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To: [Sean Amundson](#); [Dave DeGrandpre](#)
Cc: timofmissoula@gmail.com; [John Hart](#)
Subject: Aspire Subdivision - First Agency Sufficiency Review
Date: Thursday, October 12, 2023 3:07:19 PM

Hi Dave and Sean,

Thank you for the opportunity to comment on the Aspire Subdivision.

The Missoula Conservation District (MCD) oversees the Montana Natural Streambed and Land Preservation Act of 1975 (the 310 Law). I will keep our comments to common, inadvertent violations of the 310 Law, or indirect impacts to streams that occur due to possible lack of foresight in planning.

First, we usually require a 310 permit for any work that occurs within 50 feet of the ordinary high-water mark (OHWM). A statement to that effect would be good on the plat.

I see the Aspire subdivision will have a river front trail. That trail, or any other disturbance, will have to be 50 feet from the OHWM, or get a 310 permit before work occurs. I could not tell how far back it was from the preliminary plat.

What we have found with these sorts of trails is that the users tend to want to get down to the water and inadvertently create trails down steep slopes to achieve that. These trails erode and add sediment to the river, not to mention potentially threaten the streambank. Buck-and-rail fence is recommended along the trail to keep people from making their way down to the water. If construction of such a fence is within 50 feet of the OHWM, a 310 permit would be required prior to construction.

The other potential threat that could occur is stormwater eroding the riverbank. This threat is increased by impervious surfaces near the stream bank. Even a compact gravel trail will have more overland flow than undisturbed, vegetated ground. This suggests that the trail should be pitched away from the streambank so that stormwater is not directed to the river. Any other stormwater collected should be directed to a swale and not drained onto the slope above the river.

The planting plan along the trail looks pretty robust, which will increase bank stabilization. Good job there. Although we always prefer locally-native vegetation, we do not require it outside of the 50-foot riparian buffer. A potential problem is that future residents will often take it upon themselves to remove or trim the vegetation to protect their views. Whether using signs, a note on the plat, or outreach at homeowner meeting, this should be discouraged, or forbidden within the 50-foot buffer zone if a 310 permit is not approved first. The other problem we often see is homeowners that immediately about these types of trails often throw their yard waste over the bank. This too should be restricted because it smothers native vegetation which stabilizes the bank. Signs, CCNRs, or other outreach should occur to reduce the risk of inappropriate law-waste disposal.

That's about it for my quick review. Thanks for the opportunity.

Best,
Radley

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