will extend from the main irrigation headgate to the edge of the river and will be approximately 20 feet wide and 70 to 100 feet long. Upon completion, the dredged material will be deposited, graded and smoothed along the left bank of the river to match existing streambed contours. A permit, if issued, will be valid for a period of five years and will be conditioned to confine the dredging to a specific time frame during the irrigation season while the permit is in effect. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located approximately 2 ½ miles southwest of the city of Laurel, Montana in the NW ¼ SW ¼ Section 29, Township 2 South, Range 24 East, Yellowstone County, Montana.

Purpose: The purpose of the proposed project is to allow water to flow to the applicant's irrigation headgate. Dredging will only be undertaken on an as-needed basis within the confines of the permit.

Background: The flood of 1997 deposited a large gravel bar along the left bank of the river where the applicant's main irrigation headgate is located. The gravel bar extends for several hundred feet along the left bank of the river (both upstream and downstream of the headgate) and at the location of the headgate, is approximately 70 to 100 feet in width from the headgate to the edge of the river. Ever since the 1997 flood, the applicant has had to dredge a channel across the gravel bar to the river in order to obtain irrigation water at the headgate.

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.

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, Billings Regulatory Office, 1629 Avenue D, Building A, Billings, Montana 59102. 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, county, state, federal agency, Indian Tribe or local association whose interests may be affected by this proposal) 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, Billings Regulatory Office, 1629 Avenue D, Building A, Billings, Montana 59102. Please reference the Application Number found on the first page of this notice in any correspondence. Larry Robson, telephone number (406) 657-5910, may be contacted for additional information. You may also fax your comments to (406) 657-5911 or e-mail them to: Larry.G.Robson@usace.army.mil. Comments postmarked after the expiration date of this public notice will not be considered.

Statutory Authority: This activity has been determined to be exempt under Section 404 of the Clean Water Act pursuant to 33 CFR 323.4 (a) (3). A permit, if issued, will be under the provisions of Section 10 of the Rivers and Harbors Act of 1899.