



**US Army Corps
of Engineers**

 Omaha District

PUBLIC NOTICE

Application No: 200390255
Applicant: USDA Natural Resources
Conservation Service
Waterway: Pleasant Valley Fisher River/wetlands
Issue Date: July 16, 2003
Expiration Date: August 5, 2003

21 DAY NOTICE

Regulatory Branch 106 South 15th Street Omaha, Nebraska 68102-1618

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

The application of the USDA Natural Resources Conservation Service 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 place fill material into the Pleasant Valley Fisher River and adjacent wetlands in conjunction with a channel reconstruction and wetland restoration project. Currently the stream is an irrigation water conveyance complete with in-channel structures for water distribution. The current condition provides virtually no habitat and no riparian vegetation. The proposed project consists of excavating a new stream channel, filling the old channel, filling existing drainage ditches, and removing existing dikes/berms. The impacted area is currently hay and pasture land consisting of tame pasture grasses, predominately Reed canary grass and Garrison creeping foxtail. Approximately 1 acre of pasture grass will be covered with soil while recreating micro-topography and sites suitable for establishing woody vegetation. Construction of the new stream channel will impact an area approximately 20 feet wide by 33,613 feet long (15.43 acres). A total of 12 acres of existing drain ditches and the existing old channel will be filled. An existing road approximately 2,600 feet long will be raised 2 feet to improve access. Four 24-inch high arched pipes and a bridge will be installed along the roadway to provide flood waters access to the flood plain. Fill materials used will be soil obtained from removal of the existing dikes and from excavation of the new stream channel (approximately 75,000 cubic yards). Water will not be diverted from the old existing channel to the newly constructed channel until after

construction has been completed and the initial diversion of water down the new channel will be after high flow has subsided. The channel length will be increased from 19,000 feet to 33,600 feet (average sinuosity 1.8). See attached sheets for details.

Location: The project is located in Section 4, Township 27 North, Range 26 West; Sections 23, 26, 27, 35, and 36, Township 28 North, Range 27 West; and Section 31, Township 28 North, Range 26 West, Flathead County, Montana.

Purpose: The applicant's stated purpose of the project is to restore natural function to approximately 1,950 acres of organic soil wetlands by restoring the Pleasant Valley Fisher River to a natural channel. Restoration of the river channel will provide a hydrologic regime that will allow the flooding and recharge needed to maintain wetland characteristics of the valley in a self-sustaining manner. The channel length will be increased from 19,000 feet to 33,600 feet (average sinuosity 1.8).

401 Water Quality Certification: The Montana Department of Environmental Quality, P.O. Box 200901, 1520 East Sixth Avenue, 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, 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 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 Clean Water Act (40 C.F.R.; 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. Requests should be submitted to the U.S. Army Corps of Engineers, Omaha District, Regulatory Branch, 106 South 15th Street, Omaha, Nebraska 68102-1618. If it is decided that additional information is required and 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 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 identify their concern or interest 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, Omaha District, Regulatory Branch, 106 South 15th Street, Omaha, Nebraska 68102-1618. Please reference the Application Number found on the first page of this notice in any correspondence. Ms. Kathy Iske, telephone number (402) 221-3055, may be contacted for additional information. You may also fax your comments to (402) 221-4939 or e-mail them to : Kathy.L.Iske@usace.army.mil.

Comments received after the close of business 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.