

Revised: 5/12/2021 310 Form 270 and Instructions may be downloaded from: http://dnrc.mt.gov/licenses-and-permits/stream-permitting	CD/AGENCY USE ONLY		Application # Click to enter text.	Date Received Date
	Date Accepted Date	Initials Initials	Date FW: to Date	FWP Date
<i>This space is for all Department of Transportation and SPA 124 permits (government projects).</i>				
Project Name Click to enter text.				
Control Number Click to enter text.	Contract Letting Date Date			
MEPA/NEPA Compliance <input type="checkbox"/> Yes <input type="checkbox"/> 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.**

	<u>PERMIT</u>	<u>AGENCY</u>	<u>FILL OUT SECTIONS</u>	<u>FEE</u>
X	310 Permit	Local Conservation District	A - E and G	Inquire locally
	SPA 124 Permit	Department of Fish, Wildlife and Parks	A - E and G	No fee
X	318 Authorization 401 Certification	Department of Environmental Quality	A - E and G	\$250 (318); \$400 - \$20,000 (401)
	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
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers (USACE)	A - G F1-8	Varies (\$0 - \$100)
X	Floodplain Permit	Local Floodplain Administrator	A - G	Varies by city/county (\$25 - \$500+)

A. APPLICANT INFORMATION

APPLICANT NAME (person responsible for project): David Neumann

Has the landowner consented to this project? Yes No

Mailing Address: PO Box 757

Physical Address: 1000 Elk Mountain Road

Cellphone: 1(406)334-0792 Home Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

LANDOWNER NAME (if different from applicant): Click here to enter name or N/A.

Mailing Address: Click here to enter mailing address or N/A.

Physical Address: Click here to enter physical address or N/A.

Cellphone: Click here to enter or N/A. Home Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

CONTRACTOR/COMPANY NAME (if applicable): Click here to enter name or N/A.

PRIMARY CONTACT NAME: Click here to enter name

Mailing Address: Click here to enter name or N/A.

Physical Address: Click here to enter name or N/A.

Cellphone: Click here to enter or N/A. Home Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location Pleasant Valley Fisher River
Project Address/Location: 1000 Elk mountain Road Nearest Town Libby
County C Geocode: 56-3826-28-2-02-20-0000
Choose.1/4 of the Choose. 1/4 of, Section 28 Township 27 N, Range 28 W
Latitude 48 04 05.17 N. Longitude-115 12 19.49 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.
The proposed project site is primarily composed of a historic irrigation diversion dam constructed in the early 1950's and a slot gate headgate structure and diversion ditch that dates to its original construction in 1929 and completed and diverting water in 1930. The diversion of water is adjudicated under water rights 76C-15176 for 5 cfs up to 487 acre-feet per year of 76 acres with a May 19, 1930 priority date and 76C-15177 for 175.30 gpm up to 38 acre-feet per year on the 76 acres with a September 17, 1930 priority date.

The Pleasant Valley Fisher River can be described as a “*Rosgen Classification A-type channels that has a high gradient and is deeply entrenched with high sediment transport and rocky (cobble/boulder) beds.* (e.g. from Loon Lake to just upstream and just downstream of the project area). (e.g. Below the project area there is a channel direction change to the west and the river is) *transitioning to a more moderate-gradient typical of a Rosgen B-type channels*¹. In the proposed project area the stream channel is mainly larger alluvial deposits extending to the adjacent banks on the right (looking downstream) and left side of the stream and colluvial deposits on the adjacent slope on the right side. The slope on the left side is shallow floodplain with a 2% slope. The right side is steeper forested slopes from 5% slope near the stream to 20% away and above the stream. Photographs of the stream channel looking upstream of the diversion dam in September 2025 are shown in Appendix 2 to this application. Surface soils on the adjacent right side forest are a decayed understory and topsoil to 2.0 ft. Within the footprint (proposed project area) the left bank of the diversion dam is low grass and brush on the with some pine and cottonwood trees upstream. The right bank in the proposed project area is the diversion dam, headgate and diversion canal and the access road. Downstream on the left side is coarse alluvial stream channel with stream banks associated to a private property. Downstream on the right side is stream channel with coarse alluvial deposit on the streambed and streambanks up to a flood levee on private property overgrown with large trees and brush.

The vegetation of the proposed project area is generally characterized by a riparian ecosystem featuring a mix of coniferous and deciduous trees, as well as a diverse understory of shrubs and herbaceous plants typical to northwestern Montana. Wetlands shown on the Montana Digital Atlas GIS are freshwater shrubs and freshwater forested. There are no structures nearby to the proposed project area.

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.

¹ <https://gallatincd.org/wp-content/uploads/sites/51/2020/04/appendix-1.pdf>

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 _____

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.

A repair and maintenance of the diversion dam and headgate are necessary to ensure water for irrigation can be diverted efficiently. The diversion headgate has been in place since 1930 and the diversion dam was constructed in the 1950s; it remains largely unchanged except for repairs and maintenance over the past 70 years. The proposed project aims to complete the maintenance and repairs begun in 2019, restore and stabilize the historic 96-year-old dam and headgate, and construct upgrades designed to last another century.

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

- 1. The proposed project is to be completed in a dry streambed such as occurred in the fall of 2025. This project will be completed in the fall of 2026 when the Pleasant Vally Fisher River is assumed to be dry again. If the river is not dry in the fall of 2026, the project will be delayed until conditions are favorable.**
- 2. Establish a rebar dowel connection to the existing section of new concrete. Move alluvial material upstream of the diversion dam sufficient to place forms and then form a rebar reinforced upstream cutoff wall and concrete overlay over the remaining diversion dam to historic elevations of the left and right abutments.**
- 3. Remove the upstream side wall, floor and upstream entrance wall of the existing rock and mortar headgate structure and construct forms for a new concrete and rebar reinforced floor, upstream side wall, and upstream entrance wall to reconstruct the upstream part of the headgate structure. The downstream side wall and entrance wall will remain.**
- 4. Both the diversion dam overlay and the headgate structure will use a premixed concrete delivered by Noble Concrete. The mix design is a 4000-psi concrete with 6% air content at a 5-inch slump intend to provide a flowable concrete for placement that retains a high structural integrity and superior freeze and thaw degradation resistance. The concrete will be delivered to the site inn concrete mix trucks and then placed into the forms using a concrete pump truck.**
- 5. Once the concrete has been cured for 7-days, the forms will be removed, the alluvial material will be replaced on the upstream side, the headgate structure will be backfilled and compacted and any exposed soil will be seeded with a riparian grass mix.**

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.

- 1. Do nothing a have the existing historic diversion dam fail to adequately contain diverted flows.**
- 2. Place an overlay over the diversion dam to repair, restore and stabilize the existing diversion dam as originally proposed.**
- 3. Use a temporary HDPE inflatable diversion dam.**
- 4. Remove and replace the entire headgate and diversion dam with a new reinforced concrete structure.**

The proposed alternatives were analyzed using the following criteria ranked by importance.

- 1. Effective to divert and control the use of water.**
- 2. Design life**
- 3. Cost**
- 4. Constructability**
- 5. Disturbance to the bed and streambanks of the river**

Alternative 1 meets the cost, disturbance, and constructability criteria but fails to meet effective criteria as it currently fails to control waste of water and there is no design life as it has failed to accomplish the goal of diversion and control. Alternative 3 was the second most cost, was the least effective to divert and control water due to leakage around and under the inflatable dam, was very difficult to construct and had the lowest design life with a full replacement every 10 years. Alternative 4 has the highest design life, is the most effective to divert and control water but was the most cost, the hardest to construct and causes the most disturbance to the bed and banks. Alternative 2 was selected as effective to divert and control water, it is relatively difficult to construct, has a reasonable design life but will require maintenance every 25 years, has a relatively high cost but is the least disturbance to the bed and stream banks of the river.

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?

Work is planned to be done when the river is dry and no water flows so no erosion, sedimentation or turbidity will occur. There will be a temporary change when the alluvial material adjacent to the upstream face of the diversion dam is removed during placement of the upstream forms. All alluvial material will be restored after the concrete is placed and forms removed. All work is contained to the diversion dam and headgate area and no permanent excavation of the diversion dam in the stream channel will occur. Once completed, the area will be cleaned and restored to a stable condition before any water flows over the completed project. There will be no permanent change to the streambed or banks.

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

No

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

There are no changes to the original diversion dam configuration therefore there are no temporary or permanent changes to floodplain, wetlands or riparian habitat.

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

By restoring the diversion dam to the historic elevations and dimensions, there are no changes to the original historic diversion dam configuration therefore there are no temporary or permanent changes to floodplain

- 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?

By restoring the diversion dam to the historic elevations and dimensions, there are no changes to the original historic diversion dam configuration therefore there are no temporary or permanent changes to the water flow or to the bed and banks of the waterbody

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

There will be no temporary or permanent changes to existing vegetation as all work will be contained to the diversion dam area.

D. CONSTRUCTION DETAILS

1. PROPOSED CONSTRUCTION DATES. Include a project timeline. Start date August 30, 2026
 Finish date 9/30/2026 How long will it take to complete the project? 30 days Is any portion of the work already completed? Yes No (If yes, describe previously completed work.)

A section of the diversion dam overlay was started in 2019. The project will start as soon as mitigation, restoration, repair and stabilization plan is approved.

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

The existing portion of the project is approximately 8 ft. wide by 8 ft. long by approximately 4 inches thick. The historic diversion dam repair is 8 ft. wide by 72 ft. long by 4 - 6 inches thick, depending on the location of the forms and the elevation of the under laying existing diversion dam.

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.

1. **Concrete drill to place dowels to connect the new overlay.**
2. **Hand tools and power tools to build forms.**
3. **Hand tools to place and cut rebar or welded wire reinforcement as specified by engineer.**
4. **Concrete mix trucks on access road.**
5. **Concrete pump truck on access road.**
6. **Hand tools to place and finish the concrete overlay to diversion dam**

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
20 CY	4000 psi concrete overlay	Noble Concrete, Libby
5 gallon	Concrete bonding agent	Macon Supply, Kalispell
576 sq.ft.	¼" welded wire reinforcement	Pival Supply, Libby
1,200 ft.	3/8" rebar	Pival Supply, Libby
80 lin. ft.	2x10 larch & fir forms	WBC, Libby
80 lin. ft.	2x6 larch & fir forms	WBC, Libby

E. REQUIRED ATTACHMENTS

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

- | | |
|--|--|
| <ul style="list-style-type: none"> • 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 | <ul style="list-style-type: none"> • drainage facilities • location of existing/proposed structures, such as buildings, utilities, roads, or bridges • an arrow indicating north • Site photos |
|--|--|

See attached plan drawings in Appendix 1 to this application. See site photographs in Appendix 2 to this application.

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.

See the attached plan drawings in appendix A which include the project location on sheet 1 and sheet 2.

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 waterbodies. **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.

See sheet 3 of the attached plans and specifications for the wetlands and boundary of waters of the US in the project vicinity.

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

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 complete F 1- 8. Applicants applying for Floodplain permits, complete all of Section F. Refer to section F in the instructions.

FOR QUESTIONS RELATING TO SECTION F, QUESTIONS 1-8 PLEASE CONTACT THE USACE BY TELEPHONE AT 406-441-1375 OR BY E-MAIL MONTANA.REG@USACE.ARMY.MIL.

1. Identify the specific **Nationwide Permit(s)** that you want to use to authorize the proposed activity. Refer to section F1 in the instructions.

No Section 404 Permits are required as activity is contained on the historic diversion dam structure and no water bodies or wetlands will be impacted and all work is related directly to agricultural operation and maintenance.

2. Provide the **quantity of materials** proposed to be used in waters of the United States. What is the length and width (or square footage or acreage) of impacts that are occurring within waters of the United States? 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? Note: Delineations are required of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Refer to section F2 in the instructions.

No raw material will be placed into the waterbody. The repair will be fully cured before exposure to water.

3. How will the proposed project avoid or minimize **impacts to waters of the United States?** Attach additional sheets if necessary. Refer to section F3 in the instructions.

No raw material will be placed into the waterbody. Concrete will be fully cured before water is diverted

4. Will the project impact greater than 0.10-acre of wetland and/or more than 300 linear feet 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 F4 in the instructions.

No

5. Is the activity proposed within any component of the **National Wild and Scenic River System**, or a river that has been officially designated by Congress as a **“study river”**? Refer to section F5 in the instructions.

Yes No

6. 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)**? Refer to section F6 in the instructions.

Yes No

7. List the **ENDANGERED AND THREATENED SPECIES** and **CRITICAL HABITAT(s)** that might be present in the project location. Refer to section F7 in the instructions.

None are identified for this area

8. 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 F8 in the instructions.
The diversion dam is 92 years old and is potentially eligible for listing.

9. 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 permits, or proof of waiver must be issued prior to the issuance of a floodplain permit. Refer to section F9 in the instructions.
All permits are applied for concurrently using the joint application and are pending. The permits applied for are the;
1. **310 streambed preservation,**
 2. **318 short term exemption from turbidity and the**
 3. **Lincoln County Floodplain permit.**
10. List the **NAMES AND ADDRESSES OF LANDOWNERS** adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

Adjacent Landowner: **PHILLIPS JANCE & MISTY 7500 US HIGHWAY 93S, LAKESIDE, MT 59922**

Adjacent Landowner: **DAWSON RONALD P & BONNIE B 202 KOEPPE DR, SEQUIM, WA 98382-8341**

11. Floodplain Map Number 3001571025B

12. Does this project comply with **local planning or zoning regulations**? Refer to section F12 in the instructions.

Yes No

G. SIGNATURES/AUTHORIZATIONS

Some agencies require original signatures. **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 possess' 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):

Print Name: [Click here to enter name.](#)

LANDOWNER:

Print Name: [Click here to enter name.](#)

Signature of Applicant Date

Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):

Print Name: [Click here to enter name.](#)

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.