



PO Box 7186 Missoula, MT 59807 (406) 543-0054

1 November 2011

Todd Tillinger  
U.S. Army Corps of Engineers  
10 West 15<sup>th</sup> Street, Suite 2200  
Helena, MT 59626

Re: revocation of 2012 NWPS, Yellowstone SAMP

Dear Todd,

Montana Trout Unlimited strongly supports the Corps proposal to revoke 10 Nationwide Permits (NWPs) for the 48-mile-long SRMZ along the upper Yellowstone River. Revoking these NWPs is consistent with the intent and letter of the SAMP prepared for the upper Yellowstone River. The subsequent use of individual permits, with site-specific conditions and compensatory mitigation better balances the needs of property owners with protection of public resources, including clean water, fish, wildlife and recreational opportunities.

We also support, with a few additional suggestions, the Corps' proposals for Regional Conditions (RCs) for certain other activities that can occur in the SRMZ. We recommend that the Corps provide clarification as to whether the RC for Nationwide #27 prohibits control structures, berms, dikes, ponds, etc. that are temporary in nature and constructed solely for reducing the temporary impacts (ie. for sediment control) of permitted activities associated with rehabilitating or restoring previously lost or impaired function of the Yellowstone River. It seems to us this RC might prohibit a temporary coffer structure or diversion that is designed to protect water quality during construction of an approved habitat restoration project.

We also recommend that RC 2d be modified so that it says the revetment must not extend above the normal bankfull elevation, instead of "the elevation of the adjacent natural bank." This will allow for necessary bank stabilization but also at times accommodate access to the floodplain for lower-friction flood-discharges that exceed bankfull elevations.

RC 9 also includes language that is too vague. For instance, "Limit" the clearing of riparian vegetation "to the absolute minimum necessary" is fairly meaningless without some sort of measurable standard. Further "Seeding and planting as necessary" is similarly vague. We recommend the Corps devise standards that are more specific and perhaps measurable. That language could include objectives for stubble height, percent of canopy cover, or similar measures typically used in riparian restoration work.

Again, we largely support the Corps proposals for revoking certain Nationwide Permits as well as most of its proposed Regional Conditions. They help address demonstrated public concern that impacts to the form and function of the upper Yellowstone River and its floodplain are reaching critical thresholds that can adversely affect fish, wildlife, water quality, recreation and downstream private property.

Thanks again for the opportunity to comment.

Bruce Farling

A handwritten signature in black ink that reads "Bruce Farling". The signature is written in a cursive, slightly slanted style.

Executive Director

cc.

Joe Brooks Chapter TU  
Magic City Fly Fishers