

Revised: <u>5/12/2021</u> 310 Form 270 and Instructions may be downloaded from: http://dnrc.mt.gov/licenses-and-permits/stream-permitting	CD/AGENCY USE ONLY Application # <input type="text" value="Click to enter text."/>	Date Received <input type="text" value="Date"/> Date FW: to <input type="text" value="FWP"/> Date <input type="text" value="Date"/>
Date Accepted <input type="text" value="Date"/> Control Number <input type="text" value="Click to enter text."/>	Initials <input type="text" value="Initials"/> Contract Letting Date <input type="text" value="Date"/>	
<i>This space is for all Department of Transportation and SPA 124 permits (government projects).</i>		
Project Name <input type="text" value="Click to enter text."/>	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, #C5 of this application does not apply.
MEPA/NEPA Compliance		

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	FEES
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
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)
Floodplain Permit	Local Floodplain Administrator	A - G	Varies by city/county (\$25 - \$500+)

A. APPLICANT INFORMATION

APPLICANT NAME (person responsible for project): Nathan Mcleod

Has the landowner consented to this project? Yes No

Mailing Address: 600 Clegg Ln Missoula, MT 59801

Physical Address: 600 Clegg Ln Missoula, MT 59801

Cellphone: (406) 552-6261 Home Phone: N/A E-Mail: mcleodn@ci.missoula.mt.us

LANDOWNER NAME (if different from applicant): City of Missoula

Mailing Address: 435 Ryman St. Missoula, MT 59802

Physical Address: 101 Carousel Dr. Missoula, MT 59802

Cellphone: (406) 552-6261 Home Phone: N/A E-Mail: mcleodn@ci.missoula.mt.us

CONTRACTOR/COMPANY NAME (if applicable): N/A

PRIMARY CONTACT NAME:

Mailing Address: N/A

Physical Address: N/A

Cellphone: N/A Home Phone: N/A E-Mail: N/A

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location Clark Fork River
Project Address/Location: 202 S 4th St Missoula, MT 59801 Nearest Town Missoula
County Missoula County Geocode: 04-2200-22-3-18-08-0000
Section 22 Township 13, Range 19
Latitude 46.8664 Longitude -113.9911 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 Madison St. River Access is located on the north bank of the Clark Fork River, just under the Madison St. bridge. The remainder of the sites are located along the south bank of the Clark Fork River, between Madison Street Bridge and Higgins Street Bridge. Along the south bank, there are several locations of disturbance, due to high pedestrian traffic accessing the river edge. As a result, many informal trails and bank erosion have been created along the bank. The riverbank slope ranges from 2.5:1 to 2:1 and ranges from 10'-14' height. A combination of native and non-native willows are present along the bank. There are no wetlands located on site.

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 _____

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.

The River Access project is necessary to provide improved access to the Clark Fork River. In addition, the improved access will reduce the access use at the non-formal sites which will allow vegetation to be re-established and improved continued bank erosion. The goal of this project is to allow easy access and prevent destabilization of the riverbank from pedestrian traffic.

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

The River Access is intended to provide easy access to the water's edge, while also stabilizing the bank. This project will be accomplished by installing stable trail and stair access points along the proposed sites. In addition, vegetation will be planted, and riprap will be installed within the access sites limits to stabilize the bank and protect the improvements along the bank.

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.

No major alternatives were considered. Several design iterations have been completed with frequent input from the City of Missoula Parks Department to ensure that this design met all the needs and requirements to achieve the project intent/purpose.

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?

Erosion is present on the riverbank in locations of high pedestrian traffic. These are informal access points created by recreational users that are accessing the Clark Fork River. The implementation of permanent structures, stair access, and increased vegetation will reduce bank erosion, thus benefitting the resource. The projects will be constructed during low water periods which will minimize any potential turbidity.

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

The project will not impact fish or aquatic habitats.

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

The final design elevations do not have any impacts to the floodplains. Construction will be completed in fall during low water so any temporary construction will not impact the floodplain. There are no wetlands in the proposed project area. Riparian habitat (with exception of non-native species) close to ordinary high water will be protected in place. Some vegetation will need to be removed but will be replaced with new seeding and vegetation once construction is completed.

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

Construction will be completed in the fall during ordinary low water to decrease flooding potential upstream and downstream of the project.

- 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?

The project limits will not extend to the bed of the waterbody. The banks will be graded to stable slopes, remove invasive plant species, add additional vegetation to the existing riprap, and add additional native plantings to the upper banks which includes willows along the ordinary high water mark.

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

Existing vegetation removal will be minimized by limiting the construction limits throughout the site. The proposed grades match existing grades to the extent possible which will limit disturbance around existing vegetation. Construction will be completed in 2024 and seeding/planting will occur in 2025 to revegetate all disturbed areas. Additionally, vegetation will be created on top of riprap in areas that are currently plain riprap.

D. CONSTRUCTION DETAILS

1. PROPOSED CONSTRUCTION DATES.

Include a project timeline. Start date 10/1/2024
Finish date 3/1/2025 How long will it take to complete the project? 5 months Is any portion of the work already completed?
 Yes No (If yes, describe previously completed work.)
Refer to section D1 in the instructions.
Click here to enter text.

2. PROJECT DIMENSIONS.

Describe length and width of the project. Refer to section D2 in the instructions.
The sites range from 35' L x 25' W as the smallest site to 44' L x 184' W as the largest site.

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.

- Excavator sizes will be
 - Class 200.
 - Class 300.
 - Class 400.
- Loader sizes up to a 4.5 cy .
- End dump standard 10-12 cy.
- Up to a 30,000-pound roller.
- Mini excavators up to 15,000 lbs.
- Skid steers up to 15000 lbs.
- 12,000 lbs forklift.

Excavators will be working from the bank, reaching down to the work area, not up. Terraces may be excavated in the bank for equipment to work from. No Equipment will drive in the water.

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/Square yards/Linear feet	Size and Type	Source
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*Sources unknown at this time

Item	Total	Units
Excavation	270	Cy
Topsoil	43	Cy
Riprap (MDT type III)	282	Cy
Vegetated riprap (MDT type III)	130	Cy
Stabilization geotextile	540	Sy
Erosion control matting	115	Sy
Haul off	225	Cy
Surface course (3/8" minus)	40	Cy
Aggregate base course (1" minus)	60	Cy
Flat stone 3'-4' x 4' x 1' (L x W x H)	76	Ea

Terrace boulders 4' x 4' x 4' (L x W x H)	73	Ea
Bedding gravel (3/4" minus)	50	Cy
Structural fill	50	Cy
Boulders 2.0'-2.5' diameter (for stair stringers)	123	Ea
Grout (stairs, boulder stringers)	19	Cy
Keystone rock (2.5' x 4' x 2.5')	8	Ea
Upland small shrubs	252	Ea
Upland medium shrubs	25	Ea
Upland large shrubs	8	Ea
Willow plantings	101	Ea
Seeding	480	SY

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 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 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.

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.

Nationwide 13 and Nationwide 42

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.

Materials that will be used in construction below the ordinary high-water mark include 60 CY Vegetated Riprap, 12 EA Stone Stairs, 24 EA Grouted Boulders. These quantities are the sum of the 5 separate access sites. The final grade will closely match existing grade so excess fill is not anticipated below OHW.

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.

The project will minimize impact to the river by completing construction during ordinary low water. The proposed grades will match existing grades and the final configuration will create a stabilized bank that reduces future erosion along the banks of the waters of the US.

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.

The project is located along the Clark Fork River where bull trout are considered a threatened species.

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.

No historic property.

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.

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).

NAME OF **Adjacent Landowner**: The Belle LLC, 500 S Higgins Ave
NAME OF **Adjacent Landowner**: The Reed LLC, 265 S 4th St
NAME OF **Adjacent Landowner**: Ditchstone LLP, 305 S 4th St.
NAME OF **Adjacent Landowner**: City of Missoula 200 S 4th St.

11. **Floodplain Map Number** 30063C1480E Refer to section F11 in the instructions.

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: Nathan McLeod

Nathan McLeod

06/06/2024

Signature of Applicant

Date

LANDOWNER:

Print Name: City of Missoula

Donna Gaukler

06/06/2024

Signature of Landowner

Date

***CONTRACTOR'S PRIMARY CONTACT (if applicable):**

Print Name: Click here to enter name.

*Contact agency to determine if contractor signature is required.

Montana Streams, Wetlands, and Floodplains Joint Permit Application

Final Audit Report

2024-06-06

Created:	2024-06-06
By:	Haley Erickson (EricksonH@ci.missoula.mt.us)
Status:	Signed
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"Montana Streams, Wetlands, and Floodplains Joint Permit Application" History

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