3201 Spurgin Road
Missoula, MT 59804
May 24, 2024

City of Missoula
Attn: Nathan Mcleod
600 Cregg Ln
Missoula, MT 59801

SUBJECT: Permit No. SPA - 28-24 R-2
Waterbody: Clark Fork River
Project Name: Caras Park River Access
Water Code: 06-1121

Dear City of Missoula:

Montana Fish, Wildlife & Parks has reviewed the proposed project in Clark Fork River**. The project is approved provided it is carried out in accordance with the information in the application and all general and any special listed below.**

GENERAL CONDITIONS

1. Complete work affecting a streambed or stream bank in an expeditious manner to avoid unnecessary impacts to the stream.
2. Limit the clearing of vegetation to that which is absolutely necessary for construction of the project. Take precautions to preserve existing riparian vegetation. Salvage and reuse native vegetation where possible.
3. Install and maintain erosion control measures where appropriate to protect aquatic resources. Do not clear and grub land adjacent to streams prior to installing proper erosion and sedimentation controls. Conduct all work in a manner that minimizes turbidity and other disturbances to aquatic resources.
4. Plan temporary construction facilities to:
a. Minimize disturbance to stream banks, stream bank vegetation, and the streambed by locating staging or storage facilities at least 50' horizontally from the highest anticipated water level during construction;
b. not restrict or impede fish passage in streams; and
c. not restrict any flow anticipated during *use.*
5. Provide sediment controls for drainage from topsoil stockpiles, staging areas, access roads, channel changes, and instream excavations.
6. Isolate work zones from flowing and standing waters to prevent turbid water and sediments from being discharged into streams or other drainages that flow directly into the stream. Divert flowing waters around the work zone.
7. Do not spill or dump material into streams. Store and handle petroleum products, chemicals, cement and other deleterious materials in a manner that will prevent their entering streams.
8. Do not allow wash water from cleaning concrete-related equipment or wet concrete to enter streams.
9. Do not operate mechanized equipment in any stream or flowing water unless special authorization is obtained. If special authorization is granted, the following conditions apply:
a. Powerwash all equipment allowed in a stream prior to entering the stream channel.

b. Clean and maintain all equipment so that petroleum-based products and hydraulic fluids do not leak or spill into the waterway.
10. Reclaim streambeds and stream banks as closely as possible to their pre-disturbed condition.
11. Restore disturbed stream banks to their natural or pre-disturbed configuration to match adjacent ground contours or as specified in the project plans. Stabilize, reseed, and re-vegetate disturbed areas. Install and maintain long-term biodegradable erosion-control measures to protect these areas until adequate vegetation has been established.
12. Restore temporary access routes and any temporarily disturbed areas to original conditions, including original contours and vegetation.
13. Dispose of any excess material generated from the project above the ordinary high water mark and in an area not classified as a wetland.

SPECIAL CONDITIONS

1. This permit is not valid until the attached 318 authorization is signed and returned to Pat Saffel at the above address, faxed to 406-542-5529 or emailed to psaffel@mt.gov.

2. Survival rate of planted vegetation shall exceed 70% after two years.

3. Consider an educational sign indicating that this project if a flood levee improvement project that manages access for people and not typical riverbank management.

Note: This permit is valid for **one year** from the date of receipt.

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 Act 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.

Sincerely,

Patrick Saffel
Fisheries Manager

Cc: Missoula County CD

Montana Department of
ENVIRONMENTAL QUALITY

SHORT-TERM WATER QUALITY STANDARD FOR TURBIDITY RELATED TO CONSTRUCTION ACTIVITY (318 Authorization)

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.

Date: 5/24/24
FWP Representative's Signature

Date: 6/17/24
Applicant's Signature

Name and location of project: Curas Park River Access