



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**CORPS OF ENGINEERS, OMAHA DISTRICT**  
**BILLINGS REGULATORY OFFICE**  
**POST OFFICE BOX 2256**  
**BILLINGS, MONTANA 59103-2256**

September 23, 2011

Regulatory Branch  
Montana State Program  
Corps No: **NWO-2011-01071-MTB**

Subject: Siphon Installation

Huntley Project Irrigation District  
Attn: Ms. Liz Freeman  
PO Box 61  
Ballantine, Montana 59006

Dear Ms. Freeman:

We have reviewed the Montana joint application you submitted for a Department of the Army (DA) permit for activities related to the installation of an inverted siphon below Pryor Creek. The project is located in Huntley in Section 25, Township 2 North, Range 27 East, in Yellowstone County, Montana.

Specifically, you requested authorization for the following work in waters of the U.S.:

Work Item	Description
a.	Pryor Creek will be diverted into the Huntley Main Canal from Oct 1, 2011 thru Jan 1, 2012 to dewater the site. The diversion will be a trapezoidal, open cut channel with an approximate 6-foot wide bottom and will be approximately 5-feet deep.
b.	A coffer dam will be placed across the creek just downstream of the temp diversion. The coffer dam will be constructed with on-site dirt fill and will be approximately 70-feet across x 12-feet high x 12-feet wide.
c.	Construction of a coffer dam in the Huntley Main Canal upstream of the temporary diversion from Pryor Creek. Demolition and removal of existing concrete weir structure and 7-foot x 10-foot concrete culvert from Pryor Creek.
d.	Installation of a 14-foot x 8-foot x 220-foot long inverted siphon where the Main Canal crosses Pryor Creek. The siphon will cross below the stream bed. Siphon inlet and outlet in the Huntley Main Canal will be armored with rock riprap.
e.	Pryor Creek will be approximately 60 feet across at the siphon crossing and stream banks will be armored upstream of the siphon for approximately 110 feet. An additional 150 feet of the south bank upstream of the siphon that was armored during temporary repairs will remain in place. Riprap downstream of the siphon will remain in place. A total of approximately 470 linear feet of Pryor Creek stream banks will be reshaped and armored.
f.	Approximately 5400 cubic yards (cy) of fill, 1400 cy riprap, 1250 cy concrete, and 220 lf of 14-foot x 8-foot reinforced concrete box will be used for the project.

Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary high water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels and ditches, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case

basis. It appears that your project will impact a total of approximately 500 linear feet of waters of the U.S.

The Corps of Engineers (Corps) has prepared a preliminary jurisdictional determination (JD) for the project, which is a written indication that waterways and wetlands within your project area may be waters of the U.S. These waters were treated as jurisdictional waters of the U.S. for the purposes of determining project impacts and compensatory mitigation requirements. A copy of the preliminary JD is enclosed with this letter.

If you believe the preliminary JD is inaccurate, you can request that this office complete an approved JD **prior to your commencement of any work in waters of the U.S.** An approved JD is an official determination regarding the presence or absence of waters of the U.S. Completion of an approved JD may require coordination with the U.S. Environmental Protection Agency.

If you believe the preliminary JD is accurate and do not want the Corps to complete an approved JD, please sign the preliminary JD and return it to the letterhead address within two weeks. If you agree with the preliminary JD, you may proceed with the proposed project in accordance with the terms and conditions of the following DA Nationwide Permits found in the March 12, 2007 Federal Register (72 FR 11092), Reissuance of Nationwide Permits.

Work Item	Permit Authorization
a-b.	This work is authorized by Nationwide Permit 33.
c-d.	No permit is required based on the exemption found at 33 CFR 323.4(a)3, which reads: "(3) Construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance (but not construction) of drainage ditches. Discharges associated with siphons, pumps, headgates, wingwalls, weirs, diversion structures and such other facilities as are appurtenant and functionally related to irrigation ditches are included in this exemption."
e.	This work is authorized by Nationwide Permit 13.

Enclosed are fact sheets that fully describe these Nationwide Permits and list the General and Regional Conditions that must be complied with.

In addition to conditions referenced above, the following **Special Conditions** apply:

Condition	Description
1.	The project will be constructed as shown and described in the Montana Joint Application and drawings received in this office on September 19, 2011.
2.	All construction debris, waste material, and demolished materials will be disposed of on uplands in such a manner that it cannot enter a waterway or wetland.
3.	All erosion and sediment control practices shall be in place prior to any grading or filling operations and installation of proposed structures or utilities. They shall remain in place and maintained until construction is completed and the area is stabilized.
4.	Following completion of construction activities, all temporary fills shall be removed in their entirety and the area restored to its preconstruction contours.
5.	Following completion of construction activities, the temporary diversion of Pryor Creek into the Huntley Main Canal will be removed in its entirety and the area restored to its preconstruction contours.
6.	If an additional coffer dam will be installed downstream of the proposed siphon you must notify this office prior to construction for additional permit authorization.
7.	All areas along the bank disturbed or newly created by the construction activity which

	will not be otherwise stabilized, will be seeded with vegetation indigenous to the area for protection against subsequent erosion.
8.	All crossings of waters of the U.S. shall be designed and constructed to retain a natural substrate and to accommodate all reasonably foreseeable wildlife passage and expected high flows.
9.	The top elevation of the riprap in Pryor Creek shall not exceed the elevation of the top of the bankline.
10.	Riprap placed on Pryor Creek upstream of the siphon will be "dirty" riprap and will consist of approximately 20-30% fines/soil component mixed with the rock or will be capped with approximately 1 foot of fines / soil. The soil will then be seeded with the same seed mix used for all other disturbed areas.
11.	Riprap placed on Pryor Creek upstream of the siphon will be bedded in gravel rather than fabric.

Should you at any time become aware that either an endangered or a threatened species, or their critical habitat, exists within the project area, you must immediately notify this office.

Although an Individual DA permit involving a public interest review will not be required for the project, this does not eliminate the requirement that you obtain any other applicable Federal, state, tribal, and local permits as required.

The Montana Department of Environmental Quality waived CWA Section 401 water quality certification for this project (see General Condition 21 on the enclosed fact sheet). This does not eliminate the need to obtain other permits that may be required by that agency.

This verification is valid until the work item's NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

In accordance with the terms and conditions of the NWPs, you are responsible for all work accomplished. If a contractor or other authorized representative will be accomplishing the work authorized by an NWP on your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable NWP. Any activity that fails to comply with all of the terms and conditions of the NWP will be considered unauthorized and subject to appropriate enforcement action.

In compliance with General Condition 26, the enclosed Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and any required mitigation.

We are interested in your thoughts and opinions concerning your experience with the Corps' Omaha District Regulatory Program. We have placed an automated version of our Customer Service Survey form at <http://per2.nwp.usace.army.mil/survey.html>. At your request, we will mail a paper copy that you may complete and return to us by mail or fax.

Please contact Shannon Johnson at (406) 657-5910 if you have any questions and reference Corps File Number NWO-2011-01071-MTB.

Sincerely,



Todd N. Tillinger  
Montana State Program Manager

Enclosures

- Preliminary Jurisdictional Determination
- Nationwide Permit 33 Fact Sheet
- Nationwide Permit 13 Fact Sheet
- Montana Regional Conditions
- Compliance Certification
- MT DEQ Section 401 Water Quality Certification

Copies Furnished (w/out enclosures):

US Bureau of Reclamation  
 Attn: Mr. Jim Forseth  
 PO Box 30137  
 Billings, MT 59107-0137

DOWL HKM  
 Attn: Mr. Josh Carter  
 PO Box 31318  
 Billings, MT 59107