

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

Has the landowner consented to this project? ☒ Yes ☐ No

Mailing Address: 600 Cregg Ln Missoula, MT 59801

Physical Address: 600 Cregg Ln Missoula, MT 59801

Cellphone: (406) 552-6261 Home Phone: N/A E-Mail: mcleodn@ci.missoula.mt.us

LANDOWNER NAME (if different from applicant): City of Missoula

Mailing Address: 435 Ryman St. Missoula, MT 59802

Physical Address: 101 Carousel Dr. Missoula, MT 59802

Cellphone: (406) 552-6261 Home Phone: N/A E-Mail: mcleodn@ci.missoula.mt.us

CONTRACTOR/COMPANY NAME (if applicable): Dick Anderson Construction

PRIMARY CONTACT NAME: Travis Neil

Mailing Address: 7168 Expressway, Missoula, MT 59808

Physical Address: 7168 Expressway, Missoula, MT 59808

Cellphone: 406-788-4599 Home Phone: N/A E-Mail: Tneil@daconstruction.com

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location Clark Fork River
Project Address/Location: 101 Carousel Drive Missoula, MT 59802 Nearest Town Missoula
County C Geocode: 04-2200-22-2-01-06-0000
NE1/4 of the SE 1/4 of, Section 21 Township 13, Range 19
Latitude 46.8689 Longitude -113.9969 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.

The Caras Park River Access site is along the north bank of the Clark Fork River. The site consists of a sidewalk, levee, riprap, grouted boulders, and a concrete overlook structure. The riverbank is disturbed in various locations along the site, due to excessive pedestrian traffic. The bank is comprised of grouted boulders and informal pedestrian trails to the waters edge. The bank slope ranges from 2.5:1 to 2:1 and is 13'-15' in height. Vegetation is present along the bank and mainly consists of willows (native and non-native). There are no wetlands located on this project site.

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.

The Caras Park River Access project is necessary to promote natural, easy access to Brennan's Wave on the Clark Fork River. In addition, this project will allow for ADA access near the waters edge during ordinary high water. The proposed trails will meet ADA requirements that provide inclusion to boaters, recreators, and tourists. The goal of this project is to allow easy access and prevent destabilization of the riverbank from pedestrian traffic.

4. **PROVIDE A BRIEF DESCRIPTION** of the proposed project plan and how it will be accomplished. Refer to section C4 in the instructions.

The proposed plan is to create formal river access and a viewing area while enhancing the vegetation and natural landscaping in the project vicinity. To do so, the existing observation deck and the upper portion of the grouted Brennan's Wave structure will be removed. It will be replaced with a terraced seating area and stairs along each side. An ADA access path will be built along the length of the site, wrapping below the seating area. In addition, three other stair access sites will be placed along the bank.

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.

No major alternatives were considered. Several design iterations have been completed with frequent input from the City of Missoula Parks Department to ensure that this design met all the needs and requirements to achieve the project intent/purpose.

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?

Erosion is present on the riverbank in locations of high pedestrian traffic. These are informal access points created by recreational users that are accessing Brennan's Wave. The implementation of a permanent structures, retaining walls, stair access, sidewalk access, and increased vegetation will reduce the bank erosion, thus benefitting the resource.

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

The project will not impact fish or aquatic habitats.

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

The final design elevations does not have any impacts to the floodplains. Construction will be completed in fall during low water so any temporary construction will not impact the floodplain. There are no wetlands in the proposed project area. Riparian habitat (with exception of non-native species) close to ordinary high water will be protected in place. Some vegetation will need to be removed but will be replaced with new seeding and vegetation once construction is completed.

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

Construction will be completed in the fall during ordinary low water to decrease flooding potential upstream and downstream of the 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?

The project limits will not extend to the bed of the waterbody. The banks will be graded to stable slopes, remove invasive plant species, add additional vegetation to the existing riprap, and add additional native plantings to the upper banks which includes willows along the ordinary high water mark.

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

Existing vegetation removal will be minimized by limiting the construction limits throughout the site. The proposed grades match existing grades to the extent possible which will limit disturbance around existing vegetation. Construction will be completed in fall of 2024 and seeding/planting will occur in the spring of 2025 to revegetate all disturbed areas. Additionally, vegetation will be created on top of riprap in areas that are currently plain riprap.

D. CONSTRUCTION DETAILS

1. PROPOSED CONSTRUCTION DATES. Include a project timeline. Start date 8/1/2024
Finish date 1/27/2025 How long will it take to complete the project? 6 months Is any portion of the work already completed? ☐ Yes ☒ No (If yes, describe previously completed work.)
Refer to section D1 in the instructions.
[Click here to enter text.](#)

2. PROJECT DIMENSIONS. Describe length and width of the project. Refer to section D2 in the instructions.

The project dimensions are approximately 400 ft in length (parallel to flow) and 15ft-35ft in width.

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.

- Excavator sizes will be
 - Class 200.
 - Class 300.
 - Class 400.
- Loader sizes up to a 4.5 cy .
- End dump standard 10-12 cy.
- Up to a 30,000-pound roller.
- Mini excavators up to 15,000 lbs.
- Skid steers up to 15000 lbs.
- 12,000 lbs forklift.
- Concrete Pump Truck

Excavators will be working from the bank, reaching down to the work area, not up. Terraces may be excavated in the bank for equipment to work from. No Equipment will drive in the water.

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
SEEDING – 3695 SF	PRARIE JUNE GRASS	*EXACT SOURCES UNKNOWN AT THIS TIME. ALL WILL BE SOURCED LOCALLY
TOPSOIL – 68 CY		
FG-EG CUT – 252 CY		
FG-EG FILL – 264 CY		
VEGETATED RIPRAP – 222 CY	MDT CLASS III	
RIPRAP – 11 CY	MDT CLASS III	
STAIR ACCESS STONES – 105 EA	2.5' X 1' X 4'	
STAIR STRINGER BOULDER- 110 EA	1.5'-2.5' DIAMETER	
STAIR ACCESS CONCRETE - 37 LF		
CONCRETE TRAIL – 496 LF	M-4000	

RETAINING WALL – 148 LF	
COLORED CONCRETE – 238 SF	
PERFORATED PIPE – 117 LF	4" DIAMETER
GEOTEXTILE SEPARATION FABRIC – 1686 SF	
DRAIN AGGREGATE – 32 CY	MDT 701.05
BEDDING GRAVEL – 56 CY	¾" MINUS
STRUCTURAL FILL – 8 CY	
TERRACED BOULDERS – 55 EA	32" DIAMETER
LANDSCAPING BOULDERS – 160 EA	1'-2' DIAMETER
WOODEN HANDRAIL - 304 LF	
METAL HANDRAIL – 772 LF	
WILLOW PLANTINGS – 495 EA	SANDBAR WILLOW
UPLAND LARGE SHRUB – 18 EA	MISC.
UPLAND MEDIUM SHRUB – 37 EA	MISC.
UPLAND SMALL SHRUB – 96 EA	MISC.
<u>REMOVALS</u>	
NON-NATIVE WILLOW STUMPS - 1 LS	
VIEWING PLATFORM – 1 EA	
EXISTING CONCRETE – 127 SF	

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.

Nationwide 13 and Nationwide 42

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.

Materials that will be used in construction below the ordinary high-water mark include 185 SF sidewalk, 45 CY Vegetated Riprap, 8 CY Riprap, 10 EA Stone Stairs, 15 EA Grouted Boulders

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.

The project will minimize impact to the river by completing construction during ordinary low water. It is worth noting that all concrete features, below ordinary high water, are replacing existing grouted boulders that are part of the Brennans Wave structure. The concrete is not replacing riparian habitat.

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.

No.

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.

The project is located along the Clark Fork River where bull trout are considered a threatened species.

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.

No historic property

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.

USACE Section 408 permit is currently pending.

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 OF **Adjacent Landowner**: Simba Development, 131 S Higgins Ave 59802

NAME OF **Adjacent Landowner**: High Wide & Handsome LLC 129 W Front St, 59802

NAME OF **Adjacent Landowner**: Whitecap Ventures 137 W Front St, 59802

NAME OF **Adjacent Landowner**: Spring Wind LLC 139 W Front St, 59802

11. **Floodplain Map Number** 30063C1480E 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: Nathan McLeod

LANDOWNER:

Print Name: City of Missoula

Nathan McLeod 4.3.2024
Signature of Applicant Date

Donna Gaskler 04/10/2024
Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):

Print Name: Travis Neil

Travis Neil 04/10/2024
Travis Neil (Apr 10, 2024 13:04 MDT)

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.










Clark Fork River Caras Park Joint Permit Application (Department of Transportation)

Final Audit Report

2024-04-10

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By:	Haley Erickson (EricksonH@ci.missoula.mt.us)
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