

## INFORMATION FOR APPLICANT

*Instructions for filling out the Joint Application for Proposed Work in Montana's  
Streams, Wetlands, Floodplains, and Other Water Bodies*

Please Read Carefully

**This application form can be used to obtain permits from the local, state, and federal agencies listed in the box below.** Use the box below to determine which permits you may need for your project (contact information is provided); to determine the number of copies of the application to send; to determine what additional information is needed; and to determine what fees, if any, apply.

**After completing this form, send the required number of copies, with original signatures,** 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.

For more information about permitting requirements, review “A Guide to Stream Permitting in Montana,” available from all participating agencies or on line at [www.dnrc.state.mt.us/permit.html](http://www.dnrc.state.mt.us/permit.html). Please note: permits from agencies other than those listed on this application form may be required. You must apply to those agencies on separate forms if the law applies.

Do not submit fees with this application. Fees listed are for information only. The responsible agency will contact you when a fee applies.

| ✓ | PERMIT/<br>WHO MUST APPLY                                                                                                                                                                          | AGENCY                                                          | AGENCY CONTACTS / ADDRESSES AND<br>ADDITIONAL INFORMATION                                                                                                                                                                                                                                                                                                                                   | REVIEW<br>TIME                                         | FEES – DO<br>NOT SEND<br>PAYMENT                              |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------------------------------------------------------|
|   | <b>310 Permit</b><br>Private citizens and companies working in or near perennial streams.                                                                                                          | Local Conservation District                                     | Submit three copies of 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 <a href="http://www.dnrc.state.mt.us/conserv.html">www.dnrc.state.mt.us/conserv.html</a> .                                                                    | 30 – 60 days                                           | No fee                                                        |
|   | <b>SPA 124 Permit</b><br>Governmental entities working in any stream.                                                                                                                              | Montana Department of Fish, Wildlife & Parks (DFWP)             | 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.                                                                                                                                                   | 60 days                                                | No fee                                                        |
|   | <b>Floodplain Permit</b><br>Applicants proposing new construction within designated floodplains.                                                                                                   | County Floodplain Administrator                                 | Prior to submitting this application form, contact local floodplain administrator at the county office or locate appropriate office by calling DNRC Water Resources Division (406) 444-6601. Applicant may be required to hire a professional engineer.                                                                                                                                     | 60 days                                                | Varies (\$25 - \$400)                                         |
|   | <b>Section 404 Permit</b><br>Applicants working in any stream and in wetlands.<br><b>Section 10 Permit</b><br>Applicants working on Yellowstone, Missouri, or Kootenai Rivers or their reservoirs. | U.S. Army Corps of Engineers (COE)                              | 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”. US Army Corps of Engineers, 10 West 15 <sup>th</sup> Street Suite 2200, Helena MT 59626; (406) 441-1375.                                                                                       | 30 -- 120 days                                         | Varies (\$0 - \$100)<br>You will be contacted if fee applies. |
|   | <b>318 Authorization</b><br>Activities that cause temporary turbidity in any state water.                                                                                                          | Montana Department of Environmental Quality (DEQ)               | Do not send this form directly to DEQ if applying for a 310 or 124 permit. You will be notified if you must apply on the 310 or 124 permit you receive. Dept. of Environmental Quality, Permitting and Compliance Division, Water Protection Bureau, Box 200901, Helena MT 59620-0901; (406) 444-3080.                                                                                      | 30 days after application and fee are received.        | \$150                                                         |
|   | <b>Navigable Rivers Land Use License/ Easement</b> -- Projects in, on, under, or over navigable waters.                                                                                            | Montana Department of Natural Resources and Conservation (DNRC) | Additional fees, a land survey, and other information will be required. Contact the local DNRC land office for information. To locate appropriate Land Office, call Special Use Management Bureau at (406) 444-2074. To determine if your project is on a navigable waterway, visit: <a href="http://www.dnrc.state.mt.us/trust/tlmdhome.htm">www.dnrc.state.mt.us/trust/tlmdhome.htm</a> . | License – up to 60 days.<br>Easements – up to 90 days. | License \$25<br>Easement \$50                                 |

## GUIDELINES FOR COMPLETING THE JOINT APPLICATION

The sections indicated below refer to the corresponding sections on the application form. Sections A, B, and C must be completed for all applications. Section D 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 can be the landowner or any authorized agent of the landowner. The name and address of the owner of the land where the project will be constructed are required if different from the applicant. 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.** This information is required to locate the site and the water body where the work will be completed. Be sure to include directions to the site. 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: [www.gis.doa.state.mt.us/cadastral/textsearch.html](http://www.gis.doa.state.mt.us/cadastral/textsearch.html) Leave the Geocode line blank if you don't have access to the internet.

**C. PROJECT 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. Some agencies and conservation districts may require you to follow specific standards for project design, materials used, or re-vegetation.

1. Be sure to attach a plan or drawing that includes the information requested. Your application will be rejected if project plan or drawing is not provided.
2. Type of Project. Check all boxes that apply to the proposed work.
3. Purpose. Describe the need and purpose of the proposed work. What will it be used for and why?
4. 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. An annual plan of operation would include the nature and extent of work to be conducted each year. It should 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, as well as other information required by the district. If the conservation district authorizes an annual maintenance permit, the application still may be required to seek approval from other agencies prior to doing work each year.
5. 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.
6. Dimensions of the Project. Generally describe the impact area of your project and provide the dimensions listed. Use the high water mark as a point of measure. If you are unsure of the high water mark, specify another point of measure.
7. Vegetation. Vegetation is important for bank stability and maintaining water quality. Most agencies require that only the vegetation necessary to conduct the work be removed. Describe the vegetation present at the site. Reseeding and replanting is usually required; describe your plan to re-vegetate the area. USDA, Natural Resources and Conservation Service standards are usually accepted standards for re-vegetation.
8. Materials. What materials are going to be used for your project? Where were they 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.
9. Equipment. List all equipment that will be used for construction of the project. Make sure your equipment is clean and free of excess grease, weeds, and weed seeds before using it in the waterway. To prevent the spread of whirling disease, remove all mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites. Drain water from machinery and let machinery dry before moving to another location.
10. Steps during construction and after to minimize impacts. 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 sediment fences along the bank or below the proposed work, coffer dams to direct flow away from the project area, fish friendly diversions or stream crossings, re-vegetating disturbed areas, timing of the project, or care in selection of sites and methods used to construct the project.

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

Information in Section D is specific to Section 404, Section 10, and Floodplain permits. Answer Questions 1-4 if you are applying for a Section 404 or Section 10 permit from the US Army Corps of Engineers. Answer Questions 4-6 if you are applying for a Floodplain Permit from the local floodplain administrator. (Question 4 is required for both.)

1. See definitions listed below for aquatic areas, wetlands, fill material, and how to calculate materials and impacted areas.
2. Indicate names and addresses and addresses of any nearby landowner(s) who may be affected by your project.
3. See definition of mitigation and compensatory mitigation below.
4. For floodplain permits, all permits must be in place before a floodplain permit can be issued.
5. If your project site is in a designated floodplain, the waterway will have a FEMA map number. Contact the county government in which your project will take place to obtain the number.
6. Check with the county government to see if there are special planning or zoning regulations.

### **Definitions:**

- **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).
- **Fill material** refers to rock, sand, dirt, 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.
- **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.
- **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.

### **SIGNATURE REQUIREMENTS FOR THE U.S. ARMY CORPS OF ENGINEERS (Section 404 or Section 10 Permit Applications)**

Applications submitted to the U.S. Army Corps of Engineers have certain signature/authorization requirements. On the signature portion of the application form, there are three signature lines. The Corps requires the signature of the applicant, landowner, and any agent acting on their behalf.

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

**\*If you are a consultant/contractor** acting as an agent on behalf of a landowner, please sign and date only the line designated “Signature of Agent” and indicate your title. The landowner must sign and date the “Signature of Landowner” and “Signature of Applicant” 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.

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

Use this form to apply for one or all of the local, state, or federal permits listed below. The insert titled “Information to Applicant” includes agency contact information and instructions on how to complete this application. After completing the form, make the required number of copies and sign each copy. Send the copies, with original signatures and additional information required, directly to each applicable agency. To expedite your application, be sure all required information, including a project site map and drawings are included. Incomplete applications will be rejected. Note: other laws may apply. It is your responsibility to obtain all permits and landowner permission, if applicable, 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                             | County Floodplain Administrator                  | Varies (\$25 - \$400)       |
|   | Section 404 Permit, Section 10 Permit         | U. S. Army Corps of Engineers                    | Varies (\$0 - \$100)        |
|   | 318 Authorization                             | Department of Environmental Quality              | \$150                       |
|   | Navigable Rivers Land Use License or Easement | Department of Natural Resources and Conservation | License \$25; Easement \$50 |

**A. APPLICANT INFORMATION**

NAME OF **LANDOWNER** at project location: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Day Phone: \_\_\_\_\_  
 Physical Address: \_\_\_\_\_ Evening Phone: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

NAME OF **APPLICANT** (if different from landowner): \_\_\_\_\_  
 Applicant is:     Landowner             Contractor             Other (explain)  
                           Government Agency             Landowner’s Agent (title)  
 Has the landowner consented to this project?     Yes             No  
 Mailing Address: \_\_\_\_\_ Day Phone: \_\_\_\_\_  
 Physical Address: \_\_\_\_\_ Evening phone: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_

**B. PROJECT SITE INFORMATION**

NAME OF **STREAM** or **WATER BODY** at project location \_\_\_\_\_ Nearest Town \_\_\_\_\_  
 Address/Location: \_\_\_\_\_ Geocode (if available): \_\_\_\_\_  
 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4, Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_ County \_\_\_\_\_  
 Longitude \_\_\_\_\_, Latitude \_\_\_\_\_ (if available)

**ATTACH A MAP OR A SKETCH** of the project site that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) directions to the site; 3) a circled “X” representing the exact project location.

|                                                                                                       |                             |
|-------------------------------------------------------------------------------------------------------|-----------------------------|
| <i>This space is for all Department of Transportation and SPA 124 permits (government projects)..</i> |                             |
| Project Name _____                                                                                    | Contract letting date _____ |
| MEPA/NEPA Compliance <input type="checkbox"/> Yes                                                     | <input type="checkbox"/> No |

### C. PROJECT INFORMATION

1. In addition to the information requested below, a **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include:** 1) a plan view (looking at the project from above; 2) an elevation view (looking at the project from either the right or left; 3) dimensions of the project; 4) dimensions and location of fill or excavation sites; 5) location of storage or stockpile materials; 6) location of existing or proposed structures, such as buildings, utilities, roads, or bridges; 7) drainage facilities; 8) an arrow indicating north. Floodplain permit applicants are encouraged to inquire locally since additional information is usually required.

2. TYPE OF PROJECT (check all that apply)

- |                                                                        |                                                                |                                                |
|------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> 1. Stream Crossing (bridges, culverts, fords) | <input type="checkbox"/> 9. Fish Habitat                       | <input type="checkbox"/> 17. Mining            |
| <input type="checkbox"/> 2. Bridge/Culvert Removal                     | <input type="checkbox"/> 10. Recreation (docks, marinas, etc.) | <input type="checkbox"/> 18. Dredging          |
| <input type="checkbox"/> 3. Road Construction/Maintenance              | <input type="checkbox"/> 11. New Residential Structure         | <input type="checkbox"/> 19. Core Drill        |
| <input type="checkbox"/> 4. Bank Stabilization                         | <input type="checkbox"/> 12. Manufactured Home                 | <input type="checkbox"/> 20. Placement of Fill |
| <input type="checkbox"/> 5. Flood Protection                           | <input type="checkbox"/> 13. Improvement to Existing Structure | <input type="checkbox"/> 21. Diversion Dam     |
| <input type="checkbox"/> 6. Channel Alteration                         | <input type="checkbox"/> 14. Commercial Structure              | <input type="checkbox"/> 22. Utilities         |
| <input type="checkbox"/> 7. Irrigation Structure                       | <input type="checkbox"/> 15. Wetland Alteration                | <input type="checkbox"/> 23. Pond              |
| <input type="checkbox"/> 8. Water Well/Cistern                         | <input type="checkbox"/> 16. Temporary Construction Access     | <input type="checkbox"/> 24. Other _____       |

3. WHAT IS THE PURPOSE of the proposed project?

4. 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”)

5. PROPOSED CONSTRUCTION DATE: Start \_\_\_\_/\_\_\_\_/\_\_\_\_ Finish \_\_\_\_/\_\_\_\_/\_\_\_\_  
Is any portion of the work already completed?  Yes -- If yes, describe the completed work.  No

6. DIMENSIONS OF THE PROJECT. Describe the impacted area. How many linear feet of bank will be impacted? How far will the proposed project extend into and away from the water body?

7. VEGETATION. Describe the vegetation at the site. What type and how much vegetation will be removed or covered with fill material? How will the disturbed area be revegetated?

8. MATERIALS. Describe the materials to be used and how much (cubic yards, linear feet, size, type, source of each).

9. EQUIPMENT. What equipment will be used for the proposed work?

10. WHAT STEPS WILL BE TAKEN DURING AND AFTER CONSTRUCTION TO MINIMIZE:

- Erosion, sedimentation, or turbidity?
  
- Stream channel alterations?
  
- Effects of stream flow or water quality caused by materials used or removal of ground cover?
  
- Effects on fish and aquatic habitat?
  
- Risks of flooding or erosion problems upstream and downstream?

**D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS**  
**If you are applying for a Section 404 or Section 10 permit, fill out questions 1-4. If you are applying for a Floodplain Permit, fill out questions 4-6. (Question 4 is required for Section 404, Section 10, and floodplain permits.)**

1. Will the project involve placement of fill material in a wetland? If yes, describe. How much wetland area will be filled? Calculate the impacted area. Note: A delineation of the wetland may be required.
  
2. List the names and address of landowners adjacent to and across from the project site. (At its discretion, the permitting agency may contact these landowners.)

---

---

---

3. If there is a plan for compensatory mitigation, describe the location, nature, and amount of proposed mitigation on an attached sheet.

4. If you have already applied for any permits, list them and indicate whether they were issued, denied, or are pending. (Required for Section 404, Section 10, and Floodplain Permits.)

5. FEMA Map Number (if available) \_\_\_\_\_

6. Does this project comply with local planning or zoning regulations?  Yes  No

### E. SIGNATURES/AUTHORIZATIONS

Each copy submitted to an agency must have original signature(s).

I certify that the above statements are true and correct. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the landowner. I authorize the inspection of the project site by inspection authorities. Both the landowner and the person doing the work have the duty to comply with the stipulations of permits and laws.

\_\_\_\_\_  
\*Signature of Landowner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

*\*(May be waived by agency for utilities and other easement holders)*  
For Section 404/Section 10 applications, see signature  
Requirements for US Army Corps of Engineers in the "Guidelines  
For Completing Application."

\_\_\_\_\_  
Contractor/Agent

\_\_\_\_\_  
Date

#### DISPUTE RESOLUTION – 310 PERMIT APPLICANTS ONLY

As the applicant, if you disagree with the conservation district's decision on this application and wish to seek formal resolution, you may ask for a judicial review by filing a petition in district court **or** you may request a review by a three-member arbitration panel. **You are not required to make the choice** between judicial review and arbitration unless you disagree with the conservation district's final action on this application and want to take formal action. The conservation district will provide you with information about resolving disputes when the 310 permit is issued. However, you may choose arbitration when you file this application or wait until you receive the permit decision. By choosing arbitration at the time of filing this application, you waive your right to have the final decision reviewed by district court.

If **you wish** to elect **arbitration**, please **check** the box. If you wish to **decide later** and retain your right for judicial review, **do not check** this box.

I agree to arbitration as the exclusive means of review of a conservation district's decision on a 310 permit. I elect to sign an arbitration agreement as part of this application process and request a copy of the agreement. \_\_\_\_\_ (Initial)