



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: 2001-90-847

Applicant: Charles Hinesley and Hinesley Family, LP1

Waterway: Baxter Creek, Baxter Ditch, unnamed tributary to Aajker Creek and associated wetlands

Issue Date: 26 July 2002

Expiration Date: 16 August 2002

21 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 Charles Hinesley, 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 applicant requests permission to place fill material in wetlands and streams associated with the construction of roads, utilities, lot development, and structures within the Laurel Glen Subdivision. The proposed work will result in the loss of 4.08 acres of wetlands. The proposed mitigation to offset the anticipated impacts will result in the creation of 4.72 acres of wetlands as well as the enhancement of 5550 feet of Baxter Creek, and an unnamed tributary to Aajker Creek. Drawings showing the location and extent of the project are attached to this notice.

Location: The proposed activity is located in the E1/2, SW1/4 and the W1/2, SE1/4 of Section 4, Township 2 South, Range 5 East, Gallatin County, Montana.

Purpose: The purpose of the proposed project is to provide housing and commercial services within Bozeman's planned urban growth area as defined in the Gallatin County Master Plan.

Background: A wetland delineation was conducted in the fall of 2001, describing 13.24 acres of wetlands on the 157 acre parcel. A functional assessment was prepared using the Montana Dept. of Transportation assessment method (as revised in 1999). The wetlands on the property were of category III and IV, (I being the highest quality and IV being the lowest). Wetlands in category III and IV have low vegetative diversity and generally exhibit marginal wildlife habitat.

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.

Neither Baxter Creek nor Aajker Creek appear on DEQ's list of impaired streams in Montana. (a.k.a. the TMDL list)

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.

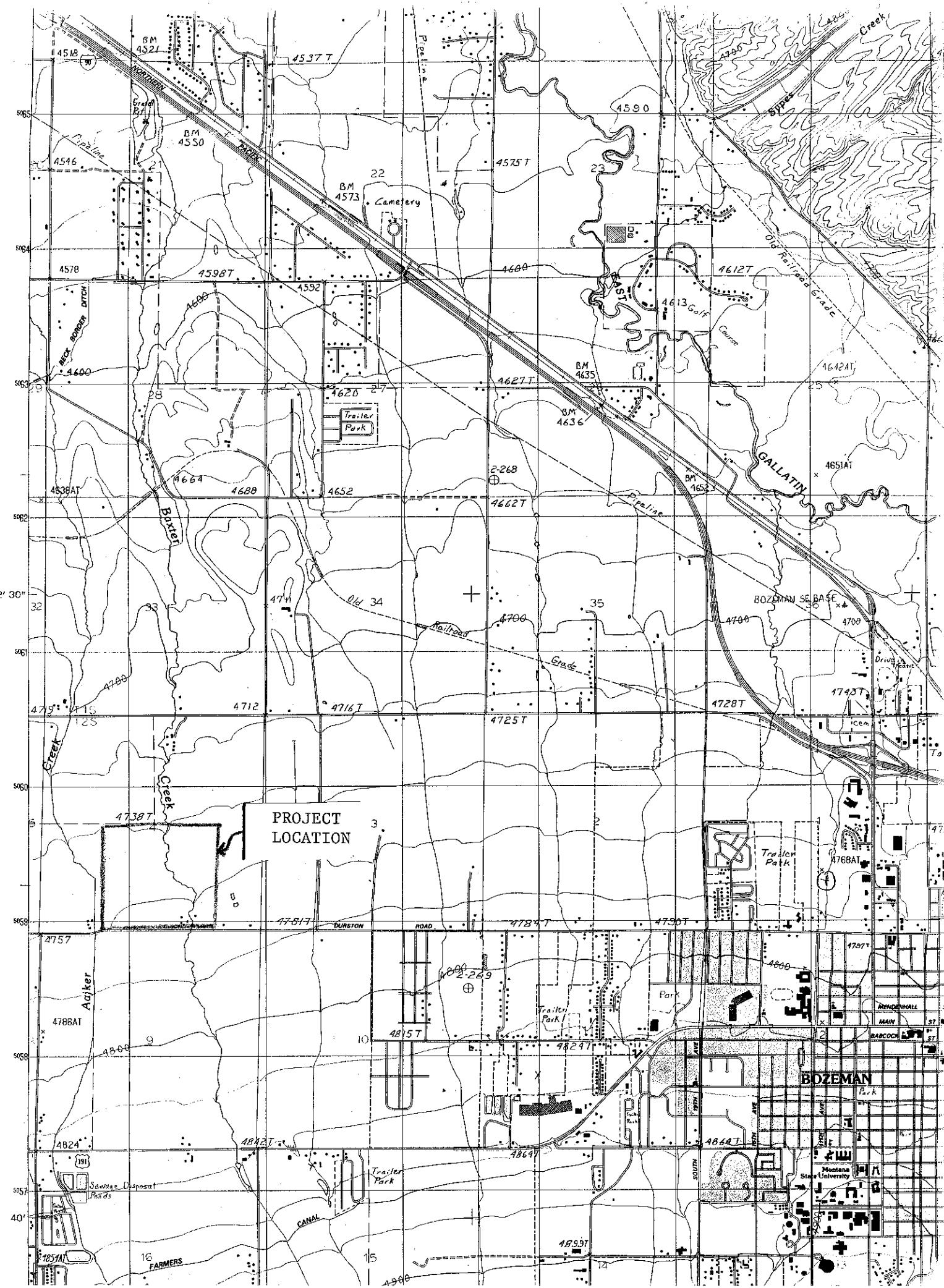
Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 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 Application Number found on the first page of this notice in any correspondence. Jean Ramer (project manager), telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380, or email to:
Jean.L.Ramer@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.



SUMMARY OF WETLAND IMPACTS AND MITIGATION

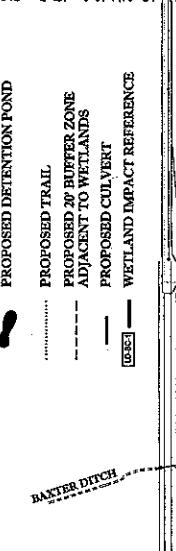
| Site Location | Location | Wetland Type | Impact Area (Acres) | Mitigation Area (Acres) | Notes |
|---------------|----------------------|---------------|---------------------|-------------------------|--------|
| C-B-1 | Aikar Creek Industry | 24 RCP cutout | 19.43 | 0.32 | 40310 |
| C-B-2 | Aikar Creek Industry | 24 RCP cutout | 17.00 | 0.41 | 40310 |
| C-B-3 | Baxter Creek | 54 RCP cutout | 3.00 | 0.09 | 40310 |
| C-B-4 | Baxter Creek | 54 RCP cutout | 2.55 | 0.05 | 40310 |
| C-B-5 | Baxter Creek | 54 RCP cutout | 15.18 | 0.35 | 40310 |
| C-B-6 | Baxter Creek | 54 RCP cutout | 5.78 | 0.13 | 40310 |
| C-B-7 | Baxter Creek | 54 RCP cutout | 6.24 | 0.15 | 40310 |
| C-B-8 | New Duriotz (W-3) | 24 RCP cutout | 5.66 | 0.13 | 40310 |
| C-B-9 | Baxter Creek | 54 RCP cutout | 0.57 | 0.07 | 40310 |
| C-B-10 | Aikar Creek | 54 RCP cutout | 0.50 | 0.04 | 40310 |
| C-B-11 | Baxter Creek | 54 RCP cutout | 1.09 | 0.14 | 40310 |
| C-B-12 | Baxter Creek | 54 RCP cutout | 16.44 | 0.40 | 40310 |
| C-B-13 | Duriotz Road ROW | 24 RCP cutout | 0.00 | 0.02 | 40310 |
| C-B-14 | Duriotz Road ROW | 24 RCP cutout | 4.212 | 0.10 | 40310 |
| C-B-15 | Duriotz Road ROW | 54 RCP cutout | 3.350 | 0.08 | 40310 |
| C-B-16 | Duriotz Road ROW | 24 RCP cutout | 0.462 | 0.11 | 40310 |
| C-B-17 | Duriotz Road ROW | 24 RCP cutout | 77.741 | 4.00 | 40310 |
| | | | | | TOTAL: |
| | | | | | 135.32 |

Trade areas include 0.20 acres of existing wetland associated with the North Boundary Wetland (W-4) and Baxter Creek.

LEGEND

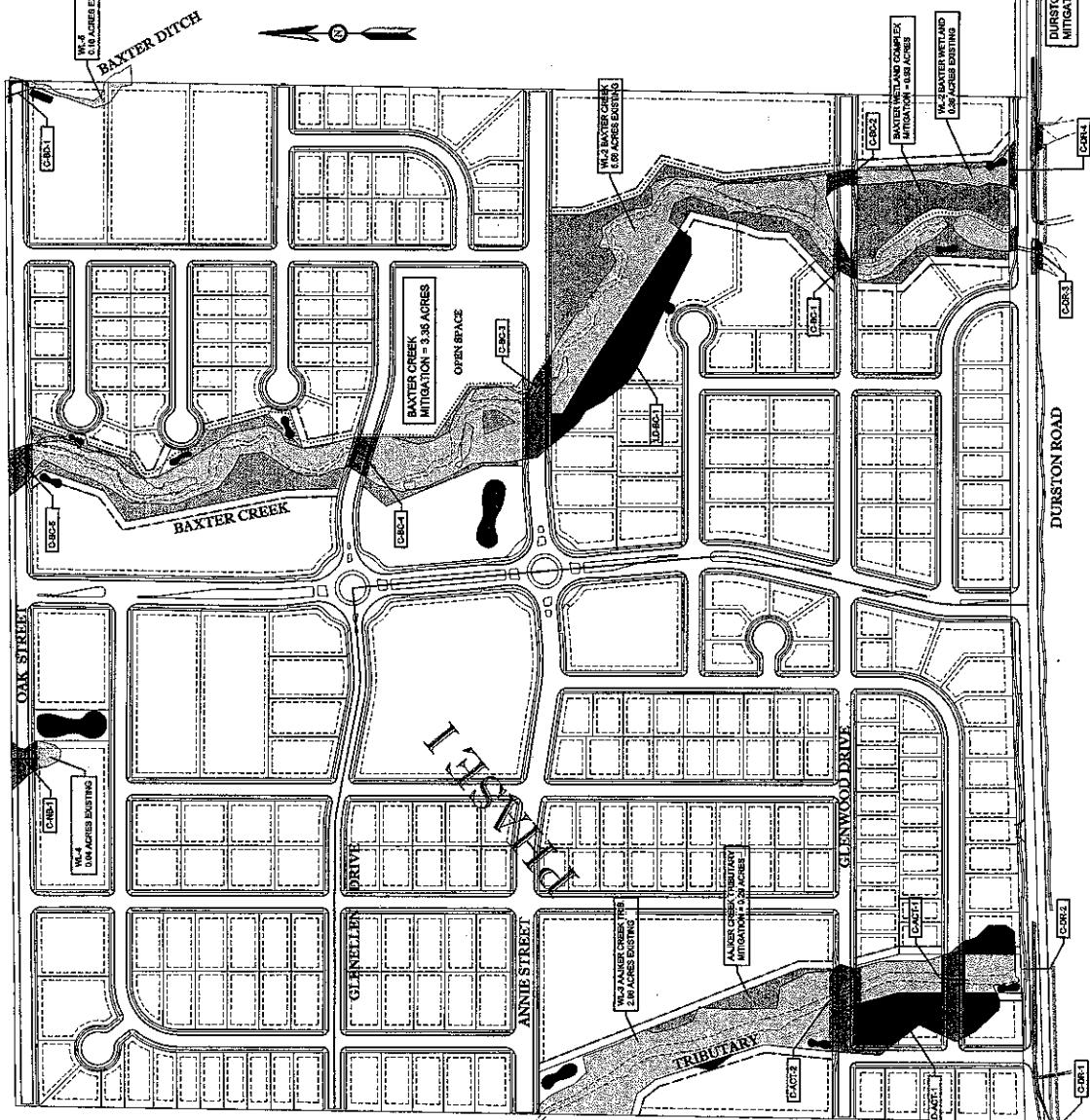
- EXISTING WETLANDS TO REMAIN UNDISTURBED OR ENHANCED
9.10 Acres
- PROPOSED TRAIL
4.72 Acres
- PROPOSED DETENTION POND
2.00 Acres
- PROPOSED CULVERT
2.08 Acres
- PROPOSED BUFFER ZONE ADJACENT TO WETLANDS
WETLAND MITIGATION
RESIDENTIAL LOT DEVELOPMENT
WETLANDS IMPACTED BY ROAD DEVELOPMENT
- WETLAND IMPACT REFERENCE

See enlarged table - Pg 56



LAWRENCE GLEN SUBDIVISION
WETLANDS IMPACT SUMMARY
BOZEMAN, MONTANA

| NO. | REVISIONS | BRANCH BY | DATE | SCALE | BRANCH BY: RE: 6 | DATE: 5/2/02 | PROJECT #: 00-105 | HEET |
|-----|-----------|-----------|------|-------|------------------|--------------|--------------------------|--------|
| | | | | | | | LAUREL GLEN | 2 OF 8 |
| | | | | | | | GEOTECHNICAL ENGINEERING | |
| | | | | | | | STRUCTURAL ENGINEERING | |

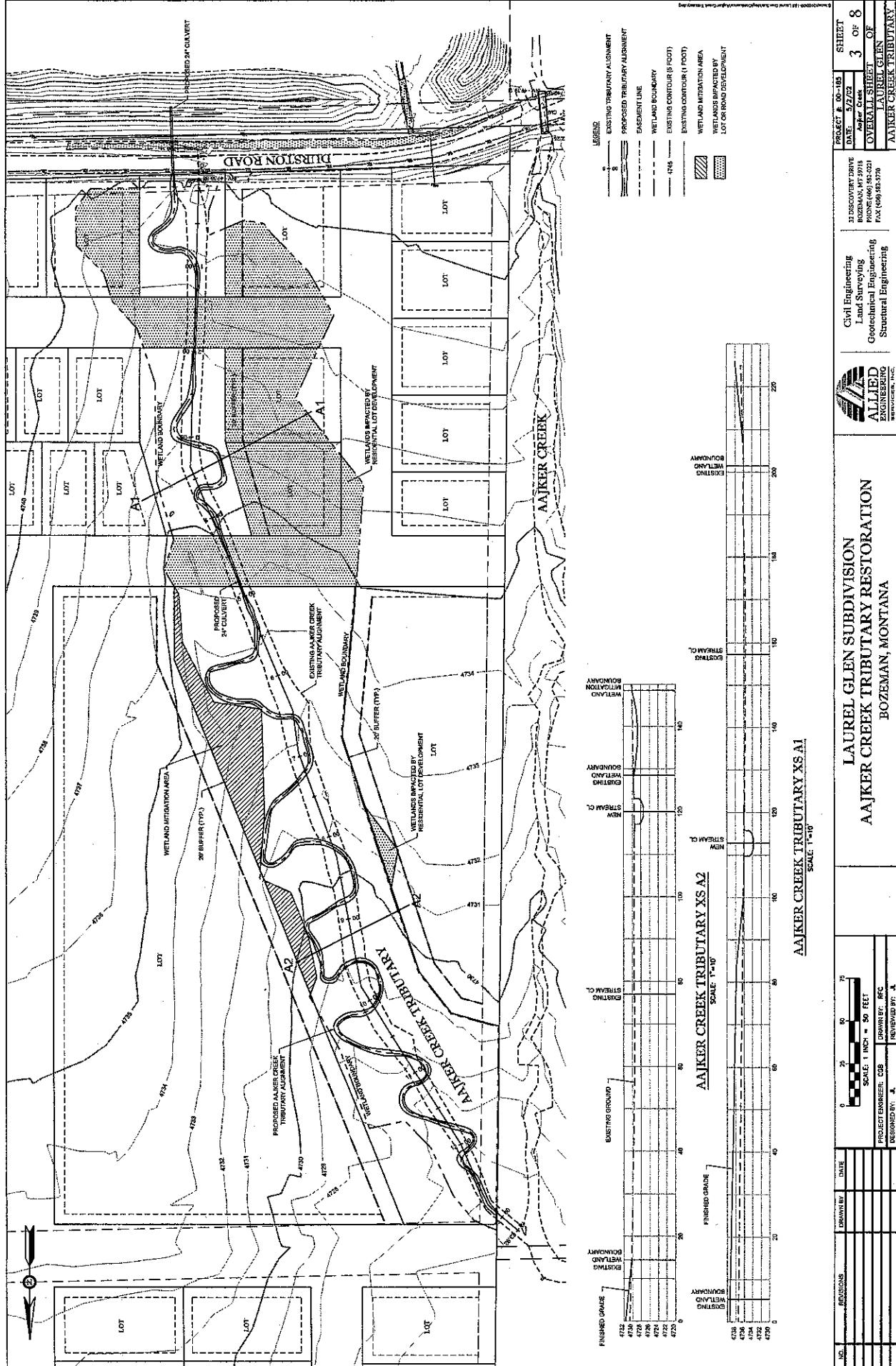


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SUMMARY OF WETLAND IMPACTS AND MITIGATION

| Map Reference | Location | Activity | Extent of Wetland Impact (sq ft) | Extent of Wetland Impact (acres) | 404 and/or 310 Permit |
|-------------------------------------|--|---|---|---|------------------------------|
| C-ACT-1 | Aajker Creek Tributary | 24" RCP culvert | 13,843 | 0.32 | 404/310 |
| C-ACT-2 | Aajker Creek Tributary | 24" RCP culvert | 17,900 | 0.41 | 404/310 |
| | | 54"x68" concrete culvert | | | |
| C-BC-1 | Baxter Creek | culvert | 3,800 | 0.09 | 404/310 |
| C-BC-2 | Baxter Creek | 24" RCP culvert | 2,355 | 0.05 | 404/310 |
| | | 54"x68" concrete culvert | | | |
| C-BC-3 | Baxter Creek | culvert | 15,181 | 0.35 | 404/310 |
| C-BC-4 | Baxter Creek | 54"x68" concrete culvert | 5,578 | 0.13 | 404/310 |
| | | 54"x68" concrete culvert | | | |
| C-BC-5 | Baxter Creek | culvert | 6,254 | 0.15 | 404/310 |
| C-NB-1 | North Boundary (WL-4) | 24" RCP culvert | 5,696 | 0.13 | 404 |
| C-BD-1 | Baxter Ditch | 24" RCP culvert | 535 | 0.01 | 404/310 |
| LD-ACT-1 | Aajker Creek Tributary | Lot Development | 39,879 | 0.92 | 404 |
| LD-BC-1 | Baxter Creek | Lot Development | 46,434 | 1.07 | 404 |
| | | 54"x68" concrete culvert | | | |
| C-DR-1 | Durston Road ROW | culvert | 800 | 0.02 | 404/310 |
| C-DR-2 | Durston Road ROW | 24" RCP culvert | 4,212 | 0.10 | 404/310 |
| | | 54"x68" concrete culvert | | | |
| C-DR-3 | Durston Road ROW | culvert | 3,350 | 0.08 | 404/310 |
| C-DR-4 | Durston Road ROW | 24" RCP culvert | 6,462 | 0.15 | 404/310 |
| C-DR-5 | Durston Road ROW | 24" RCP culvert | 4,862 | 0.11 | 404/310 |
| | | TOTAL | 177,141 | 4.08 | |
| Mitigation Sites | Location | Activity | Areal Extent of Activity | Unimpacted and Mitigated Wetland Extent (acres) | 404 and/or 310 Permit |
| ACT Restoration & Creation | Aajker Creek Tributary | Reconstruct channel & create wet meadow | Post-construction length 1850 ft; creation of 0.29 wetland acres. | 3.25 | 404/310 |
| Baxter Creek Restoration | Southernmost Reach of Baxter Creek | Remove pond/reconstruct channel | Replace pond w/ 200 feet of channel. | Acreage included in Baxter Creek Enhancement & Creation | 404/310 |
| Baxter Creek Enhancement & Creation | Restored and Existing Baxter Creek Channel | Restore woody species & create wet meadow | Enhancement of 3,500 ft; creation of 3.35 wetland acres | 8.93 | 404 |
| Baxter Wetland Complex | East of Existing Pond | Create Wetland | Creation of 0.93 wetland acres | 1.29 | 404 |
| Durston Road | Durston Road ROW | Create Channels | Creation of 0.15 wetland acres | 0.15 | 404/310 |
| | | | TOTAL* | 13.62 | |

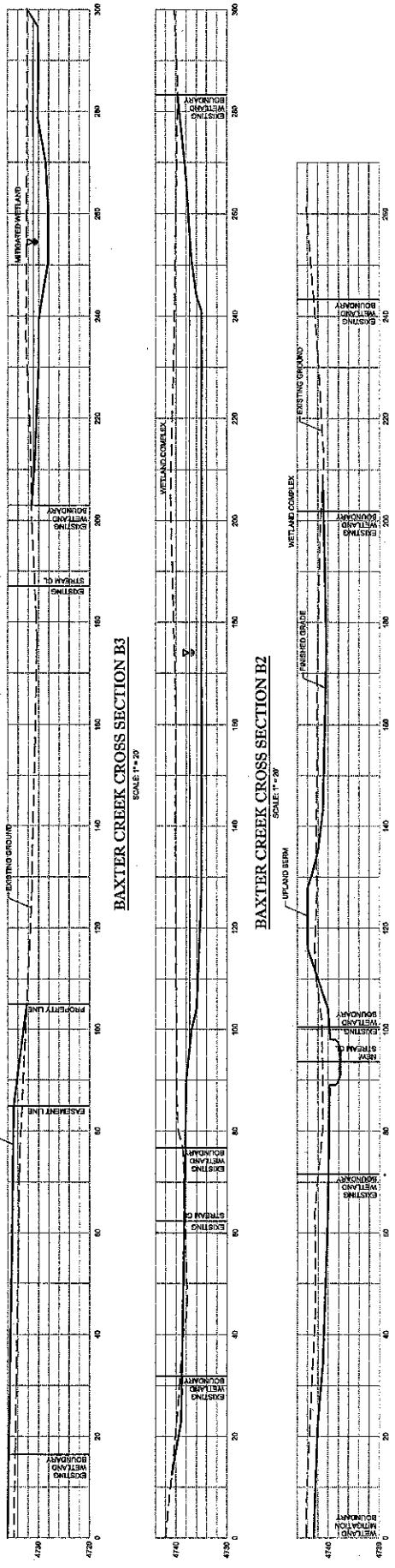
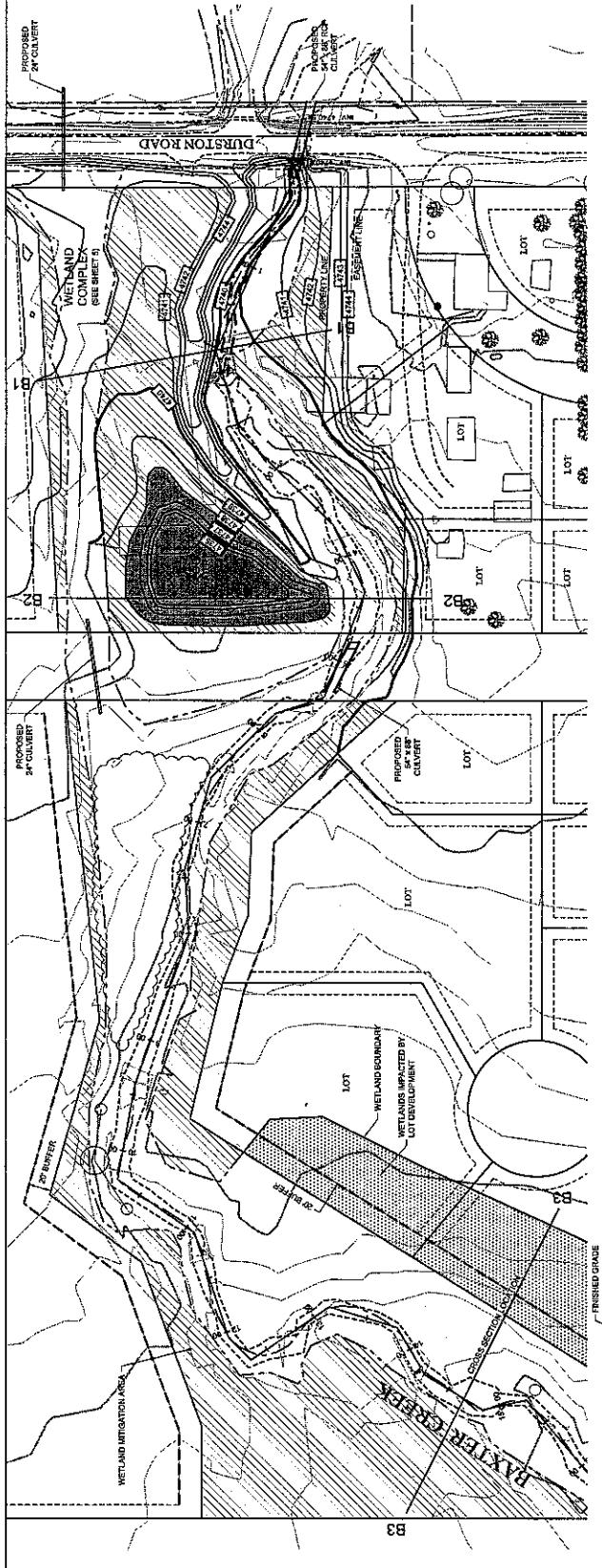
*Total does not include 0.20 acres of existing wetland associated with the North Boundary Wetland (WL-4) and Baxter Ditch. Post-construction project wetlands encompass 13.82 acres.



AAJKER CREEK TRIBUTARY XS A1

LAUR
AAJKER CREE

SCALE: 1 INCH = 50 FEET
 PROJECT ENGINEER: COB DRAWN BY: REC
 DESIGNED BY: J. REVIEWED BY: J.

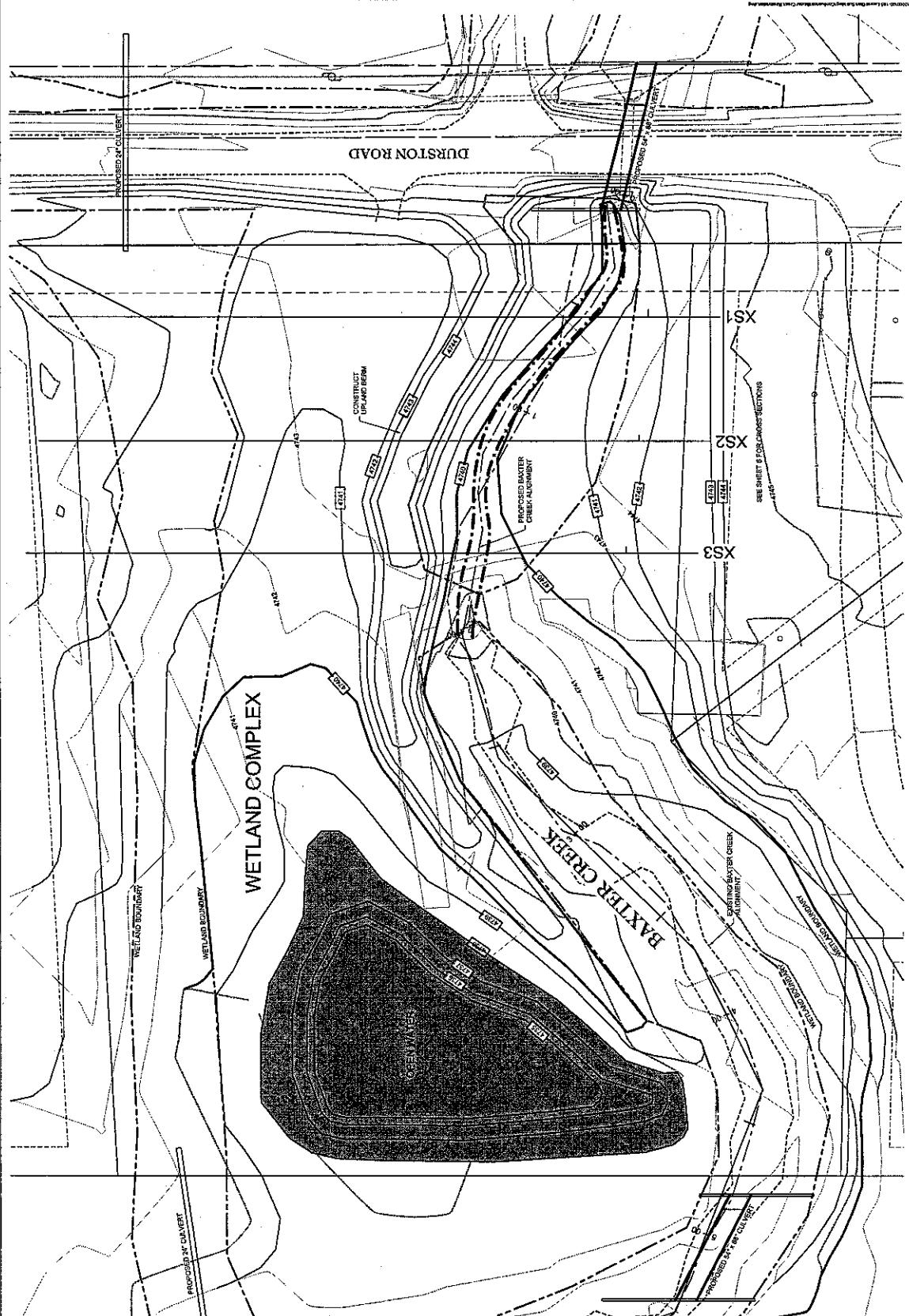


BAXTER CREEK CROSS SECTION B3

BAXTER CREEK CROSS SECTION B1

**LAUREL GLEN SUBDIVISION
BAXTER CREEK ENHANCEMENT/WETLAND CREATION
POZEMAN, MONTANA**

| | |
|-----------------|-----------|
| SCALES: | INCH = 10 |
| PRINT ENGINEER: | CGB |
| DESIGNER: | J. A. |
| REVIEWER: | |
| REVISIONS: | |
| DRAWING BY: | |
| DATE: | |
| DRAWN: | |
| DESIGNED: | |
| REVIEWED: | |
| PRINTED: | |
| APPROVED: | |
| REF ID: | |



| NO. | REVISIONS | BROUGHT BY: | DATE: |
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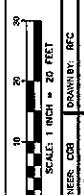
LAUREL GLEN SUBDIVISION
BAXTER CREEK RESTORATION/WETLAND COMPLEX CREATION
BOZEMAN, MONTANA

Civil Engineering
Land Surveying
Geotechnical Engineering
Structural Engineering



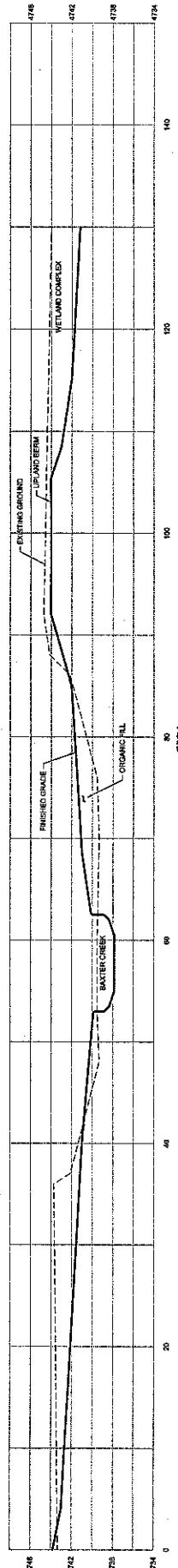
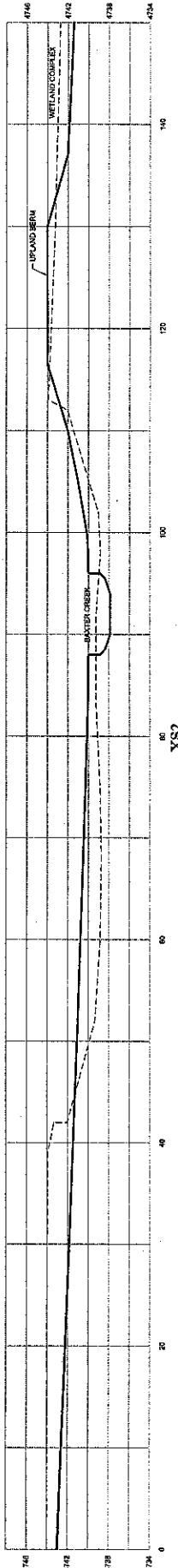
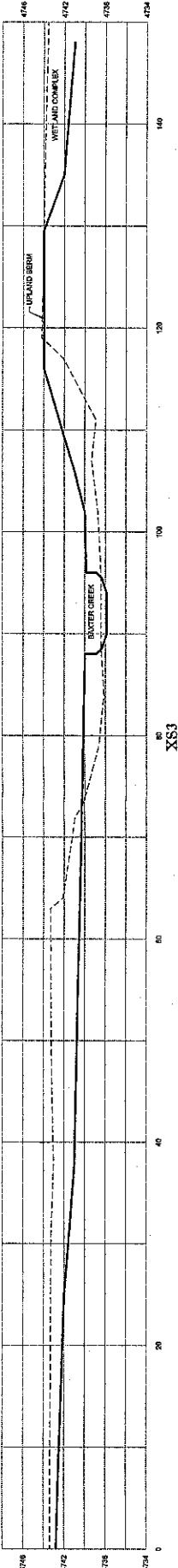
PROJECT # 00-00-005
DATE: 5/22/02
Elevation System:
LAUREL GLEN
BAXTER CREEK

SHEET
5 or 8



SCALE: 1 INCH = 20 FEET

| | |
|------------------------|---------------|
| PROJECT ENGINEERS: COA | DANNY B. RIC |
| DESIGNED BY: A | REVISED BY: A |
| REMOVED BY: A | |



BAXTER CREEK RESTORED CHANNEL
CROSS SECTIONS

SCALE 1:40

| | | | |
|-----|-----------|-----------------------|-----------------|
| NO. | REVISIONS | DRAWN BY | DATE |
| | | | 5/20/02 |
| | | PROJECT ENGINEER: CGB | DRAWN BY: TFC |
| | | DESIGNED BY: J. | REVIEWED BY: X. |
| | | | |

LAUREL GLEN SUBDIVISION
BAXTER CREEK RESTORATION CROSS SECTIONS
BOZEMAN, MONTANA

| | | |
|--|--|--------------------------------|
| PROJECT #: 00-185 | DATE: 5/20/02 | SHEET 6 OF 8 |
| DISCOVERY DATE: BOZEMAN, MT 5/7/02 | Land Surveying Geotechnical Engineering Structural Engineering | LAUREL GLEN BAXTER CREEK XS |
| PHONE: (406) 522-0221 FAX: (406) 522-5770 | | |

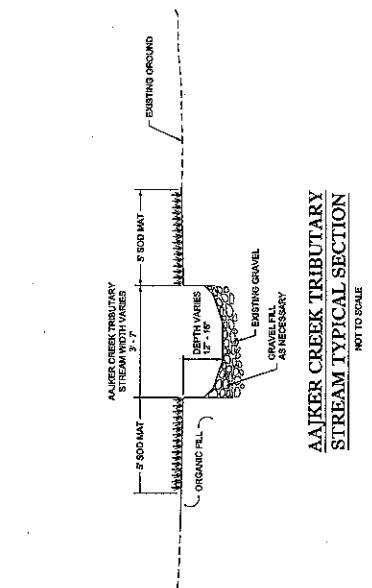
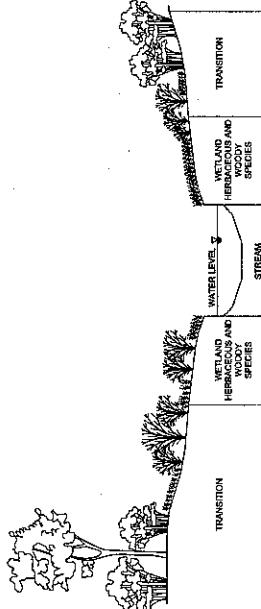
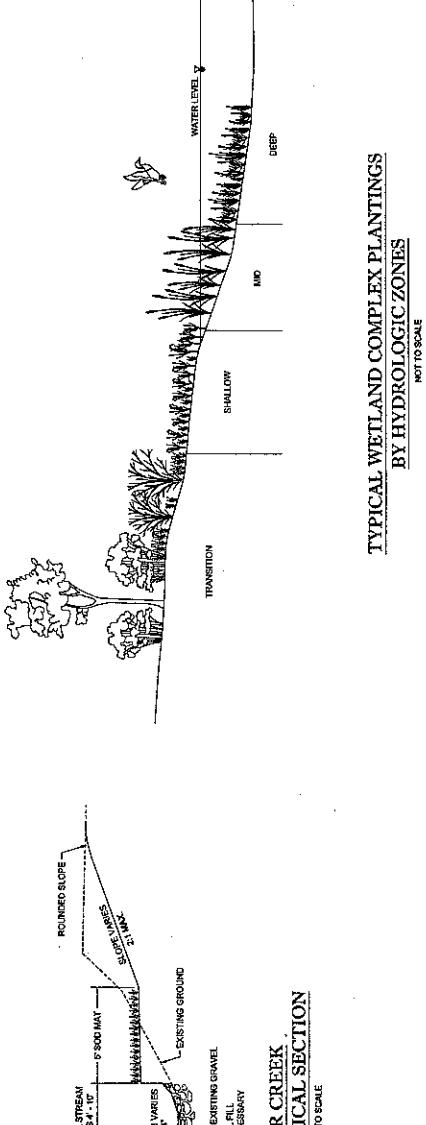
| Table 1.0 Wetland Complex Plants by Hydrological Planting Zone | | | | | |
|--|----------------------------|----------------------------|-----------------------------|------------------------------|-----------------|
| Species | Transition | | Shallow Zone | | Depth Zone (4) |
| | Zone (1) +8 in to +6 in | Zone (2) +6 in to -6 in | Zone (3) -6 in to -16 in | Zone (4) -16 in to -36 in | |
| Spuria cat-tail | Shrubland | Shrubland | Shrubland | Shrubland | Shrubland |
| Slender bulrush | Forested | Forested | Forested | Forested | Forested |
| Whorlgrass | Common cat-tail | Common cat-tail | Common cat-tail | Common cat-tail | Common cat-tail |
| Tulip grass | Creeping | Creeping | Creeping | Creeping | Creeping |
| Foul Manning grass | Shrubland | Shrubland | Shrubland | Shrubland | Shrubland |
| Naturalized ivy | Shrubland | Shrubland | Shrubland | Shrubland | Shrubland |
| Smartweed | Shrubland | Shrubland | Shrubland | Shrubland | Shrubland |
| Reedgrass | Shrubland | Shrubland | Shrubland | Shrubland | Shrubland |
| Poverty rush | Forested | Forested | Forested | Forested | Forested |
| Eelgrass | Forested | Forested | Forested | Forested | Forested |

(1) Seasonally flooded although soils are generally saturated during most of the growing season.
 Try to plant in conditions as common during late summer to early fall. These species can be planted in water up to 16 inches deep.
 (2) These species are normally found in a fluctuating water regime and can be really inundated for short periods of time (1 to 3 months). After inundation, soils can dry out for a short period of time (up to one month). Species would be standing water of about 12 to 18 inches deep. They can tolerate water up to 3 feet for limited periods of time. Species would be planted from tubes (tubes) or native stock.
 (3) These species normally require a standing water of about 12 to 18 inches deep. They can tolerate water up to 3 feet for limited periods of time. Species would be planted from tubes (tubes) or native stock.
 (4) This zone is permanently flooded and within the low-lying wetland area. Species would be taken from tubes (tubes) or native stock.

NOTES:
 • Final species selection will depend on cost, availability, and post-construction water depths.
 • Early spring is generally the best time to transplant and seed wetland species.
 • The initial water levels following construction need to be clearly defined prior to planting.
 • Specified woody species for the wetland edge and transition zone are listed on Table 2.0.

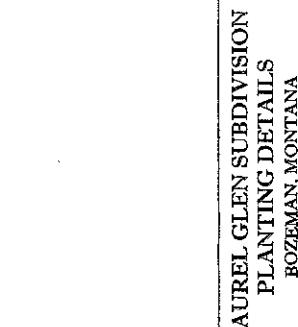
| Table 2.0 Streambank and Wetland Edge Herbaceous and Woody Flora | | | |
|---|---------------------------|--------------------------|-----------------------------------|
| Species | Herbaceous Species (1) | | Transitional/Woody Species (2) |
| | Wetland Species | Wetland/Woody Species | Wetland/Woody Species (3) |
| Slender bulrush | Yellow willow | Red-stem dogwood | |
| Cattails | Red willow | Western sedum | |
| Black cattails | Black willow | Common chickweed | |
| White cattails | Gray willow | Dwarf willow | |
| Water grass | Heads-up willow | American elm | |
| Willows | Thinner-leaved willow | Douglas fir | |
| American mimulus | Diamondleaf willow | Pacific willow | |
| Cratinga | Thinn-leaved willow | Black cottonwood | |
| Baccharis | Shrub willow | Water birch | |
| Shrub clover | Willow | Willow | Willow's egg |

NOTES:
 • Soil is severely saturated and although dry soil conditions are common during late summer to early fall. These species can be planted in soil conditions on hard-packed areas if soil is not saturated with water. Cuttings or rooted stems will be planted after cutting off from contaminated materials. Cuttings will be harvested in the spring when plants are dormant. The sprigs will be a minimum of 1 to 2 inches in diameter and 3 to 4 feet in length. The cutting will be treated with a fungicide for 2 days to prevent any rotting from occurring and then placed in shaded from sunlight feed bags until planting.
 (2) These species will be planted from contaminated materials in the transition areas between the wetlands and uplands. They use a black cottonwood will be restricted to the existing Bitter Creek corridor to provide for enhancement. Water birch will only be planted in the transition areas adjacent to the wetland complex.
 (3) Final species selection will depend on cost, availability, and post-construction water depths.
 • The soil should be planted in late fall. Early spring is the best time to harvest and plant cuttings and contaminated species.
 • The final water levels following construction need to be clearly defined prior to planting.



AAIKER CREEK TRIBUTARY
STREAM TYPICAL SECTION

NOT TO SCALE

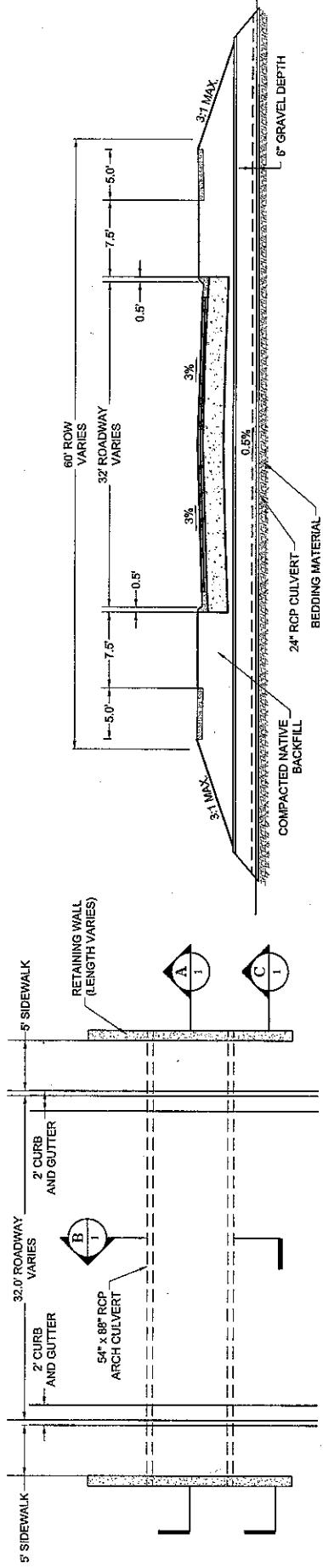


LAUREL GLEN SUBDIVISION
PLANTING DETAILS
BOZEMAN, MONTANA

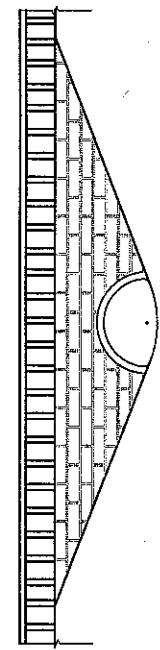
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| NO. | REVISIONS | DRAWN BY | DATE |
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|------------|---------|-------|
| PROJECT #: | GD-185 | SHEET |
| DATE: | 5/05/02 | |
| DEPT/NE: | 7 | 8 |

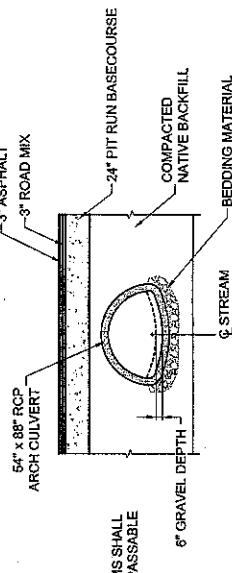
| | | |
|-----------------|----|------------------|
| PROD. ENGINEER: | JK | LAUREL GLEN |
| REVIEWED BY: | JL | PLANTING DETAILS |



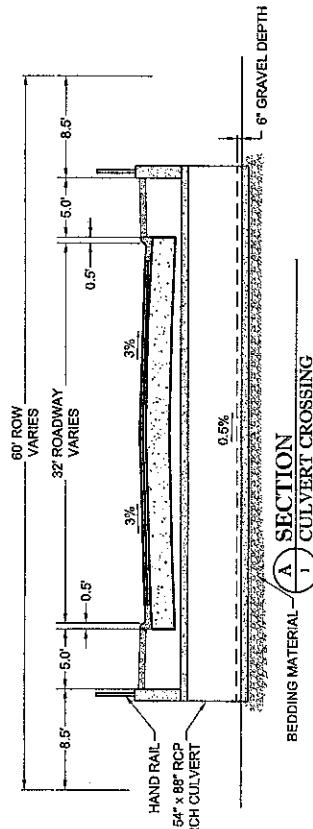
TYPICAL SECTION
24" CULVERT CROSSING



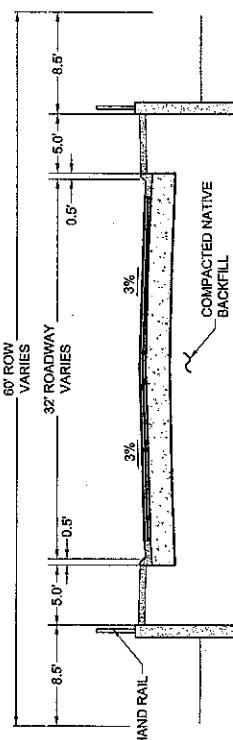
TYPICAL ELEVATION
ARCH CULVERT SECTION



B SECTION **CULVERT SECTION**



BEDDING MATERIAL A SECTION 1 CULVERT CROSSING



C SECTION
RETAINING WALL

| | | | | | |
|--|--|--|--|--------|--|
| | | PROJECT E-SCENE | | SHEET | |
| | | DRAWING NO. 0202 | | 8 OF 8 | |
| | | DESIGNER: GLEN DATE: 07/20/02 | | | |
| | | REVIEWER: GLEN DATE: 07/20/02 | | | |
| | | APPROVING OFFICER: GLEN DATE: 07/20/02 | | | |
| | | DRAWN BY: GLEN DESIGNED BY: GLEN PROJECT ENGINEER: GLEN STRUCTURAL ENGINEER: GLEN | | | |
| | | NOT TO SCALE | | | |
| | | CULVERT CROSSING DETAILS | | | |
| | | LAUREL GLEN SUBDIVISION | | | |
| | | BOZEMAN, MONTANA | | | |