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+)

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A. APPLICANT INFORMATION

APPLICANT (*party responsible for project*) Stimson Lumber; Attn: James Mackey

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

Mailing Address: 216 West 9th St. City, State: Libby Zip: 59923

Physical Address: Same City, State: Zip:

Daytime Phone: 208-660-8921 Email: jmackey@stimsonlumber.com

LANDOWNER NAME (*if different from applicant*)

Mailing Address: City, State: Zip:

Physical Address: City, State: Zip:

Daytime Phone: Email:

CONTRACTOR/COMPANY NAME (*if applicable*)

Mailing Address: City, State: Zip:

Physical Address: City, State: Zip:

Daytime Phone: Email:

B. PROJECT SITE INFORMATION

Refer to section B1 of the instructions

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

Project Address/Location: Nearest Town: Troy

County: Lincoln Geocode:

Township: 29N Range: 33W Section: 05 ¼ Section: ¼ Section:

Latitude: 48.302474 Longitude: -115.843969

Driving directions or other instructions needed for finding the site:

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.

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The project site is on Spring Creek where an illegal diversion had been placed in the creek. The diversion consisted of a 10" PVC pipe, metal wing walls supported by rebar to funnel water into the pipe, a cinder block at the bottom of the 10" PVC pipe, and hundreds of feet of water line outside of the creek channel. The substrate at the diversion is mainly fine sediment, and the channel at and below the site is poorly defined.

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

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

The existing diversion is illegal and impacting the flow of water downstream.

Refer to section C4 of the Instructions

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

Remove the illegal diversion by hand. Allow the stream to flow unimpeded in the channel.

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?

None. The illegal diversion must be removed.

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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?

Very small disturbance to the stream channel. Minor sediment activation.

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?

No. The stream currently dries up below the illegal diversion. By removing the diversion, water can flow further downstream.

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

No impacts anticipated. Very small stream.

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

No flooding potential.

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 illegal diversion pooled and slowed the water, likely reducing downstream flows. By removing the diversion, water can flow freely and create a stable stream channel through altered reach.

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

All hand removal. Minimal impact to existing vegetation.

D. CONSTRUCTION DETAILS

Refer to section D1 of the instructions

1. Proposed **CONSTRUCTION DATES:** Start: 8/25/2025 End: 8/25/2025

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

Diversion has been removed.

Refer to section D2 of the instructions

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

Stream channel is approximately 18" wide. The ~10" PVC pipe lays in the channel for about 8-feet. Metal wing walls and rebar extend about 3-feet into the bank on both sides of the PVC pipe. The additional conveyance piping is located outside of the stream channel.

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
NA	NA	NA

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**.

Hand work only/manual removal.

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.

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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.

Refer to section F2 of the instructions

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

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?

   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?

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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.

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.

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.

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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.

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.

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**:

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NAME/ADDRESS OF **Adjacent Landowner**:

Refer to section F11 of the instructions

12. **Floodplain Map Number**:

Refer to section F11 of the instructions

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

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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)

James Mackey (Stimson Lumber Company)

Print Name

Signature of Applicant

8/26/2025

Date

LANDOWNER (If different from applicant)

Print Name

Signature of Landowner

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