

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*) Bowman Davis

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

Mailing Address: 1275 Maple St., Suite F City, State: Helena, MT Zip: 59601

Physical Address: _____ City, State: _____ Zip: _____

Daytime Phone: 406-443-3962 Email: bdavis@wwcengineering.com

LANDOWNER NAME (*if different from applicant*) Judi Powers

Mailing Address: 6 Running River Way City, State: Absarokee, MT Zip: 59001

Physical Address: 6 Running River Way City, State: Absarokee, MT Zip: 59001

Daytime Phone: _____ Email: powersjudi@gmail.com

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: East Rosebud Creek

Project Address/Location: 6 Running River Way, Absarokee, MT 59001 Nearest Town: Absarokee, MT

County: Stillwater Geocode: 32-0617-25-2-04-01-0000

Township: 04 S Range: 18 E Section: 25 ¼ Section: ¼ Section: _____

Latitude: 45.458108 Longitude: 109.451953

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 located along the East Rosebud Creek corridor at 6 Running River Way in Absarokee, MT, a dynamic, braided, high-energy stream system flowing generally northward through a broad riparian zone, bisected by a private road and bridge crossing that defines the "above" and "below bridge" violation areas. The creek displays a wide, active channel with extensive exposed gravel and cobble bars indicating ongoing channel instability, with banks showing signs of active erosion and moderate heights consistent with a cobble-dominated alluvial stream. The riparian corridor is densely vegetated with cottonwood, willow, and shrubby riparian species along both banks, transitioning to dry, sparse grassland typical of south-central Montana in the upland areas. According to the National Wetlands Inventory there are a few small areas of wetlands downstream from the project.

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.

This project is necessary to restore the East Rosebud creek to its original condition before the installation of the berm to the south of the bridge. The installation caused damage to an adjacent property and the removal of the berm would restore the creek flow path back to original condition. This is to address Conservation District Violation #25-014CV (Appendix A).

Refer to section C4 of the Instructions

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

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The removal of the berm will be accomplished through the use of a back hoe or similar equipment. The fill placed in the creek will be removed from the floodplain. Erosion and turbidity mitigation via BMPs will be in place during construction within the floodplain to minimize habitat and riparian effects. See Appendix B for engineering plans for the proposed work.

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?

No other alternatives were considered, this application is in response to a Conservation District violation letter (#25-014CV) for the fill placed in the floodway forming the berm.

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?

The stream bed will be approximately restored to its original condition prior to the placement of fill. There will be minor sedimentation and turbidity increases during the removal of the berm.

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?

This project will have minor temporary impacts to the fish habitat in the area due to an increase in turbidity and sedimentation. However, the project will improve the overall fish habitat due to restoring the stream bed to its approximate original condition prior to the placement of fill.

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

This project will utilize an existing access to the river for the transport of equipment and materials to reduce impact to the floodplain, wetlands, and riparian zone. Overall, this project will improve conditions by returning the stream channel to its approximate original condition that existed prior to the placement of fill.

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

This project will decrease potential flooding and damage to adjacent properties upstream and downstream by restoring the stream bed to approximate original condition.

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 water flow, bed, and bank conditions will be affected during the removal of the berm. By removing the berm, the stream bed will be restored to its approximate original condition and therefore the changes will be minimized.

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

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The existing vegetation will be protected by using an existing access to the river for the transport of equipment and materials. However, any disturbed vegetation will be restored to its approximate original condition after the removal of the berm is complete.

D. CONSTRUCTION DETAILS

Refer to section D1 of the instructions

1. Proposed **CONSTRUCTION DATES:** Start: 9/2026 End: 9/2026

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

The fill was installed as a violation and will be removed as part of this project.

Refer to section D2 of the instructions

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

The area to be removed is approximately 60 feet by 30 feet. It will be restored to its approximate original condition prior to the installation of the berm.

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
54 CY	Sand and Organics (Trees)	Fill placed in river bed.

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.**

Backhoe/Excavator

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)

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- 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.

No known USACE permitting history was identified based on review of available USACE public records and information provided by the landowner. A records inquiry was submitted to the Montana USACE Regulatory Office on 8/4/2026.

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 Permit

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

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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?

Length = 61.3'

Width = 51.8'

Total Acreage = 0.55 Acre (see attached plan profile sheet in Appendix B)

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?

This permit is for the removal of unpermitted fill that was previously placed. Approximately 60 CY of fill will be removed to satisfy the Conservation District Violation 25-014CV.

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.

This project will restore the area back to its approximate original condition prior to placing the fill. This will restore the water of the United States (East Rosebud Creek) back to its historic conditions.

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.

This project will remove unpermitted fill placed adjacent to the stream bed. The total disturbance as shown in the plan profile sheet is 0.55 acre. See Appendix C for National Wetland Inventory wetland delineation. No wetlands are disturbed as part of this project.

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

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

Endangered Species that were identified through a search of the US Fish and Wildlife Service iPAC tool: Grizzly Bear, Monarch Butterfly, and Suckley's Cuckoo Bumble Bee

There are no critical habitats at this location. See Appendix D for IPaC results for the project.

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 onsite.

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.

No permits were issued for this project. This permit is for the removal of unpermitted work to address the Conservation District Violation 25-014CV.

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**: Jeremy Wagner, 30 Serenity Way, Absarokee, MT 59001

NAME/ADDRESS OF **Adjacent Landowner**: James Stampfel, 45.454562, -106.456962 (No address)

NAME/ADDRESS OF **Adjacent Landowner**: John and Marilyn Simmons, 2805 Hwy 78 S, Absarokee, MT 59001

NAME/ADDRESS OF **Adjacent Landowner**: Rick & Veronica Clemens, 45.453027, -109.458100 (No address)

Refer to section F11 of the instructions

12. **Floodplain Map Number**: 30095C1080D

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)

LANDOWNER (If different from applicant)

Bowman Davis

Judi Powers & Lincoln Powers

Print Name

Print Name

Signed by:

DocuSigned by:

DocuSigned by:

Bowman Davis

8/7/2026

Judi Powers Lincoln Powers

8/7/2026

Signature of Applicant

Date

Signature of Landowner

8/7/2026

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