



**US Army Corps
of Engineers**®
Omaha District

**REVISED PUBLIC NOTICE TO
EXTEND PUBLIC COMMENT PERIOD**

Application No: NWO-2015-01400-MTH
Applicant: Mike and Ileana Delaney
Waterway: Wetlands Adjacent to Story Creek
Issue Date: June 22, 2018
Expiration Date: August 20, 2018

30 DAY NOTICE

**Helena Regulatory Office
10 West 15 Street, Suite 2200
Helena, Montana 59626**

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

SUBJECT: The U.S. Army Corps of Engineers, Omaha District, (Corps) is evaluating a permit application Delaney & company Wetland Delineation Review and JD Determination., which would result in permanent and temporary impacts to approximately 2.91 acres of the wetlands adjacent to Story Creek, waters of the United States. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at:

<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Montana/PublicNotices.aspx>

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Mike and Ileana Delaney
Delaney & Company
101 East Main Street, #D
Bozeman, Montana 59715

LOCATION: The approximately 16-acre project site is located on, within Section 8, Township 2 S, Range 6 E, Latitude 45.682172°, Longitude -111.0199648°, Gallatin County, Montana. There is approximately 13 acres of scrub-shrub and forested wetlands within the project area.

PROJECT DESCRIPTION: The purpose is to construct residential housing which will consist of nine (9) single family housing units and one (1) condominium lot which will accommodate 30 additional residential units.

The applicant's preferred alternative would result in 2.91 acres of permanent impacts to wetlands adjacent to Story Creek.

The applicant's stated project purpose is to construct residential housing. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Alternatives. The applicant has/has not provided information concerning the following project alternatives:

Alternative 1: This property was purchased for development purposes and "No Action" would result in a loss of investment.

Alternative 2: This alternative would entail developing 17 lots with homes resulting in permanent impacts to 3.97 acres of wetland. As a result from input from the City of Bozeman to this proposal this alternative was not selected.

Alternative 3: This alternative would entail developing 9 lots with homes and one condominium lot resulting in permanent impacts to 2.91 acres of wetland. As a result from input from the City of Bozeman to this alternative was selected over alternative 2. In addition this alternative would avoid forested wetlands.

Mitigation:

The applicant has purchased adequate wetland credits to offset 2.91 acres of impact through the Upper Missouri River Mitigation Bank.

OTHER GOVERNMENTAL AUTHORIZATIONS: The Montana Department of Environmental Quality, 1520 East 6th Avenue, Post Office Box 200901, 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.

HISTORIC PROPERTIES: The Corps is lead federal agency for determining compliance with Section 106 of the National Historic Preservation Act for this project and has completed a cultural resource review of the project site in conjunction with their obligations under Section 106 and the National Environmental Policy Act. The Omaha District's initial review, based on currently available information, indicates there are not any recorded properties within the permit area. Due to the railroad berm adjacent to the proposed construction site The Corps has not determined effects to properties eligible for listing on the National Register of Historic Properties.

ENDANGERED SPECIES: The proposed activity will have no effect on Federally-listed endangered or threatened species or their critical habitat.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on

the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity 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, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (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 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.

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. 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, at Helena Regulatory Office
10 West 15 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 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 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 Timothy McNew at Helena Regulatory Office 10 West 15 Street, Suite 2200 Helena, Montana 59626, by email at Timothy.McNew@usace.army.mil, or telephone at (406) 441-1375. Please refer to identification number **NWO-2015-01400-MTH** in any correspondence concerning this project.

Comments postmarked after the expiration date of this public notice, or received by fax or e-mail after the expiration date, will not be considered. Comments left on our voicemail system will not be considered.



Fig. 1: Location of proposed residential development