



PUBLIC NOTICE NO. MT-18-16
July 30, 2018

APPLICANT NAME: Troy Miller-Bennett Hospitality
WATERWAY: Wetlands Adjacent to Madeville Creek and Farmers Canal
COUNTY: Gallatin
PERMIT NUMBER: MT4011043

Interested parties are hereby notified that the Montana Department of Environmental Quality (DEQ) has received an application to perform work in waters of the United States as described below. DEQ has reviewed the work pursuant to Section 401 of the Clean Water Act (CWA), with applicable provisions of the State water quality standards and has made a tentative determination to issue 401 Certification with Conditions.

Description of the Proposed Project:

The project will involve the development of a commercial retail site consisting of a hotel, commercial and retail services

The applicant's preferred alternative would result in permanent impacts to 5.79 acres of wetlands adjacent to Farmers Canal. This alternative would result in temporary impacts to 0.089 acres of wetlands from construction activities. The applicant is proposing to provide compensatory mitigation for project impacts by purchasing credits from the Upper Missouri Mitigation Bank.

401 Water Quality Certification:

DEQ certifies that this project in its current form and the project specific conditions below will not violate water quality standards. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards.

Project Specific Conditions:

1. Mitigation: All mitigation plans should be submitted to DEQ for review and approval within 30 days of issuance of the 404 permit.
2. Minimize Water Quality Impacts: All work in and near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. All disturbed areas on the streambank and adjacent areas created by the construction activity shall be protected with temporary erosion control during construction activities. These areas shall be reclaimed with

appropriate erosion control measures and revegetated to provide long-term erosion control. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before clearing, filling, and grading work and shall be maintained throughout construction. Examples of erosion and sediment control BMPs can be found here:

<http://www.mdt.mt.gov/research/projects/env/erosion.shtml>

3. **Soil Excavation:** Excavated wetlands soils should go in a designated separate pile than the excavated upland soils so that the backfilled wetland soil will contain native source seeds.
4. **Machinery in Watercourse:** The use of machinery in the watercourse shall be avoided unless absolutely necessary.
5. **Deleterious Waste Materials:** All construction debris, excess sediment, and other solid waste material shall not be stockpiled below the Ordinary HighWater Mark (OHWM) and shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
6. **Spill Prevention:** Vehicles must be fueled, operated, maintained, and stored in upland areas that minimize disturbance to habitat and prevent contamination to any surface water.
 - a. No petroleum products, fresh concrete, lime, wash water, chemicals, or other toxic or harmful materials shall be allowed to enter state waters.
 - b. All equipment is to be inspected for oil, gas, diesel, antifreeze, hydraulic fluid and other petroleum leaks. All such leaks will be properly repaired, and equipment cleaned prior to being brought on site. The equipment is not allowed to continue operating upon discovery of the leak and will be removed from the project area until it is repaired.

Public Comments:

Public comments regarding Section 401 of the Clean Water Act are invited ANYTIME PRIOR TO THE CLOSE OF BUSINESS August 28, 2018. Written comments should be submitted to the following address: Montana Department of Environmental Quality, Attention: Water Protection Bureau, P.O. Box 200901, Helena, MT 59620-0901, or e-mail to DEQWPBPublicComments@mt.gov.

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