

## CD/AGENCY USE ONLY

Revised: 3/15/2024  
310 Form 270 and Instructions may be  
downloaded from:  
<https://dnrc.mt.gov/Licenses-and-Permits/Stream-Permitting/>

Application #

LI-12-01-24

Date Received

11.13.24

Stream or Waterbody

KOOTENAI

Date Accepted

Initials

Date FW: to FWP

11.13.24

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name

Control Number

Contract Letting Date

MEPA/NEPA Compliance

 Yes No

If yes, #C5 of this application does not apply.

### JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS & OTHER WATER BODIES

This is a standardized application to apply for one or all local, state, or federal permits listed below.

- Refer to instructions to determine which permits apply and submit a signed application to each applicable agency.
- Incomplete applications will result in the delay of the application process.
- The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.
- **Other laws may apply.**

	PERMIT	AGENCY	FILL OUT SECTIONS	FEE
<input checked="" type="checkbox"/>	310 Permit	Local Conservation District	A - E and G	No Fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	A - E and G	No fee
<input type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality	A - E and G	\$250 (318); \$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	A - E and G	\$50, plus additional fee
<input type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers (USACE)	A - G F1-8	Varies (\$0 - \$100)
<input type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	A - G	Varies by city/county (\$25 - \$500+)

## A. APPLICANT INFORMATION

APPLICANT NAME (person responsible for project)

First - Richard Middle - M. Last - Westbury

Has the landowner consented to this project?  Yes  No

Mailing Address - 1740 Coral Cliff Drive

Physical Address - Dickinson, TX 77539

Cellphone - 832-457-8828

Home Phone - N/A

E-Mail - westbr@wpi.com

LANDOWNER NAME (if different from applicant)

First - Richard Middle - M. Last - Westbury

Mailing Address - 1740 Coral Cliff Drive

Physical Address - Dickinson, TX 77539

Cellphone - 832-457-8828

Home Phone - N/A

E-Mail - westbr@wpi.com

CONTRACTOR/COMPANY NAME (if applicable) Benefield CRK Excavating

PRIMARY CONTACT NAME First - Don Middle - Last - Benefield

Mailing Address - 244 Vicks Drive Libby, Montana 59923

Physical Address - 244 Vicks Drive Libby, Montana 59923

Cellphone - 406-291-4215

Home Phone - N/A

E-Mail - benefieldcrk@yahoo.com

**B. PROJECT SITE INFORMATION**

1. **NAME OF STREAM or WATER BODY** at project location **Kootenai River**

Project Address/Location - **127 Margaret Lane**

Nearest Town - **Libby**

County - **Lincoln**

Geocode - **56-4283-25-4-01-23-0000**

1/4 of the **See Attached**

1/4 of, Section **See Attached**

Township - **See Attached**

Range - **See Attached**

Latitude - **48°24'46.88"N**

Longitude - **115°29'49.87"W**

*Refer to section B1 in the instructions.*

2. Is the proposed activity within **SAGE GROUSE** areas designated as general, connected, or core habitat?

Yes  No Attach consultation letter if required. Refer to section B2 in the instructions.

3. Is this a **STATE NAVIGABLE WATERWAY**? The state owns beds of certain navigable waterways.

Yes  No If yes, send a copy of this application to the appropriate DNRC land office. Refer to section B3 in the instructions.

4. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands. What vegetation is present? Refer to section B4 in the instructions.

Trash and Debris. Noxious weeds. Dead brush. No nearby structures.

**C. PROPOSED PROJECT OR ACTIVITY INFORMATION**

1. **TYPE OF PROJECT** (check all that apply) Refer to section C1 in the instructions.

**Agricultural and Irrigation Projects:** Diversions, Headgates, Flumes, Riparian fencing, Ditches, etc.

**Buildings/Structures:** Accessory Structures, Manufactured Homes, Residential or Commercial Buildings, etc.

**Channel/Bank Projects:** Stabilization, Restoration, Alteration, Dredging, Fish Habitat, Vegetation or Tree Removal, or any other work that modifies existing channels or banks.

**Crossings/Roads:** Bridge, Culvert, Fords, Road Work, Temporary Access, or any project that crosses over or under a stream or channel.

**Mining Projects:** All mining related activity, including; Placer Mining, Aggregate Mining, etc.

**Recreation related Projects:** Boat Ramps, Docks, Marinas, etc.

**Other Projects:** Cistern, Debris Removal, Excavation/Pit/Pond, Placement of Fill, drilling or directional boring, Utilities, Wetland Alteration.  
Other project type not listed here

Clean up river bank debris, trash and vegetation. Remove all noxious weeds and replace with grass or erosion control mat prevent erosion.

2. **IS THIS APPLICATION FOR** an annual maintenance permit?  Yes  No

(If yes attach annual plan of operation to this application) – Refer to section C2 in the instructions.

3. **WHY IS THIS PROJECT NECESSARY? STATE THE PURPOSE OR GOAL** of the proposed project. Refer to section C3 in the instructions.

Clean up river bank debris, trash and vegetation so river is accessible from property. Remove noxious weeds.

4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.

Scrape top and side of riverbank above high water mark and above flood plain elevation . Will be performed with small back hoe and mowers.

5. **WHAT OTHER ALTERNATIVES** were considered to accomplish the stated purpose of the project? Why was the proposed alternative selected? Refer to section C5 in the instructions.

To ensure minimal impact to the riverbank so as not to cause any damage or erosion.

6. **NATURAL RESOURCE BENEFITS OR POTENTIAL IMPACTS.** Please complete the information below to the best of your ability.

- Explain any temporary or permanent changes in erosion, sedimentation, turbidity, or increases of potential contaminants. What will be done to minimize those impacts?

Once the area has been cleared and scraped, it will immediatly be hydroseeded to prevent erosion. This will be done in the spring to ensure the seed take. Other areas may be replaced with sod or erosion control blanket immediatly after clearing to mitigate any damage.

- Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries?

No. N/A. Project will not impact fish or aquatic habitat.

- What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?

No. N/A. Project will not impact the floodplain, wetlands, or riparian habitat.

- What efforts will be made to decrease flooding potential upstream and downstream of project?

No. N/A. Project will not impact the floodplain upstream or downstream.

- Explain potential temporary or permanent changes to the water flow or to the bed and banks of the waterbody. What will be done to minimize those changes?

No. N/A. Project will not affect water flow.

- How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated. Include weed control plans.

Once the area has been cleared and scraped, it will immediatly be hydroseeded to prevent erosion. This will be done in the spring to ensure the seed take. Other areas may be replaced with sod or erosion control blanket immediatley after clearing to mitigate any damage.

**D. CONSTRUCTION DETAILS****1. PROPOSED CONSTRUCTION DATES.** Include a project timeline.

Start date - 12/1/24      Finish date - 12/3/24      How long will it take to complete the project? - 1-2 Days

Is any portion of the work already completed?  Yes  No (If yes, describe previously completed work.)

Refer to section D1 in the instructions.

**2. PROJECT DIMENSIONS.** Describe length and width of the project. Refer to section D2 in the instructions.

Approx 163"L x 15'W

**3. EQUIPMENT.** List all equipment that will be used for this project. How will the equipment be used on the bank and/or in the water? Note: All equipment used in the water must be clean, drained and dry. Refer to section D3 in the instructions.

Mower, mini ex, hand tools.

Will equipment from out of state be used?  Yes  No  Unknown

Will the equipment cross west over the continental divide to the project site?  Yes  No  Unknown

Will equipment enter the Flathead Basin?  Yes  No  Unknown

**4. MATERIALS.** Provide the total quantity and source of materials proposed to be used or removed. Note: This may be modified during the permitting process therefore it is recommended you do not purchase materials until all permits are issued. List soil/fill type, cubic yards and source, culvert size, rip-rap size, any other materials to be used or removed on the project. Refer to section D4 in the instructions.

Cubic yards/Linear feet	Size and Type	Source
163 Linear Feet will be cleaned but left on-site.	Existing soil	Existing location

**E. REQUIRED ATTACHMENTS****1. PLANS AND/OR DRAWINGS of the proposed project. Include:**

- Plan/Aerial view
- an elevation or cross section view
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials dimensions and location of fill or excavation sites

- drainage facilities
- location of existing/proposed structures, such as buildings, utilities, roads, or bridges
- an arrow indicating north
- Site photos

**2. ATTACH A VICINITY MAP OR A SKETCH** which includes: The water body where the project is located, roads, tributaries, other landmarks. Place an "X" on the project location. Provide written directions to the site. This is a plan view (looking at the project from above).

**3. ATTACH ANNUAL PLAN OF OPERATION** if requesting a Maintenance 310 Permit.

**4. ATTACH AQUATIC RESOURCE MAP.** Document the location and boundary of all waters of the U.S. in the project vicinity, including wetlands and other special aquatic sites. Show the location of the ordinary high-water mark of streams or water bodies if requesting a Section 404 or Section 10 Permit. Ordinary high-water mark delineation included on plan or drawings and/or a separate wetland delineation.

### G. SIGNATURES/AUTHORIZATIONS

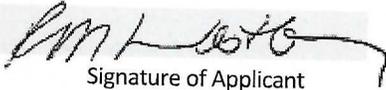
Some agencies require original signatures for an application to be considered complete. **After completing the form**, make the required number of copies and **then sign each copy**. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possesses the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized. **Refer to section G in the instructions.**

APPLICANT (Person responsible for project)

Richard M. Westbury

Print Name

  
Signature of Applicant

10/7/24

Date

LANDOWNER

Richard Westbury

Print Name

  
Signature of Landowner

10/7/24

Date

\*CONTRACTOR'S PRIMARY CONTACT (if applicable)

Don Benefield

Print Name

  
Signature of Applicant

10/7/24

Date

\*Contact agency to determine if contractor signature is required.



COPY

April 23, 2024

Randy Buckner  
Home improvement Solutions  
168 Treasure View Drive  
Libby, MT. 59923

RE: MBMI Development, Inc. Subdivision - Lot 6  
Lincoln County  
Revised Lot Layout Request  
E.Q. #09-1880

Dear Mr. Buckner:

The plans and supplemental information relating to the relocation of facilities for the above referenced parcel has been reviewed as required by ARM Title 17 Chapter 36.112(8) and have been found to be in compliance with those rules.

Two copies of the Modified Lot Layout are enclosed to inform you of the approval. One copy is the sealed original and the additional copy is for your records. The sealed original copy is to be filed at the office of the county clerk and recorder.

A copy will be sent to the Lincoln County Environmental Health Department.

A copy will be sent to the property owners.

If you have any questions on the above, please feel free to call me at the Water Quality Division at (406) 755-8979.

Sincerely,

Nathan Danz, R.S.  
Subdivision Reviewer Sanitarian  
Public Water & Subdivision Section  
Engineering Bureau  
e-mail - [Nathaniel.Danz@mt.gov](mailto:Nathaniel.Danz@mt.gov)

cc: File  
Lincoln County Sanitarian  
Richard & Melissa Westbury, 1740 Coral Drive, Dickinson, TX. 77539



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	LINCOLN COUNTY, MONTANA (Unincorporated Areas)	A portion of Sections 25 and 36, Township 31 North, Range 31 West, Principal Meridian of Montana, as shown on the Certificate of Survey No. 1118, recorded in the Office of the Recorder, Lincoln County, Montana  The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 300157	
AFFECTED MAP PANEL	NUMBER: 3001570650C DATE: 9/29/2006	
FLOODING SOURCE: KOOTENAI RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 48.414, -115.498 SOURCE OF LAT & LONG: PRECISION MAPPING STREETS 7.0 DATUM: NAD 83

### DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
-	-	-	3250 Highway 37	Portion of Property	X (shaded)	2069.9 to 2069.0 feet	-	2073.5 to 2072.6 feet

**Special Flood Hazard Area (SFHA)** - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

**ADDITIONAL CONSIDERATIONS** (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION  
PORTIONS REMAIN IN THE SFHA  
ZONE A

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

*William R. Blanton Jr.*

William R. Blanton Jr., CFM, Chief  
Engineering Management Section  
Mitigation Directorate



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

### ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

#### LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at the southwest corner of Section 30; thence N00°00'00"E, 663.80 feet; thence N87°36'39"W, 68.65 feet; thence N81°54'36"W, 77.86 feet; thence N75°57'56"W, 99.04 feet; thence N70°40'54"W, 59.05 feet; thence N58°34'03"W, 30.49 feet; thence N31°06'37"W, 18.28 feet; thence N03°12'45"E, 18.32 feet; thence N31°36'30"E, 28.79 feet; thence N48°05'10"E, 34.04 feet; thence N63°10'07"E, 38.01 feet; thence N75°24'41"E, 71.27 feet; thence N81°36'27"E, 116.39 feet; thence N83°27'50"E, 73.95 feet; thence N00°00'00"E, 174.24 feet; thence S71°54'30"W, 461.82 feet; thence 536.93 feet along a curve to the left having a radius of 1869.86 feet; thence S55°48'54"W, 224.10 feet; thence 238.56 feet along a curve to the right having a radius of 2904.79 feet; thence S00°27'22"W, 472.76 feet; thence S00°27'22"W, 250.33 feet; thence N83°25'22"E, 344.04 feet; thence N76°20'29"E, 369.34 feet; thence N71°43'27"E, 156.39 feet; thence N85°51'26"E, 453.85 feet; thence N00°01'59"W, 36.87 feet; thence N00°02'25"W, 50.16 feet to the POINT OF BEGINNING

#### PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

#### ZONE A (This Additional Consideration applies to the preceding 1 Property.)

The National Flood Insurance Program map affecting this property depicts a Special Flood Hazard Area that was determined using the best flood hazard data available to FEMA, but without performing a detailed engineering analysis. The flood elevation used to make this determination is based on approximate methods and has not been formalized through the standard process for establishing base flood elevations published in the Flood Insurance Study. This flood elevation is subject to change.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, 3601 Eisenhower Avenue, Suite 130, Alexandria, VA 22304-6439.

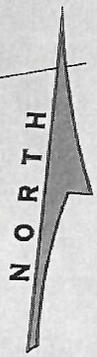
William R. Blanton Jr., CFM, Chief  
Engineering Management Section  
Mitigation Directorate

# EXHIBIT "A"

## LOWEST LOT ELEVATION DETERMINATION

LOT 6, MBMI DEVELOPMENT, INC. SUBDIVISION, PLAT No. 7152  
SE1/4 SE1/4, Section 25, & GOV'T LOT 1, SECTION 36, T.31N R.31W., P.M., MT.  
Date: September, 2024

prepared by:  
KOOTENAI SURVEYORS, INC  
LIBBY, MT



LEGEND	
	FOUND 5/8 INCH DIAMETER REBAR WITH PLASTIC CAP MARKED HUGHES 7322LS
	MINOR CONTOUR LINE - 0.5' INTERVAL
	MAJOR CONTOUR LINE - 2' INTERVAL
	PROPERTY BOUNDARY - LOT 6
	TOP OF TRADITIONAL RIVER BANK

**NOTES:**  
FIELD SURVEY PERFORMED 9/25/24.  
FIELD EQUIPMENT: TRIMBLE R10-2 GNSS SYSTEM  
DJI PHANTOM 4 PRO UAV  
HORIZONTAL DATUM: MT STATE PLANE 83, IFT  
VERTICAL DATUM: NGVD29  
VERTICAL DATUM ESTABLISHED FROM NGS BENCHMARK TN0692 (DESIGNATION M 506) - VERIFIED BY 6 HOUR STATIC GPS OBSERVATION PROCESSED VIA NGS OPUS SERVICE.  
BENCHMARK ELEVATION = 2097.43 NGVD29 (2101.37 NAVD88)  
LOMA CASE No. 07-08-0623A REPORTS THE BASE FLOOD ELEVATION ALONG MBMI SUBDIVISION AS A RANGE FROM 2069.0' TO 2069.9'. THE LOWEST LOT ELEVATION DETERMINED ON LOT 6 (ABOVE THE TRADITIONAL TOP OF RIVER BANK) IS FOUND TO BE 2072.40' (±3' ABOVE THE BFE).



**SURVEYOR'S CERTIFICATE:**  
I hereby certify that I am a Registered Professional Land Surveyor in the State of Montana, that the survey shown hereon is true and accurate, and is representative of the topographical nature of the property as of 9/25/24.  
*Byron Sanderson*  
Byron Sanderson, Montana Reg. No. 70400LS  
10-1-24  
Date

KOOTENAI RIVER

REVISED LOT LAYOUT  
 MBMI DEVELOPMENT INC. SUBDIVISION  
 GEOCODE 56-4283-25-4-01-23-0000  
 EQ# 09-1880  
 SECTIONS 25,36  
 T.31N, R.31W  
 SE 1/4, SE 1/4 LOT # 6  
 LINCOLN COUNTY  
 LIBBY, MONTANA

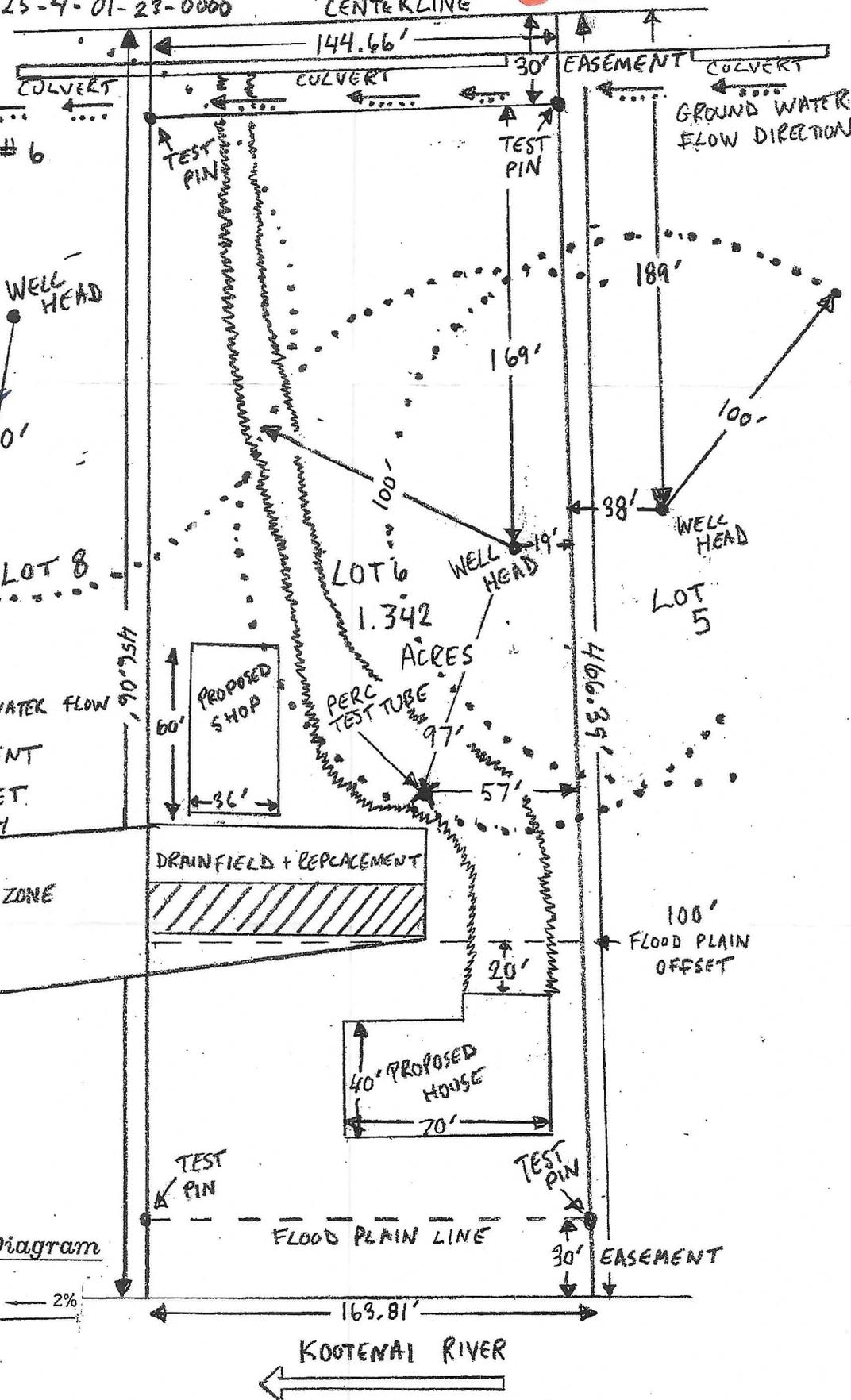
RICHARD + MELISSA  
 WESTBURY 4/19/24

**COPY**

APPROVED  
 Montana Department of  
 Environmental Quality  
*Valerie Cas*  
 Reviewer Date

EQ# 09-1880

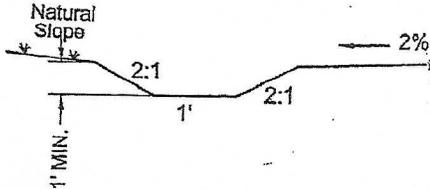
- WELL SITE
- ▬ CULVERT
- ✕ SOIL TEST SITE
- ⋯ DRAINAGE DITCH / STORMWATER FLOW
- ▨ DRAINFIELD + REPLACEMENT
- - - FLOOD PLAIN + OFFSET
- ~~~~~ PROPOSED DRIVEWAY



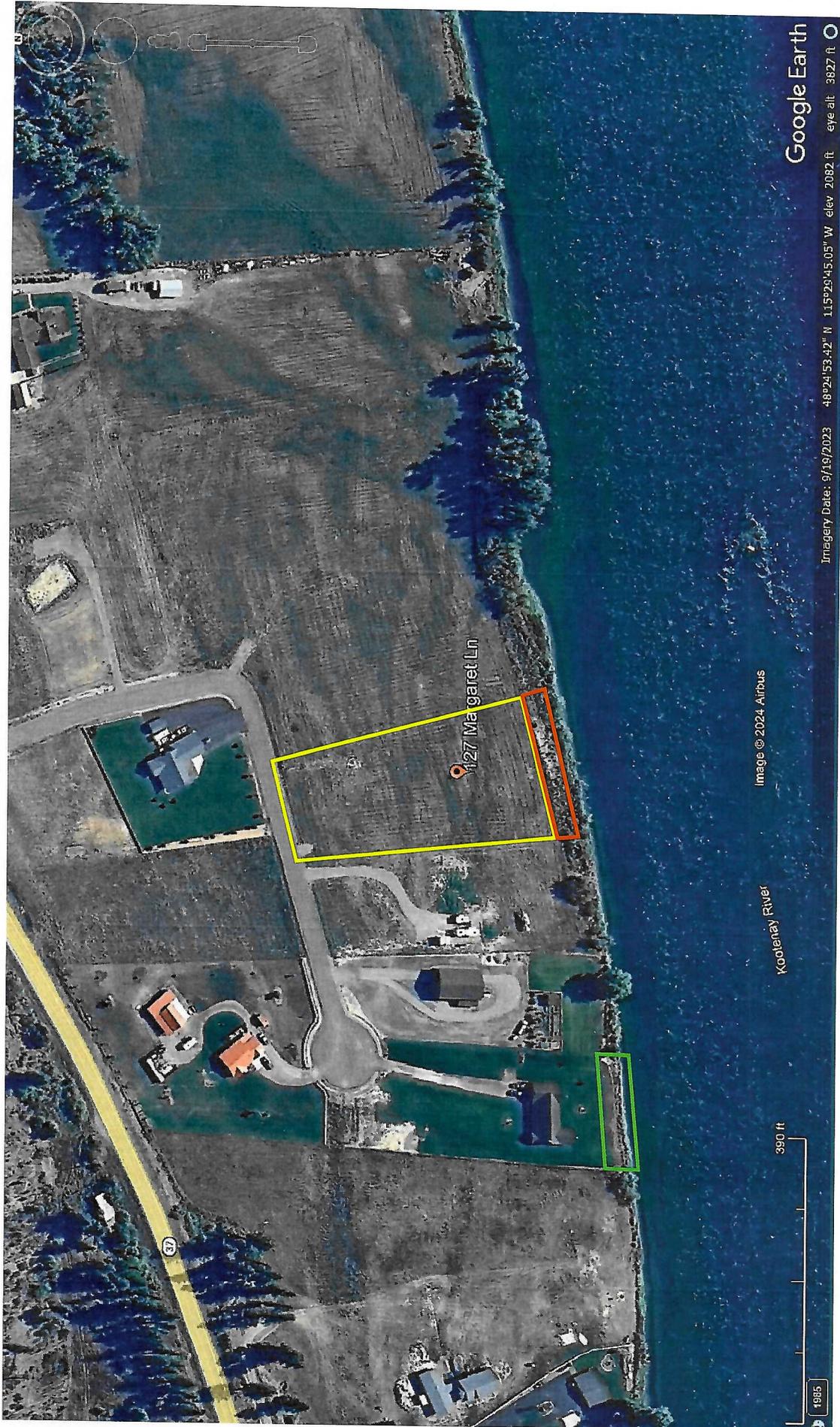
Driveway Ditch Diagram



SCALE  
 1" = 50'



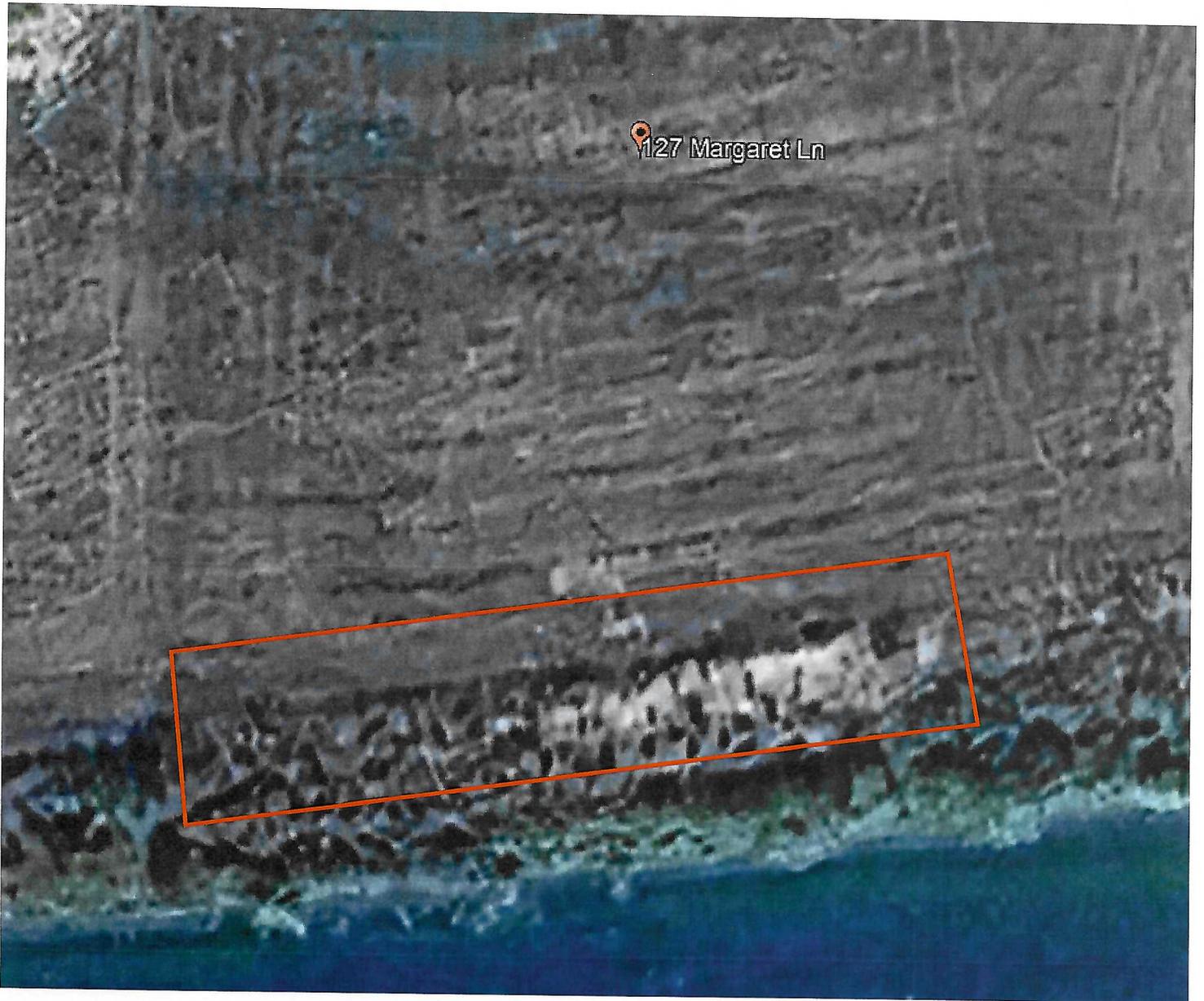
KOOTENAI RIVER  
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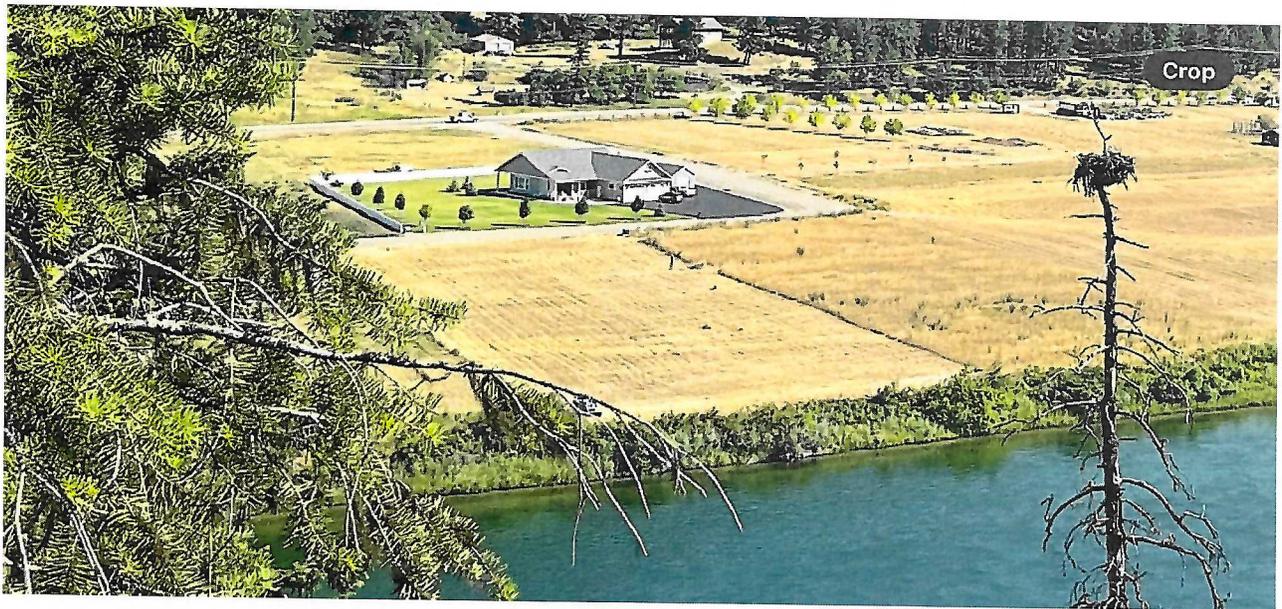
Subject Property

Proposed area to clear Riverbank

Neighboring property with similar clearing



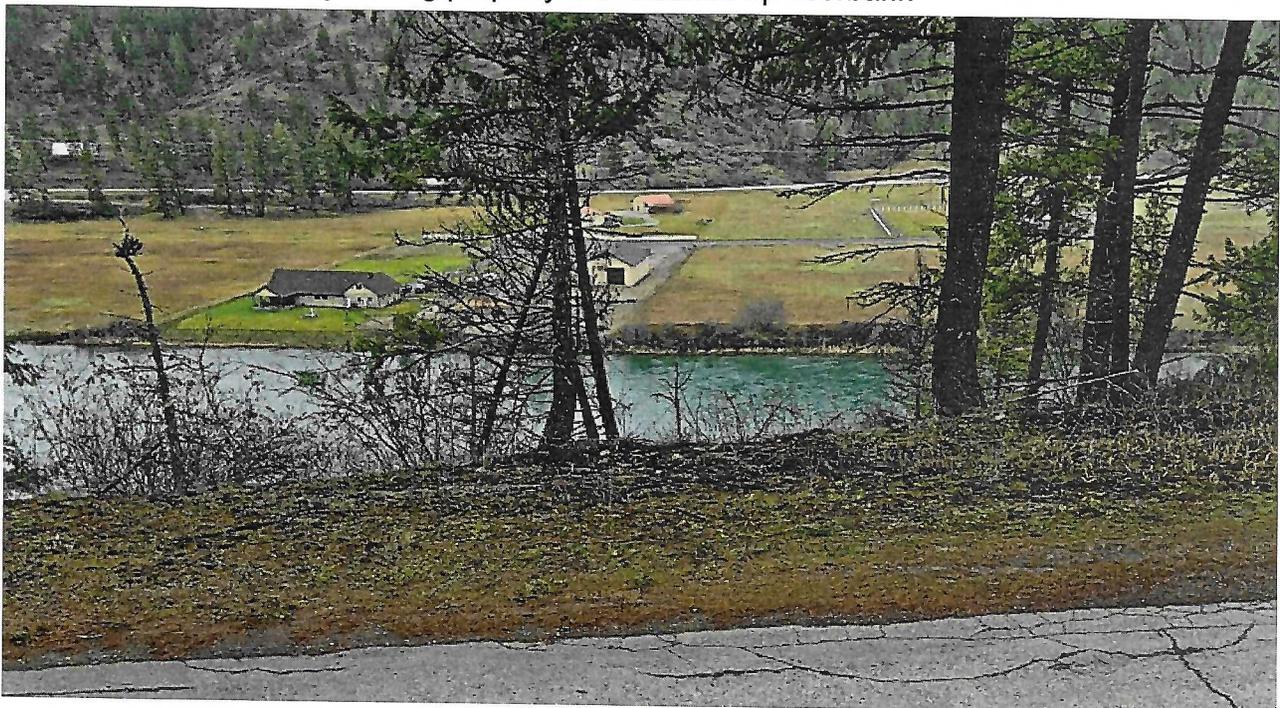
Remove Weeds, trash and debris from this area. Approx. 200' W x 15' L.

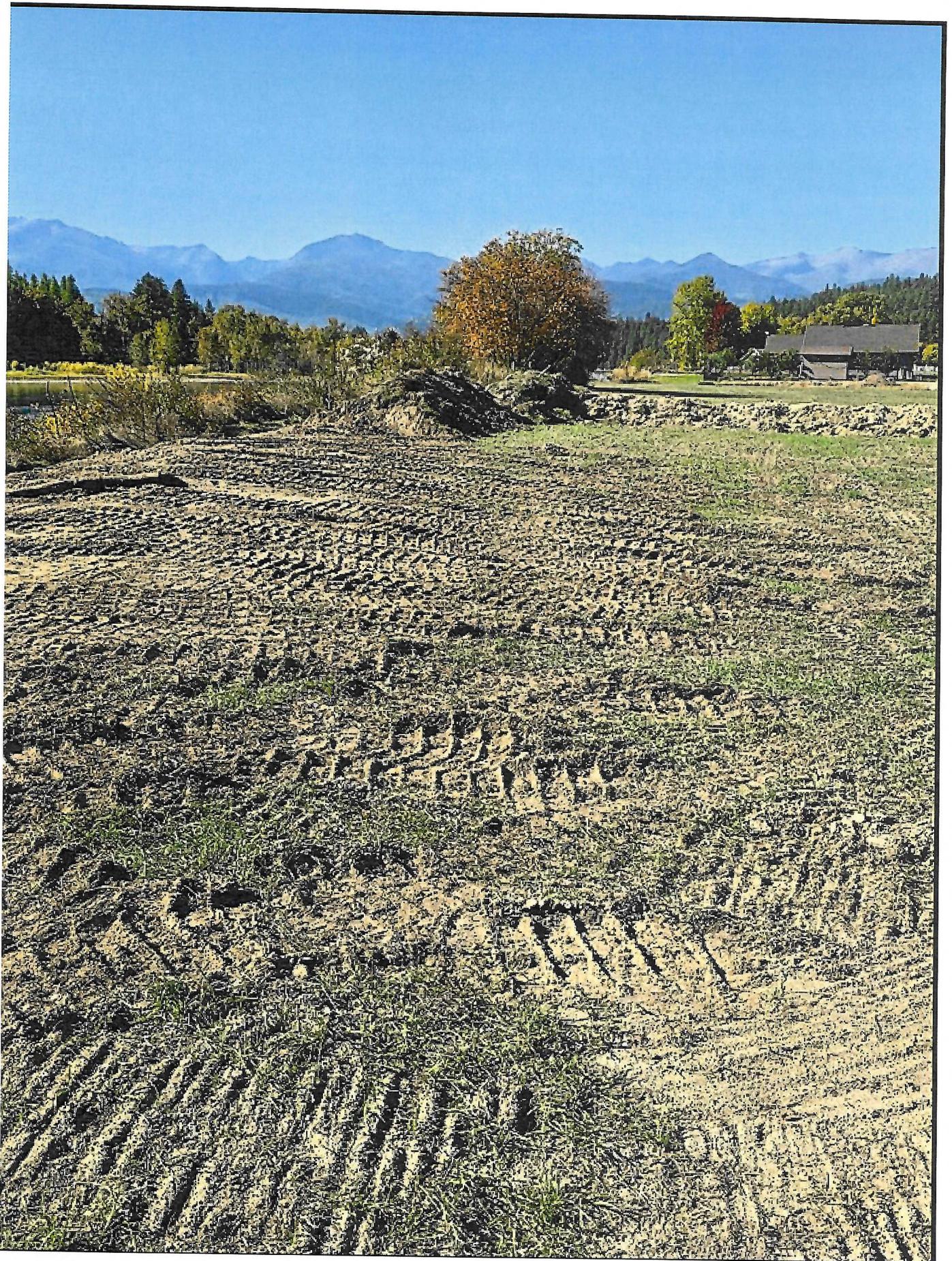


Subject Property & untouched riverbank



Neighboring property with cleaned up riverbank















View 1 of neighboring property with identical clearing.



View 2 of neighboring Property with identical clearing.