



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626-9705

August 2, 2021

SUBJECT: 2017 Nationwide Permit Verification; Spanish Peaks Settlement Road Improvements; USACE File No. NWO-2002-90643-MTB

Jon Olsen
Lone Mountain Land Co.
P.O. Box 160040
Big Sky, Montana 59716

Dear Mr. Olsen:

We are responding to your request for Nationwide Permit (NWP) verification for the above-mentioned project. The project is located at Latitude 45.26139°, Longitude -111.3734°, within Section 10, Township 7 S, Range 3 E, Gallatin County, Montana.

Specifically, you requested authorization for the following work in waters of the U.S.:

1. [Wetland – W001]: Placement of 295 cubic yards of 3-inch asphalt, 3-inch 1.5-inch minus base course, 18-inch 4-inch minus sub-base, with the rest of fill being suitable native material to widen the existing gravel forest service road to improve safety impacting approximately 0.271 acre of emergent wetland.
2. The work will be completed as detailed in the drawings entitled "SPANISH PEAKS RESORT" and submitted on behalf of the applicant by Morrison Maierle and dated 05/2021.

Under the authority of Section 404 of the Clean Water Act (CWA), DA permits are required for the discharge of fill material into waters of the U.S. Waters of the U.S. include the area below the ordinary highwater mark of stream channels and lakes, or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the U.S. in certain circumstances, which must be determined on a case-by-case basis.

Based on the information you provided, the proposed activity, permanently affecting approximately 0.271-acre of emergent wetland, is authorized by NWP 14 Linear Transportation Projects, found in the January 6, 2017, Federal Register (82 FR 1860), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this NWP and lists the General and Regional Conditions that must be adhered to for this

authorization to remain valid. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

In addition to conditions referenced above, the following special condition apply:

1. In order to compensate for permanent impacts to 0.271 acre of emergent wetlands you must remove 0.271 acre of wetland credit from the bulk purchase ledger made on March 12, 2021 purchase from the Upper Missouri Mitigation Bank managed by Eco Asset Management, LLC. Evidence of the updated ledger must be submitted to the U.S. Army Corps of Engineers (USACE) Helena Regulatory Office prior to commencing any activities in waters of the United States. The updated ledger credit purchase documentation must reference the USACE file number assigned to this project and reference the number and type of credits purchased.

You are responsible for ensuring that all work is performed in accordance with the terms and conditions of the NWP. If a contractor or other authorized representative will be conducting work on your behalf it is strongly recommended that they be provided a copy of this letter and the enclosed conditions. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization and may be subject to appropriate enforcement action.

The Montana Department of Environmental Quality has provided the enclosed CWA Section 401 water quality certification for this NWP which includes General Conditions, all of which must be complied with for that certification to remain valid. This does not eliminate the need to obtain other permits that may be required by that agency.

This verification is valid until March 18, 2022, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Project specific special conditions listed in this letter continue to remain in effect after the NWP verification expires unless the district engineer removes those conditions. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In compliance with General Condition 30, we have enclosed a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number **NWO-2002-90643-MTB** in any correspondence concerning this project. If you have any questions, please contact Jade Metzler by email at jade.m.metzler@usace.army.mil or telephone at (406) 441-1365.

Sincerely,

Tim McNew

Digitally signed by Tim McNew
Date: 2021.08.02 09:30:03
-06'00'

Sage L. Joyce
Montana Section Chief

3 Enclosures:

1. Compliance Certification
2. NWP 14 Linear Transportation Projects Fact Sheet with Regional Conditions
3. CWA Section 401 Water Quality Certification

Copy Furnished:

Cindy Hoschouer (Woodard & Curran) via email at choschouer@woodardcurran.com

COMPLIANCE CERTIFICATION

USACE File Number: NWO-2002-90643-MTB
Permit Type: NWP 14 Linear Transportation Projects
Name of Permittee: Jon Olsen
County: Gallatin County, Montana
Date of Issuance: August 2, 2021
Project Manager: Jade Metzler

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Montana.Reg@usace.army.mil or the following address:

US Army Corps of Engineers
Omaha District
Helena Regulatory Office
10 W 15th Street, Suite 2200
Helena, Montana 59626

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date