



Flathead County

Planning & Zoning

40 11th Street West, Suite 220 Kalispell, MT 59901
Telephone 406.751.8200

FLOODPLAIN DEVELOPMENT PERMIT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

APPLICATION CONTENTS:

1. Completed application.
2. Application fee (see current fee schedule http://flathead.mt.gov/planning_zoning/permits.php).
3. An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee (*see form below*). The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. The signing of this application signifies approval for the Flathead County Planning and Zoning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature

Date

Owner(s) Signature (*all owners must sign*)

Date

SUBMITTAL REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATION

To initiate the permit process, you will need to submit a copy of the following information to this office. These instructions apply to all construction/projects within any designated 100-year floodplain as delineated on the FHMB, FIRM, SCS/NRCS floodplain maps, COE floodplain maps, etc. You will need to submit a number of items listed below at a minimum.

All floodplain application shall also include the following:

1. An 'Adjoining Property Owners List' request form must be submitted with the application, with a separate fee (*see form below*). The list will be sent directly to the Planning & Zoning office and is valid for a period of 6 months from the date generated. (*You may also get a certified adjoining landowners list from a title company if you choose*).
2. A letter from each property owner where the project will be completed authorizing the proposed work.
3. A detailed site plan, drawn to scale, showing the following:
 - Property boundary lines of the subject property and those in the immediate vicinity of the project.
 - Approximate location of all floodplain boundaries in the vicinity of the project as depicted on the floodplain maps.
 - Location of existing improvements in the vicinity of the project, including driveways, roads, culverts, bridges, buildings, wells, septic systems, and other improvements.
 - Location of all existing physical features in the vicinity of the project, including ponds, swales, streams, and irrigation ditches.
 - Location and dimensions of all proposed improvements, including driveways, roads, culverts, bridges, ponds, buildings, wells, and other structures
 - Location for all fill that will be brought into the floodplain, if applicable.
4. An Application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:
 - The danger to life and property due to backwater or diverted flow caused by the obstruction or use;
 - The danger that the obstruction or use may be swept downstream to the injury of others;
 - The availability of alternative locations;
 - Construct or alter the obstruction or use in such a manner as to lessen the flooding danger;
 - The permanence of the obstruction or use and is reasonably safe from flooding;
 - The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use;
 - Relevant and related permits for the project have been obtained;

- Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and
- The safety of access to property in times of flooding for ordinary and emergency services.

Depending on the nature of the work proposed within the floodplain, a floodplain application may also require the following:

1. An application for a Floodplain permit in the Floodway must demonstrate or meet the requirements of Chapter 9 of the Flathead County Floodplain Regulations as applicable.
2. An application for a Floodplain permit in the Flood Fringe or Regulated Flood Hazard Area with no Floodway must demonstrate or meet the requirements of Chapter 10 Flathead County Floodplain Regulations as applicable.
3. If the project is located in a mapped Floodway, demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment of the Base Flood Elevation; or
4. If the application is in the Regulated Flood Hazard without a Floodway it must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis expect as provided in 10.2(I)(4) of the Floodplain Regulations, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; and
5. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area.

Once your final application is received, it will be reviewed to make sure the application is complete. If it is not complete, you will receive a letter that explains the deficiencies. You should also be aware that as part of the review process, the adjoining property owners will be notified about the proposed work, and a legal notice placed in the paper containing a brief description of the application.

Revised: <u>5/12/2021</u> 310 Form 270 and Instructions may be downloaded from: http://dnrc.mt.gov/licenses-and-permits/stream-permitting	CD/AGENCY USE ONLY Application # _____ Date Received _____	
	Date Accepted _____	Initials _____ Date FW: to FWP _____
<i>This space is for all Department of Transportation and SPA 124 permits (government projects).</i>		
Project Name _____	Contract Letting Date _____	
Control Number _____	MEPA/NEPA Compliance <input type="checkbox"/> Yes <input type="checkbox"/> 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): _____

Has the landowner consented to this project? Yes No

Mailing Address: _____

Physical Address: _____

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

LANDOWNER NAME (if different from applicant): _____

Mailing Address: _____

Physical Address: _____

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

CONTRACTOR/COMPANY NAME (if applicable): _____

PRIMARY CONTACT NAME: _____

Mailing Address: _____

Physical Address: _____

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

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location _____
Project Address/Location: _____ Nearest Town: _____
County: _____ Geocode: _____
_____ 1/4 of the _____ 1/4 of, Section _____ Township _____ Range _____
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.
4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.

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.

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?

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

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

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

- 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?

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

D. CONSTRUCTION DETAILS

- 1. PROPOSED CONSTRUCTION DATES.** Include a project timeline. Start date _____
Finish date _____ 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.
- 2. PROJECT DIMENSIONS.** Describe length and width of the project. Refer to section D2 in the instructions.
- 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.

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

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.

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.

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.

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.

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.

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.

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.

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:** _____

NAME/ADDRESS OF **Adjacent Landowner:** _____

NAME/ADDRESS OF **Adjacent Landowner:** _____

NAME/ADDRESS OF **Adjacent Landowner:** _____

11. **Floodplain Map Number** _____ 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: _____

LANDOWNER:
Print Name: _____

Signature of Applicant Date

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.

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

Please read carefully.

BEFORE YOU BEGIN

1. Review “*A Guide to Stream Permitting in Montana*” to determine which permits are applicable to your project. This guide is available from all participating agencies and on line at www.dnrc.mt.gov/licenses-and-permits/stream-permitting. Please note: permits may be required from other agencies than those listed on this form. You must apply to those agencies on separate forms if the law applies.
2. Most agencies require that you attach a plan or drawing to the application. An applicant may be required to hire a professional engineer and/or surveyor depending on which permit type and the potential project impacts.
3. Keep in mind that you will be required to design your project in a manner that minimizes impacts, including sedimentation and erosion during and after project construction. Consider how the project is designed to preserve and protect the river or stream keeping it in as natural condition as possible. Contact agencies to find out if specific criteria apply to your project.
4. It is recommended that you do not purchase materials for project construction until all permits are issued. The size and type of materials may be modified during the permitting process.
5. Most agencies require that you provide a project site legal description and a site map. You may obtain land descriptions by contacting the county assessor or clerk and recorder office. Aerial photographs sometimes may be obtained by contacting your local conservation district, or if you have the internet, you may obtain photos of the project site through the state’s natural resource inventory system (www.nris.mt.gov), or through a mapping website such as map quest or google earth.
6. Know that vegetation is important to the stability and health of the stream. Detail your plan to limit vegetation removal, limit the amount of bare ground at the project site, and the weed control methods to be utilized in association with this project.
7. The use of clean equipment can help prevent the spread of aquatic invasive species. How will you ensure that your equipment is free of weeds, weed seeds, and excess grease before using it in a waterway? Cleaning mud and aquatic plants from heavy machinery or other equipment before moving between waters and work sites can help prevent the spread of weeds and aquatic invasive species. Draining water from machinery and letting the machinery dry before moving to another location is a useful tool in preventing the spread of aquatic invasive species. The following website shows waterbodies that are known to be infested with invasive species:
<https://fwp.mt.gov/conservation/aquatic-invasive-species>.
8. For a reference guide, most participating agencies have copies of a notebook entitled “*Montana Stream Permitting: A Guide for Conservation District Supervisors and Others*,” that contains information about stream dynamics and describes various options for projects. The book is also available on DNRC’s website: at www.dnrc.mt.gov/licenses-and-permits/stream-permitting.

HOW TO APPLY:

The joint application form can be used to obtain permits from the local, state, and federal agencies listed in the box below. The box below describes the joint application participants and the permits covered; contact information; application procedures; time frames; and fees.

After completing this form, send the required number of copies, with original signatures when required, to each applicable agency. Each agency issues separate permits. You must obtain individual authorizations or permits from each agency to which you apply before conducting your work.

Fees listed are for information only. Contact the responsible agency for information about fees.

✓	PERMIT/ WHO MUST APPLY	AGENCY	AGENCY CONTACTS / ADDRESSES AND ADDITIONAL INFORMATION	APPROX. REVIEW TIME	FEES –
	310 Permit Private citizens and companies working in or near perennial streams.	Local Conservation District	Submit application, maps, and plans to conservation district. To locate local office, call MT Assoc. of Conservation Districts (406) 443-5711 or Conservation Districts Bureau, DNRC (406) 444-6667; or visit http://dnrc.mt.gov/divisions/cadd/conservation-districts	30 – 60 days	No fee

<p>SPA 124 Permit Governmental entities working in any stream.</p>	<p>Montana Department of Fish, Wildlife & Parks (DFWP)</p>	<p>Submit a set of preliminary plans or sketches with application. To locate appropriate office, call DFWP in Helena (406) 444-2449. For projects sponsored by DOT, send two sets of plans to Helena DFWP, Box 200701, Helena, MT 59620-2701.</p>	<p>30 days</p>	<p>No fee</p>
<p>Floodplain Permit Applicants proposing new construction within designated floodplains.</p>	<p>City or County Floodplain Administrator</p>	<p>All required local, state, and federal permits must be issued before a floodplain permit can be issued. An applicant may be required to hire a professional engineer. Prior to submitting this application form, contact the local floodplain administrator at the city or county office. To locate the appropriate office, contact DNRC Water Resources Division (406) 444-0860 or visit: http://dnrc.mt.gov/divisions/water/operations/floodplain-management</p>	<p>60 days</p>	<p>Varies city or county. Inquire locally. (\$25 - \$500+)</p>
<p>Section 404 Permit Applicants working in any stream and in wetlands. Section 10 Permit Applicants working on Yellowstone, Missouri, or Kootenai Rivers or their reservoirs.</p>	<p>U.S. Army Corps of Engineers (COE)</p>	<p>Submit one copy of application plus a set of construction plans or sketches of the proposed project, if available. See special signature requirements following "Information for Applicant". Submit to montana.reg@usace.army.mil or US Army Corps of Engineers, 10 West 15th Street Suite 2200, Helena MT 59626; (406) 441-1375.</p>	<p>30 - 120 days</p>	<p>Varies (\$0 - \$100) You will be contacted if fee applies.</p>
<p>318 Authorization Activities that cause temporary turbidity in any state water. Applies only for work carried out in water. 401 Certification Activities that may adversely affect state water quality standards.</p>	<p>Montana Department of Environmental Quality (DEQ)</p> <p>Montana Department of Environmental Quality (DEQ)</p>	<p>Do not send this form directly to DEQ if applying for a 310 or 124 permit. You will be notified if you must apply directly to DEQ during the 310 or 124 permit review. If you are not applying for a 310 or 124 permit, apply directly to DEQ with \$250 fee enclosed. Dept. of Environmental Quality, Permitting and Compliance Division, Water Protection Bureau, Box 200901, Helena MT 59620-0901; (406) 444-3080.</p> <p>Depending on the type of 404 permit you may have obtained from the U.S. Army Corps of Engineers, a 401 Water Quality Certification of that 404 permit by DEQ might be necessary. To determine if a 401 Certification is necessary, contact the U.S. Army Corps of Engineers (406) 441-1375 or DEQ (406) 444-3080.</p>	<p>30 days after application and fee are received.</p>	<p>\$250 (318) Fees do not apply to Conservation Districts, Counties or Municipalities \$400 - \$20,000 (401) Fees do not apply to Conservation Districts, Counties or Municipalities</p>
<p>Navigable Rivers Land Use License/Lease/Easement -- Projects in, on, under, or over navigable waters.</p>	<p>Montana Department of Natural Resources and Conservation (DNRC)</p>	<p>Additional fees, a land survey, and other information will be required. Contact the local DNRC land office for information about whether a waterway is navigable. To locate appropriate Land Office, call (406) 444-2074.</p>	<p>License – up to 60 days. Lease or Easements – up to 90 days.</p>	<p>\$50, plus additional fee</p>

INSTRUCTIONS FOR FILLING OUT THE JOINT APPLICATION:

The sections indicated below correspond with sections on the application form. Sections A, B, and C must be completed for all applications. Section F is to be completed only if you are applying for a Floodplain Permit, Section 404 Permit, or Section 10 permit.

A. APPLICANT INFORMATION. The applicant must possess the authority to undertake the work described in the application or to act as the duly authorized agent of the landowner. The applicant is the responsible party for the project and the main point of contact for permitting questions, scheduling inspections, and other project details. The landowner's name and address is required if different from the applicant. If a contractor will be used to do the work, provide the contractor's name and contact information. Be aware that the issuance of any permit does not give permission to carry out a project on land that is not owned by the applicant. The applicant has the duty to secure necessary landowner authorization.

B. PROJECT SITE INFORMATION.

1. This information is required to locate the site and the water body where the work will be completed. If it is not clear how to get to the site, be sure to include written directions. Attach an additional sheet or site map that clearly shows the project location and any identifying landmarks. Geocodes help locate the property where the project will be constructed and are available online at: <http://geoinfo.msl.mt.gov/>. Leave the Geocode line blank if you don't have access to the internet.
2. Projects located in general, core or connected sage grouse habitat may require a consultation letter from the Montana Sage Grouse Habitat Conservation Program. More information can be found here: <https://sagegrouse.mt.gov/ProgramMap>
3. Contact DNRC at 406-444-2074 to determine if your project will be conducted on a state navigable waterway. If so, a copy of this application must be mailed to DNRC's Trust Land Management office along with the non-refundable \$50 application fee. You can call any local Land Office, or the number listed above.
4. Current Condition. Describe the current condition of the site. Include the bank condition, slope, and height of bank. Note structures such as riprap, dikes, bridges, irrigation facilities, road crossings, or homes that are near the site. Also include a description of any nearby wetlands that may be disturbed as a result of the proposed project. You may provide photos in addition to the description.

C. PROJECT OR ACTIVITY INFORMATION. This section provides space for you to describe your project and the steps you will take to minimize impacts. Projects must be constructed in a way that minimizes impacts to the water body and that keeps rivers and streams in as natural state as possible. Some agencies and conservation districts may require you to follow specific standards for project design, materials used, or re-vegetation.

1. Type of Project. Check all boxes that apply to the proposed work. If your project type is not listed, check "Other" and describe what type of project you are proposing.
2. Annual Maintenance. Conservation districts may authorize minor maintenance activities for up to ten years. If the proposed work will be conducted each year, check this box and attach an annual plan of operation. An annual plan of operation must include the nature and extent of work to be conducted each year. It should also include, at minimum, a detailed description of the work to be done, the timing of the work proposed, and the amount of streambed materials to be removed or disturbed, as well as other information required by the district. If the conservation district authorizes an annual maintenance permit, you still may be required to seek approval from other agencies each year prior to doing work.
3. Provide background on why the project is necessary including what the intended purpose and goal(s) are.
4. Brief Description. Describe briefly what you propose to do and how you plan to construct it. Other places in the application will allow for more detailed information.
5. Describe what other alternatives were considered for accomplishing the project.
6. Project Benefits or Potential Impacts - Describe anticipated natural resource benefits that will occur as a result of your project, such as improved water quality, improved riparian vegetation, improved fish habitat, etc. Describe planned efforts to minimize project impacts. Consider the impacts of the proposed project, even if they are temporary. All projects create impacts. Projects must be designed and constructed in a manner that minimizes impacts and keeps natural rivers and streams in as natural a state as possible. Use the space provided to describe

what you plan to do to minimize the impact of the proposed project during and after construction. Examples would include using sediment fences along the bank or below the proposed work, installing coffer dams to direct flow away from the project area, constructing fish friendly diversions or stream crossings, protecting existing vegetation or re-vegetating disturbed areas, timing of the project, designing projects that fit into the natural area, minimizing disturbance to the area, or selecting carefully the sites and methods used to construct the project, including practices that avoid spreading of aquatic invasive species.

For 310 applicants only: The criteria listed below will be used by an inspection team and the conservation district in reviewing your application. In addition to filling out this question, during the review process, you may be requested to provide more specific information about the alternatives you considered. The kind of information that may be requested from you may include, but is not limited to:

1. Other reasonable alternatives that may have been considered prior to selecting the project described in the application.
2. Costs of the alternatives.
3. Impacts of the alternatives, including:
 - a. Sedimentation and/or erosion.
 - b. Stream channel alterations.
 - c. Disturbance to vegetation.
 - d. Water quality changes (during and after construction).
 - e. Stream flow changes.
 - f. Fish and aquatic habitat.
 - g. Changes to the natural condition of the area

D. CONSTRUCTION DETAILS

1. **Proposed Construction Date.** The timing of construction is an important factor in determining impacts to water quality, fish, and aquatic life. Authorizations/permits may contain timing restrictions on construction activities. Note when you plan to start work and how long it will take to complete. Keep in mind it can take 30-120 days or more after an application is complete to receive permits needed to begin your project. Plan ahead
2. **Project Dimensions.** Generally describe the impact area of your project and provide dimensions of your project, including linear feet, area of impact (square footage or acreage), distance the work will encroach into the water body, as well as extend away from the water body (linear feet). Use the high-water mark as a point of measure. If you are unsure of the high-water mark or it isn't applicable to the project, specify another point of measure. Describe each specific impact individually in terms of the project dimensions.
3. **Equipment.** List all equipment that will be used for construction of the project. How will the equipment be used, especially on the bank and/or in the water body? Make sure your equipment is clean and free of weeds, weed seeds, organic debris, and excess grease before using it in the 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 machinery dry before moving to another location. <https://fwp.mt.gov/conservation/aquatic-invasive-species>.

Montana Rules Regarding Equipment and the Introduction and Spread of Aquatic Invasive Species:

Requirements are in place in Montana for equipment to be used in water. To prevent the spread of aquatic invasive species, remove (**CLEAN**) mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites. **DRAIN** water from machinery/equipment and let **DRY** completely before moving to another location.

- a. Be sure the equipment is clean and free of weeds, weed seeds, organic debris and excess grease before using it in the water waterway.
- b. Be sure you 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. https://fwp.mt.gov/binaries/content/assets/fw/conservation/ais/reports/2019-aisdist_inverts.pdf
https://fwp.mt.gov/binaries/content/assets/fw/conservation/ais/reports/2019-aisdist_plants.pdf
- c. Drain water from machinery/equipment and let dry before moving to another location.
- d. Mandatory inspections are now required for all equipment that:
 - Has been previously used outside of Montana

- Are destined for waters in Montana west of the Continental Divide that has been previously used east of the Continental Divide
- Are destined for waters of the Flathead Basin that have been previously used outside of the Flathead Basin.

<https://fwp.mt.gov/binaries/content/assets/fwp/conservation/ais/maps/2021-flathead-basin-map-handout.pdf>

Any equipment that falls into the scenarios laid out above **must** be inspected prior to operation in a waterbody. Schedule an inspection by calling the state's Aquatic Invasive Species line at (406) 444-2440 at least one week in advance of planned use.

4. Materials. What materials are going to be used for your project? Where will the materials be obtained? How much are you planning to use? All materials used must be of adequate size and dimension for the project and be free of pollutants. If streambed or other materials are removed from the bed of a stream, they must be removed from the area, so they don't reenter the stream. When possible, choose materials that are natural to the area to construct your project. It is recommended that you do not purchase materials until all permits are issued because the size and type may be modified during the permitting process. Provide a statement specifying the type of material and total amount of fill proposed to be placed within the floodplain along with supporting calculations.

E. REQUIRED ATTACHMENTS

F. ADDITIONAL INFORMATION FOR U.S. ARMY CORPS OF ENGINEERS (USACE) SECTION 404, SECTION 10 AND FLOODPLAIN PERMITS

Information in Section F is specific to Section 404, Section 10, and Floodplain permits. Answer Questions 1-8 if you are applying for a Section 404 or Section 10 permit from the US Army Corps of Engineers. Answer all of Section F for Floodplain permits.

1. A list of Nationwide Permits can be found at: <http://www.nwd.usace.army.mil/Missions/Civil-Works/Regulatory-Program/Permits/>
2. Calculate the amount of fill material that will be placed within a water of the US by multiplying the length x height x width of the proposed fill. Calculate area of impact length x width Do not report the amount of fill that will not be placed within waters of the US here. Delineations of aquatic resources on site are a requirement for pre-construction notifications, wetlands need to be delineated in accordance with the 1987 wetland manual and regionally appropriate supplement. See definitions listed below for aquatic areas, wetlands, fill material, ordinary high-water mark, waters of the US, and for information on how to calculate materials and impacted areas.
<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/Wetlands/>
3. Provide a brief explanation of the avoidance and minimization of impacts to waters of the United States on the project site. This includes incorporating best management practices, sediment and erosion and control methods, and incorporation of vegetation.
4. Provide a brief description of how impacts to Waters of the United States will be compensated for, or a brief statement explaining why compensatory mitigation should not be required for those impacts. Typically, any impacts greater than 300 linear feet or 0.10 acre require compensatory mitigation. See definition of compensatory mitigation below. More information about mitigation can be found at: <http://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/Mitigation/>
5. The Upper Missouri National Wild and Scenic River section starts at Fort Benton, Montana, and runs 149 miles downstream ending at the James Kipp Recreation Area Flat Head River is designated wild and scenic starting at the North Fork from the Canadian border downstream to its confluence with the Middle Fork. The Middle Fork from its headwaters to its confluence with the South Fork. The South Fork from its origin to the Hungry Horse Reservoir. East Rosebud Creek from its source in the Absaroka-Beartooth Wilderness downstream to East Rosebud Lake and Fossil Lake, and from immediately below, but not including, the outlet of East Rosebud Lake downstream to the Custer Gallatin National Forest boundary. Go to <https://www.rivers.gov/montana.php> for more information.

6. Contact the Montana Regulatory Office in Helena by phone at (406) 441-1375 or e-mail montana.reg@usace.army.mil if you have any questions about any possible Corps federally authorized civil works project.
7. Contact your local U.S. Fish and Wildlife Service office at (406) 449-5225 or go online to IPaC (Information for Planning and Consultation) and determine if endangered and threatened species and critical habitat occur within your project area and will your project have an impact: <https://ecos.fws.gov/ipac/user/login>
8. Contact Montana State Historic Preservation Office to determine if any Historical Properties are in your project area and if your proposed project has the potential to affect those properties. <https://mhs.mt.gov/Shpo>
9. For floodplain permits, all local, state, and federal permits must be in place before a floodplain permit can be issued. Provide copies of each issued, waived, denied, or pending permits.
10. Attach a list of adjacent property owners and their mailing addresses. This includes properties adjacent to and across from the project site. Be advised that many communities require a certified adjoining property owner list. (You can get this information from the community's planning/zoning/GIS office or through a title company. Also can be found at <http://svc.mt.gov/msl/mtcadastral/>). At its discretion, the permitting agency may contact these landowners.
11. If your project site is in a designated floodplain, the waterway should have a Flood Insurance Study (FIS) and/or floodplain map number (FHBM, FIRM, DFIRM). Contact the local floodplain administrator to obtain this information.
12. Check with the local government to see if special planning or zoning regulations apply.

Definitions:

5. **Aquatic areas** include (but are not limited to) rivers, streams, creeks, lakes, reservoirs, wetlands, wet meadows, oxbows, and sloughs. Named and unnamed drainages that flow intermittently, as well as streams with perennial flow, are aquatic areas (waters of the United States).
6. **Dredged material** means material that is excavated or dredged from waters of the United States, including material removed or excavated from wetlands, lakes, ponds, streams, and other waters.
 - **Fill material** refers to rock, sand, soil, or any material that replaces an aquatic area with dry land or changes the bottom elevation of a water body. Prohibited fill material includes junk metal, car bodies, construction debris, trash, etc.
 - **Ordinary high-water mark** means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. This list is not exhaustive.
 - **Mitigation** means avoiding and/or minimizing impacts to aquatic areas and compensating for unavoidable impacts.
 - **Compensatory mitigation** refers to replacing aquatic resources that have been lost, with similar aquatic resources. Compensatory mitigation may include creating new, restoring degraded, or enhancing existing aquatic areas.
 - **Waters of the United States** includes the area below the ordinary high-water mark of stream channels and lakes or ponds connected to the tributary system, and wetlands adjacent to these waters. Isolated waters and wetlands, as well as man-made channels, may be waters of the United States in certain circumstances, which must be determined on a case-by-case basis.
 - **Wetlands** include areas that are inundated or saturated with water long enough to support vegetation typically adapted for life in saturated conditions. Wetlands are generally determined on a site-by-site basis. If you are not sure whether a wetland will be impacted by your proposed project, contact the Corps of Engineers.
 - **To calculate impacted area**, measure the length and width that the fill material will occupy. Length x width = area, usually expressed in square feet, square yards or acres. If your project involves a stream, measure the length of bank that will be affected on both sides of the stream.
 - **To calculate the volume of material**, measure the length, width, and depth of the fill material. Length x width x depth = volume, usually stated in cubic feet or cubic yards.

ADDITIONAL INFORMATION REQUIRED FOR FLOODPLAIN PERMIT APPLICATIONS ONLY:

Provide the following on separate sheets and attach to the floodplain permit application copy of the joint application.

1. A detailed site plan of the proposed project, drawn to scale, showing the following:
 - a. Property boundary lines of the subject property and those in the immediate vicinity of the proposed project;
 - b. Approximate location of all floodplain boundaries in the vicinity of the proposed project as depicted on the floodplain maps mentioned above;
 - c. Location of the existing improvements in the vicinity of the proposed project, including driveways, roads, culverts, bridges, buildings, wells, septic systems, other improvements;
 - d. Location of all existing physical features in the vicinity of the proposed project, including ponds, swales, streams, and irrigation ditches;
 - e. Location and dimensions of all proposed improvements, including driveways, roads, culverts, bridges, ponds, buildings, wells, and other structures; and
 - f. Location for all fill proposed to be placed into the floodplain.
2. A statement specifying the type of material and total amount of the fill proposed to be placed within the floodplain along with supporting calculations.
3. Certain projects may require and licensed Montana engineer to design to the following criteria:
 - a. The project can withstand a 100-year flood event;
 - b. The project will not adversely affect surrounding landowners upstream, downstream, across stream, or adjacent to the proposed project area; and
 - c. The effect of the proposed project on the 100-year base flood elevation.

G. SIGNATURE REQUIREMENTS:

***If you are a landowner** submitting this application and proposing to undertake a project on your own behalf on your own property, please sign and date both the “Signature of Applicant” and “Signature of Landowner” lines.

*If you are an applicant, other than the owner of the site, submitting this application and proposing to undertake a project, sign and date the “Signature of Applicant” only.

***If you are a contractor/agent** acting as an agent on behalf of a landowner, or applicant, please sign and date only the line designated “Signature of Agent” and indicate your title. The applicant/landowner must sign and date the “Signature of Applicant” and “Signature of Landowner” lines to indicate authorization for you to act on his/her behalf.

***If a utility company submits this application**, a representative of the company should sign and date the “Signature of Applicant” line. Landowner signatures are not required.

***It is the applicant’s responsibility to obtain landowner permission** to do work on land not owned by the applicant.

DISPUTES:

For 310 permit applicants only: If you disagree with the conservation district’s decision to approve, modify, or deny your permit, you may request arbitration to settle the dispute, or you may seek judicial review in district court. The conservation district will provide you with more information with their permit decision.

If you disagree with the conservation district jurisdictional issues, and wish a formal decision from the conservation district, you should petition the conservation district for a declaratory ruling (see 75-7-125, MCA, for more information). If this petition is submitted while you have a pending application before the conservation district, you should ask for an extension of time while the conservation district is processing the declaratory ruling petition.



40 11th Street West, Ste. 220
 Kalispell, MT, 59901
OFFICE: (406) 751-8200
EMAIL: planning.zoning@flathead.mt.gov
WEB: flathead.mt.gov/planning_zoning

CUSTOMER SERVICE SURVEY

Our mission is to provide you with the best possible service. Please help us serve you and others better by taking a few minutes to answer the questions below. Our office genuinely appreciates your time and your feedback.

What was the nature of your contact with us? (Please check all that apply)

- General Information
- Permitting (Lakeshore, Floodplain, Zoning, Subdivision)
- Pre-application Conference
- Other _____

Please Check as Appropriate:					
	Strongly Agree	Agree	Disagree	Strongly Disagree	No Comment
Staff was courteous and helpful					
Staff provided accurate information to me					
Staff response was considerate of my time					
My overall experience was positive					
Please complete the section below if your contact with us involved permitting:					
The permitting process was understandable					
The regulations were understandable					
Application instructions were understandable					
Terms and conditions of the permit were understandable					

We provide opportunities for staff to be recognized for exemplary customer service. Please indicate the names of any staff person(s) you would like to commend:

If you feel we fell short in meeting your service expectations, please describe the situation including the name of the staff person involved (if applicable) and the date the incident occurred:

As a result of your experience with us, what service-related improvement(s) can you recommend?

Contact Information (Optional)

Your name: _____

Email: _____ Daytime phone: _____

Mailing address: _____

Date submitted: _____

Please hand deliver, email, fax or mail form to:

Flathead County Planning and Zoning
40 11th Street West, Suite 220
Kalispell, MT 59901
Email: Planning.Zoning@flathead.mt.gov
Phone: (406) 751-8200