

Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # _____ Date Received _____
Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____

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, #14 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	<u>PERMIT</u>	<u>AGENCY</u>	<u>FEE</u>
<input type="checkbox"/>	310 Permit	Local Conservation District	No fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input checked="" type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
<input type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input type="checkbox"/>	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): Meadowlark Ranch, Inc.

Has the landowner consented to this project? Yes No

Mailing Address: 175 N. 27th St, Suite 900, Billings MT 59101

Physical Address: 175 N. 27th St, Suite 900, Billings MT 59101

Day Phone: 406-248-3641 Evening Phone: N/A E-Mail: lleep@oaklandcompanies.com

NAME OF LANDOWNER (if different from applicant): N/A

Mailing Address: N/A

Physical Address: N/A

Day Phone: N/A Evening Phone: N/A E-Mail: N/A

NAME OF CONTRACTOR/AGENT: Sanderson Stewart

Mailing Address: 1300 N. Transtech Way, Billings MT 59102

Physical Address: 1300 N. Transtech Way, Billings MT 59102

Day Phone: 406-869-3365 Evening Phone: N/A E-Mail: egilrein@sandersonstewart.com

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location Hyalite West Overflow Nearest Town Belgrade

Address/Location: COS 2604 Tract 1 Geocode (if available): 06-1011-31-4-01-01-0000

Choose: 1/4 1/4 1/4, Section 31, Township 01N, Range 05E County Gallatin

Longitude -111.137872, Latitude 45.793361

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, **PROVIDE WRITTEN DIRECTIONS TO THE SITE.**

C. PROJECT INFORMATION

1. **TYPE OF PROJECT** (check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input checked="" type="checkbox"/> Placement of Fill |
| <input checked="" type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input checked="" type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include:**

- a plan view (looking at the project from above)
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials
- drainage facilities
- an arrow indicating north
- a cross section or profile view
- an elevation view
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges

3. **IS THIS APPLICATION FOR** an annual maintenance permit? Yes No
(If yes, an annual plan of operation must be attached to this application – see "Information for Applicant")

4. **PROPOSED CONSTRUCTION DATE.** Include a project timeline. Start date 11/1/2020
Finish date 12/1/2020 Is any portion of the work already completed? Yes No
(If yes, describe the completed work.)

5. **WHAT IS THE PURPOSE** of the proposed project?
Alter channel per attached construction plans to meet the conditions of a CLOMR to remap existing floodplain. Soil will be removed from the existing channel area and fill will be placed in areas outside the channel to constrain the floodplain within the site and raise adjacent areas outside the flood elevation. This permit only covers the floodplain improvements earthwork.

6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project.
The existing Hyalite West Overflow channel will be straightened through the site, deepened, and the channel bottom grade smoothed and increased. The new channel will be about 40 feet wide (base width) by 3-5 feet deep. Excavated and additional material will be spread outside of the channel to confine floodplain and to raise the ground surface elevation to at least 6 inches above the base flood elevation.

7. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.
The site is currently undeveloped. Most of the site is farmland surrounded by barbed wire fencing, with the Hyalite West Overflow channel itself remaining as a natural area. The channel is graded very flat with generally low and flat banks from 6 inches to 2 feet high, the channel does not actively flow water. Wetlands have been delineated and are shown in the included site plan. The area is well vegetated.

8. **PROJECT DIMENSIONS.** How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

The project will remove soil from the full width of the water body and fill will be added extending up to 650 feet from the channel. Approximately 3,400 feet of bank will be impacted (on both sides of the water body). The proposed new channel width is 40 feet at the base and approximately 70-200 feet wide at the top.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

Vegetation is generally grasses and varying herbaceous vegetation. Approximately 30 acres of vegetation will be temporarily disturbed during construction. All disturbed vegetation will be reseeded, and seeding in the proposed channel will be covered with an erosion control blanket. The proposed Hyalite West Overflow channel will be reseeded with a wetland seeding mix in conformance with the wetlands delineation report for this project.

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
32,300 Cubic Yards	Fine and coarse grained soil	Dredged from new channel and other areas on site

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Heavy equipment, including excavators with buckets and compaction attachments, will be used during construction. Equipment will remain on existing farmland area on site and water quality best management practices will be utilized.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

Erosion control measures include an erosion control mat over native seeding in the disturbed area of the Hyalite West Overflow channel and drainages flowing into it. Erosion control best management practices will be utilized throughout the project.

- Minimize stream channel alterations?

The channel alterations are a requirement of this project. The width of the new Hyalite West Overflow channel is restricted to allow for more concentrated flow. The existing channel does not actively flow any water.

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

The Hyalite West Overflow does not actively flow any water. Erosion control measures will be used to minimize effects to water quality. Reseeding and erosion control blankets will be utilized.

- Minimize effects on fish and aquatic habitat?

The Hyalite West Overflow does not actively flow water and does not provide fish habitat. Vegetation and habitat will be restored to the previous condition to the extent possible.

- Minimize risks of flooding or erosion problems upstream and downstream?

Erosion control best management practices will be utilized throughout the project. The proposed finish grade either maintains or improves upon the existing flood elevations. Flooding effects were modeled in HEC-RAS including upstream and downstream effects. Per the CLOMR, no adverse effects were found.

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

The proposed work is limited to only those areas which must be excavated or filled. Vegetation disturbance will be limited to bank, swale, and roadway construction areas. Reseeding and erosion control measures will be completed as soon as possible to limit opportunities for weeds to spread.

13. WHAT ARE THE NATURAL RESOURCE BENEFITS of the proposed project?

Improved flow through Hyalite West Overflow channel by providing a more defined channel section. The more defined channel limits the potential for shall flooding and provide the property with more usable land area. Wetland reseeding measures will likely provide increased wetland area within the site – likely more wetland area will be created in the channel than are being disturbed.

14. LIST ALTERNATIVES to the proposed project. Why was the proposed alternative selected?

The existing floodplain consists of widespread shallow flooding across the property. This option was selected after careful analysis of the base flow elevations during preparation of the CLOMR associated documents. This option improves the flow through Hyalite West Overflow channel by providing a more defined channel section. The more defined channel limits the potential for shall flooding and provide the property with more usable land area. Also, the base flood elevations after construction maintains a close correlation to the pre-construction base flood elevations for the upstream and downstream properties.

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

The attached Army Corps of Engineers Approved Jurisdictional Determination dated October 19, 2020 notes that Wetland 6, the main wetland within the site, is not considered waters of the US. The wetland delineation has been included with this application. Wetland 5 on the north boundary of the site is considered jurisdictional waters of the US. As the attached site plan shows, the only waters of the U.S disturbed will be approximately 0.055 acres of Wetland 5. This is well below the 1/10th acre threshold that requires mitigation.

The project will consist of approximately 32,300 cubic yards of fill in total.

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

Wetland habitat will be re-established on-site within the new channel by providing native wetland reseeding within the channel. The estimated new wetland area will be approximately 2.3 acres, which is more area than what is being disturbed including both jurisdictional and non-jurisdictional wetlands. The new channel alignment follows the general alignment of the previous channel. Disturbance to existing vegetation will be minimized, and all disturbed areas will be revegetated. Any water quality impacts will be temporary. Again, per the attached Approved Jurisdictional Determination these areas are not considered waters of the United States, mitigation is not required.

3. List the names and address 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).

North – KT Ranch LLC, 3800 N Lake Shore Dr

East – Pierce Benjamin C & Undiv 79.09% Int, 1029 Two Waters Way

South – Meadowlark Ranch Residential Owners Assoc. Inc., 172 N 27th St. Ste. 900, Billings MT 59101

West – various homeowners and unsold lots on Meadowlark Ranch Phase IV

4. 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.