



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

PUBLIC NOTICE

Application No: NWO-2010-01616-MTH
Applicant: LF Ranch
Waterway: Smith Creek, Duvall Creek, Elk Creek, and associated wetlands
Project Location: Near the Town of Augusta, Lewis and Clark County, Montana
Issue Date: December 14, 2012
Expiration Date: January 13, 2013

30 DAY NOTICE

Helena Regulatory Office

10 West 15th Street, Suite 2200, Helena, Montana 59626

PUBLIC NOTICE

For the LF Ranch Missouri-Sun-Smith Mitigation Bank (MSSMB)
 in Lewis and Clark County, Montana
 Submitted to

US Army Corps of Engineers, in cooperation with the Interagency Review Team

For the Proposed mitigation bank the Interagency Review Team (IRT) will consist of the following agencies, US Army Corps of Engineers, US Environmental Protection Agency (EPA), US Fish and Wildlife Service (USFWS), Montana Department of Environmental Quality (MT DEQ), and Montana Fish, Wildlife and Parks (FWP).

History and Purpose

Section 404 of the Clean Water Act establishes a permit requirement, administered by the Corps of Engineers, for projects that involved discharging dredged or fill material into waters of the United States. The Corps of Engineers requires compensatory mitigation as a permit condition for stream or wetland losses that are determined to have greater than minimal effects. The goal of mitigation is to replace the physical, chemical, and biological functions of these Waters of the US. The mitigation banking concept was established to provide alternatives to applicant-provided mitigation, and ease the regulatory burden of mitigating permitted impacts to waters of the US.

The proposed Bank is located along the Rocky Mountain Front, mostly in the Montana Valley and Foothill Prairies ecoregion, in Township 19N, Range 7W, Sections 6, 10 and 11; Township 20N, Range 7W, Section 32; and Township 19N, Range 8W, Section 19, in Lewis and Clark County, Montana.

The purpose of this bank is to provide compensatory mitigation for unavoidable adverse impacts to wetlands and aquatic habitats that may occur in the local major watershed basin (Missouri-Sun-Smith, MDT Watershed District 7), and secondarily in the adjacent Teton watershed. Compensation for impacts in the secondary service area is proposed due to the similarity of resource type along the Rocky Mountain Front.

Scope of Agreement

The sponsor proposes to provide stream and wetland credits while providing for the restoration and protection of the existing 93 acres of wetlands (12.2 acres on Duvall Creek and 80.8 acres on Elk Creek); and 27,337 linear feet of 1st through 3rd order perennial streams (Smith Creek, Duvall Creek, and Elk Creek). Additionally, enhancement and protection of approximately 56 acres of surrounding and included uplands as foraging and breeding habitat is proposed. The Bank sponsor is proposing to use the current Montana Wetland Assessment Method and Montana Stream Mitigation Process (SMP) at the time of bank approval to calculate the number credits which will result

from the preservation, enhancement, and restoration of stream and riparian resources in the bank. The sponsor will provide long-term preservation (perpetual) and management of the Bank as well as monitor for a minimum of 5 years until such time the success criteria have been established and met.

A copy of the draft banking Instrument can be found at

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

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. For each bank site we will check the National Register of Historic Places and its current supplements. 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 mitigation bank area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination will be made for each bank site. In order to complete our evaluation of this activity, comments will be solicited from the US Fish and Wildlife Service and other interested agencies and individuals.

Public Interest Review: The decision to approve the umbrella banking instrument and the Schreiber Meadows site will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed 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 proposal, must be balanced against their 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 the 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 written 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 mitigation Bank. Any comments received will be considered by the Corps of Engineers and the Interagency Review Team. To make their decisions, comments are used to assess the suitability of the proposed mitigation bank, impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions. Comments will be accepted during this comment period and may be provided via e-mail, standard mail, or Fax using the contact information listed below. Any agency or individual having an objection to the work should identify it as an objection with clear and specific reasons. All replies to the public notice should be sent to **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626.**

Please reference the Corps File Number found on the first page of this notice in any correspondence.

Stephanie McCary, telephone number (406) 441-1365, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or email comments to stephanie.d.mccary@usace.army.mil.

The District Engineer will consider requests for holding a public hearing, for the purpose of gathering additional information. Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held. Requests for a public hearing should state specifically the reasons for holding a public hearing, and what additional information would be obtained. Should the District Engineer decide that additional information is required and a public hearing should be held, interested parties will be notified of the date, time and location.

Comments postmarked after the closing date, or received by fax or e-mail after the closing date, will not be considered.