

Revised: 5/12/2021
310 Form 270 and Instructions may be downloaded from: <http://dnrc.mt.gov/licenses-and-permits/stream-permitting>

CD/AGENCY USE ONLY Application # 2401 Click to enter text. Date Received 1/2/24 Date

Date Accepted Date Initials Initials Date FW: to FWP Date

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name Click to enter text. Contract Letting Date Date

Control Number Click to enter text.

MEPA/NEPA Compliance Yes 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> |
|---|---|---|--------------------------|--|
| X | 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 |
| X | 318 Authorization | Department of Environmental Quality | A - E and G | \$250 (318); \$400 - \$20,000 (401) |
| X | 401 Certification | | | |
| | 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 |
| X | Section 404 Permit, Section 10 Permit | U. S. Army Corps of Engineers (USACE) | A - G F1-8 | Varies (\$0 - \$100) |
| X | Floodplain Permit | Local Floodplain Administrator | A - G | Varies by city/county (\$25 - \$500+) |

A. APPLICANT INFORMATION

APPLICANT NAME (person responsible for project): Tyler Barrus

Has the landowner consented to this project? Yes No

Mailing Address: 65 Redtail Lane

Physical Address: Dillon, MT 59725

Cellphone: 406-925-0575 Home Phone: Click here to enter or N/A. E-Mail: rtbarrus@gmail.com

LANDOWNER NAME (if different from applicant): Geoduck Land and Cattle, LLC – Brandon Baty

Mailing Address: 1910 Fairview Avenue East, Suite 500, Seattle, WA 98102

Physical Address: Click here to enter physical address or N/A.

Cellphone: Click here to enter or N/A. Home Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

CONTRACTOR/COMPANY NAME (if applicable): Click here to enter name or N/A.

PRIMARY CONTACT NAME: Click here to enter name

Mailing Address: Click here to enter name or N/A.

Physical Address: Click here to enter name or N/A.

Cellphone: Click here to enter or N/A. Home Phone: Click here to enter or N/A. E-Mail: Click here to enter or N/A.

B. PROJECT SITE INFORMATION

1. NAME OF **STREAM** or **WATER BODY** at project location Beaverhead River
Project Address/Location: Diamond O Ranch, 9000 N Highway 41, Dillon, MT Nearest Town Dillon
County Beaverhead Geocode: 18-0503-28-2-01-01-0000, 18-0503-21-3-03-01-0000, 18-0503-20-3-01-01-0000, 18-0503-29-3-01-01-0000, 18-0503-29-3-01-01-0000, 18-0503-30-01-01-0000, 18-0503-31-1-01-01-0000
N/A1/4 of the NW 1/4 of, Section 28 Township 5S, Range 7W
N/A1/4 of the N/A 1/4 of, Section 20 Township 5S, Range 7W
N/A1/4 of the N/A 1/4 of, Section 29 Township 5S, Range 7W
N/A1/4 of the SE 1/4 of, Section 30 Township 5S, Range 7W
N/A1/4 of the NW 1/4 of, Section 31 Township 5S, Range 7W

Latitude 45.376307° Longitude -112.500044° 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.
Project area is approximately 5.9 miles northwest of the closest Executive Order (EO) designated general sage grouse habitat.
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.

As described in the excerpt below, the project area is upstream from where the State claims ownership of the Beaverhead River.

"Based on historical evidence supporting navigability, the Beaverhead River is commercially navigable from the confluence with the Ruby River (SE¼NE¼, Section 4, T4S, R6W) to the Beaverhead's confluence with the Jefferson River. Therefore, the state claims ownership of the Beaverhead River between these two points."

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.

Photos of the project area are included in Attachment B.

The 913-acre project area is located on Diamond O Ranch property which is located within the greater historic floodplain of the Beaverhead River. This historic floodplain exhibits a vegetation mosaic made up of patches of wetland and uplands that correspond to variations in soil composition and ground elevations. The soils consist of clays, gravels, and fines that were deposited when this area was a lake and have been reworked by the Beaverhead River over geologic time.

The Diamond O is an active cattle ranch. Cattle are kept in much of the project area (except for the area immediately adjacent to the river) in January and February because of the ready availability of forage and water. In fact, over the years that the Diamond O has been in operation, the floodplain of the Beaverhead River has been optimized for this purpose. For example, to improve cattle forage, the diverse native woody riparian vegetation was removed and replaced with near monocultures of Garrison creeping meadow foxtail (*Alopecurus arundinaceus*). In addition, numerous ditches were excavated to improve water distribution throughout large portions of the floodplain so that the pastures could be flood irrigated and forage production maximized.

Grazing and removal of woody riparian vegetation has resulted in a riparian zone that is largely devoid of woody plants such as willows, dogwood, alder, or cottonwood trees. This has degraded riparian floodplain habitat and reduced stability of the river banks. Despite fencing livestock out of the riparian

corridor, the rarity of overbank flows has limited the deposition of fine sediment on the floodplain during the growing season, which is required for woody riparian plant seeds to germinate.

Flow management at the upstream Clark Canyon Reservoir has resulted in a modified hydrograph where the median daily discharge is highest during the winter months and the lowest median daily discharge is typically during the summer months. This has created a hydrograph that is inverted from a normal snow-driven hydrograph typically observed in this part of SW Montana, with the highest discharge during the spring snowmelt and the lowest flows during the winter months. In addition, massive withdrawals of irrigation water during the growing season have virtually eliminated high water flows in the lower river. In fact, in recent years some reaches of the lower river have gone totally dry.

Pools are poorly developed and woody instream cover is generally lacking. The channel is oversized during low summer flows, leading to increase water temperatures, and shallow water with exposed bed substrates in riffles. The Beaverhead River channel and floodplain have not adjusted to the modified hydrologic regime over the past 60 years and are not likely to do so through natural processes in the near future.

A total of 620.01 wetland acres were delineated within the project area. All wetlands within the project area are considered palustrine emergent (PEM), riverine. The most dominant plant species throughout the project area is the aggressive, non-native species, creeping meadow-foxtail (*Alopecurus arundinaceus*). This species was seeded for forage and now dominates vast swaths of the wetlands within the project area, especially the marginal wetland areas. In the areas with stronger wetland hydrology, the dominant species were sedges (e.g. *Carex nebrascensis*, *C. praegracilis*, *C. utriculata*), rushes (e.g. *Juncus balticus*), Kentucky bluegrass (*Poa pratensis*), silver cinquefoil (*Potentilla anserina*), and water smartweed (*Persicaria amphibia*). While some willow species are present (e.g. *Salix bebbiana*, *S. exigua*, *S. geyeriana*, *S. lasiandra*, *S. lutea*), their abundance is low due to historic removal and long-term grazing pressure.

Three non-wetland waterways were delineated within the project area: the Beaverhead River, Albers Slough, and a small pond. The substrate of the river is dominated by cobble and gravel, with some areas of slower velocity containing sand and silt. The channel width ranges from approximately 25-100 feet, and the average width is approximately 45 feet above Albers Slough and 60 feet below Albers Slough. Water depth in the river ranges from approximately 1-8 feet. Albers Slough has less velocity than the Beaverhead River and there for has substrate comprised of gravel and silt. The width of Albers Slough within the project area ranges approximately 18-40 feet. The project area contains one man-made recreational pond in the vicinity of the ranch house. The area of the pond is 2.1 acres, and the average depth is approximately 6 feet. The bottom of the pond is gravel, sand, and silt, and it is fed by groundwater and water from the Beaverhead River.

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 Excavation Pond, Excavation Wetland

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.

PROBLEM STATEMENT

The Beaverhead River channel and floodplain within the Diamond O Ranch near Beaverhead Rock, Montana, have been impacted by:

- flow modification associated with operation of Clark Canyon Dam since 1964
- 150 years of agricultural practices and livestock grazing,
- woody riparian vegetation removal, and
- installation and operation of irrigation infrastructure in the Beaverhead River valley

GOALS

The central goal of this project is to enhance and diversify habitat on the Diamond O Ranch property, with a focus on benefiting aquatic ecosystems, particularly fish, and avian populations, including waterfowl. The main emphasis of this project is to “right-size” the channel to the current flow regime. The Beaverhead River is especially vulnerable to overheating during the summer months because the low flows are being conveyed in an overly wide channel; additionally, previously active side channels that conveyed water out onto the floodplain have become partially or wholly blocked, thereby disconnecting large portions of the historic floodplain from the river. These effects have caused a myriad of indirect effects, such as, dramatic affects to the aquatic habitat, including, decreases in the local cold-water fishery, seasonal fishing closures (e.g., hoot owl restrictions), eutrophication; as well as impacts to the extent and quality of wetlands in the floodplain, and reductions in migratory waterfowl and wading bird usage. In addition, the dam also mitigates flood flows, which largely prevents the river from being able to adjust on its own.

This project seeks begin to unwind these historic and ongoing impacts as described in the following project description.

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

The Ranch owns approximately 28,630 feet (5.42 miles) of mainstem river channel and the adjacent floodplain. The project aims to improve the health of this stretch of river and floodplain by creating a compound channel with a defined low flow channel, reactivating abandoned side channels, and stabilizing bank lines while adding habitat features. The newly designed low flow channel will provide a deeper stream during low flows that will improve fish passage while also allowing for higher velocities and lower stream temperatures in hot summer months. The reactivation of side channels will benefit the river’s health by reconnecting the floodplain with the river, expanding and diversifying wetland habitat, and improving linkages between terrestrial and aquatic foodchains. Additionally, the reactivated side channels will provide important habitat for spawning fish and rearing habitat for juvenile fish. The stabilization of eroding banks will reduce the amount of fine sediment being input into the stream. This in-turn will help improve interstitial habitat in channel substrates that is occupied by aquatic insects and that is a foundational aspect of aquatic foodchains. Other aspects to the project include development of gravel borrow sources and reclamation to pond and wetland habitat.

It is expected that this project will have indirect, beneficial impacts to aquatic and terrestrial habitats well beyond the areas worked on, as well as the borders of the Diamond O Ranch.

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.

This project is relatively unique in that a private landowner is interested in adjusting roughly 5.4 miles of the Beaverhead River's geometry, channel dimensions, and floodplain connectivity to better fit the artificial flow regime managed for irrigation purposes by the Bureau of Reclamation at the Clark Canyon Dam.

During the evaluation of side channels in the project area, each of the side channels were evaluated for the feasibility of re-energizing them, as well as the cost/benefit in terms of gains on habitat enhancement and wetland establishment. Eleven channels were reviewed and ultimately 7 selected because they required the least amount of excavation, provided significant improvements in river-floodplain connectivity, and afforded substantial opportunities for wetland enhancement and increases in backwater aquatic habitat that is currently lacking on this stretch of the Beaverhead River.

Various options and locations for onsite gravel borrow sources were also explored. The factors influencing the decision to expand the pond near the homestead (termed the "Home Pond") were: level of human use, the quality and extent of the gravel resource, the ability to distribute the gravel to the various channel narrowing locations throughout the project area, the proximity of temporary upland storage locations, and the quality and extent of wetlands that would be impacted. The Home Pond was ultimately selected because:

1. The location of the Home Pond adjacent to the homestead complex of barns and outbuildings reduces the attractiveness of the area to migrating waterfowl and other wildlife. Work in the pond would not be as disruptive to local wildlife as it would be in a more remote location of the ranch.
2. The quantity and extent of gravel is relatively well known from previous work on the pond. Experience on the ranch has shown that the size classes needed for different aspects of the project (e.g., channel narrowing, streambank toe protection) are not easily come by, especially the larger size classes. Because of the previous work in the pond, we know the gradation of the gravel in and around the pond will supply what is needed versus a completely untested location.
3. From a distribution perspective, the central location of the Home Pond makes it an ideal location to mine gravel and distribute it efficiently. A gravel borrow source located at one end of the project would exhaust more resources hauling material compared to a more centrally located borrow source. The same holds true for upland and/or offsite gravel sources.
4. The Home Pond is surrounded by irrigated pasture that is heavily grazed by cattle every year. Many of these pastures were found to be wetlands, however, the area adjacent to the main road, north of the Home Pond were found to be drier and non-wetland. These areas are also outside of the 100-year floodplain.
5. Wetlands were mapped around the Home Pond. The wetlands to the west, and north have been heavily degraded by years of heavy livestock grazing. The expansion of the pond into these areas had less of an impact that it would if a gravel mine were developed in a new, undisturbed location.

For these reasons the Home Pond borrow site was selected as the preferred alternative.

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?

The project will improve instream fish habitat in the Beaverhead River by increasing flow depths and velocities during summer months. In addition, approximately 9,430 of eroding river bank will be re-naturalized, which will reduce sediment loading and provide increase stability for establishment of woody riparian vegetation. Increased floodplain connectivity will result in greatly expanded waterfowl nesting, feeding, and loafing habitat; greater nutrient uptake; increased sediment deposition; and improved wetland plant communities.

Temporary increases in turbidity will occur while working on the streambanks and in the channel itself. However, sedimentation and turbidity will be minimized by completing the work during the summer months when flows in the Beaverhead are at their lowest. The proposed bank stabilization will reduce long term erosion and sediment inputs into the river. Turbidity will be monitored up and downstream of construction activities to monitor net increases in turbidity caused by the project and all 318 permit requirements for turbidity will be adhered to. A SWPPP and a Dewatering Control Plan will be developed and implemented onsite and adhered to. These plans will include BMPs to minimize turbidity and offsite siltation from temporary stockpiles. All disturbed upland and wetland areas will be seeded to minimize long-term sediment inputs to the river.

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

Temporary impacts will occur by increasing turbidity. This will be minimized by adhering to all permit requirements, including turbidity monitoring. However, the focus of the project is to permanently increase and enhance both aquatic and terrestrial habitats. The creation of a low flow channel within the Beaverhead River mainstem will improve conditions for trout and other cold-water species during the critical low flow/high temperature period experienced in the river every July-September. It will accomplish this by reducing the area available for solar heating and by increasing overall water depth. In addition, the creation of more backwater habitat will improve spawning and rearing habitat for juvenile fishes.

- What will be done to minimize temporary or permanent impacts to the floodplain, wetlands, or riparian habitat? The project will have, and is intended to have, numerous beneficial impacts to the Beaverhead River and its floodplain, including wetlands and riparian habitats found there.

Adverse impacts to the Beaverhead River floodplain, wetlands and riparian habitat will be minimized by:

- Clearly marking construction limits.
- Construction in pond and wetland habitats during the winter months when soils and water are frozen.
- Construction in the mainstem channel during the summer months when flows are the lowest.
- Implementation of a stormwater pollution prevention plan.
- A preconstruction meeting will be held to explain the conservation measures and the reasons for them.
- All disturbed areas will be revegetated using local sod mats, native upland and wetland seed mixes, and native, containerized woody species.
- Vehicle fueling will be done in upland areas located at least 100 feet from wetlands or waterways.

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

Reactivation of floodplain side channels will increase storage and, therefore, reduce the potential for flooding downstream of the project. Hydraulic modeling results show the project will have no effect on flooding upstream. The project will increase flooding – and is intentionally designed to do so – within the project limits.

- 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?

No changes to water volumes will occur as a result of this project. The purpose of the project is to permanently change flows in the mainstem river channel and reactivated side channels. This requires permanent changes to the bed and banks of the river. That said, these changes have been minimized while still achieving the project goals. This project will have significant positive results for the ecosystem

and will help to re-naturalize this river and floodplain following 150 years of manipulation for agricultural purposes.

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

Within the project area the areas of disturbance will be kept to a minimum by limiting disturbed soil exposure to where it is necessary. Silt or other temporary construction fencing will be placed along the disturbance limits to define/mark project boundaries. No equipment or fill or vegetation/disturbance will be allowed beyond the temporary fencing protecting wetlands. Soils will be stabilized with seeding or sod immediately following construction. A revegetation plan will be implemented that includes weed control, native seeding, and post-construction SWPPP monitoring until vegetation is re-established. Every effort will be made to ensure that disturbances will be minimal and result in minor short-term and long-term impacts.

D. CONSTRUCTION DETAILS

1. PROPOSED CONSTRUCTION DATES. Include a project timeline. Start date 1/2/2024
 Finish date 12/31/2026 How long will it take to complete the project? 2-4 years 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. The project will affect 5.42 miles of the Beaverhead River mainstem. In addition, 21,750 feet on six side channels will be reactivated, and 5,670 feet of Albers Slough will be realigned.

| <u>Impact Summary</u> | <u>Acres</u> |
|--------------------------|--------------|
| Permanent Wetland Impact | 18.26 |
| Temporary Wetland Impact | 19.07 |
| Permanent Channel Impact | 17.48 |

| <u>Wetland Establishment</u> | <u>Acres</u> |
|---------------------------------|--------------|
| Side Channels | 12.66 |
| Bank Treatment | 0.59 |
| Channel Fill | 14.43 |
| Upland to Wetland Establishment | 3.64 |
| Total | 31.32 |

Net Gain 13.06

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.

It is expected that the following types of earth moving equipment will be used in construction: excavators, bulldozers, front-end loaders, haul trucks, skid steers, and UTV/ATV.

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.

| BEAVERHEAD QUANTITIES | | | Source |
|--------------------------------|--------|-------|--------|
| Gravel Needed for Channel Fill | 62,527 | CY | Onsite |
| Below OHWM | 61,091 | CY | Onsite |
| Above OHWM | 1,435 | CY | Onsite |
| Sod Needed for Banks | 8.03 | Acres | Onsite |
| | 12,962 | CY | Onsite |
| Pool Excavation Volume | 47,613 | CY | Onsite |
| Material Needed for Plugs | 1,646 | CY | Onsite |
| Rootwad Trunk | 14 | EA | Local |
| Willow Cuttings | 20,000 | EA | Local |

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

See Attachment A.

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).

See Attachment A.

3. **ATTACH ANNUAL PLAN OF OPERATION if requesting a Maintenance 310 Permit.**
Not Applicable.

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.

See Attachments A for maps and Attachment B for photos of different aspects of the project area.

**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.

Click here to enter text.

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.

Click here to enter text.

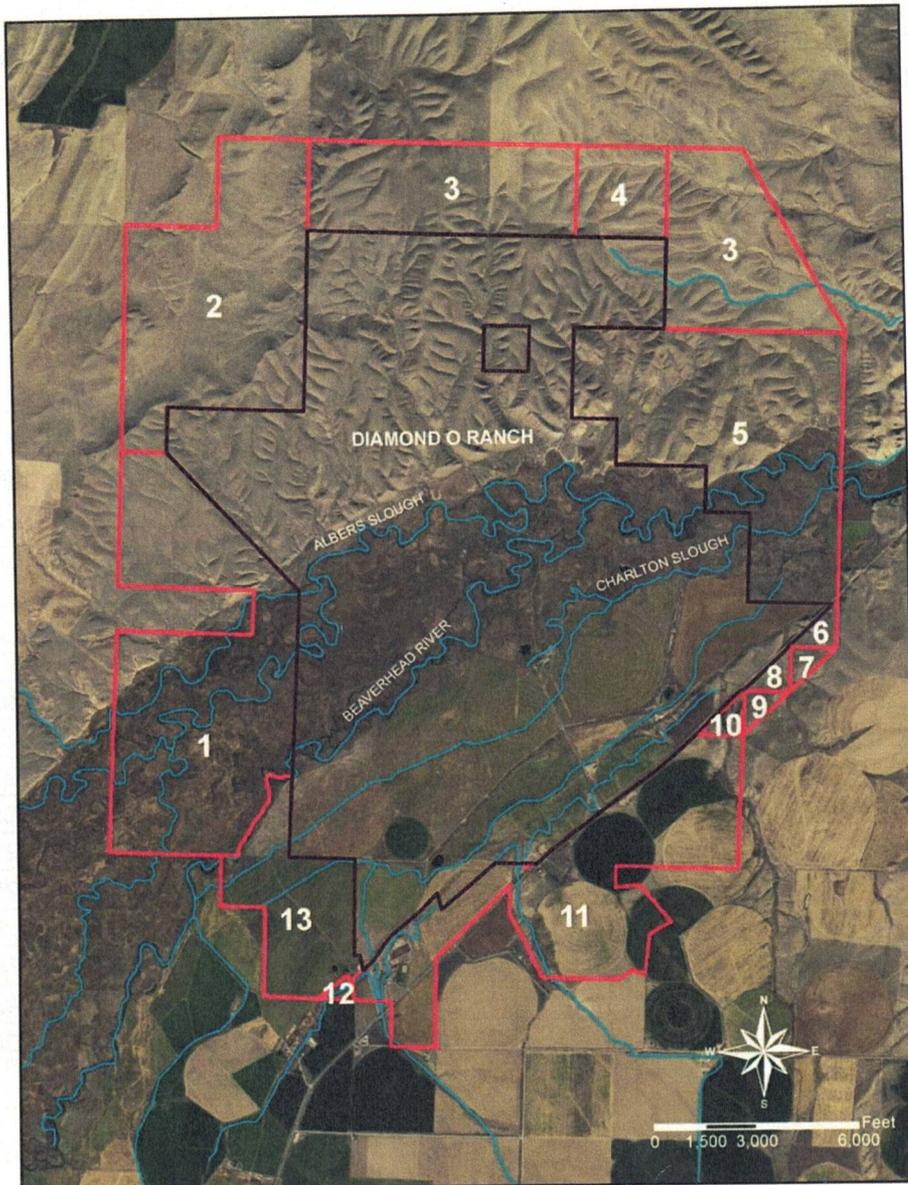
3. How will the proposed project avoid or minimize **impacts to waters of the United States**? Attach additional sheets if necessary. Refer to section F3 in the instructions.
4. Will the project impact greater than 0.10-acre of wetland and/or more than 300 linear feet of stream or other waters? If yes, 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.

| | |
|--------------------------|---------|
| 310 Permit | Pending |
| 404/401 Permit | Pending |
| Floodplain Permit | Pending |
| 318 Turbidity waiver | Pending |
| NOI/SWPPP | Pending |
| Dewatering Certification | 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).

| Parcel | Name | Mailing Address |
|--------|----------------------------------|--|
| 1 | Open A Ranches, Inc. | P.O. Box 952, Dillon, MT 59725 |
| 2 | Hagenbarth Land Montana LP | P.O. Box 1128, Dillon, MT 59725 |
| 3 | State of Montana | State Lands, 1625 11 th Ave, Helena, MT 59601 |
| 4 | Point of Rocks Angus Ranch, Inc. | 1599 MT Highway 41 South, Twin Bridges, MT 59754 |
| 5 | Beaverhead Gateway Ranch, LLP | 3400 Centennial Dr., Helena, MT 59601 |
| 6 | Timothy and Nancy Crothers | 13502 MT Highway 41, Dillon, MT, 59725 |
| 7 | Davies Living Trust | 13500 MT Highway 41, Dillon, MT 59725 |
| 8 | David and Pamela Hanifen | 13200 MT Highway 41, Dillon, MT 59725 |
| 9 | Jerome Yetter | 12800 MT Highway 41, Dillon, MT 59725 |
| 10 | Rev. Dr. Mary Jacques | 2066 Stadium Drive Ste. 101, Bozeman, MT, 59715 |
| 11 | Mogus Land and Livestock, LLC | 1910 Fairview Ave E Ste 500, Seattle, WA 98102 |
| 12 | Barry Freeman | 15576 Meadowgate Rd, Encino, CA 91436 |
| 13 | David Ondaatje | 935 N. Norman Pl., Los Angeles, CA 90049 |



11. Floodplain Map Number #30001C1188C, #30001C1451C, #30001C1432C 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: Tyler Barrus

 11/15/2023
Signature of Applicant Date

LANDOWNER:

Print Name: Brandon Baty

 11/15/2023
Signature of Landowner Date

*CONTRACTOR'S PRIMARY CONTACT (if applicable):

Print Name: Click here to enter name.

Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.