

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>26-008</u>	Date Received <u>4-16-26</u>
	Date Accepted <u>4-17-26</u>	Initials <u>SF</u>	Date FW: to FWP <u>4-17-26</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.	

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): John P. Simmons

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

Mailing Address: 2805 Hwy 78 Absarokee 59001

Physical Address: Same

Cellphone: 406 321 1340 Home Phone: 406-328-4163 E-Mail: Jmsimmons@nemont.net

LANDOWNER NAME (if different from applicant): Same

Mailing Address: _____

Physical Address: _____

Cellphone: _____ Home Phone: _____ E-Mail: _____

CONTRACTOR/COMPANY NAME (if applicable): self

PRIMARY CONTACT NAME: _____

Mailing Address: _____

Physical Address: _____

Cellphone: _____ Home Phone: _____ E-Mail: _____

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.

The downstream neighbors using much of this water could control the inlet, with a rock wall or a gate. would keep much of the water back into the main stream of ERS

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?

we will grow grass and brush on the banks

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

The cleaner channel will eliminate turbidity

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

The channel inlet is on our neighbors land, we hope our land work will slow down the destructive erosion.

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

This project will help

- 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?

This project will help keep trees out of the wetland channel

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

there is only tree roots to cover I will plant willows and grass into some local top soil. we don't tolerate weeds, pull, cut, and some spray

D. CONSTRUCTION DETAILS

1. **PROPOSED CONSTRUCTION DATES.** Include a project timeline. Start date April 15 - 2026
Finish date May 1 2026 How long will it take to complete the project? 1 week
Is any portion of the work already completed? ☐ Yes ☒ No (If yes, describe previously completed work.)
Refer to section D1 in the instructions. ms

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

300 feet 20 feet wide

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.

Back hoe

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

washed gravel and rocks up to 15" from the 2022 flood rocks 1 1/2" to 15" on site

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 is on site
- drainage facilities
- location of existing/proposed structures, such as buildings, utilities, roads, or bridges 600 feet east
- an arrow indicating north
- Site photos included

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. one time per year
ms

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.

B. PROJECT SITE INFORMATION

1. NAME OF STREAM or WATER BODY at project location East Rosebud Creek Side Channel
Project Address/Location: 2805 Hwy 98 Nearest Town: Absarokee
County: Stillwater Geocode: 0617-25-01-01-0000
____ 1/4 of the ____ 1/4 of, Section 25 Township 04S Range 18E
Latitude _____ Longitude _____ 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.

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 high water washes the banks away and the trees fall as the channel gets deeper each year and this threatens our fences and hay fields

4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions. We need to move the rock bar of the fluvial deposit on the west edge over to cover the east side bank and tree roots, and raise the bottom of the trench

First F only

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.

15 cubic yards

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.

use clean Excavation

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.

Unknown

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~~ 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.

~~None~~ 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
310 Pending

USACE - 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: Eggen Inc 2802 Highway 78
NAME/ADDRESS OF Adjacent Landowner: PO Box 333 Absarokee 59001
NAME/ADDRESS OF Adjacent Landowner: Menty Ostrum 2825 Hwy 78
NAME/ADDRESS OF Adjacent Landowner: PO Box 5 Absarokee 59001

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: John P. Simmons

John P. Simmons 4-7-2026
Signature of Applicant Date

LANDOWNER:

Print Name: John or Marilyn Simmons

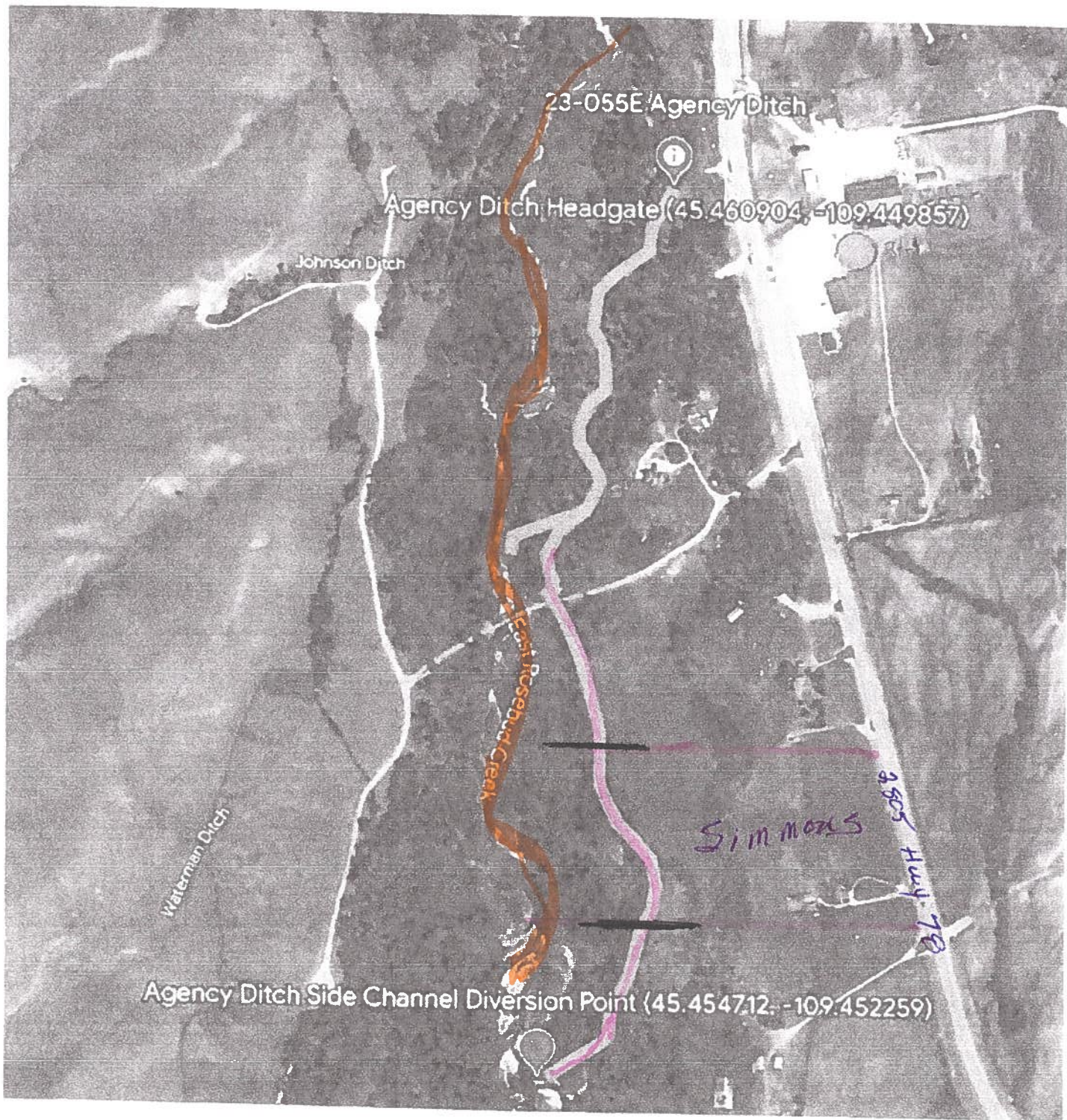
John P. Simmons April 7, 2026
Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):

Print Name: _____

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.



23-055E Agency Ditch

Agency Ditch Headgate (45.460904, -109.449857)

Johnson Ditch

Wateman Ditch

East House Creek

Simmons

8/8/05 Hwy 78

Agency Ditch Side Channel Diversion Point (45.454712, -109.452259)



4-5-26
John Lemmon



11-5-26
Cuba Samson



Quinn, Stinson, 11-5-92



Great Rock Creek



John, & Margaret 11-5-210

Ben Walker's picture for SCD Declaratory hearing
Simmons ~~that~~ verses Agency ditch.

