

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 # <u>26-015</u> Date Accepted <u>5-29-26</u> Initials <u>SF</u> Date FW: to FWP <u>6-4-26</u>	Date Received <u>5-29-26</u>
This space 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.		

Corrected Action for 26-014c

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>
☒	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): Betsy Steffanich
 Has the landowner consented to this project? ☒ Yes ☐ No
 Mailing Address: P.O. Box 87, Roscoe, Mt. 59071
 Physical Address: 213 Getaway Trail, Roscoe, Mt. & 14 S. Montana, Absarokee, Mt.
 Cellphone: 406-855-6407 Home Phone: _____ E-Mail: eees58@hotmail.com

LANDOWNER NAME (if different from applicant): Kathleen Cochrane
 Mailing Address: 1762 38th. St. W. Billings, Mt. 59102
 Physical Address: Lovers Lane, Absarokee, Mt. 59001
 Cellphone: _____ Home Phone: _____ E-Mail: _____

CONTRACTOR/COMPANY NAME (if applicable): Kelly Excavating
PRIMARY CONTACT NAME: Bernie Kelly
 Mailing Address: Rosebud Cemetery Rd.
 Physical Address: 27 1/2 Rosebud Cemetery Rd
 Cellphone: 406-321-4560 Home Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

1. NAME OF STREAM or WATER BODY at project location Rosebud Creek
Project Address/Location: Lovers Lane Nearest Town: Absarokee
County: Stillwater Geocode: 32-0617-12-3-01-11-000
1/4 of the 1/4 of, Section 13 Township T4S Range R18E
Latitude 45.49329 Longitude 109.45448 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.
Bank conditions are stable. Bank slope is 1-1. Nearby structure is Absarokee Town Ditch's headgate with grass and tree vegetation.

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 goal of this project while working under Absarokee Town Ditch's 310 permit dated 10-5-22 to 10-5-23, as maintenance after the flood, was to improve the channel upstream to protect the existing headgate during flooding and high waters as well as retain the capability to irrigate by Town Ditch users.
4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.
The purpose of the project was to use existing cobble and concrete blocks to regulate the intake ditch water flow temporarily to allow for irrigation by ditch users until a new headgate could be installed.
During low water, build a diversion from existing clean cobble / no fines and concrete blocks into the stream to feed intake channel.

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.

This project enables the Town Ditch to supply water for irrigation until permitting and construction of a new headgate can be completed.

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?

Due to minimal grade, we expect very little impact. By controlling water flow during floods and high water we expect little to no changes. Area has grassed in with vegetation to provide stability to the banks.

- Will the project cause temporary or permanent impacts to fish and/or aquatic habitat? What will be done to protect the fisheries?
Minimal impact is expected. With this project being done, we minimized erosion and flooding which will help protect the fish and/or aquatic habitat.
- What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat?
Completion of this project allowed for control of water flow to minimize impacts to the floodplain, wetlands or riparian habitat.
No negative impacts to floodplain, wetlands or riparian habitat are expected.
- What efforts will be made to decrease flooding potential upstream and downstream of project?
Cobble along with a plug was installed to regulate water flow to the intake ditch and decrease the potential of further flooding.
- 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?
Water flow as a whole remains the same. The only thing changed would be the point of diversion. The stream bed remains unchanged. The banks are temporarily protected by cobble pending further permitting of a headgate, diversion and riprap. With the exception of the plugs, all material used for this project is clean cobble with no fines.
- How will existing vegetation be protected and its removal minimized? Explain how the site will be revegetated. Include weed control plans.
Vegetation was protected by using the correct size of equipment and only excavating what was needed to accomplish this project.
Upon approval of permit solution, (new headgate, diversion and rip rap) we will manage excess material, use topsoil and native grass seed to revegetate any disturbed areas and spray weeds as necessary.

D. CONSTRUCTION DETAILS

1. **PROPOSED CONSTRUCTION DATES.** Include a project timeline. Start date Fall of 2022
Finish date Fall of 2022 How long will it take to complete the project? _____
Is any portion of the work already completed? ☒ Yes ☐ No (If yes, describe previously completed work.)
Refer to section D1 in the instructions.
Working under Absarokee Town Ditch's 310 permit dated 10-5-22 to 10-5-23, as maintenance, we installed a plug and river cobble to improve the channel upstream of the Town Ditch's headgate to retain the capability to irrigate by ditch users as well as control water flow during floods and high water until permitting and completion of a new headgate.
2. **PROJECT DIMENSIONS.** Describe length and width of the project. Refer to section D2 in the instructions.
50 feet X 50 feet.
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.
A Track Excavator was used.

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

20 cubic yards

10 Linear feet

Size and Type

Assorted river cobble

5 3' x 2' x 2' Concrete Blocks

Source

On site existing cobble.

Columbus Concrete

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 storage or stockpile materials dimensions and location of fill or excavation sites
 - drainage facilities
 - 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.
[Unknown](#)

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. [20 yards of river cobble was used as well as 5, 3' x 2' x 2' concrete blocks. The project is 25 feet long and 20 feet at the widest point and 16 feet at the narrowest point. The river cobble is 36 inches at the tallest point.](#)

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.
[Minimal impact by keeping machinery above watermark \(except for bucket\), and completing work during low water conditions. With the exception of the removable plugs, no other foreign materials were used.](#)

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.
[We believe this project falls under the 300 linear feet or 0.10 acres that require compensatory mitigation.](#)

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.
[Unknown](#)

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.
[Unknown](#)

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.

310 Pending 404 Pending 318 Pending FP Pending

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/ADDRESS OF Adjacent Landowner: Scotia Sutherland 6377 S. Garden Creek Rd. Casper, Wy.

NAME/ADDRESS OF Adjacent Landowner: Kathleen Cochrane, 1762 38th. S. W. Billings, Mt. 59102

NAME/ADDRESS OF Adjacent Landowner: Patrick & Eugene Kidd, 70 Nitche Rd. Absarokee, Mt. 59001

NAME/ADDRESS OF Adjacent Landowner: _____

11. Floodplain Map Number Unknown 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: Betsy Steffanich


Signature of Applicant _____ Date _____

LANDOWNER:

Print Name: _____

Signature of Landowner _____ Date _____

*CONTRACTOR'S PRIMARY CONTACT (if applicable):

Print Name: Bernie Kelly

Signature of Contractor/Agent _____ Date _____

*Contact agency to determine if contractor signature is required.

