PUBLIC NOTICE

US Army Corps of Engineers ®
Omaha District

Application No: NWO-2012-01822-MTH
Applicant: Montana Department of Transportation
Waterway: Sand Creek
Issue Date: October 3, 2012
Expiration Date: November 2, 2012

30 DAY NOTICE

Helena Regulatory Office **10 West 15th 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

The application of the Montana Department of Transportation (MDT) 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. **The project described herein is not being proposed by the Corps, but by the applicant; the Corps will evaluate the proposed work to determine if it is permittable under current laws and regulations.**

Description of Proposed Project: The project will realign and widen a section of German Gulch Road and replace the bridge over the Union Pacific Railroad with a wider bridge. The roadway typical will be a 32-foot top width consisting of two 12-foot travel lanes and two 4-foot shoulders. The bridge typical will be a 36-foot top width consisting of two 12-foot travel lanes with two 6-foot shoulders. Roadway embankment fill slopes vary from 6H:1V where the fill height ranges from 0-10 feet, to 2H:1V where the fill height is over 30 feet at the bridge. Some slopes have been steepened from 3H:1V to 2H:1V to minimize wetland and stream channel impacts to Sand Creek. Sand Creek will be relocated so that it flows under the new bridge just east of the railroad tracks. Two culverts under the existing roadway will be eliminated by the channel relocation.

The project will require filling approximately 200 linear feet of Sand Creek underneath the new roadway embankment, as well as relocating/restoring approximately 1,000 feet of channel upstream (south) of the presently traveled way (PTW) to better align Sand Creek with the new bridge. The 300-foot section of Sand Creek through the new bridge opening will be stabilized with rip rap due to its proximity to the railroad tracks, while the remaining new channel segments will be stabilized and restored through woody and herbaceous revegetation efforts.

The project will result in permanent impacts to 2.16 acres of emergent and emergent/scrub-shrub wetlands from permanent fill associated with new roadway embankments, the placement of riprap along the new channel adjacent to the railroad tracks, the conversion of wetland to new stream channel, and for the filling of headcuts in the historic channel. The project will also result in additional impacts to 0.53 acres of wetlands with the conversion of wetland to new stream channel and impacts associated with culvert removal

MDT will develop additional wetland and stream mitigation on the BSBC parcels though excavation to groundwater in six distinct cells and generate a minimum of approximately 7.84 wetland credits in reserve

for future impacts resulting from MDT projects within the Upper Clark Fork watershed. MDT will place a conservation easement over the entire county-owned property to project the site in perpetuity. Between 800 and 1000 feet of Sand Creek will be relocated, restored, enhanced, or protected between the railroad tracks and the existing roadway to offset any stream impacts associated with the project. MDT is also proposing to restore approximately 3400 feet of historic channel from the PTW north to near the confluence with Silver Bow Creek. This will include the removal of two existing culverts on Sand Creek as well as channel restoration and riparian revegetation.

Location: The proposed project begins on local route L47534 (German Gulch Road) just south of the current intersection with Rick Jones Way and extends approximately 0.6 miles to just west of the I-15 Victor Interchange. The project is located near the town of Butte, in Section 24, Township 3 North, Range 9 West, in Butte-Silver Bow County, Montana.

Purpose: The purpose of the proposed project is to improve safety and access to the Silicon Mountain Tech Park and to safely accommodate increasing volumes and loads of heavy industrial traffic expected through the area. MDT is developing this project on behalf of Butte-Silver Bow County (BSBC).

Mitigation: MDT and BSBC are jointly proposing to develop an aquatic resource mitigation project which will include both wetland and stream restoration components. The mitigation is anticipated to elevate the function and value of Sand Creek and its associated wetland through restoration of the creek to its original profile, establishment of new wetland cells, preservation of existing wetland areas, and the protection of an upland buffer within a perpetual conservation easement. The mitigation is a combination protection, restoration and establishment, as described below.

The 2.16 acres of unavoidable wetland impacts will be mitigated on-site by BSBC through permittee-responsible mitigation at a 2:1 ratio for a total of 4.32 acres. Two parcels north of the PTW have been purchased by BSBC for the purpose of onsite wetland and stream mitigation development. MDT will develop additional wetland and stream mitigation on the BSBC parcels though excavation to groundwater in six distinct cells and generate a minimum of approximately 7.84 wetland credits in reserve for future impacts resulting from MDT projects within the Upper Clark Fork watershed. MDT will place a conservation easement over the entire county-owned property to project the site in perpetuity.

Between 800 and 1000 feet of Sand Creek will be relocated, restored, enhanced, or protected between the railroad tracks and the existing roadway to offset any stream impacts associated with the project. MDT is also proposing to restore approximately 3400 feet of historic channel from the PTW north to near the confluence with Silver Bow Creek. This will include the removal of two existing culverts on Sand Creek as well as channel restoration and riparian revegetation. All of the affect area of Sand Creek will be protected under the MDT conservation easement, with the exception of approximately 100 feet located on UPRR railroad right-of-way. Mitigation activities north of the PTW will generate approximately 12,500 stream credits in reserve for impacts resulting from future MDT projects within the Upper Clark Fork watershed. The mitigation activities conducted south of the PTW are being used to off-set impacts resulting from the currently proposed project.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO 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.

Cultural Resources: The Omaha District, as the lead federal agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the Montana Historic Preservation Office, Federally recognized Indian Tribes, and other interested parties as appropriate. The Omaha District's initial review, based on currently available information, indicates there are no recorded properties within the permit area. The MT DOT has determined that the project has no potential to cause effects to properties listed, or eligible for listing, on the National Register of Historic Properties.

Threatened / Endangered Species: Threatened/endangered species in Silver Bow County include Bull trout (*Salvelinus confluentus).* In compliance with the Endangered Species Act, a preliminary determination has been made by the MT DOT 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 which 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. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th 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.

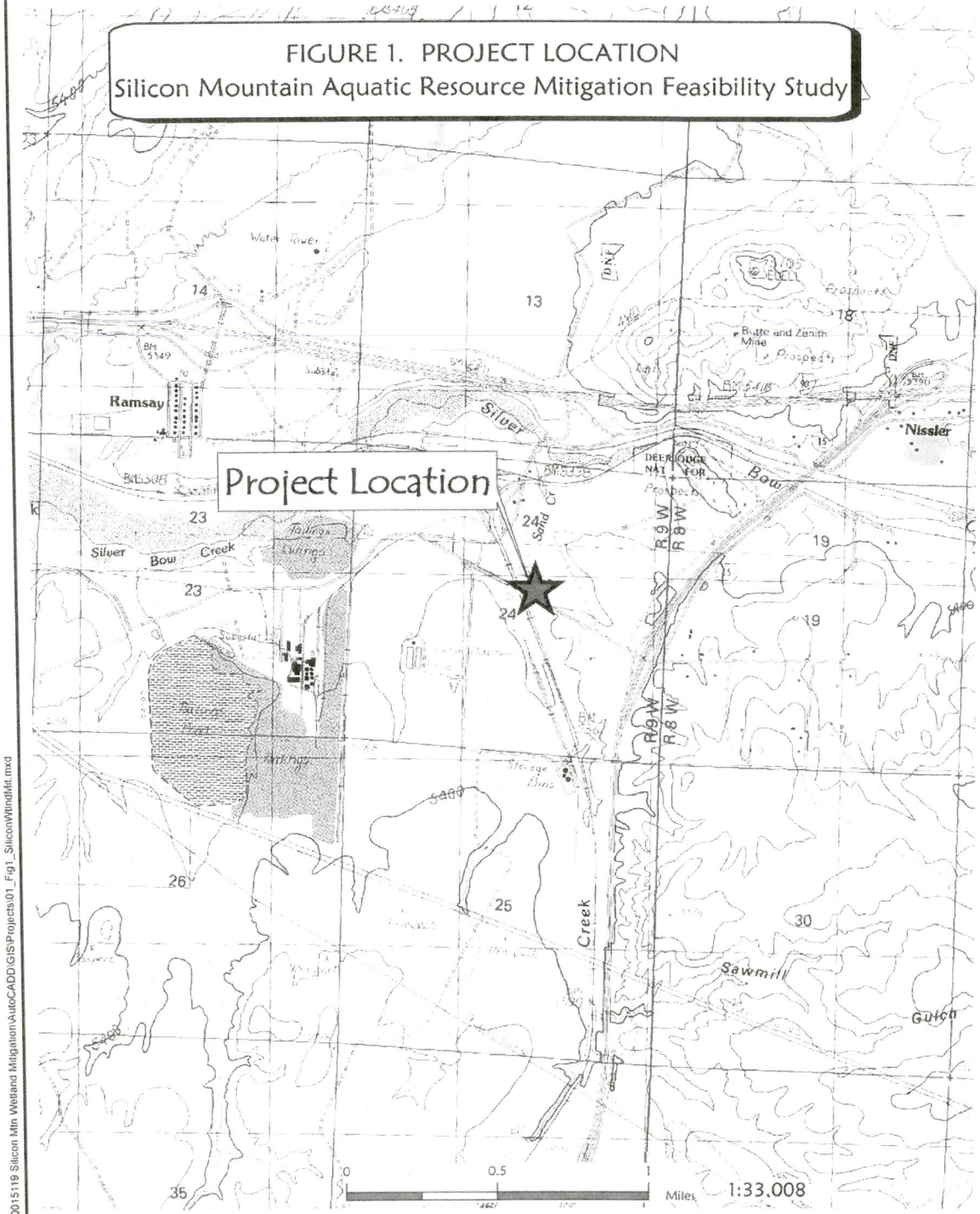
Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the 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

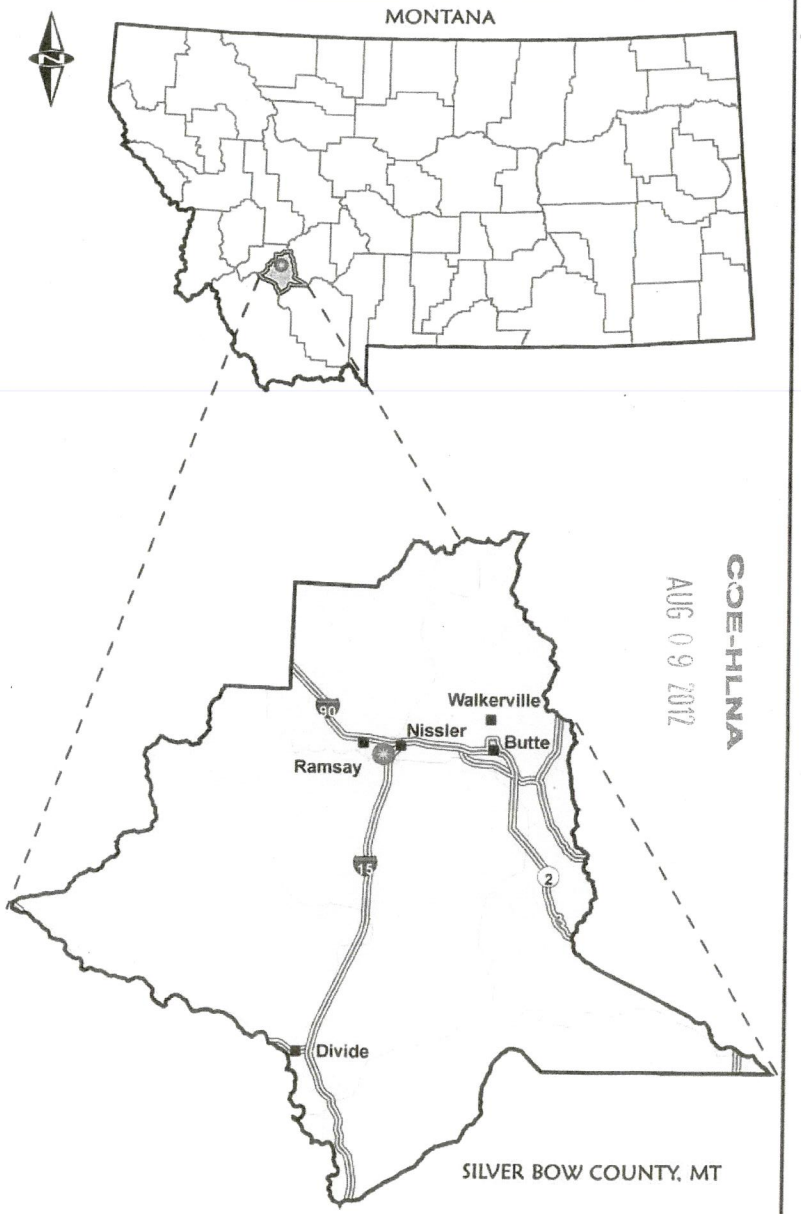
and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626**. **Please reference the Corps File Number found on the first page of this 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 .

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.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act.

FIGURE 1. PROJECT LOCATION
Silicon Mountain Aquatic Resource Mitigation Feasibility Study





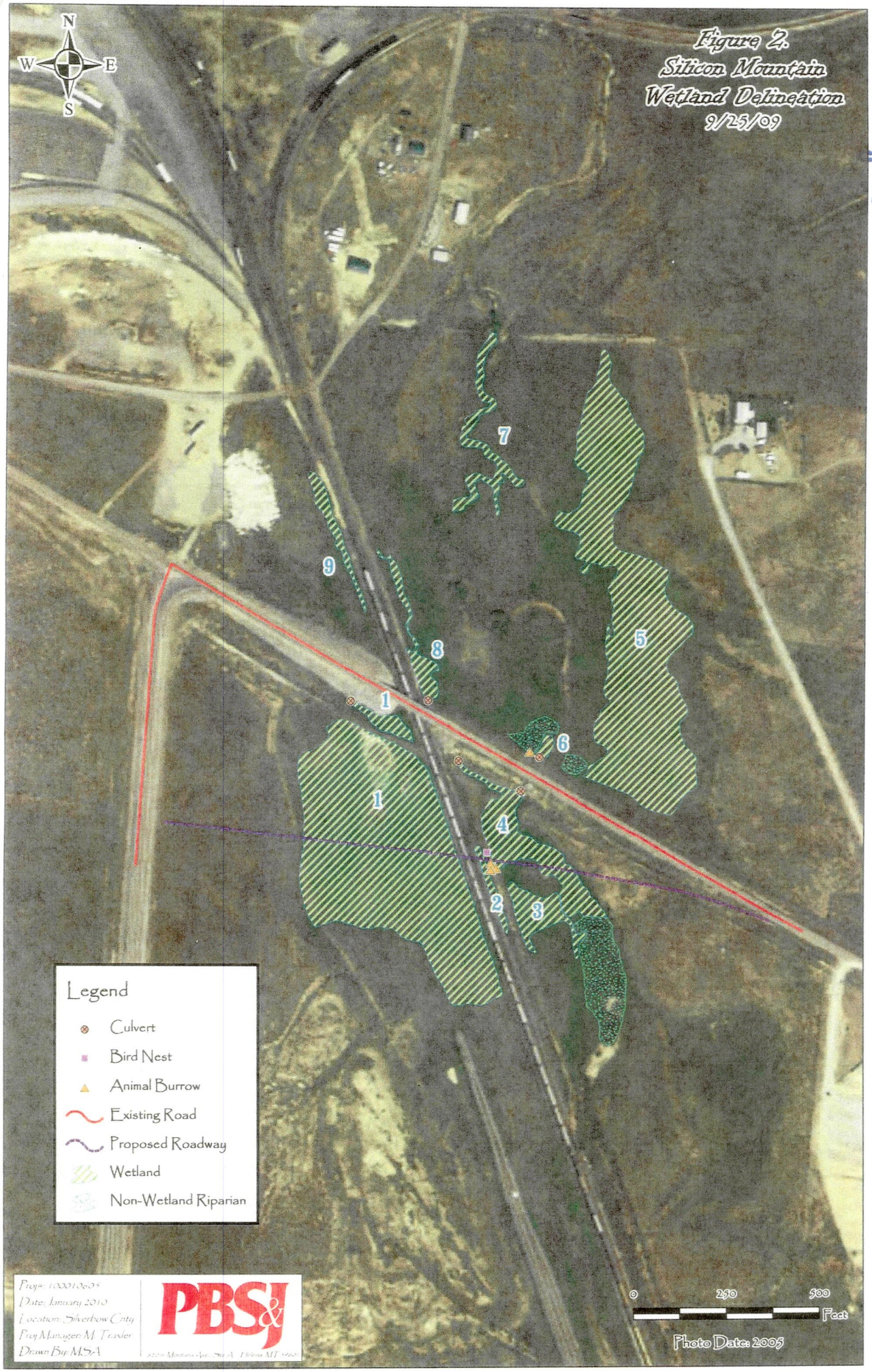
COE-HLNA
AUG 09 2012

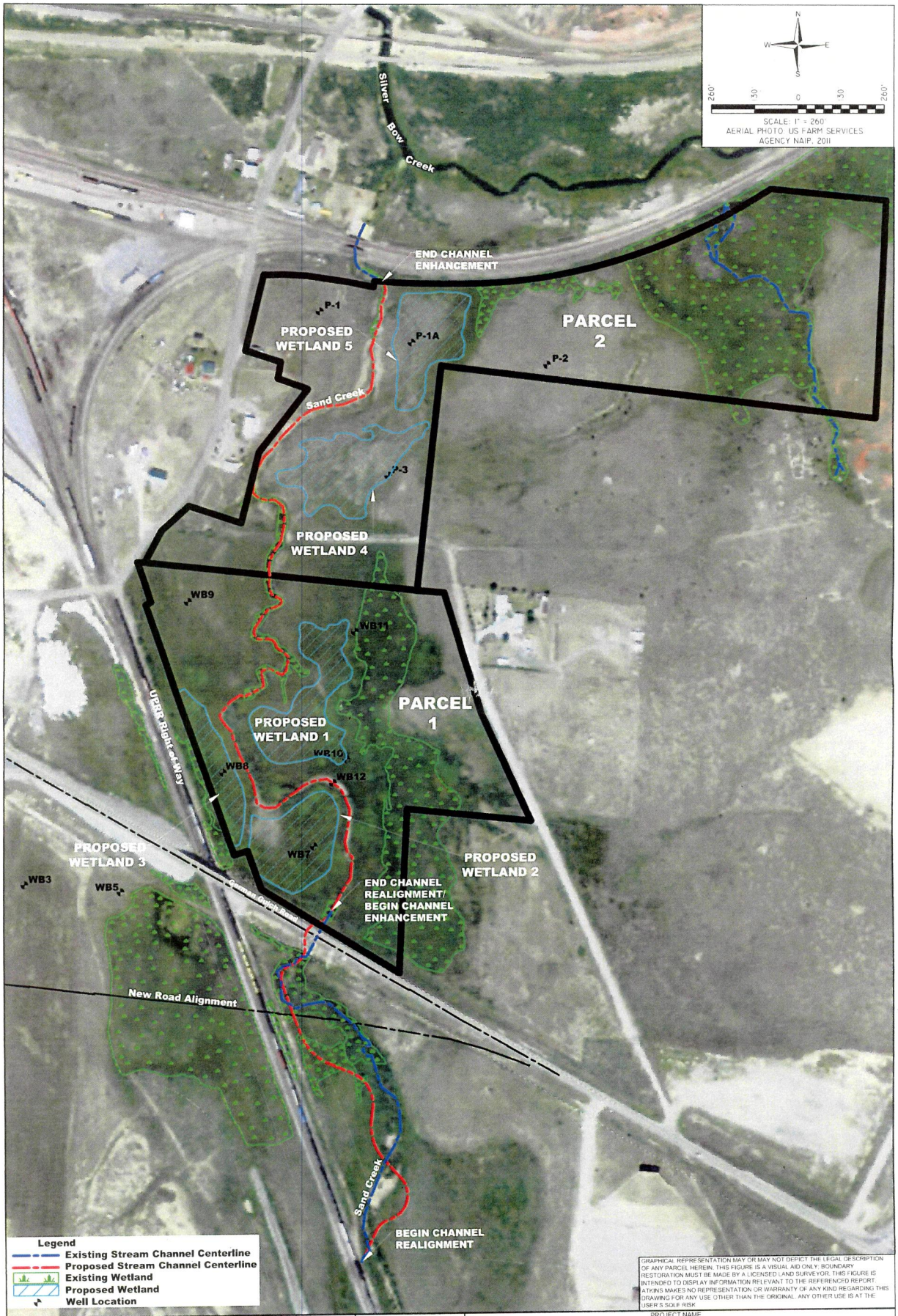
PROJECT #: 100015119
DATE: July 2011
LOCATION: Silver Bow Co., MT
PROJECT MGR: M. Traxler
DRAWN BY: SMA/JR

ATKINS

320 North Montana Ave
Suite A
Helena, MT 59601

100015119 Silicon Mtn Wetland Mitigation\AutoCADD\GIS\Projects\01_Fig1_SiliconWtndMt.mxd



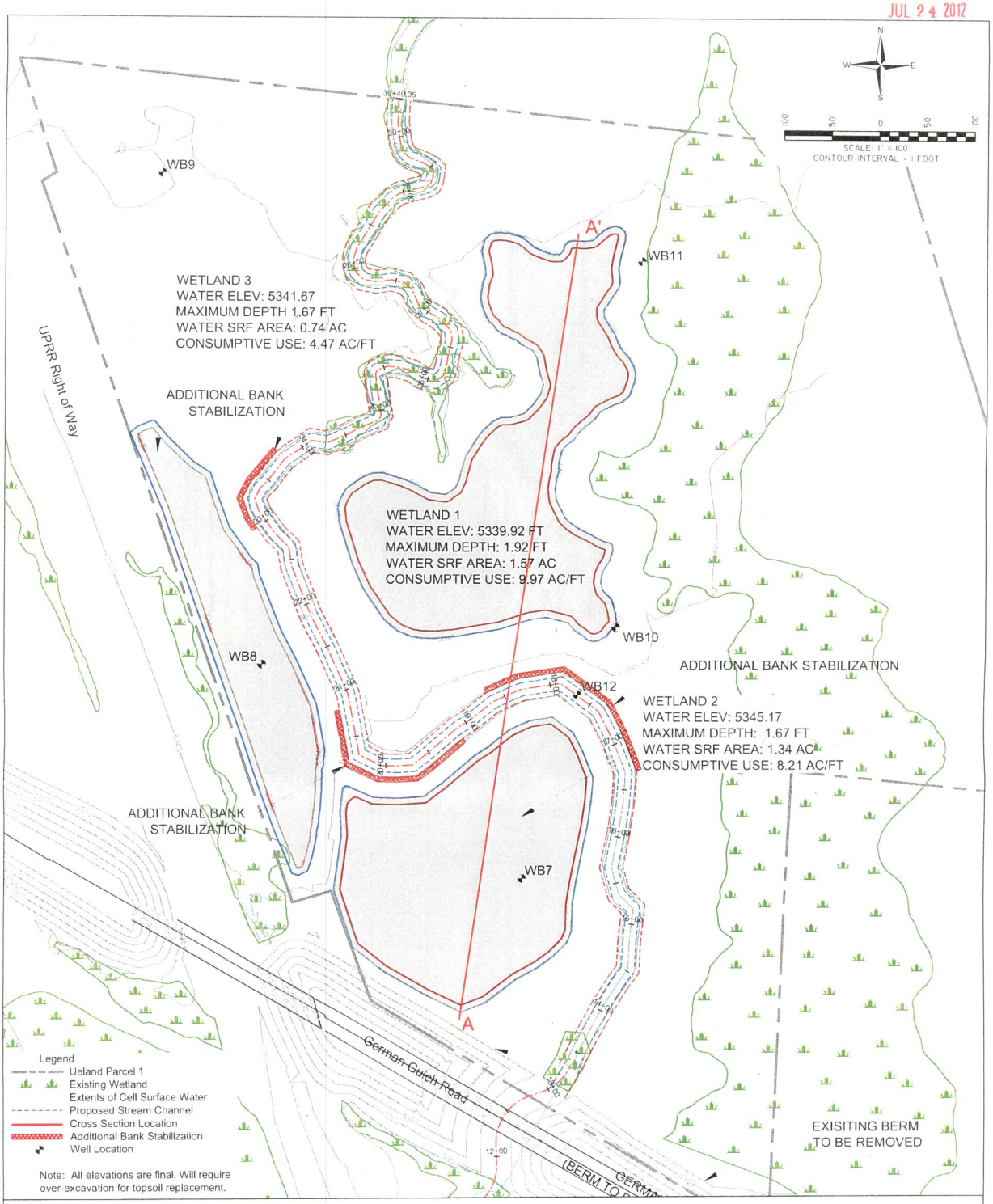


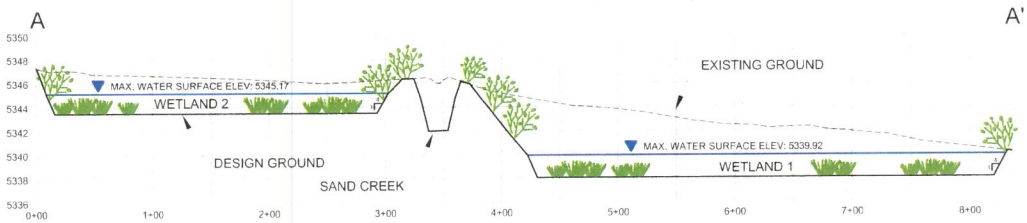
GRAPHICAL REPRESENTATION MAY OR MAY NOT DEPICT THE LEGAL DESCRIPTION OF ANY PARCEL HEREIN. THIS FIGURE IS A VISUAL AID ONLY. BOUNDARY RESTORATION MUST BE MADE BY A LICENSED LAND SURVEYOR. THIS FIGURE IS INTENDED TO DISPLAY INFORMATION RELEVANT TO THE REFERENCED REPORT. ATKINS MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND REGARDING THIS DRAWING FOR ANY USE OTHER THAN THE ORIGINAL. ANY OTHER USE IS AT THE USER'S SOLE RISK

FIGURE 2 OF - REV - Jul/16/2012	ATKINS 820 North Montana Ave. Suite A Helena, MT 59601	PROJ NO: 100028622	DRAWN: JR	PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design
		LOCATION: Butte, MT	PROJ MGR: M. Traxler	
		SCALE: NOTED	CHECKED: MT APPVD: MT	DRAWING TITLE: Figure 2. Parcel 2 Project Area
		FILE NAME: site_parcel2.dwg		

COE-HLNA

JUL 24 2012

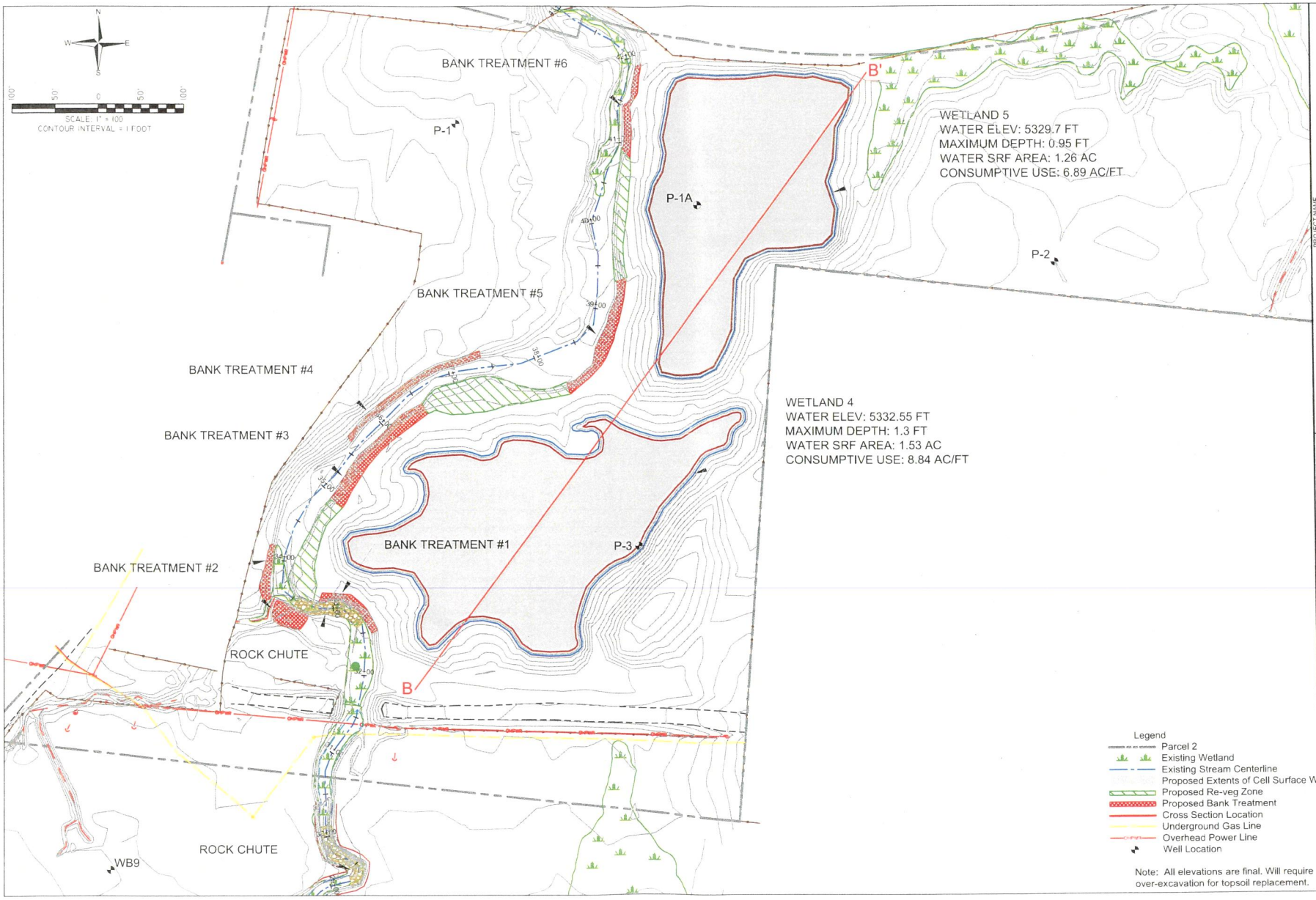




CROSS SECTION A - A'

VERTICAL EXAGGERATION: 10X

FIGURE 3 OF	ATKINS 820 North Montana Ave. Suite A Helena, MT 59601	PROJ NO: 100028622	DRAWN: JR	PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design	
REV 03 Jul/16/2012		LOCATION: Butte, MT	PROJ MGR: M. Traxler		
		SCALE: NOTED	CHECKED: LL APPVD: MR	DRAWING TITLE: Figure 3. Preliminary Design Plan and Profile	
		FILE NAME: PrelimFG_R03.dwg			



PROJECT NAME
Silicon Mountain Aquatic Resource Mitigation Design

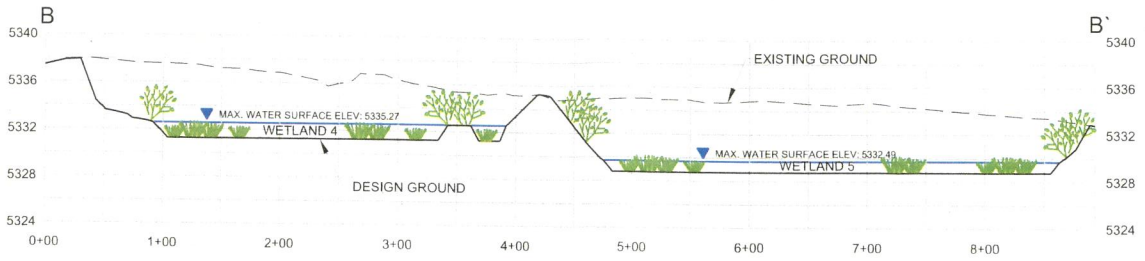
DRAWING TITLE
Figure 4. Parcel 2 Preliminary Design Plan

PROJ NO:	10002622
LOCATION:	Butte, MT
SCALE:	NOTED
FILE NAME:	PrelimFG_parcel2_06-2012.dwg
DRAWN:	JR
PROJ MGR:	M. Traxler
CHECKED:	LL
APPVD:	MR

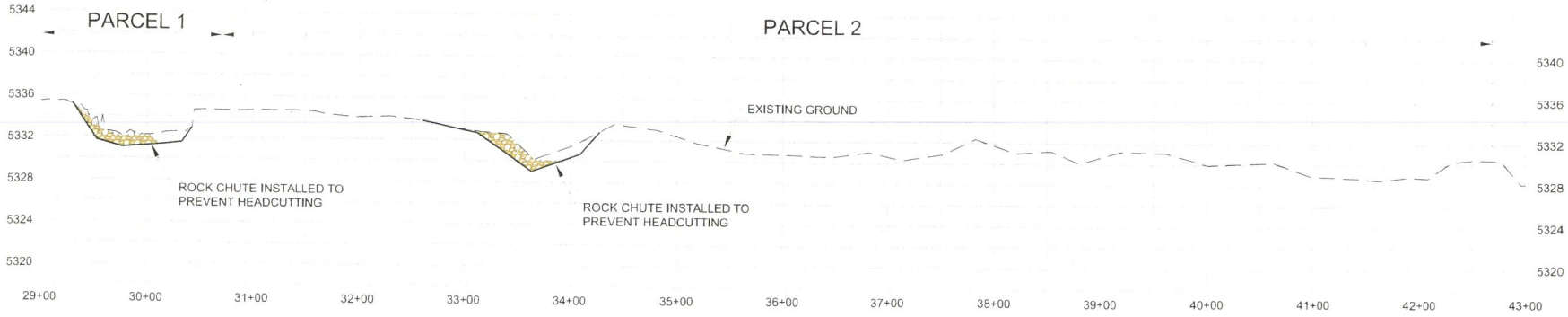
FIGURE 4 OF

ATKINS
820 North Montana Ave, Suite A
Helena, MT 59601

REV: 01
Jul/16/2012



CROSS SECTION B - B'
VERTICAL EXAGGERATION: 10X



LEGEND
EXISTING GROUND PROFILE
PROPOSED CHANNEL PROFILE

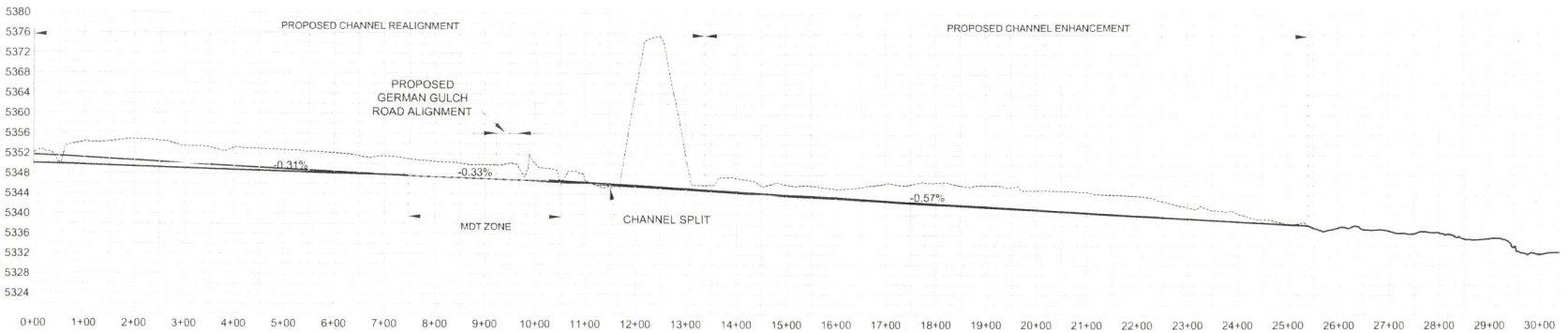
SAND CREEK LONGITUDINAL PROFILE
SCALE: 1" = 110'
VERTICAL EXAGGERATION: 10X

PROJECT NAME
Silicon Mountain Aquatic Resource Mitigation Design
DRAWING TITLE
Figure 5. Parcel 2 Setion B-B` and Longitudinal Profile

ATKINS
820 North Montana Ave. Suite A
Helena, MT 59601

PROJ NO: 100028622 | DRAWN: JR
LOCATION: Butte, MT | PROJ MGR: M. Traxler
SCALE: NOTED | CHECKED: LL | APPVD: MR
FILE NAME: PrelimFG_parcel2_06-2012.dwg

FIGURE 5 OF -
REV: 01
Jul/16/2012



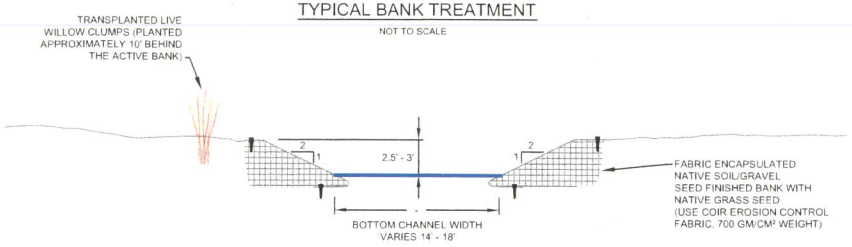
LEGEND
- EXISTING GROUND PROFILE
- PROPOSED CHANNEL PROFILE (PBSJ/ATKINS)
- PROPOSED CHANNEL PROFILE (MDT)

SAND CREEK LONGITUDINAL PROFILE

SCALE: 1" = 220'
VERTICAL EXAGGERATION: 10X

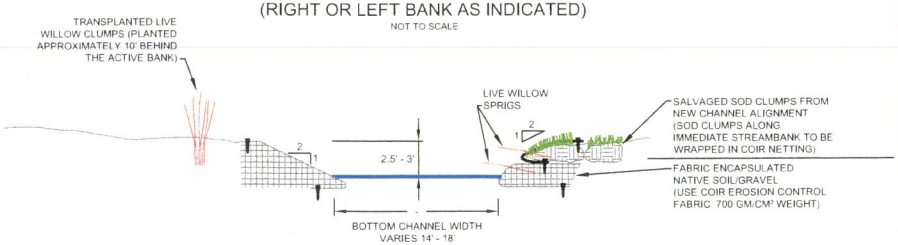
TYPICAL BANK TREATMENT

NOT TO SCALE



ADDITIONAL BANK STABILIZATION (RIGHT OR LEFT BANK AS INDICATED)

NOT TO SCALE

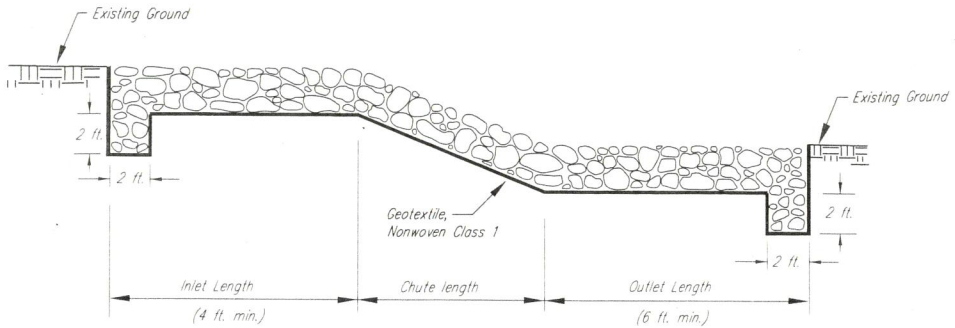


PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design
DRAWING TITLE: Figure 6. Longitudinal Profile and Typical Channel Sections

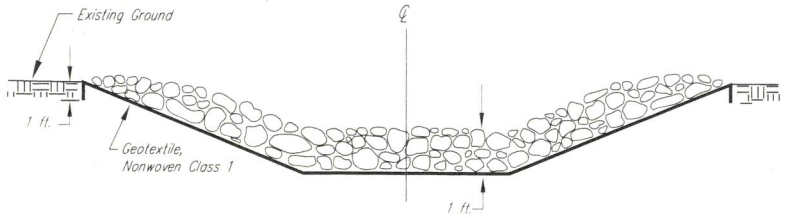
DRAWN: JR | PROJ MGR: M. Traxler | CHECKED: LL | APPVD: MR
PROJ NO: 100028622 | LOCATION: Butte, MT
SCALE: NOTED | FILE NAME: PrelimFG_R03.dwg

FIGURE 6 OF -
REV: -
Jul/16/2012

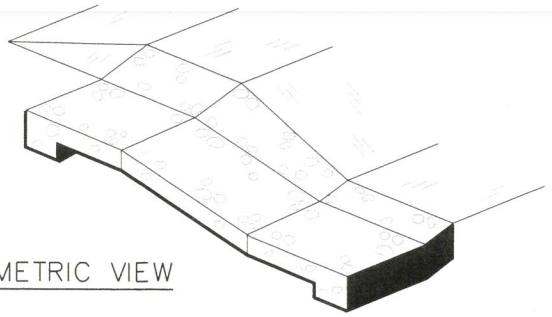
ATKINS
820 North Montana Ave. Suite A
Helena, MT 59601



PROFILE ALONG CENTERLINE



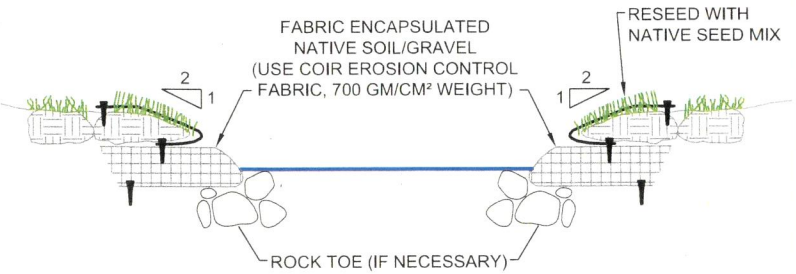
TYPICAL SECTION OF INLET
(Symmetrical about ℄)



ISOMETRIC VIEW

ROCK CHUTE DETAIL
NOT TO SCALE

PARCEL 2 TYPICAL BANK TREATMENT
(RIGHT OR LEFT BANK AS INDICATED)



PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design

DRAWING TITLE: Figure 7. Parcel 2 ROCK CHUTE & BANK TREATMENT DETAILS

ATKINS
820 North Montana Ave. Suite A
Helena, MT 59601

PROJ NO: 100028622
LOCATION: Butte, MT
SCALE: NOTED
FILE NAME: PrelimFG_parcel2_06-2012.dwg

DRAWN: JR
PROJ MGR: M. Traxler
CHECKED: LL
APPVD: MR

FIGURE 7 OF -
REV -
Jul/16/2012

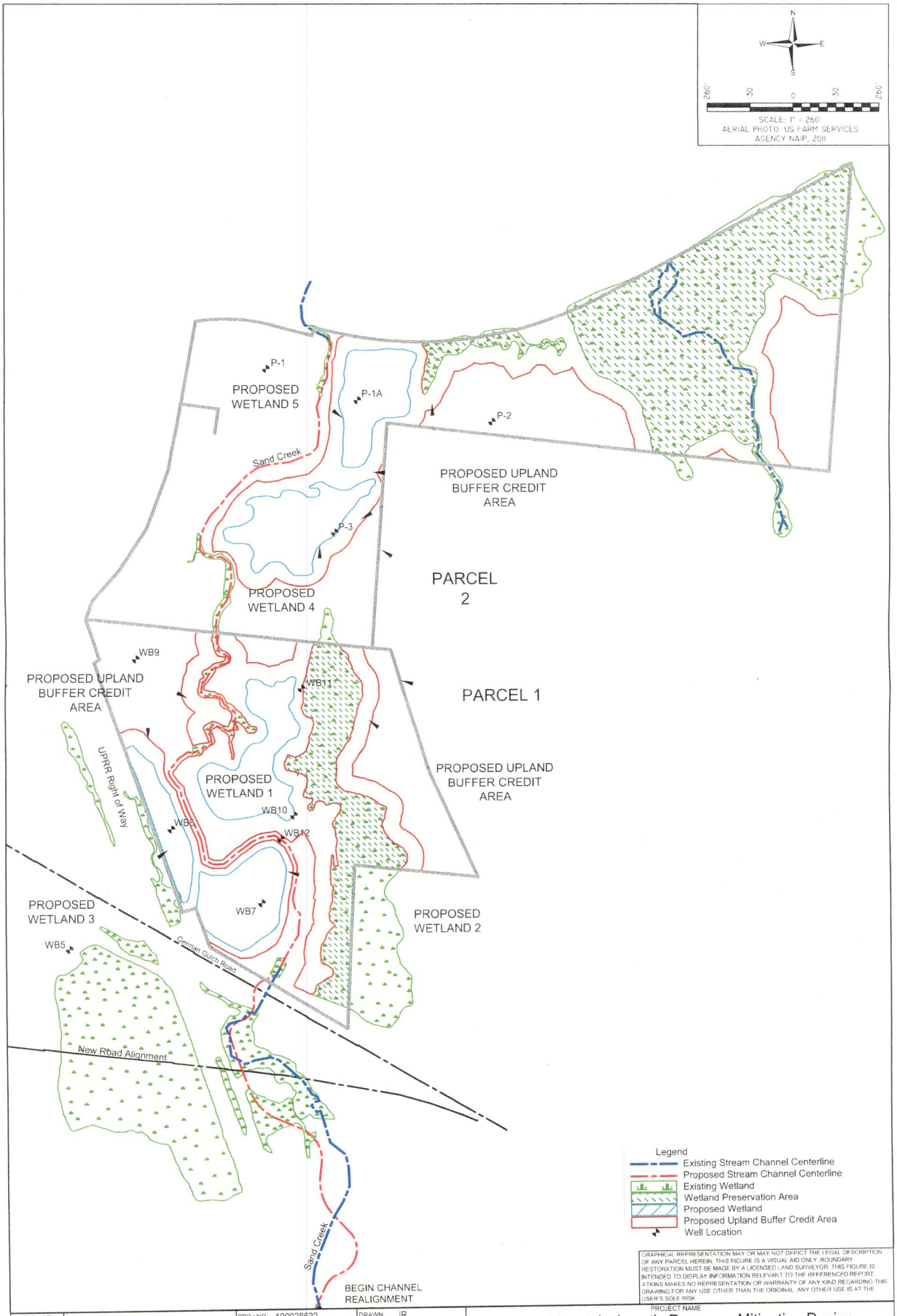


FIGURE 8 OF -	ATKINS	820 North Montana Ave. Suite A Helena, MT 59601	PROJ NO: 100028622	DRAWN: JR	PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design
REV - Jul/16/2012			LOCATION: Butte, MT	PROJ MGR: M. Traxler	DRAWING TITLE: Figure 8. Wetland Footprint & Proposed Upland Buffer Credit Areas
			SCALE: NOTED	CHECKED: MT APPVD: MT	
			FILE NAME: upbuffer_all.dwg		

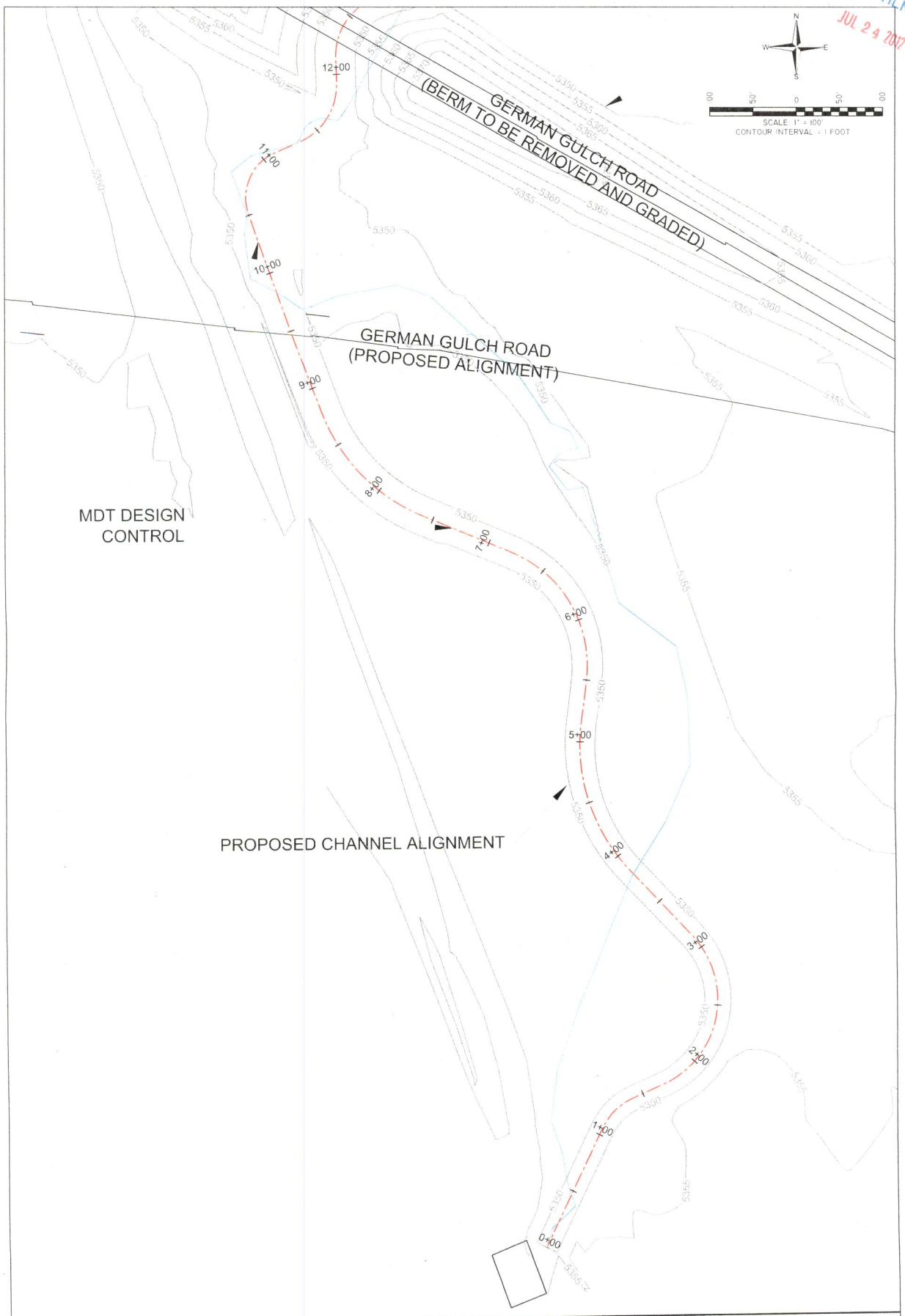
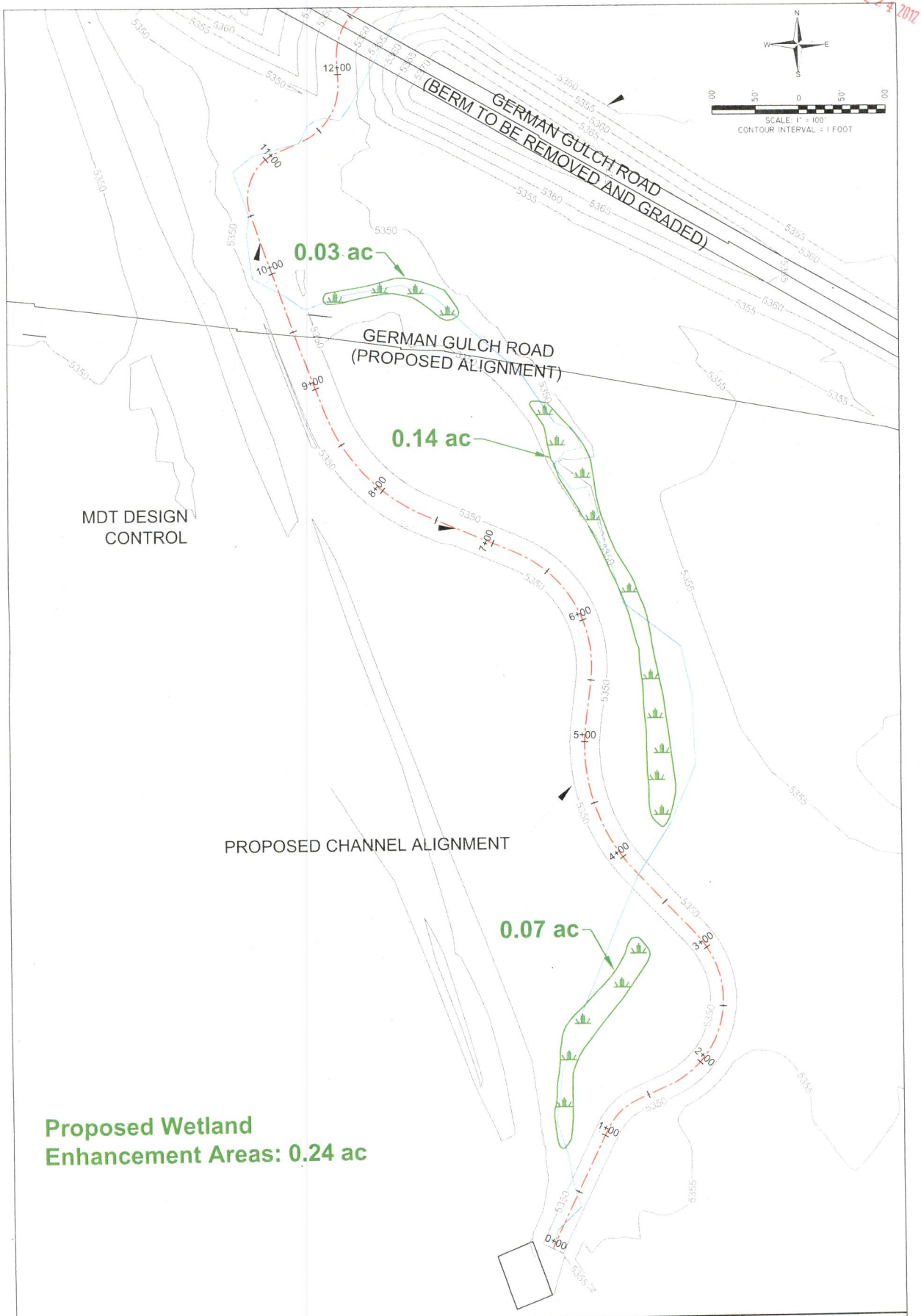


FIGURE 9 OF	ATKINS 820 North Montana Ave. Suite A Helena, MT 59601	PROJ NO: 100028622	DRAWN: JR	PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design	
REV - Jul/16/2012		LOCATION: Butte, MT	PROJ MGR: M. Traxler	DRAWING TITLE: Figure 9. Preliminary Design Sand Creek Upstream Plan View	
		SCALE: NOTED	CHECKED: LL APPVD: MR		
		FILE NAME: PrelimFG_R03.dwg			



Proposed Wetland Enhancement Areas: 0.24 ac

FIGURE 10 OF - REV - Jul/16/2012	ATKINS 820 North Montana Ave. Suite A Helena, MT 59601	PROJ NO: 100028622	DRAWN: JR	PROJECT NAME: Silicon Mountain Aquatic Resource Mitigation Design
		LOCATION: Butte, MT	PROJ MGR: M. Traxler	
		SCALE: NOTED	CHECKED: LL APPVD: MR	DRAWING TITLE: Figure 10. Proposed Wetland Enhancement Areas
		FILE NAME: PrelimFG_R03.dwg		