



**US Army Corps
of Engineers**

Omaha District

Application No:	2001-90-595
Applicant:	Montana Power Company
Waterway:	Unnamed tributary to Baxter Creek
Issue Date:	November 7, 2001
Expiration Date:	November 22, 2001

PUBLIC NOTICE

15 DAY NOTICE

REPLY TO:

**Helena Regulatory Office
U.S. Army Corps of Engineers
301 South Park, Drawer 10014
Helena, Montana 59626-0014**

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

The application of Montana Power Company, 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 permissible under current laws and regulations.**

Description of Proposed Project: The Montana Power Company requests permission to place fill material into 1.35 acres of a palustrine emergent wetland, adjacent to an unnamed tributary to Baxter Creek, for the purpose of creating a flat grade to accommodate the Westside Substation building site. The building site will consist of a 12-foot wide berm, substation pad and driveway. Additionally, 660 feet of an existing straightened, channelized stream that consists primarily of riffle habitat will be abandoned and relocated to accommodate this building site. The relocated channel will be approximately 925 feet long with the addition of 11 pools and sinuosity will increase markedly from 1.02 to 1.41. The new channel will be constructed a minimum of 10 feet away from the berm and the relocated stream will have easy access to its floodplain on either side of the channel. Because the unnamed tributary to Baxter Creek has been channelized along its entire length, precluding an internal reference, a section of Catron Creek that retains its natural morphology was used as a model in the reference reach approach in designing the proposed relocated stream. Catron Creek lies only 2 miles to the east of the project site and has similar slope, soils, and geology. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in the SW1/4, SE1/4, NW1/4 of Section 3, Township 2 South, Range 5 East, Gallatin County, Montana.

Purpose: The purpose of the proposed project is to provide a suitable building site for the Montana Power Company Westside Substation. The substation is needed to provide electric power to the growing population in the Bozeman area.

Background: Montana Power Company proposes to construct a substation on a 5.6-acre tract. Wetlands and waters of the United States comprise a majority of this 5.6-acre site and total 1.35 acres within the proposed area of impact. Avoidance and minimization of wetland impacts at this site is difficult in that a majority of the site is wetland due to high groundwater levels, drainage patterns from relic flood irrigation, ditching and natural

drainageways. The wet meadow community type extends across this project site, both adjacent to the Baxter Creek tributary and up to 400 feet away. Considerable steps have been taken to restore and improve the fisheries and aquatic habitat value of the relocated creek. Mitigation for wetland impacts will be required, however, a plan has not been submitted as of October 30, 2001.

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 Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, 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 permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: In compliance with the Endangered Species Act, a preliminary determination has been made 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, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. 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, 301 South Park, Drawer 10014, Helena, Montana 59626-0014. Please reference the Application Number found on the first page of this notice in any correspondence.** Vicki Sullivan, telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380 or email them to Vicki.L.Sullivan@usace.army.mil.

Comments postmarked after the expiration date of this public notice will not be considered.

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

WATERS OF THE U.S. INCLUDING SPECIAL AQUATIC SITES
AND JURISDICTIONAL WETLANDS

POTENTIAL IMPACTS TO WET MEADOW COMMUNITY TYPE & EXISTING CREEK:

WITHIN PAD AREA = 1.12 acres and 9,000 cubic yards

MOVING EXISTING CHANNEL (OUTSIDE PAD) = 0.04 acres and 70 cubic yards

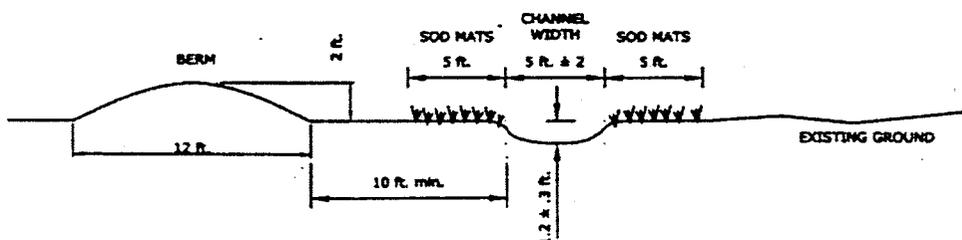
WITHIN BERM AREA = 0.12 acres and 400 cubic yards

CONSTRUCTING CREEK REROUTE = 0.07 AC.

TOTAL POTENTIAL IMPACTS = 1.35 acres and 9,470 cubic yards

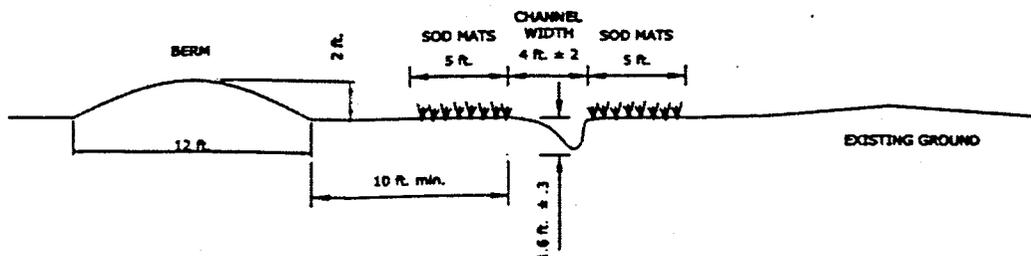
TYPICAL RIFFLE CROSS-SECTION

SCALE: 1 INCH = 10 FEET



TYPICAL POOL CROSS-SECTION

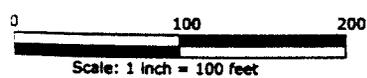
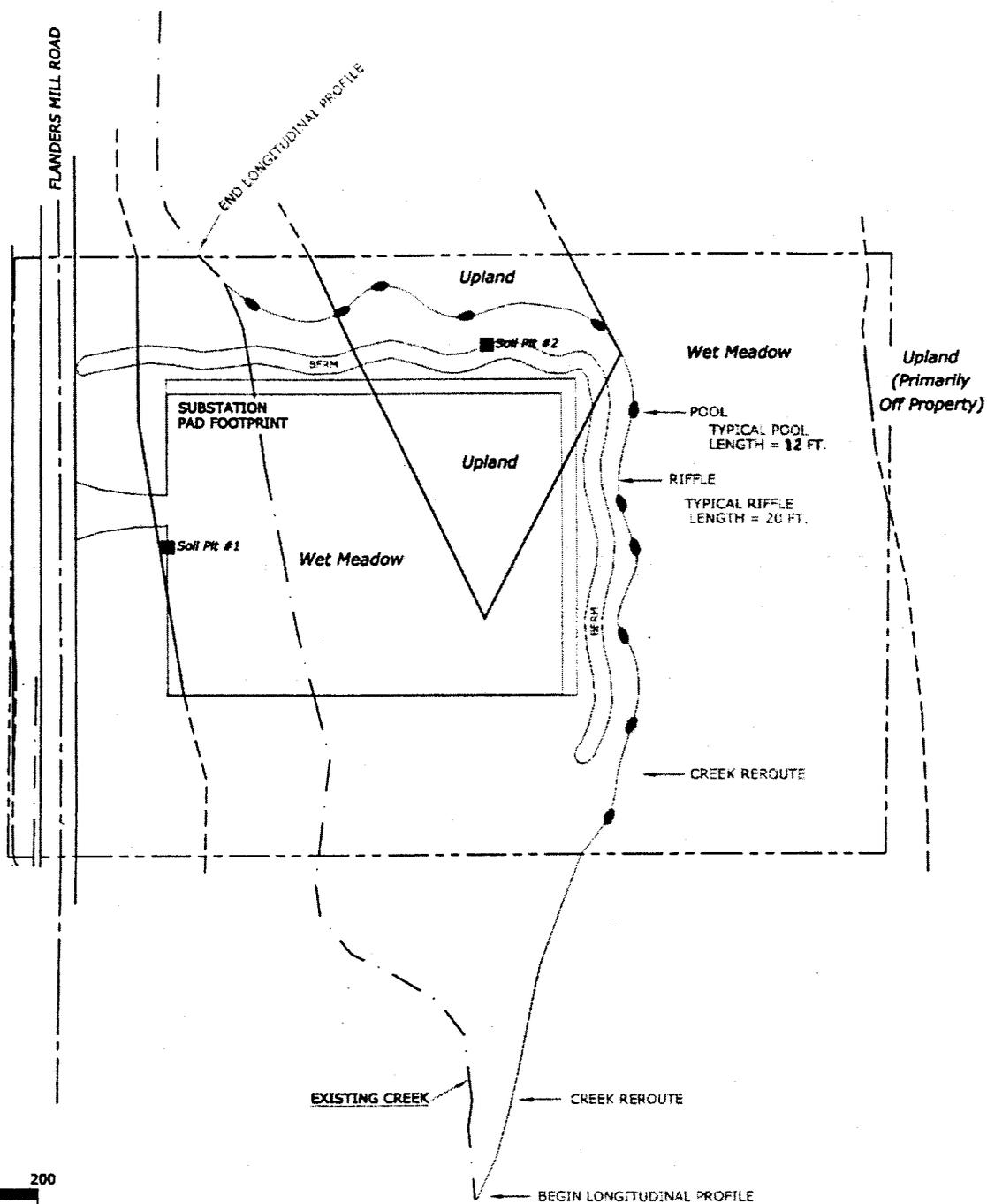
SCALE: 1 INCH = 10 FEET



PROJECT NO.	
DRAWN BY	
REVISION NO.	
DATE	Sept. 2001
SCALE	

SHEET 1 of 1

Exhibit B
Montana Power Co. Westside Substation
Waters of the U.S. Including Special
Aquatic Sites and Jurisdictional Wetlands



LEGEND

- Existing Creek
- Proposed Creek Reroute
- Wetland Boundary
- Extrapolated Wetland Boundary

Creative Solutions for Natural Resources



CONFLUENCE
consulting, inc.

211 North Grand Ave. Bozeman, MT 59716 406-540-8500