

July 17, 2018

Timothy McNew  
Helena Regulatory Office  
10 West 15 Street, Suite 2200  
Helena, Montana 59626  
Via email: [Timothy.M.McNew@usace.army.mil](mailto:Timothy.M.McNew@usace.army.mil)

RE: Comment on Application NWO-2015-01411-MTH

Dear Mr. McNew,

The parties undersigned here have significant concerns, as outlined below, regarding the issuance of this permit and urge the US Army Corps of Engineers to 1) hold a public hearing for application NWO-2015-01411-MTH, and 2) mitigate impacted wetlands within the Gallatin watershed.

- 1) As Bozeman grapples with unprecedented growth rates, the impacts to our shared resources should be considered with transparency. We believe that a public hearing would more clearly and effectively outline the proposed design implications and permitting process of this development. We also believe it would provide an opportunity for our community to show its support for responsible growth and encourage the developer to consider a design that is innovative and respectful of the natural waterways in our region.
- 2) The wetlands in question are providing water quality/quantity services to Story Creek, and should therefore be mitigated on, or at least as close to Story Creek as possible. Story Creek feeds the East Gallatin River, which is currently impaired for nutrients according to MTDEQ, and is cited as a restoration priority in the Lower Gallatin Watershed Restoration Plan (WRP). The Lower Gallatin WRP provides a blueprint for our community to identify and implement restoration projects that lead to improved water quality, and the eventual removal of streams from the MT-DEQ's List of Impaired Waters. This development, if not done conscientiously, could be in direct conflict with work to implement stream and wetland improvement projects that address identified water quality impairments.

It is clear that the overarching intent of the *Compensatory Mitigation for Losses of Aquatic Resources: Final Rule*, 73 FR 19594 (2008 Ruling), is to encourage a "watershed approach" to mitigation, and ensure that what is taken is replaced, both in form and function. The 2008 Ruling expresses a clear intent to prioritize environmentally preferable mitigation projects, even when a mitigation bank is available. If the impacted wetland acres on Story Creek are mitigated to the Upper Missouri River Mitigation Bank, this would only abstractly replace what would be taken, as this bank is located approximately 90 miles away from the proposed development. We believe a local mitigation project would be environmentally preferable because it would more adequately replace in-kind resources based on proximity to impact. There is a demonstrated need for improved water quality, clearly outlined in the Lower Gallatin WRP, and in the face of a rapidly growing urban population, the need to protect and support the beneficial services of wetlands is only heightened.

It is abundantly evident that our local community has put considerable thought and resources into the health of the Gallatin watershed. Many local groups, private land owners, and agencies are working diligently to implement the Lower Gallatin WRP. We believe consideration of completing mitigation at the Story Mill Wetland Restoration, just half a mile downstream of the proposed development is warranted. Through a collaborative effort and funding from private donors and tax payer dollars sourced from a MT-DEQ 319 grant, approximately 14 acres of wetlands were restored at the confluence of Bozeman Creek and the East Gallatin River. If these wetlands on Story Creek are mitigated to the Upper Missouri Mitigation Bank, our community would only see the potentially negative effects of the development on water quality/quantity, and none of the benefits, thus shifting the burden to our local nonprofits, municipalities, and tax-payers and ultimately permanently removing these critical wetlands from the City of Bozeman.

We strongly encourage the Army Corps to work with our local community, not against it. Help us grow responsibly: please provide a forum for dialog through a public hearing and require this development to pursue either the local in-lieu fee or permittee responsible options.

Sincerely,

Wendy Weaver, Executive Director, Montana Aquatic Resources Services

Lauren Alleman, Project Manager, Montana Aquatic Resources Services

Patrick Byorth, Montana Water Project, Trout Unlimited

Lilly Deford, Greater Gallatin Watershed Coordinating Council

Sharon Brodie, Executive Director, Four Corners Community Foundation

JP Pomnichowski, former board member of GGWC and former chair of the Bozeman Planning Board, the Bozeman Zoning Commission, and the Bozeman Board of Adjustment

Mary Ellen Wolfe

Susan Higgins, former (for all of the following): Water Planner for the State of Montana, Co-chair of Montana Watershed Coordination Council, Associate Director of Montana Watercourse/Project WET Water Education Program; Associate Director of the Montana Water Center at MSU, consultant for the Montana National Drought Resiliency Partnership

Rose Vallor, past chair of Greater Gallatin Watershed Council

Bob Zimmer, Greater Yellowstone Coalition

Guy Alsentzer, Executive Director, Upper Missouri Waterkeeper