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CITY DESK: 587-4491 OR E-MAIL citydesk@gomontana.com

Environmental damage

Big Sky Resort facing federal fines for destroying wetland, polluting river tributaries

By **NICK GEVOCK**
Chronicle Staff Writer

Big Sky Resort faces federal fines of up to \$75,000 for destroying a wetland and polluting tributaries of the West Gallatin River.

U.S. Army Corps of Engineers' environmental specialist Martin Keller said Tuesday that the resort filled a wetland near the Huntley Lodge to build a road and failed to maintain two streamflow-measuring devices that left streams cutting into banks.

The resort had permits for the work, but failed to comply with stipulations of the permits, Keller said.

"The permit specifically identified the area to be left as it was," Keller said of the wetland. "Under the Clean Water Act, the destruction of a wetland is one of the most serious things that you can do."

The violations were discovered last July during a routine inspection, said Allan Steinle, manager of the Corps' Montana office. Federal and Big Sky officials will meet in

June to hammer out an agreement to repair the damage.

The resort "accepts responsibility for violations cited in the complaint," Big Sky Resort spokesman Dax Schieffer said in a prepared statement. "Although the fine amount compared to the scope of the violation appears inappropriate, we do not intend on letting this become a distraction to a rapid and complete resolution."

The resort was permitted to fill in part of the wetland while building Moose Ridge Road.

But the resort filled in the entire wetland and cut off a small stream that used to flow through the area, according to the Corps' violation notice. The notice said filling the wetland wasn't necessary to build the road.

In addition, the resort dumped snow and salt from its parking lot near the wetland, which has kept vegetation from growing back.

The streamflow-measuring weirs and dikes on two separate streams were built by the resort. But the resort didn't maintain them, causing the streams to carve into streambanks,

wash sediment downstream and damage fish habitat.

The stream is "going to go where it wants to go if you don't put the structure in properly and maintain it," Keller said of the weirs.

The streambanks have been left bare and sediment-washing is particularly bad during spring runoff.

In some cases, when construction work is proposed near a wetland, the Corps denies permits because the risks are too high, Keller said.

"In this particular case we thought they could work around it," he said. "We gave them the benefit of the doubt."

The weirs and dikes will have to be repaired or removed.

In addition, federal law requires violators who destroy wetlands to make up for it by creating new ones, Keller said. The law gives authorities the power to require more area created than was destroyed.


Keller said the final fine will depend on the plan Big Sky proposes to fix the problems.

Nick Gevock is at ngevock@dailychronicle.com

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1-D: Wetlands

Confluence Consulting, Inc. (Confluence) conducted a delineation of wetlands and waters of the U.S at the site of Boyne USA's (Boyne) proposed Phase I development on the Big Sky property. Confluence visited the site on June 21, 2006 and surveyed the entirety of the Phase I project located in SW ¼ of Section 19 and the NW ¼ of Section 30, Township 6S, Range 3East. Confluence conducted the delineation in compliance with the 1987 U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual of the U.S. Boyne requested the delineation to assist with permitting and compliance needs associated with development on the site.

The subject property is entirely dominated by a lodgepole pine (*Pinus contorta* [FAC]) overstory with a grouse whortleberry (*Vaccinium scoparium*, [NI]) understory. No hydrophytic vegetation was encountered on the site. In addition, no perennial waterways were encountered on the property. Ephemeral swales and topographic lows are present, but these sites do not have defined beds or banks, and lodgepole pine and grouse whortleberry are the dominant vegetation types. Accordingly, Confluence is not drafting a wetland report for Phase I of this project. However, a letter of findings for Phase I has been submitted to the U.S. Army Corps of Engineers (USACE) to document review of the site by a wetland specialist, and to allow work to proceed in this first phase of the project. Of note,  future proposed phases of the project do contain wetlands and waters of the U.S. These areas were delineated by Confluence and surveyed by a licensed professional surveyor in the summer of 2006. Information from the delineation and survey will assist in avoidance, and future permitting, of wetland impacts.

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