



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
HELENA REGULATORY OFFICE
10 WEST 15TH STREET, SUITE 2200
HELENA, MONTANA 59626

August 8, 2016

Regulatory Branch
Montana State Program
Corps No. **NWO-2016-00179-MTH**

Subject: - Culvert Replacement - Stickney Creek (Lewis and Clark
County)

Deanna Lane
Montana Recreational Properties, Inc.
PO Box 69
Deer Lodge, Montana 59722

Dear Ms. Lane:

We are responding to your request for Nationwide Permit (NWP) verification for replacing culverts. The project is located on Stickney Creek, within Section 6, Township 15 N, Range 2 W, Principal Meridian, Latitude 47.09194°, Longitude -111.90311°, Lewis and Clark County, Montana.

Specifically, you requested authorization for the following work in waters of the U.S.:

Work Item	Description
a.	Two 36-inch culverts will be replaced with two 60-inch by 40-foot long arch culverts. The culverts will be placed side by side spanning the creek entirely, the culverts will be countersunk into the streambed approximately 18-inches to facilitate sediment transport.

Based on the information you provided, the proposed activity, permanently affecting approximately 15 linear feet of Stickney Creek, is authorized by NWP29 , found in the February 21, 2012 Federal Register (76 FR 9174), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this NWP and lists the General and Regional Conditions that must be adhered to for this authorization to remain valid. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free

navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

You are responsible for ensuring that all work is performed in accordance with the terms and conditions of the NWP. If a contractor or other authorized representative will be conducting work on your behalf it is strongly recommended that they be provided a copy of this letter and the enclosed conditions. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization and may be subject to appropriate enforcement action.

The U.S. Army Corps of Engineers (Corps) prepared the enclosed preliminary jurisdictional determination (JD) for the project area. A preliminary JD is a written indication that waterways and wetlands within your project area may be waters of the U.S. These waters are treated as jurisdictional waters of the U.S. for the purposes of determining project impacts and compensatory mitigation requirements. Preliminary JDs may not be appealed. If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD prior to your commencement of any work in a water of the U.S. An approved JD is an appealable official determination regarding the presence or absence of waters of the U.S. Completion of an approved JD may require coordination with the U.S. Environmental Protection Agency (EPA). If you believe the preliminary JD is accurate and do not want the Corps to complete an approved JD, please sign the preliminary JD and return it to the letterhead address within two weeks.

The Montana Department of Environmental Quality has provided the enclosed CWA Section 401 water quality certification for this NWP which includes General Conditions, all of which must be complied with for that certification to remain valid. This does not eliminate the need to obtain other permits that may be required by that agency.

This verification is valid until March 18, 2017, when the existing NWPs are scheduled to be modified, reissued, or revoked. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified, reissued or revoked, you will have twelve (12) months from the date of the modification, reissuance or revocation of the NWP to complete the activity under the present terms and conditions unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization in accordance with 33 CFR 330.4(e) and 33 CFR 330.5 (c) or (d). Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

In compliance with General Condition 30, we have enclosed is a "compliance certification" form, which must be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

Please refer to identification number **NWO-2016-00179-MTH** in any correspondence concerning this project. If you have any questions, please contact Timothy McNew at the Helena Regulatory Office at 406-441-1375.

Sincerely,

MCNEW.TIMOTHY.M
.1282229745

Digitally signed by MCNEW.TIMOTHY.M.1282229745
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,
ou=USA, cn=MCNEW.TIMOTHY.M.1282229745
Date: 2016.08.08 12:38:09 -06'00'

Timothy M. McNew
Regulatory Project Manager

Enclosures:

Compliance Certification
Preliminary Jurisdictional Determination
NWP 29 Fact Sheet with Regional Conditions
Montana DEQ CWA Section 401 Water Quality Certification

cc:

Russ Grieves
PO Box 6571
Helena, MT. 59604

COMPLIANCE CERTIFICATION

Corps File Number: NWO-2016-00179-MTH
Name of Permittee: Deanna Lane
County: Lewis and Clark County, Montana
Date of Issuance: August 8, 2016
Corps Project Manager: Timothy McNew

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

US Army Corps of Engineers
Omaha District
Helena Regulatory Office
10 West 15 Street, Suite 2200
Helena, Montana 59626

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date