Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

CD/Agency Use Only

Application Number: Date Received:

Stream or Waterbody:

Date Accepted: Initials: Date Forwarded to FWP:

This section 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.

Applicant Use

This is a standardized application to apply for one or all local, state, or federal permits listed below. Check the box(s) for each permit being applied for.

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

	Permit	**Agency**	**Required Application Sections:**	**Fee**
☒	NSLPA 310 Permit	Local Conservation District	A-E and G	No fee
☐	SPA 124 Permit	Department of Fish, Wildlife & Parks (FWP)	A-E and G	No fee
☒	318 Authorization 401 Certification	Department of Environmental Quality (DEQ)	A-E and G	$250 (318); $400-$20,000 (401)
☐	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation (DNRC), Trust Lands Management Division	A-E and G	$50, plus additional fee
☒	Section 404 Permit, Section 10 Permit	U.S. Army Corps of Engineers (USACE)	A-G and F1-10	Varied ($0-$100)
☐	Floodplain Permit	Local Floodplain Administrator	A-G	Varied ($25-$500+)

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

A. APPLICANT INFORMATION

APPLICANT (*party responsible for project)* Christian Haxholdt

Has the landowner consented to the project? ☒ Yes ☐ No

Mailing Address: 2400 Therriault Pass Road City, State: Eureka Zip: 59917

Physical Address: 2400 Therriault Pass Road City, State: Eureka Zip: 59917

Daytime Phone: Email: chr@haxusa.com

LANDOWNER NAME (*if different from applicant)* Same As Applicant

Mailing Address: City, State: Zip:

Physical Address: City, State: Zip:

Daytime Phone: Email:

CONTRACTOR/COMPANY NAME (*if applicable)* River Design Group, Inc. / SWCA

Mailing Address: 236 Wisconsin Avenue City, State: Whitefish, Montana Zip: 59937

Physical Address: Same City, State: Zip:

Daytime Phone: (406) 250-9301 Email: John.Muhlfeld@swca.com

B. PROJECT SITE INFORMATION

Refer to section B1 of the instructions

1. NAME OF STREAM OR WATERBODY at project location: Therriault Creek

Project Address/Location: 2400 Therriault Pass Road Nearest Town: Eureka

County: Lincoln Geocode:

Township: 36 North Range: 26 West Section: 13 ¼ Section: ¼ Section:

Latitude: 48.88029316 N Longitude: 114.900821772 W

Driving directions or other instructions needed for finding the site: From Eureka, head south on US Highway 93 for 4.4 miles. Turn east on Glen Lake Road and travel 3.0 miles to Therriault Pass Road. Turn east on Therriault Pass Road and travel 2.4 miles to project area.

Refer to section B2 of 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 B3 of the instructions

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

☐ Yes ☒ No If yes, send a copy of this application to the appropriate DNRC land office.

Refer to section B4 of the instructions

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

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Therriault Creek is a third-order tributary to the Tobacco River and supports populations of native and non-native fish species including hybridized westslope and rainbow trout, eastern brook trout, native sculpin, and other species. Listed by Montana DEQ as water-quality impaired for sediment, Therriault Creek at the project area was historically impounded by an earthen embankment and water control spillway, truncating fish passage to upstream spawning, rearing and overwintering reaches. The existing spillway is an artificial channel consisting concrete and riprap, transitioning to an incised, 15% gradient channel with 1:1 vegetated sideslopes. No structures are located within the project area and existing wetlands are illustrated on Drawing 2.0 Existing Conditions and Survey Control Plan in the attached design plan set. The vegetation within the alignment of the proposed channel and floodway corridor is characterized by upland pasture grasses.

This project will re-establish fluvial connection between upstream and downstream reaches by constructing 392-feet of channel and 0.18 acres of vegetated floodplain. The restoration plan incorporates riffles and pool habitat units, emulating the likely historical condition. The channel and floodplain design incorporates a robust revegetation plan consisting of native riparian shrubs and trees. Additional restoration actions include: 1) partially re-grading the existing open water pond to encourage the development of shallow to deep emergent shoreline wetland habitats to increase the overall function and values of the open water environment; 2) installing a 35-ft. free-span bridge to provide site access to a future residence, and 3) replacing the existing pond concrete spillway wih a corrugated metal pipe arch and installing spillway protection to increase embankment stability.

**Please refer to attached Therriault Creek Restoration and Fish Passage Restoration Project Final Design Plan Set.

C. PROJECT ACTIVITY INFORMATION

Refer to section C1 of the instructions

1. **TYPE OF PROJECT** (check all that apply)

☐ **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.

☒ **Crossing/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 activities including, Placer Mining, Aggregate Mining, etc.

☐ **Recreation Related Projects:** Boat Ramps, Docks, Marinas, etc.

☐ **Other Projects:** Cisterns, Debris Removal, Excavation/Pit/Pond, Placement of Fill, Drilling or Directional Boring, Utilities, Wetland Alteration. Any other project type not listed here.

Refer to section C2 of the instructions

2. Is this application for an **ANNUAL MAINTENANCE PERMIT**? ☐ Yes ☒ No

If yes, attach an annual plan of operations to this application

Refer to section C3 of the instructions

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

3. Why is this project necessary? State the **PURPOSE OR GOAL** of the proposed project.

Therriault Creek was historically impounded (prior to 1980 by previous landowners) in the project area to create an open water pond. The embankment fragmented fluvial connectivity between upstream and downstream reaches. The goal of this project is to restore fluvial connectivity by constructing a natural, step-pool stream corridor with a connected, well-vegetated floodplain. An additional project goal is to increase the overall functions and values of the current open water environment by partially regrading shoreline areas to shallow to deep emergent open water wetland habitats.

Refer to section C4 of the Instructions

4. Provide a brief description of the **PROPOSED PROJECT PLAN** and how it will be accomplished.

Please refer to attached Therriault Creek Restoration and Fish Passage Restoration Project Final Design Plan Set. The plan set contains 14 drawings illustrating the project plan and specific elements of the restoration plan.

Refer to section C5 of the instructions

5. What **OTHER ALTERNATIVES** were considered to accomplish the stated purpose of the objective? Why was the proposed alternative selected?

Given the existing physical site constraints, no other reasonable or feasible alternatives exist to meet the stated purpose and goals of the project. The proposed alternative was selected to maximize benefits to aquatic resources.

Refer to section C6 of the instructions

6. What are the **NATURAL RESOURCE BENEFITS** or **POTENTIAL IMPACTS**? Please complete the information requested below to the best of your ability:

6a. Explain any temporary or permanent changes in erosion, sedimentation, turbidity, or increases of potential contaminants. What will be done to minimize impacts?

Channel and floodplain construction and bridge installation will occur in the dry therefore no temporary or permanent changes in erosion, sediment, or turbidity will occur. Impacts related to grading of the existing open water environment will be minimized by temporarily drawing down the pond elevation via the existing headgate. Additional mitigations and BMPs will be installed to minimize short-term impacts including the use of coffer dams to isolate the work area.

6b. Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries and habitat?

The project will restore fish passage between upstream and downstream stream reaches and reconnect approximately 1.3 miles of fragmented aquatic habitat upstream of the project area. The project will reintroduce riffle and pool habitat features constructed of native materials including wood and alluvium. Floodplain treatments will provide long-term shade and coarse wood recruitment to Therriault Creek in the project area.

6c. What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?

Please see attached Wetland Delineation Report and Attachment A illustrating existing wetlands and waters, proposed wetlands and waters, and anticipated temporary impacts to existing wetlands and waters. A net gain of 0.27 acres of wetlands is projected post-restoration (0.17 acres Scrub-Shrub and 0.10 acres Stream Channel) through construction of the new channel and vegetated floodplain corridor that will support Scrub-Shrub wetland habitat types. 0.009 acres of Scrub-Shrub wetland will be converted to Stream Channel through construction of the channel outlet located on the southern shoreline of the existing pond. Temporary impacts include 0.013 acres to existing Scrub-Shrub wetland, 0.011 acres of temporary Stream Channel impact associated with the downstream tie-in location of the new and existing channel, and 0.485 acres of temporary impact to the existing pond related to deepending of the pond and regrading of the shoreline fringe.

6d. What efforts will be made to decrease flooding potential upstream and downstream of the project?

The project will not affect flooding potential upstream and downstream of the project. The channel and floodplain is designed to convey the full range of calculated peak flows. The proposed channel and floodway geometry increases hydraulic capacity compared to the existing water control structure.

6e. Explain any 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?

The existing pond spillway outlet is an artificial channel and fish passage barrier. The design replaces the artificial spillway structure with a natural channel and vegetated floodplain corridor consisting of riffle and pool habitat features. The existing artificial channel is characterized by steep sidelopes and compromised stream channel form and function.

6f. How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated, including weed control plans.

Existing vegetation within the design channel and floodway alignment consists entirely of upland pasture grasses. Proposed streambank and floodplain treatments include the installation of 8,550 willow cuttings. Please refer to Drawing 5.2 Vegetated Wood Matrix Detail in the attached design plan set. The floodplain is anticipated to convert to a diverse, vegetated corridor characterized by woody vegetation and scrub-shrub wetland communities.

D. CONSTRUCTION DETAILS

Refer to section D1 of the instructions

1. Proposed **CONSTRUCTION DATES:** Start: July 15, 2025 End: October 31, 2025

Is any portion of the work already completed? ☐ Yes ☒ No If yes, please describe previously completed work:

Refer to section D2 of the instructions

2. **PROJECT DIMENSIONS**. Describe the length and width of the project.

As shown in Drawing 4.0 Channel Step Pool Plan View, the channel and floodway corridor spans a length of 392-feet with an average width of 30-feet (0.27 acres).

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

Grading within the open water environment is illustrated in Drawing 4.2 Pond Grading Plan and Profile. Approximately 0.485 acres of the existing open water pond environment

Refer to section D3 of the instructions

3. **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 that you do not purchase materials until all permits are issued. List soil/fill type, cubic yards and source, culvert size, rip-rap size, and any other materials to be used or removed on the project.

Cubic yards/ Linear Feet	Size and Type	Source
Please refer to Drawing 3.2 Materials and Quantities in attached design plan set.	Please refer to Drawing 3.2 Materials and Quantities in attached design plan set.	Please refer to Drawing 3.2 Materials and Quantities in attached design plan set.

Refer to section D4 of the Instructions

4. **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 **CLEANED, DRAINED, AND DRY**.

- GPS equipped tracked excavators (2) with hydraulic thumb (200 Class or Equivalent)
- All Surface Vehicle (ASV)
- 8CY tracked dump truck or off-road truck

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

E. REQUIRED ATTACHMENTS

1. Plans and/or drawings of the proposed project should include:
    a. Plan/Aerial View
    b. An elevation or cross-section view
    c. Dimensions of the project (height, width, depth in linear feet)
    d. Location of storage stockpile materials and location of fill or excavation sites
    e. Drainage facilities
    f. Location of existing/proposed structures, such as buildings, utilities, roads or, bridges
    g. An arrow indicating north
    h. Site photos
2. Attach a vicinity map or a sketch, which includes: The water body where the project is located, roads, tributaries, and other landmarks. Plan an "X" on the project location. Provide written directions to the site. This is a plan view (looking at the project from above).

3. If requesting a Maintenance 310 Permit, attach an Annual Plan of Operation.
4. Attach an Aquatic Resource Map, which documents the location and boundary of all waters of the U.S. in the project vicinity and includes wetlands and other special aquatic sites. Show the location of the ordinary high-water mark of streams or waterbodies if requesting a Section 404 or Section 10 Permit. Include the ordinary high-water mark delineation on plans or drawings and/or a separate wetland delineation.

F. ADDITIONAL INFORMATION FOR US ARMY CORPS OF ENGINEERS (USACE) SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS

Refer to section F of the instructions

Section F should only be filled out by those needing Section 404, Section 10, and/or Floodplain permits.

Applicants applying for Section 404 and/or Section 10 permits must complete questions F1-10. For questions on Section 404 and/or Section 10 permits, contact the USACE by telephone at 406-441-1375 or by email at montana.reg@usace.army.mil.

Applicants applying for Floodplain permits must complete all of Section F.

Refer to section F1 of the instructions

1. Does the proposed activity and/or property have permitting history with USACE? If yes, and available, provide the USACE project number(s) associated with the previous permits, including no permit required letters and approved jurisdictional determinations.

The project and activity do not have a permitting history with USACE.

Refer to section F2 of the instructions

2. Identify the specific **Nationwide Permit(s)** that you want to use to authorize the proposed activity.

Nationwide 27.

Refer to section F3 of the instructions

3. Provide the footprint of impacts and the quantity of materials proposed to be placed in wetlands and/or below the ordinary high-water mark in waters of the United States. Delineations are required of wetland and other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site.

3a. What is the length and width (or square footage/acreage) for each impact occurring within the waters of the United States, including wetlands?

Culvert installation: 300 square feet of impact. New channel pond outlet: 137 square feet of impact. New channel downstream tie-in to existing Therriault Creek: 750 square feet of impact. Temporary pond grading impact: 0.485 acres.

Please refer to Wetland Impact Analysis and Cumulative Change exhibit for the full detail of impacts to existing wetlands and waters.

3b. How many cubic yards of fill material will be placed below the ordinary high-water mark, in a wetland, stream, or other waters of the United States?

Culvert installation: 1 Corrugated metal pipe arch, with 21CY of compacted pit run and structural fill material, and 31 yards of 18 – 24-inch riprap.

New channel pond outlet: 10 CY streambed and streambank fill within existing scrub-shrub wetland.

Pond grading: 245 CY of backfill.

New channel downstream tie-in to existing Therriault Creek: 32 CY of streambed and streambank fill within existing scrub-shrub wetland

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Refer to section F4 of the instructions

4. How will the proposed project avoid or minimize **impacts to waters of the United States**? Attach additional sheets if necessary.

Impacts to waters of the United States will be minimized by only working within the footprint ncecerray to build the project, and all materials staging areas and access routes will be located outside wetlands and waters. The new, restored stream channel will be built in the dry. The majority of impacts are temporary, including 0.013 acres of temporary scrub-shrub wetland impact and 0.011 acres of temporary stream impact, within the restored channel alignment inlet and outlet locations, and are expected to recover within 3 years of construction. A bridge structure is designed to fully span the active channel and new floodplain area, and allow for unimpeded Therriault Creek fish passage.

Permanent impacts total 0.009 acres, and include a change in classification from scrub-shrub wetland to stream channel within the new channel alignment inlet and outlet locations (Drawing 4.0) as well as at the new culvert location (Drawing 4.4). Temporary open water wetland (pond) impact includes 0.485 acres, which includes deepening the pond throughout that area to provide deep fish habitat heterogeneity in the otherwise shallow pond.

Refer to section F5 of the instructions

5. Will the project impact(s) be equal to or greater than 0.10 acre of wetland and/or 0.03 acre of stream or other waters? If yes, describe how the applicant is going to **compensate (mitigation bank, in-lieu fee program, or permittee responsible)** for these unavoidable impacts to waters of the United States.

Permanent impacts to scrub-shrub wetland is less than 0.10 acres and less than 0.03 acres. However, temporary impacts include 0.013 acres of scrub-shrub, 0.011 acres of stream channel, and 0.485 of open water wetland. All temporarily impacted resources are expected to recover within 3 years of construction. Impacts to the resources are unavoidable due to the nature of the stream restoration and fish passage restoration project, however have been minimized to the greatest extent possible.

Should compensation be required, it will be on-site as the cumulative impact of the restoration project is an increase of 0.27 total acres of wetlands and waters. Scrub-shrub wetland is projected to increase by 0.17 acres,

and stream channel is projected to increase by 0.10 acres. The open water wetland (pond) footprint will remain the same tat 1.87 acres.

Refer to section F6 of the instructions

6. Is the proposed activity within any component of the **National Wild and Scenic Rivers System**, or a river that has been officially designated by Congress as a "**study river**?" ☐ Yes ☒ No

Refer to section F7 of the instructions

7. Does this activity require permission from the **USACE because it will alter or temporarily or permanently occupy or use a USACE authorized civil works project**? (Examples include USACE owned levees, Fort Peck Dam, and others). ☐ Yes ☒ No

Refer to section F8 of the instructions

8.List the **ENDANGERED AND THREATENED SPECIES** and **CRITICAL HABITAT(S)** that might be present in the project location.

No critical habitats occur in the project area. The following species are potentially present in this location, and all are listed as Threatened: Canada Lynx (Lynx canadensis), Grizzly Bear (Ursus arctos horribilis), North Merican Wolderinge (Gulo gulo luscus).

Refer to section F9 of the instructions

9. List any **HISTORIC PROPERTY(S)** that are listed, determined to be eligible or are potentially eligible (over 50 years old) for listing on the National Register of Historic Places.

No historic properties are listed or determined to be eligible for listing on the National Register of Historic Places.

Refer to section F10 of the instructions

10. List all **APPLICABLE LOCAL, STATE, AND FEDERAL PERMITS** and indicate whether they were issued, waived, denied, or pending. Note: all required local, state, and federal, or proof of waiver must be issued prior to the issuance of a floodplain permit.

- USACE Section 404 Permit (Pending)
- MDEQ 318 Authorization (Pending)
- Lincoln Conservation District 310 Permit (Pending)

Refer to section F10 of the instructions

11. List the **NAMES AND ADDRESS OF LANDOWNERS** adjacent to the project site. This includes properties to and across from the project site. Note: Some floodplain communities require certified adjoining landowner lists.

NAME/ADDRESS OF **Adjacent Landowner**: USDA Forest Service Kootenai National Forest, 949 US Hwy 93 North, Eureka, Montana 59917-9550

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

NAME/ADDRESS OF **Adjacent Landowner**:

NAME/ADDRESS OF **Adjacent Landowner**:

NAME/ADDRESS OF **Adjacent Landowner**:

Refer to section F11 of the instructions

12. **Floodplain Map Number**: N/A

Refer to section F11 of the instructions

13. **Does this project comply with local planning or zoning regulations?** ☒ Yes ☐ No

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Waterbodies

G. SIGNATURE REQUIREMENTS

Refer to section G of the instructions

Some agencies require original signatures for an application to be considered complete. After completing the application form, make the required number of copies and 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.

**By signing or typing my name on the signature line below, I hereby swear and affirm that I am the applicant for this project and am responsible for all information contained in this application.*

*APPLICANT (party responsible for project)	LANDOWNER (If different from applicant)
John M. Muhlfeld, RDG / SWCA	Christian Haxholdt
Print Name	Print Name
Signature of Applicant 4/21/2025 Date	Signature of Landowner 4/21-2025

CONTRACTOR (If applicable. Contact agency to determine if contractor signature is required)

Print Name of Primary Contract	Company/Entity Name (If applicable)
Signature of Contractor Date	