

Revised: 2/16/12 (310 form 270) Form may be downloaded from: www.dnrc.mt.gov/permits/default.asp	AGENCY USE ONLY: Application # <u>LC-07-13</u> Date Received <u>2-19-13</u> Date Accepted <u>2-20-13</u> / Initials _____ Date Forwarded to DFWP <u>2-20-13</u>
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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.

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

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): JEFFREY W. JOHNSON
 Has the landowner consented to this project? Yes No
 Mailing Address: 920 Cap Rd Helena, MT 59602
 Physical Address: 920 Cap Rd Helena, MT 59602
 Day Phone: 406-431-6850 Evening Phone: same E-Mail: jjohnsonrgr99@msu.com

NAME OF LANDOWNER (if different from applicant): _____
 Mailing Address: _____
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): _____
 Mailing Address: _____
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location Springfield creek ^{no name} Nearest Town Lineda ^{trib to Powdermanck}
 Address/Location: Silver Bell mining claim Geocode (if available): _____
 _____ 1/4 _____ 1/4 _____ 1/4, Section 13, Township 13 North, Range 8 West County Lewis & Clark
 Longitude 46° 53' 05.475" N, Latitude 112° 31' 56.810" W
Road # 1890

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 checked="" 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 type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input 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 ____/____/____
Finish date ____/____/____ 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?
REPAIR WASHED OUT ACCESS ROAD.

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.
would like to place 2 small culverts. use crushed rock (already on site) to fill in eroded road and elevate the road using rock to prevent further wash out and stop further ~~eroding~~ eroding.

* 7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands. NO BANKS, NO STRUCTURES, small spring ~~fed~~ stream.

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? BANK = CREEK BANK ca 10-12'
encroachment & extension away from water body - 10-15'

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.

Natural west slope veg. along stream bed. Any vegetation should recover from work done. There will be no removal of vegetation on this site.

10. MATERIALS. Describe the materials to be used and how much.

Cubic yards/Linear feet	Size and Type	Source
Roughly 80-100 yds	1/2" to 5" Rock	CRUSHED ROCK PILE FROM MINE WORK.

11. EQUIPMENT. What equipment is proposed to be used for the work? Where and how will the equipment be used on the stream bank and/or the waterbody?

Backhoe & trackhoe. The waterbody is so small enough to use large rock to make a small crossing - water can easily flow under & between or use wood or iron to traverse the water.

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?
Cover creek with rock so machines will go over not than creek bed. Then remove the rock when done. OR lay down logs to protect stream bed; as if bridge.
- Minimize stream channel alterations?
There will be no stream or channel alterations.
- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?
Should be minimal.
- Minimize effects on fish and aquatic habitat?
Should not affect fish or aquatic habitat.
- Minimize risks of flooding or erosion problems upstream and downstream?
This project will improve downstream effects of erosion.
- Minimize vegetation disturbance, protect existing vegetation, and control weeds?
Very little disturbance.

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

Stop erosion at this site.

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

Bring in materials from diff. source. = Runny tracks up & down the work area will cause further disturbance of area.
- Less invasive to area of work.

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 fill material below the ordinary high water mark, 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: A delineation of the wetland may be required. *No.*
- 2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary. *N/A*
- 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).
US Forest
- 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.
- 5. Floodplain Map Number *N/A*
- 6. Does this project comply with local planning or zoning regulations? Yes No

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

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.

APPLICANT (Person responsible for project):
Print Name: *JEFFREY W. JOHNSON*

LANDOWNER:
Print Name: *JEFFREY W. JOHNSON*

Jeffrey W. Johnson 2-7-13
Signature of Applicant Date

Jeffrey W. Johnson 2-7-13
Signature of Landowner Date

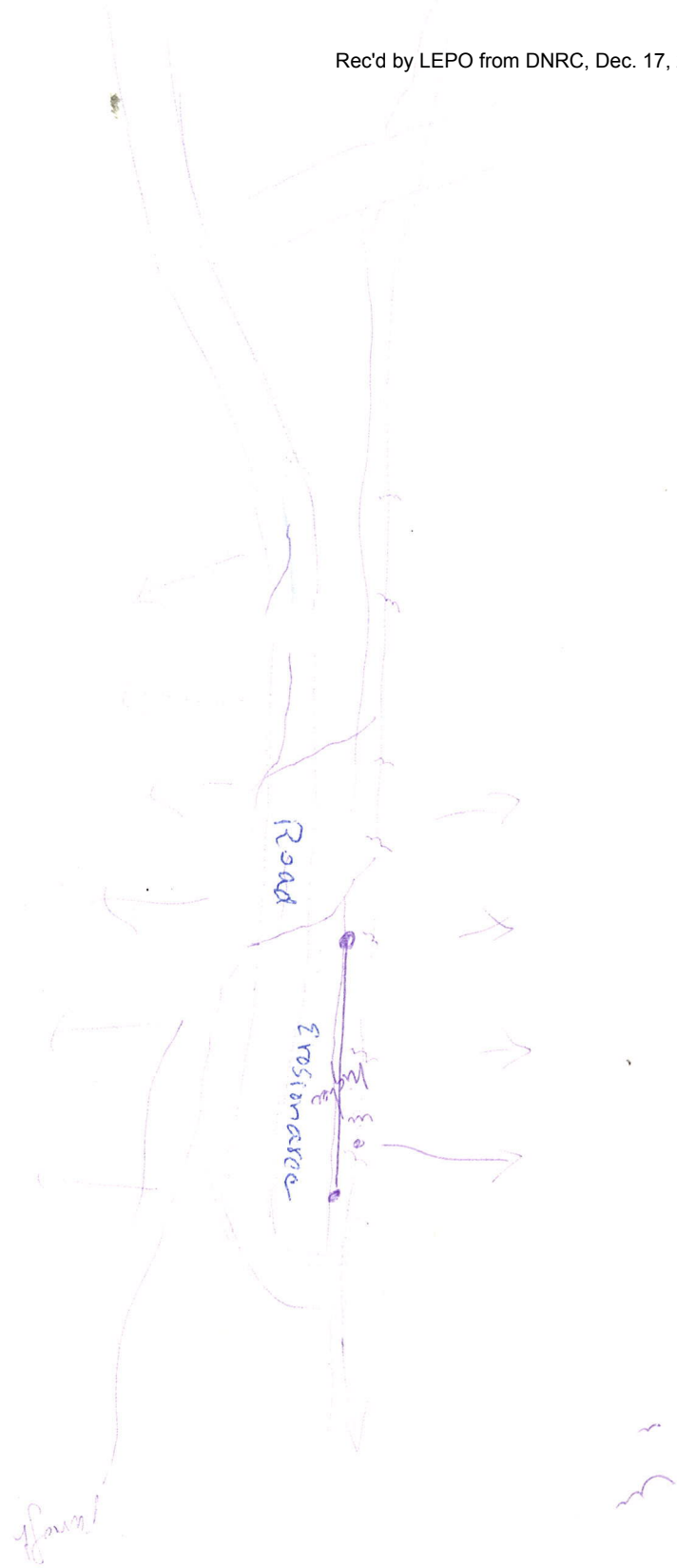
*CONTRACTOR/AGENT:
Print Name: _____

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.

a cross section / profile view is hard
as the sides on the road go steep up
each side.





**STATE OF MONTANA
NATURAL STREAMBED AND LAND
PRESERVATION ACT (310 LAW)**

Application No. LC-07-13
Date Submitted to District 2-19-13

TEAM MEMBER REPORT

1. Applicant Jeffrey Johnson
Name of perennial stream No-Name Creek County Lewis & Clark
Location of proposed activity Section 13 & 18 Township 13N Range 8W
2. Onsite inspection at Project area (see applicant) on 5/14/2013 at 10:30 AM
(location) (date) (time)

3. Review considerations:	Insignificant	Moderate	Significant	N/A
(a) effects of soil erosion and sedimentation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) risk of flooding or erosion problems upstream or down:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) effects of stream channel alterations:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) effects on streamflow, turbidity, or water quality caused by materials used or by removal of ground cover:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) effects on fish and aquatic habitat:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) are there reasonable alternatives to reduce disturbance to stream or better accomplish the purpose of the project?	<input type="checkbox"/> yes (see below)		<input checked="" type="checkbox"/> no	

4. Recommendation:
- Approval as proposed Approval with modifications Denial Request for time extension

5. Modifications/Comments:
- See attached (if more room is necessary)
- 1) Both culverts to be 16" diameter
 - 2) Road bed will be higher than elevation of stream when completed
 - 3) Cut material will be at Road ~~bed~~ plain elevation a minimum distance of six feet.
 - 4) No entry into stream
 - 5) Project may commence after 7:15 ~~AM~~ with outflow road under

6. Signature of Team Member(s)
- Jeffrey Johnson Date 5-14-13
Name/Representing Waive 15-day waiting period after board's decision
- Ron R... Date 5/14/13
Name/Representing Waive 15-day waiting period after board's decision
- Bob Bushnell Date 14 May 13
Name/Representing Waive 15-day waiting period after board's decision

318 AUTHORIZATION REVIEW

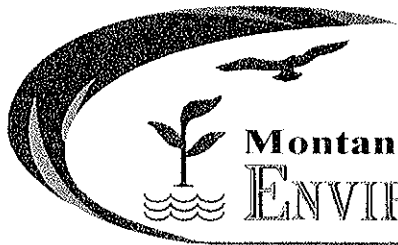
I have reviewed the above project on behalf of the Montana Department of Environmental Quality (DEQ) pursuant to the Montana Water Quality Short-term Water Quality Standards for Turbidity 75-5-318 MCA:

- This project **will not** increase turbidity if completed according to the conditions listed in the 310 or 124 permit. Therefore, application to DEQ for a 318 authorization **is not** required.
- Impacts to the physical and biological environment from turbidity generated as a result of this project are uncertain. Therefore, the applicant must contact the Montana Department of Environmental Quality, 1520 East Sixth Avenue, Box 200901, Helena, MT 59620-0901, (406 444-3080) to determine project specific narrative conditions required to meet short-term water quality standards and protect aquatic biota.
- Turbidity generated from this project is expected to be short-term and have only temporary and minor impacts on the physical and biological environment. Therefore, compliance with the conditions stated in *DEQ's Short Term Water Quality Standard for Turbidity Related to Construction Activity*, as well as other conditions listed in the 310 or 124 permit, are appropriate for this project.

DFWP Representative's Signature _____ Date _____







Montana Department of ENVIRONMENTAL QUALITY

Rec'd by LEPO from DNRC, Dec. 17, 2013
SHORT-TERM WATER QUALITY STANDARD
FOR TURBIDITY RELATED TO
CONSTRUCTION ACTIVITY
(318 Authorization)

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

Dear Applicant:

This 318 authorization is the result of your recent application for a 310 permit from your local Conservation District or a 124 permit from Montana Fish, Wildlife and Parks. This authorization is valid for the time frame noted on your permit.

This is not your 310 or 124 permit and no construction activity should occur until you have received a valid 310 or 124 permit as well as any other permits that apply to this proposed construction activity.

This authorization is the result of an Operating Agreement between the Montana Department of Environmental Quality (DEQ), and Montana Fish, Wildlife and Parks (FWP).

The applicant agrees to the comply with the conditions stated below, as well as other conditions listed in the 310 or 124 permit issued for this project. Signatures of the applicant and FWP are required to validate this authorization.

- 1. Construction activity in or near the watercourse are to be limited to the minimum area necessary, and conducted so as to minimize increases in suspended solids and turbidity that could degrade water quality and adversely affect aquatic life outside the immediate area of operation.
2. The use of machinery in the watercourse shall be avoided unless absolutely necessary.
3. All disturbed stream banks and adjacent areas created by the construction activity shall be protected with erosion control measures during construction. These areas shall be reclaimed with appropriate erosion control measures and revegetated to provide long-term erosion control.
4. Any excess material generated from this project must be disposed of above the ordinary high water mark, in an area not classified as a wetland, and in a position not to cause pollution of State waters.
5. Clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
6. This authorization does not authorize a point source surface water discharge. MPDES permit is required for said discharge.
7. Open cut creek crossings will not be allowed in flowing water. Stream water must be diverted around the open cut area (pump, flume etc.)
8. The applicant must conduct all activities in full and complete compliance with all terms and conditions of all permits required for this activity issued pursuant to the Montana Natural Streambed and Land Preservation Act (310 permit), the Stream Protection Act (124 permit) the Federal Clean Water Act (404 Permit), any MPDES permits for dewatering or storm water control in the construction area and any valid Memorandum of Agreement and Authorization (MAA) negotiated for this activity.

The FWP representative has determined that this project is within the scope of the programmatic Environmental Assessment prepared by DEQ and FWP for the issuance of narrative turbidity standards.

Ron Pierce Date: 5-14-13
FWP Representative's Signature

[Signature] Date: 5-14-13
Applicants Signature

Name and location of project: LC-07-13

310 PERMIT
CONSERVATION DISTRICT'S DECISION

DECISION DATE 6-13-13
LC-07-13

Notice: THIS AUTHORIZATION DOES NOT GIVE PERMISSION TO CARRY OUT A PROJECT ON LAND THAT IS NOT OWNED BY THE HOLDER OF THIS PERMIT. Landowner permission, easements or other federal, state, or local permits, licenses, special use permits, or authorizations may be required before construction of the project. It is the duty of the holder of this permit to determine which are necessary and obtain them prior to construction of the project.

Name of Applicant Jeffrey Johnson
Address 920 Cup Rd City Helena State MT Zip 59602
Perennial Stream Trib to Poorman Creek

Supervisors' Decision (circle): Approved Approved w/ Modification Denied Not a Project
Explanation:
 See attached (if more room is necessary)

Permit Expiration Date 6-13-2014 Work may begin on or after: 6-14-2013

Date Transmitted to Applicant and DFWP _____

Supervisors' Signatures:
2AS MR _____
Bob Bushnell _____
Ron Ingersoll _____
Steph R Grayson _____

TO BE COMPLETED BY THE APPLICANT

Check the appropriate box, sign and return a copy to the district office **within 15 days** of receipt of this permit.

- I agree to proceed with the project in accordance with the approved application and specifications outlined in this permit and will allow a follow-up inspection.
- I disagree with the terms of this permit and I will seek judicial review in district court within 15 days of receipt of this permit. (This box may only be checked if you did not sign an arbitration agreement when you submitted your application.)
- I disagree with the terms of this permit and hereby request arbitration. I agree to abide by the arbitration agreement attached to or on the reverse of this form – OR, if an arbitration agreement was signed when the permit application was submitted, I will abide that agreement.

Signature Applicant: Jeffrey L. Johnson Date 6-22-2013 of _____

NATURAL STREAMBED AND LAND PRESERVATION ACT - ARBITRATION AGREEMENT

The Natural Streambed and Land Preservation Act arbitration process is governed by the Uniform Arbitration Act, MCA §27-5-111 through §27-5-324, except as expressly provided as provided herein. According to MCA §75-15-112, any team member may request arbitration. The team includes the applicant, a representative of the Department of Fish, Wildlife and Parks, and a representative of the conservation district.

1. Parties. The applicant and the conservation district are always a party to the arbitration process. If the applicant requests arbitration, parties will include the applicant and the conservation district. If the Department of Fish, Wildlife and Parks requests arbitration, parties will include the Department of Fish, Wildlife and Parks, the applicant, and the conservation district. If the conservation district representative requests arbitration, the parties will include the conservation district, the conservation district's representative, and the applicant. The team member requesting arbitration is the contesting party.

2. Administering Agency. The conservation district or the county attorney will act as the administering agency for the arbitration process. The conservation district shall provide clerical services to collect fees associated with the costs of the arbitration panel.

3. Selection of the Arbitration Panel. Within 30 days of the request for arbitration, the contesting party and the conservation district will submit to the administering agency the names and qualifications of three consenting persons who reside in the judicial district in which the dispute is taking place. The consenting persons must reside in the judicial district in which the dispute takes place. The parties may agree on a list of no less than four consenting persons to act as the arbitrators to be submitted to the senior judge. That list shall contain all of the names and qualifications of the consenting persons without designating the party submitting the names to the conservation district. The senior judge will select three persons from the list who, from a review of the qualifications, appear to be the most impartial to serve as arbitrators. If the contesting party fails to submit names within 30 days, the request for arbitration is deemed withdrawn. If the other parties fail to submit names and qualifications, the arbitrators must be selected from the list provided by the administering agency by the senior district judge. The arbitration panel shall only sit for the period of time necessary to settle the dispute before it and will review the proposed project pursuant to this arbitration agreement and in accordance with the statutory criteria set forth in MCA §75-7-112, implementing rules, and the policy set forth by MCA §75-7-102. The panel may appoint a chair. The powers of the arbitration panel shall be exercised by majority agreement of the panel. If during the course of the hearing an arbitrator ceases to act, the remaining panel members may continue with the hearing and make a determination on the dispute.

4. Costs of the Arbitration. Costs of the arbitration panel, computed as for jurors' fees under MCA §3-15-201, shall be borne by the contesting party. Clerical costs of the panel shall be paid by the nonprevailing party as determined by the panel. For all other expenses, including counsel fees, each party shall bear its own costs.

5. Prehearing. The panel may call a prehearing conference to set the arbitration schedule, and to request specific written information from the parties.

6. Date, Time, and Place of Hearing. The panel will select the time and place for the hearing. The hearing must be held in the judicial district in which the dispute takes place. The panel may consider requests for specific locations for the hearing. The panel may conduct on-site inspections. The panel may require the parties to submit copies of exhibits and a summary of its case, including a list of witnesses, to the panel and all other parties, prior to the hearing.

7. Notice of Hearing. Not less than ten days before the hearing, the administering agency shall give notice to each party. The notice must be by personal delivery or by certified mail. The notice shall include a description of the subjects and issues involved and the time and place of the hearing.

8. Representation. All parties have the right to be represented by an attorney. The arbitration panel may request the district court issue subpoenas for the attendance of witnesses and the production of books, records, documents, and other evidence and may administer oaths. The provisions of law providing for service of subpoenas are applicable. The arbitration panel may permit a deposition to be taken of a witness who cannot be subpoenaed or is unable to attend the hearing. At the conclusion of the hearing, the panel may take the matter under advisement. A majority of the panel will render a final decision.

9. Procedure at the Hearing. Each party may give opening statements, describing, generally, their position on the supervisors' decision. The contesting party will then present its witnesses and evidence. If there is more than one contesting party, then the chair shall determine the order of presentation by the contesting parties. The other parties will follow, in turn as directed by the chair, with their witnesses and evidence. A witness is subject to cross-examination by the parties to the proceeding. A panel member may ask questions of any witness or party to the dispute. Each party may conclude with closing remarks or statements summarizing their positions and evidence. The hearing must be tape-recorded. If the judicial review is necessary, the tapes or relevant portions of the tapes may be transcribed. The parties may arrange for a transcription of the hearing at their own cost.

10. Award. The award is the final decision of the arbitration panel. The award must be in writing and signed by the arbitrators. The arbitration panel's award must be issued within 60 days after the hearing. The arbitration panel shall deliver a copy of the decision to each of the parties and the district judge either personally or by certified mail. The district court shall confirm the panel's award, unless a party applies and shows grounds for vacating, modifying, or correcting the award.

11. Judicial Review. If the panel's decision is contested, the court will review the panel's decision in accordance with MCA §27-5-312 and 313, Uniform Arbitration Act.

12. Other. Please specify.

Requesting Party _____ Date: _____

Conservation District _____ Date: _____

Modifications for LC-07-13

- 1) Both culverts to be 16" diameter
- 2) Road bed will be higher than elevation of stream when completed
- 3) Cut material will be at flood plain elevation a minimum distance of six feet
- 4) No entry into the stream