

WETLAND REVIEW CHECKLIST

GENERAL INFORMATION

This handout is for all activities proposed in or adjacent to regulated wetland areas. Section [38.610 BMC](#) includes the wetland regulations for the City of Bozeman. The regulations provide specific guidelines and methods to identify whether an area is a wetland and to determine the boundary between wetlands and uplands. The City’s wetland regulations apply to both wetlands with direct hydrologic connection to “waters of the U.S.” and to isolated wetlands with no direct connection to a water of the U.S. and that exhibit positive wetlands indicators for all three wetland parameters.

DIGITAL SUBMITTALS & NAMING PROTOCOL

1. Create and submit a Planning application using the [ProjectDox portal](#);
 - a. After completing your Development Review Application, you will receive a Notification Letter ([example](#)) via email. Please download this document and obtain owner’s signature. Upload as a PDF to the “Documents” folder in ProjectDox.
2. The digital copies must be separated into two categories: Documents and Drawings.
 - a. The Documents folder should include items such as application forms, narrative, response to City comments, supplemental documents, technical reports, easements, legal documents, etc.
 - b. The Drawings folder should include items such as site plans, civil plans, landscape plans, photometric plans, elevations, etc. All drawing files must be drawn and formatted for a 24” x 36” sheet file or 11” x 17” sheet file. Plan pages shall be properly oriented in landscape mode. Refer to our [Quick Guide](#) for additional information;
3. Naming protocol. All files should be numbered and named according to their order listed on your provided Submittal Checklist. File names should start with a numeric value followed by the document name. The numeric value at the beginning of the file name ensures the order in which they are displayed. Refer to our [Quick Guide](#) for additional information;

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All parties applying for activity permits proposing action affecting federal, state or city regulated wetlands, watercourses and/or buffers within the city limits must submit the following information in compliance with Section [38.220.130 BMC](#):

1. A wetland and watercourse delineation report must be submitted to the city for all projects, if aquatic resources are present. When required to determine applicability and scope of wetland location and function the delineation shall go beyond the boundary of the property. If no aquatic resources are present, a letter must be submitted to the city stating that there are no water resources within the subject property.
 - a. This wetland and watercourse delineation report must include, but not be limited to, the following and must in be prepared in accordance with Section [38.610.030 BMC](#):
 - i. Wetland and watercourse descriptions;
 - ii. Functional assessment, as determined by a state-accepted functional assessment method, i.e., Montana Department of Transportation (Berglund and McEldowney 2008 as amended) or Montana Department of Environmental Quality (Apfelbeck and Farris 2005 as amended);
 - iii. Wetland types, as determined by a state-accepted functional assessment method (i.e., Cowardin et al 1979 as amended);
 - iv. Wetland acreages (by a licensed surveyor);
 - v. Maps with property boundaries, wetland and watercourse boundaries and acreages; and
 - vi. Wetland data forms (U.S. Army Corps of Engineers data forms).
2. If activities are planned in and/or adjacent to aquatic resources the following information is required:
 - a. A site plan which shows the property boundary; delineated wetland and watercourse boundaries; buffer boundaries; and all existing and proposed structures, roads, trails, and easements. The site plan will include a table of existing wetland functional ratings and acreage, required buffers and acreage, and linear feet of all watercourses and ditches.
 - i. All direct impacts to wetlands, watercourses, and buffers must be highlighted and summarized in a table on the

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- site plan. The water resource and buffer summary table must include wetland/watercourse identification number; corresponding buffer width and acreage; total site, wetland, watercourse, ditch, and buffer acreages; jurisdictional status; impacts to all water resources and buffers; and, mitigation types and acreages.
- ii. All indirect impacts (e.g., shading from boardwalks or public utility well drawdown) must be summarized in the document.
 - b. A map with all proposed mitigation areas and their required buffers. The map must include a table of mitigation wetland type and acreage and required buffers and acreage and a description of the functional unit gain of the wetland mitigation (as determined by a state-accepted functional assessment method).
 - c. The source, type and method of transport and disposal of any fill material to be used, and certification that the placement of fill material will not violate any applicable state or federal statutes and regulations as listed in [section 38.220.020](#).
 - d. Copies of the following:
 - i. Any floodplain determinations for the proposed site known to the applicant;
 - ii. Any U.S. Army Corps of Engineers jurisdictional determinations regarding wetlands on the proposed and adjacent site; and
 - iii. Any permits from the [required permits section below](#)
 - e. A completed wetland review checklist.
3. If in the preparation or review of the required submittal materials it is determined that there are unavoidable impacts to wetlands and/or watercourses that will require a Federal Clean Water Act permit, then the following information must be submitted to the city for all federal jurisdictional and city-regulated wetlands ([see section 38.700.210](#) for definition) in a compensatory mitigation report:
- a. The descriptive narrative must include, at a minimum:
 - i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author of the compensatory mitigation report; a description of the proposal; summary of the direct and indirect impacts and proposed mitigation concept; identification of all the local, state, and federal wetland/stream-related permit required for the project; and, a vicinity map for the project.
 - ii. A description of the existing wetland, watercourse and buffer areas that will be impacted including area based on professional surveys; dominant vegetation; and functional assessments and wetland ratings for the entire wetland and the portions proposed to be impacted.
 - iii. An assessment of the potential changes in wetland hydroperiod for the proposed project and how the design has been modified to avoid, minimize or reduce impacts to the wetland hydroperiod.
 - iv. A description of the proposed conceptual mitigation actions for wetland, watercourse and buffer areas. Provide specifications (including buffers) for all proposed mitigation for wetland/watercourse/buffer impacts. Include a map with all proposed mitigation areas and their required buffers.
 - v. An assessment of existing conditions in the zone of the proposed mitigation including vegetation community structure and composition, existing hydroperiod, existing soil conditions, and existing wetland functions.
 - vi. Field data that was collected to document the existing conditions of the proposed mitigation sites and on which the future hydrologic and soil conditions of the mitigation wetlands are based (e.g., hydrologic conditions: piezometer data, staff/crest gage data, hydrologic modeling, visual observations; soil conditions: data from hand-dug or mechanical soil pits or boring results). The applicant may not rely on soil survey data for establishing existing conditions.
 - vii. A planting schedule by proposed community type and hydrologic regime, size and type of plant material to be installed, spacing of plants, “typical” clustering patterns, total number of each species by community type, timing of installation, nutrient requirements, watering schedule, weed control, and where appropriate measures to protect plants from destruction. Native species must comprise 80 percent of the plants installed or seeded within the mitigation site.

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- viii. The mitigation monitoring plan must include a period of not less than three years, and establish the responsibility for long-term removal of invasive vegetation.
 - ix. Wetland mitigation performance criteria (measurable standards reflective of expected development goals established for each year after the mitigation site is established, i.e., “At the end of three years there will be an 80 percent survival of the planted shrubs and trees.”) for mitigation wetlands and buffers, a monitoring schedule, reporting requirements to the city, and maintenance schedule and actions for each year of monitoring.
 - x. Contingency plans which clearly define course of action or corrective measures needed if performance criteria are not met.
- b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:
- i. Existing wetland and buffer surveyed edges; proposed areas of wetland and buffer impacts; and, location of proposed wetland and buffer compensation action.
 - ii. Surveyed topography at one- to two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed in the compensation area. Provide existing and proposed mitigation design cross section for the wetland and/or buffer compensation areas.
 - iii. Required wetland buffers for existing wetlands and proposed mitigation areas;
- c. A discussion of ongoing management practices that will protect and maintain the non-impacted and mitigation wetland, watercourse and buffer areas in perpetuity.

NARRATIVE AND DISCUSSION

All applications that propose changes to wetlands must provide a narrative response and discussion to the following:

1. The applicant has demonstrated that all adverse impacts on a wetland have been avoided; or
2. The applicant has demonstrated that any adverse impact on a wetland has been minimized; the activity will result in minimal impact or impairment to any wetland function and the activity will not result in an adverse modification of habitats for, or jeopardize the continued existence of, the following:
 - a. Plant, animal or other wildlife species listed as threatened or endangered by the United States Fish and Wildlife Service; and/or
 - b. Plant, animal or other wildlife species listed as a species of concern, species of potential concern, or species on review by the state department of fish, wildlife and parks and the state natural heritage program; or
3. The applicant has demonstrated that the project is in the public interest, having considered and documented:
 - a. The extent of the public need for the proposed regulated activity;
 - b. The functions and values as determined by a state accepted method of functional assessment of the wetland that may be affected by the proposed regulated activity;
 - c. The extent and permanence of the adverse effects of the regulated activity on the wetland and any associated watercourse;
 - d. The cumulative adverse effects of past activities on the wetland; and
 - e. The uniqueness or scarcity of the wetland that may be affected.
4. The source, type of method of transport and disposal of any fill materials to be used and certification that the placement of fill material will not violate any applicable State or Federal Statutes and Regulations.
5. Are deed restrictions or covenants regarding the future use and subdivision of land, including but not limited to the preservation of undeveloped areas as open space, and restrictions on vegetation removal proposed?
6. Are deed restrictions proposed to be filed with the county clerk and recorder stating the measures that will be taken to protect all water resources, mitigation, and buffer areas in perpetuity?
7. Are any of the other relevant wetland permit conditions in [Section 38.610.090 BMC](#) proposed with the application?

REQUIRED PERMITS

Provide copies of any of the following permits submitted or already obtained for the site:

1. Montana Stream Protection Act (SPA 124 Permit). Administered by the Habitat Protection Bureau, Fisheries Division, Montana Fish, Wildlife and Parks.
2. Stormwater discharge general permit. Administered by the water quality bureau, state department of environmental quality.
3. Montana Natural Streambed and Land Preservation Act (310 Permit). Administered by the board of supervisors, county conservation district.
4. Montana Floodplain and Floodway Management Act (Floodplain Development Permit). Administered by the city engineering department.
5. Federal Clean Water Act (404 Permit). Administered by the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency.
6. Federal Rivers and Harbors Act (Section 10 Permit). Administered by the U.S. Army Corps of Engineers.
7. Short-term Water Quality Standard for Turbidity (318 Authorization). Administered by state department of environmental quality.
8. Montana Land-Use License or Easement on Navigable Waters. Administered by the state department of natural resources and conservation.
9. Montana Water Use Act (Water Right Permit and Change Authorization). Administered by the water rights bureau, state department of natural resources and conservation.

REQUIRED FORMS

APPLICATION FEE

For most current application fee, see [Schedule of Community Development fees](#). Fees are typically adjusted in January.

CONTACT US

Alfred M. Stiff Professional Building
20 East Olive Street
PO Box 1230
Bozeman, MT 59715

phone 406-582-2260
fax 406-582-2263
planning@bozeman.net
www.bozeman.net/planning