



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
1616 CAPITOL AVENUE
OMAHA NE 68102-4901

May 21, 2016

REPLY TO
ATTENTION OF

Office of Counsel

Mr. Russ Greaves

Dear Mr. Greaves:

This letter is in response to your Freedom of Information Act (FOIA) request dated June 7, 2016 for documents concerning the North Fork of Stickney Creek at Section 6, Township 15 North, Range 2 West, in Lewis and Clark County, Montana. Enclosed are copies of the releasable documents in the permit file. Most of the documents being sent to you in response to this request were provided to you in response to your previous FOIA request dated March 2, 2016. We are still withholding the draft letter and internal email.

Under the FOIA, your request is in the "all others" fee category. This category grants the requester two hours of free search time and the first 100 duplicated pages free of charge. For any search time beyond the first two hours and any duplicated pages beyond the first 100 pages, the requester is charged \$20.00 an hour for clerical search time, \$44.00 an hour for professional search time, and \$.15 per duplicated page. Since the cost to process your request was nominal, there will be no charge.

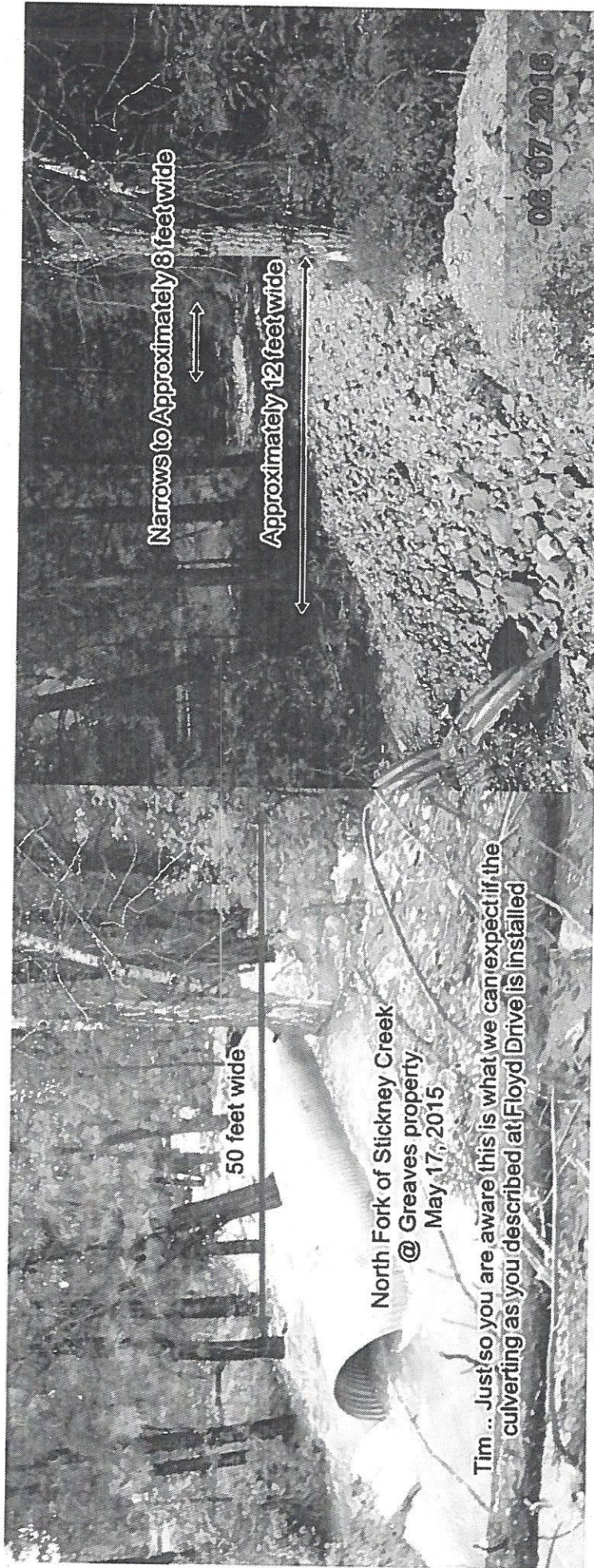
Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Tracy".

Thomas J. Tracy
District Counsel

Enclosure

Jim McNew
FYS



North Fork of Stickney Creek
@ Greaves property
May 17, 2015

Tim ... Just so you are aware this is what we can expect if the
culverting as you described at Floyd Drive is installed

06 07 2016

RECEIVED
JUN 07 2016

BY: COFFMAN

RECEIVED ON
27 MAY 2016
BY: COE-HLNA

May 27, 2016

Mr. Todd N. Tillinger & Tim McNew, Regulatory Project Mgr.
Montana Program Manager
Department of the Army
Corps of Engineers, Omaha District
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, Montana 59626

Re: Resubmitting Application Per your Request
Placement & Installation of Culverts
Corps File Number NOW-2016-00179-MTH

Dear Todd/Tim:

This letter is in response to your request that we resubmit our application regarding the above subject matter.

It is our intention to install the culverts on Stickney Creek (an intermittent stream), MRR Lot #25. Attached is the application including the plans (Exhibit A) and cross sections of the proposed alternatives and a timeline to complete the work. The MRR/ECR landowners association will order the culvert(s) and hope to install same in the Summer of 2016, weather permitting. We would like to install two 60" capacity culverts on MRR #25 along with two additional 36" culverts approximately 25 feet to the north at the fork of the Stickney Creek channel. These culverts will span across the existing roadway on MRR 25. (See attached drawing - Exhibit B)

We appreciate your help and concerns regarding this issue.

Respectfully,



DEANNA L. LANE, Secretary-Treasurer
Montana Recreational Properties, Inc.
210 Milwaukee Avenue
Deer Lodge, MT 59722

cc: Mark Pieloch -
Wade Crittenden -

Attachments - Application

Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting	AGENCY USE ONLY: Application # _____ Date Received _____ Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____
This space is for all Department of Transportation and SPA 124 permits (government projects).	
Project Name _____	RECEIVED ON 27 MAY 2016 BY: COE-HLNA
Control Number _____	Contract letting date _____
MEPA/NEPA Compliance <input type="checkbox"/> Yes	<input type="checkbox"/> No If yes, #14 of this application does not apply.

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

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	PERMIT	AGENCY	FEE
<input checked="" type="checkbox"/>	310 Permit	Local Conservation District	No fee
<input type="checkbox"/>	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
<input type="checkbox"/>	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
<input checked="" type="checkbox"/>	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
<input type="checkbox"/>	318 Authorization	Department of Environmental Quality	\$250 (318);
<input type="checkbox"/>	401 Certification		\$400 - \$20,000 (401)
<input type="checkbox"/>	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): Missoula River Ranch + Eagle Canyon Ranch LO ADON.
 Has the landowner consented to this project? Yes No
 Mailing Address: P.O. Box 69
 Physical Address: 210 Milwaukee Ave, Deer Lodge, MT 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

NAME OF LANDOWNER (if different from applicant): MARK PIELOCH - MRR Lot 25
 Mailing Address: _____
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Doranna L. Lane - Secy - Treasurer - MRR, Inc.
 Mailing Address: P.O. Box 69
 Physical Address: 210 Milwaukee Ave, Deer Lodge, MT 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

"intermittent"
 NAME OF STREAM or WATER BODY at project location MRR Lot 25 Nearest Town Craig, MT
 Address/Location: Stickney Creek Geocode (if available): 05-2554-31-4-01-05-0000
 1/4 _____ 1/4 _____ 1/4, Section 31/6, Township 15/14 N, Range 2 W County Lewis & Clark
 Longitude _____, Latitude _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
 If yes, send copy of this application to appropriate DNRC land office - see Information for Applicant.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

C. PROJECT INFORMATION

1. ~~TYPE OF PROJECT~~ (check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input checked="" type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. PLAN OR DRAWING of the proposed project MUST be attached. This plan or drawing must include:

- ✓ a plan view (looking at the project from above)
- ✓ a cross section or profile view
- ✓ dimensions of the project (height, width, depth in feet)
- ✓ an elevation view - 3800'
- location of storage or stockpile materials
- dimensions and location of fill or excavation sites
- drainage facilities
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges
- ✓ an arrow indicating north

3. 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")

4. PROPOSED CONSTRUCTION DATE. Include a project timeline. Start date 6/1/2016
Finish date 9/30/2016 Is any portion of the work already completed? Yes No
(If yes, describe the completed work.)

5. WHAT IS THE PURPOSE of the proposed project?

Remove old culverts

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

Replace existing culvert with two (60" capacity) culverts to span across road.
Install two additional (36" capacity) culverts 25' North of the above installed culverts.

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

Vacant Lot

8. PROJECT DIMENSIONS. How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

N/A.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

Native Grass - Existing road material

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet

24'

Size and Type

two - 60" metal culverts (bt)
two - 36" metal culverts (2nd)

Location

Source
Montana Culvert
Vendor - Helena or
Great Falls

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Work to be completed by Licensed roadway operator

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

N/A

- Minimize stream channel alterations?

N/A - Intermittent creek - Spring Run off

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

N/A replacing existing culvert

- Minimize effects on fish and aquatic habitat? None

N/A

- Minimize risks of flooding or erosion problems upstream and downstream?

N/A - Dry Creek - intermittent

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

Weeds are sprayed annually - Will be sprayed after culverts are installed.

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

To allow water from Spring runoff to flow easier down stream

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

None - Road has been established over many years

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.
 If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

N/A

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

N/A

3. List the names and address 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).

N/A

4. 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.

N/A

5. Floodplain Map Number _____

N/A

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

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

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.

APPLICANT (Person responsible for project):
 Print Name: Deanna L. Lane Secy-Treas
 MRR - ECR2 Landowners Assn.

LANDOWNER:
 Print Name: MARK Pieloch - mrr #25

Deanna L. Lane 5-27-16
 Signature of Applicant Date

 Signature of Landowner Date

*CONTRACTOR/AGENT:
 Print Name: Kim Smith, Attn: John
Valky Sand & Gravel - 7510 Applegate Dr.
Helena, MT 59602

N/A 5-27-16
 Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.

February 26, 2015

RECEIVED
MAR 10 2016

BY: _____

Mr. Todd N. Tillinger
Montana Program Manager
Department of the Army
Corps of Engineers, Omaha District
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, Montana 59626

Re: Unauthorized Placement of Culverts
Corps File Number NOW-2016-00179-MTH

Dear Todd:

This letter is in response to your letter of February 4, 2016 directed to Wade Crittenden regarding the above subject matter.

It is our intention to install two additional culverts on Stickney Creek (an intermittent stream), MRR Lot #25. Attached is the application including the plans (Exhibit A) and cross sections of the proposed alternatives and a timeline to complete the work. The MRR/ECR landowners association will order the culvert(s) and hope to install same in the Summer of 2016, weather permitting. We would like to increase the size from 3 foot to 5 foot diameter culverts on MRR# 25 along with two additional 36" culverts approximately 25 feet to the north at the fork of the Stickney Creek channel. (see attached drawing- Exhibit B). Enclosed is a copy of our e-mail correspondence and our agreement to take his recommendation to get this project completed.

We appreciate your help and concerns regarding this issue.

Respectfully,



DEANNA L.LANE, Secretary-Treasurer
Montana Recreational Properties, Inc.
210 Milwaukee Avenue
Deer Lodge, Montana 59722

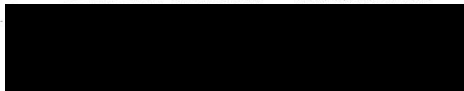
Enclosures – Application & map plans

Cc: Lewis & Clark Conservation District
790 Colleen St.
Helena, Montana 59601

Cc: Wade Crittenden, MRP, Inc. Road Chairman



Cc: Mark J. Pieloch – MRR #25



Treasure State Ranches

From: "Treasure State Ranches" [REDACTED]
To: "Mark Pieloch" <[REDACTED]>
Cc: "Chinook Distributing,LLC" <chinooksales@[REDACTED]>
Sent: Friday, February 26, 2016 11:13 AM
Subject: Re: Proposed culvert work on Lot 25 MRR
Mark:

Thank you for your quick response. I did visit with Wade Crittenden and we both agree to your proposal. We appreciate your cooperation and additional funds to install a much larger culvert on MRR Lot #25. Please have Gordon Lafavor get in touch with Wade when we can work on this project. Wade's cell number is [REDACTED]. I am sending a copy of this e-mail to Todd Tillinger so that he is aware of the changes. Thank you.

Realty West/Lane & Associates
 210 Milwaukee Avenue
 Deer Lodge, MT 59722
 406-846-1000
 406-846-1373 - Fax

----- Original Message -----

From: Mark Pieloch
To: lane ; chinooksales [REDACTED]
Cc: Sharon LaFaver ; Mark Pieloch
Sent: Friday, February 26, 2016 7:11 AM
Subject: Proposed culvert work on Lot 25 MRR

Good morning Wade and DeeDee,

I have received your proposal for the placement of culverts on my Lot 25 MRR, as well as the planned culvery placement upstream to Lot 25.

After sharing this proposal with Gordon Lafaver, who has 40+ years of mountain construction work experience, I asked Gordon to personally view the proposed culvert sites and to provide me with his feedback.

Gordon Lafaver believes that the proposed culvert sizes and/or numbers are not sufficient to handle the flash flood type of water run offs, that can occur in that country.

Gordon believes that it will only be a couple more years before these culverts are again washed out !

Gordon recommends either doubling the number of 3 foot culverts or increasing the size from 3 foot to 5 foot diameter culverts (the larger diameter culverts will require the road to be raised).

Thus, the doubling of the 3 foot culverts is my recommendation.

To assist financially in the decision making process, I will pay for the additional 3 foot culverts to be installed under your current project proposal.

Please let me know your thoughts on my proposal and recommendations.

Thanks,

Mark Pieloch

Work Tel:

2/26/2016

Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # _____ Date Received _____
Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____

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

Project Name _____
Control Number _____ Contract letting date _____
MEPA/NEPA Compliance Yes No If yes, #14 of this application does not apply.

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

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission 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	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): Missouri River Ranch + Eagle Canyon Ranch Landowner Association
 Has the landowner consented to this project? Yes No * Exhibit C Declaration of
 Mailing Address: P. O. Box 69
 Physical Address: Deer Lodge MT. 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

NAME OF LANDOWNER (if different from applicant): MARK PIELOCH (see attached)
 Mailing Address: _____
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Deanna L. Lane - Secy. Treasurer
 Mailing Address: P. O. Box 69
 Physical Address: 210 Milwaukee Ave, Deer Lodge, MT 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

(intermittent)
 NAME OF STREAM or WATER BODY at project location MRR Lot 25 Nearest Town Craig, Mt.
 Address/Location: Stickney Creek Geocode (if available): 05-2554-31-4-01-05-0000
 _____ 1/4 _____ 1/4 _____ 1/4, Section 31/6, Township 15/16 N., Range 2W County Lewis & Clark
 Longitude _____, Latitude _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No. No.
 If yes, send copy of this application to appropriate DNRC land office - see Information for Applicant.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

Native Grass ' Existing Road Material

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
24'	two 36" metal Culverts	

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Work to be completed by licensed road operator.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

N/A

- Minimize stream channel alterations?

N/A . DRY - no water

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

N/A replacing existing culvert

- Minimize effects on fish and aquatic habitat? - None

N/A

- Minimize risks of flooding or erosion problems upstream and downstream?

N/A DRY Creek - intermittent

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

Weeds are sprayed annually - Will spray after installation of culverts

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

to allow water from Spring runoff to flow easy downstream.

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

None . Road has been established over many years.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

C. PROJECT INFORMATION

1. TYPE OF PROJECT (check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. PLAN OR DRAWING of the proposed project MUST be attached. This plan or drawing must include:

- | | |
|--|--|
| ✓ • a plan view (looking at the project from above) | ✓ • a cross section or profile view |
| ✓ • dimensions of the project (height, width, depth in feet) | ✓ • an elevation view - 3800' |
| • location of storage or stockpile materials | • dimensions and location of fill or excavation sites |
| • drainage facilities | • location of existing or proposed structures, such as |
| ✓ • an arrow indicating north | N/A buildings, utilities, roads, or bridges |

3. 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")

4. PROPOSED CONSTRUCTION DATE. Include a project timeline. Start date 5/1/2016
Finish date 9/30/2016 Is any portion of the work already completed? Yes No
(If yes, describe the completed work.)

5. WHAT IS THE PURPOSE of the proposed project?

Remove old culvert

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

Replace culvert with 2 - 36" Culverts to span across existing road.
Install two additional 36" Culverts approx. 25' North also

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

vacant lot.

8. PROJECT DIMENSIONS. How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

N/A

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

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits - See "Information for Applicant.")

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

N/A

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

N/A

3. List the names and address 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).

N/A

4. 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.

N/A

5. Floodplain Map Number N/A

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

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

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.

APPLICANT (Person responsible for project):

Print Name: Deanna L. Lane, Secy - Treas

MRR-ECR Landowners Assn. Sup

Deanna L. Lane 2-22-16

Signature of Applicant

Date

LANDOWNER:

Print Name: Montana Recreational

Properties, Inc - MARK PJELOCH

Mark Pjelo 03-04-2016

Signature of Landowner

Date

*CONTRACTOR/AGENT:

Print Name: Kim Smith PHW. John

Valley Sand & Gravel 7510 Applegate Dr.

Helena, MT 59602

406-449-4045

N/A

Signature of Contractor/Agent

Date

*Contact agency to determine if contractor signature is required.

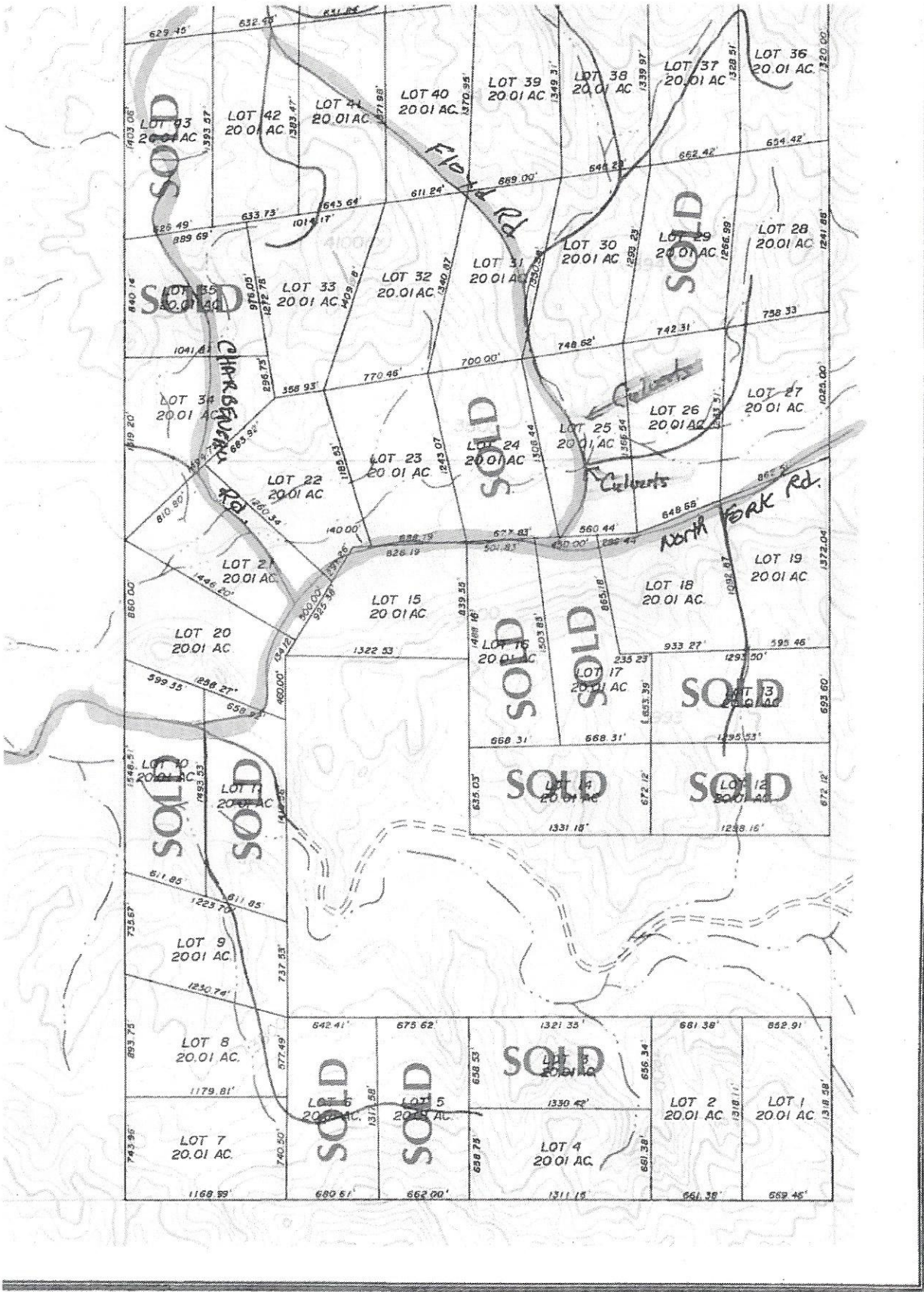


Exhibit B
 T15N-R2W
 Missouri River Ranch

MRR

Stickney Creek Area Properties

ECR



* Planned Culverts replacements

Lot 25 Exhibit A
Road - Floyd Rd.

Map Information:
Scale: 1" = 100 Feet
Date: 10/15/2010
Prepared by: [illegible]
Checked by: [illegible]
Approved by: [illegible]

Exhibit C

DECLARATION OF EASEMENTS AND RIGHTS-OF-WAY

KNOW ALL MEN BY THESE PRESENTS:

That MONTANA RECREATIONAL PROPERTIES, INC., a Nevada corporation licensed to do business in Montana, having its business address at 210 Milwaukee Street, Deer Lodge, Montana, hereafter called "Grantor", does hereby make, provide and grant to the Grantees below identified those certain easements, rights-of-way and privileges hereafter described.

1. GRANTEES: All persons and entities who shall now be or hereafter become purchasers not in default, grantees, owners and lessees of portions of the lands described in EXHIBIT A, attached hereto and incorporated herein by reference, are herein collectively referred to as "Grantees." The lands as a whole, described in EXHIBIT A, are hereafter referred to as the Missouri River Ranches.

2. DESCRIPTION OF ROADWAY EASEMENTS: Each lot of the Missouri River Ranches shall have appurtenant thereto access by way of an easement and right-of-way for nonexclusive use sixty (60) feet in width. As of the date hereof, the location of certain said easements has not been determined. Grantor reserves the right to determine the location of all such nonexclusive access easements, the centerlines of which shall, insofar as practicable, coincide with the boundaries between lots in the Missouri River Ranches. Grantor shall consider, in determining such location, the topography and soil conditions of the lands concerned. Grantor represents that although certain roads and roadways already exist within the Missouri River Ranches, and Grantor, solely within its discretion, may choose to build or improve certain roads, the Grantor is under no obligation to do so. The grantor further represents that by sale of any lot with reference to any plat or map which may contain easement designations for roadway purposes or which may show actually existing roads, Grantor does not expressly or impliedly covenant or agree to build, improve or maintain any roads or roadways within the Missouri River Ranches.



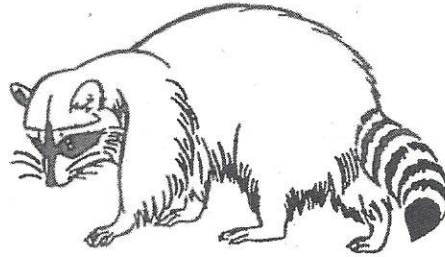
3. USE OF ROADWAY EASEMENTS: The above-described roadway easements shall be used in common with Grantor and all Grantees for ingress and egress for all purposes to and from their respective lots, for the construction, repair and maintenance of roadbeds and road surfaces which exist or may be placed thereon, for the use, construction, maintenance and repair of utility lines, pipelines, water storage facilities, wells and springs together with all apparatus associated therewith and for all transportation uses by Grantor, Grantees and their respective employees, families and guests.

4. GRANTS AND RESERVATIONS OF EASEMENTS AND RIGHTS-OF-WAY:

Grantor hereby grants to Grantees a perpetual, nonexclusive easement and right-of-way, in, over, under and across the said roadway easements for the purpose and uses set forth hereinabove in common with Grantor and all other Grantees. Grantor reserves unto itself its rights as expressed elsewhere in this instrument.

5. CONSTRUCTION AND MAINTENANCE OF ROADS:

Grantor shall not be responsible for the construction, repair or maintenance of any roadway or right-of-way within Missouri River Ranches. Nor shall Grantor be liable to any Grantee or third person for damages arising from the use, construction, repair, maintenance or the locating of any easement, right-of-way or road.



6. USE OF ASSESSMENTS: Monies received by way of any assessments from the Grantees shall be used by the Missouri River Ranches Landowners Corporation solely for subdivision purposes, including, without limitation, road and right-of-way maintenance.

7. RESERVATION OF RELOCATION RIGHTS: Grantor hereby expressly reserves the right to determine the location of all roadway easements and to relocate the same wherever the Grantor shall deem necessary or advisable by reason of topography and/or soil conditions.

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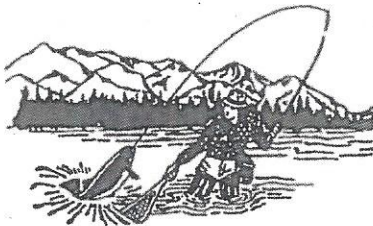
9. FENCING: Any Grantee desiring to maintain livestock on his lot shall at his own expense contain the same with fencing and/or cattle guards (which cattle guards shall be at least 14 feet in width), such fencing to conform fully to the laws of the State of Montana, whether or not the lot shall be now or hereafter included in any herd district. All fencing shall be located at least 30 feet from the centerline of any roadway easement designated pursuant to this covenant.

Any and all cattle guards and fences shall be so designed, constructed and maintained with appropriate gates for livestock passage as to permit the free passage and flow of vehicular and livestock traffic over and across all roadway easements without interference with the property abutting such roadway easements.

10. SUCCESSION AND APPLICABILITY: The grants and reservations made herein shall run in favor of and be binding upon

the Grantor and Grantees and its and their respective heirs, executors, personal representatives, administrators, successors, in interest and assigns, perpetually, and such easements and reservations as are hereby granted and reserved are covenants running with the land.

11. WAIVER OF GRANTOR'S RIGHTS: Grantor may at any time after the recording of this instrument waive, release or transfer to any Grantee or to the Missouri River Ranches Landowners Corporation (or its successors) any of the rights, reservations and privileges retained by Grantor herein. Grantor shall not expand nor enlarge such rights and privileges. No such waiver, release or transfer shall be valid unless reduced to writing executed by Grantor or its successors in interest nor shall any such waiver, release or transfer operate to confer any rights or privileges not contained herein upon any other Grantee or entity who or which is not the recipient of any such waiver, release or transfer.



12. SUCCESSION: The rights, privileges, obligations and benefits created by this instrument shall be binding upon and inure to the benefit of the Grantor and Grantees and to the respective heirs, executors, personal representatives, administrators, permitted assigns and successors in interest of the Grantor and Grantees.

13. ADDITIONAL LAND TO BE SUBMITTED TO COVENANTS: Any person or entity who shall hereafter purchase or contract to purchase or otherwise become a purchaser or grantee of any of the lands described in paragraph 1 hereof who shall at that time or afterwards be or become the owner of other lands not described in paragraph 1 but wholly within the external boundaries of the lands described in paragraph 1 hereof, by becoming a purchaser or grantee of lands described in paragraph 1, agrees to subject such other land to these easements and rights of way provisions.

14. NUMBER AND GENDER: As used in this instrument, the singular shall include the plural and the masculine shall include the feminine and neuter wherever the sense thereof is indicated.

15. RECORDING: This Declaration shall be recorded in the Office of the Clerk and Recorder, County of Lewis & Clark, State of Montana. It shall be binding upon Grantor, Grantees and all persons claiming under them and shall affect all lands described on EXHIBIT A. From and after the date of recording, the provisions herein shall be incorporated into all other instruments affecting any of the lands described in EXHIBIT A by referring to the Book (Film) and Page Numbers in which this Declaration shall be recorded.

IN WITNESS WHEREOF this instrument is executed on this 20th day of June, 1991, by the Grantor by its duly authorized officers.

MONTANA RECREATIONAL PROPERTIES, INC.

By: [Signature]
Its President

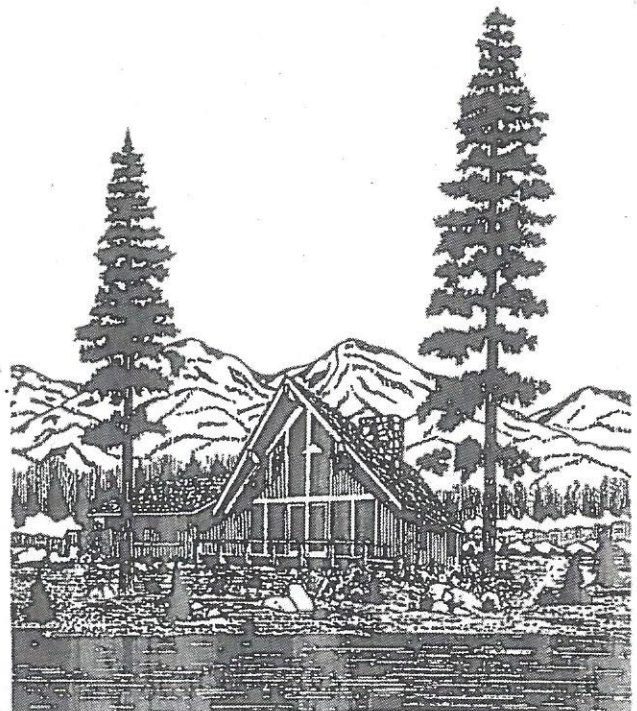
By: [Signature]
Its Secretary-Treasurer

Signatures Notarized

Exhibit A

Parcels 1 through 27 and Lot 34 located in Section 6, T15N, R2W & Section 31, of T16N, R2W, M.P.M., (C. O. S. #471065/E); Parcels 28 through 59 of Sections 30 and 31, T16N, R2W, M.P.M. (C. O. S. #471066/E); and Parcels 60 through 73, and Parcels 101 through 110 of Sections 19 and 30, T16North, R2 W, M.P.M., and Section 25, T16N, R3W, M.P.M. (C. O. S. #471067/E); and Parcels 74 through 100 of Section 25, T16N, R3W, M.P.M. (C.O.S. #471064/E); and Parcels 111 through 117 of Section 35, T16N, R3W, M.P.M. (C.O. S. #471063/E);

Filed with Lewis and Clark County Clerk and Recorder on July 16, 1991, 3:37 p.m. in M Book 12, Page 150.



Property Record Card

Summary

Primary Information

Property Category: RP **Subcategory:** Real Property
Geocode: 05-2554-31-4-01-05-0000 **Assessment Code:** 0000028628
Primary Owner: **PropertyAddress:**
 PIELOCH MARK J
 PO BOX 120489 **COS Parcel:**
 MELBOURNE, FL 32912-0489

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: MISSOURI RIVER RANCH

Legal Description:

MISSOURI RIVER RANCH, S31, T16 N, R02 W, Lot 25, COS # 471065/E

Last Modified: 2/6/2016 7:19:46 PM

General Property Information

Neighborhood: 441.1 **Property Type:** AR - Agricultural Rural
Living Units: 0 **Levy District:** 05-049504-1304
Zoning: **Ownership %:** 100
Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0 **Limited:** 0

Property Factors

Topography: 4 **Fronting:** 0 - None
Utilities: 0 **Parking Type:**
Access: 3 **Parking Quantity:**
Location: 0 - Rural Land **Parking Proximity:**

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	20.010	00.00

Total Market Land

0.000

00.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
8/17/2012	M45	6090	8/17/2012	3226271	Warranty Deed
3/5/2009	M39	6712	3/5/2009	3162343	Warranty Deed
5/3/1993	M39	6711	3/5/2009	3162342	Warranty Deed
12/8/1992	M13	6973			
4/4/1991	M11	6605			
4/4/1991	M11	7117			
	M46	6717		3237670	Warranty Deed

Owners

Party #1

Default Information: PIELOCH MARK J
PO BOX 120489

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Fee Simple

Last Modified: 8/24/2012 10:59:17 AM

Other Names

Other Addresses

Name

Type

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2015	4530	0	4530	COST
2014	8312	0	8312	COST

Market Land

Market Land Info

No market land info exists for this parcel

Dwellings

Existing Dwellings

No dwellings exist for this parcel

Other Buildings/Improvements

Outbuilding/Yard Improvements

No other buildings or yard improvements exist for this parcel

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land Item #1

Acre Type: Forest

Class Code: 1901

Productivity

Quantity: 145.49

Units: Board Feet/Acre

Valuation

Acres: 20.01

Value: 0

Irrigation Type:

Timber Zone: 3

Commodity: Timber

Per Acre Value: 0

February 25, 2015

Mr. Todd N. Tillinger
Montana Program Manager
Department of the Army
Corps of Engineers, Omaha District
Helena Regulatory Office
10 West 15th Street, Suite 2200
Helena, Montana 59626

Re: Unauthorized Placement of Culverts
Corps File Number NOW-2016-00179-MTH

Dear Todd:

This letter is in response to your letter of February 4, 2016 directed to Wade Crittenden regarding the above subject matter.

It is our intention to install the culverts on Stickney Creek (an intermittent stream), MRR Lot #25. Attached is the application including the plans (Exhibit A) and cross sections of the proposed alternatives and a timeline to complete the work. The MRR/ECR landowners association will order the culvert(s) and hope to install same in the Summer of 2016, weather permitting. We would like to install ~~two~~ ^{four} 36" capacity culverts on MRR# 25 along with ~~two~~ ^{four} additional 36" culverts approximately 25 feet to the north at the fork of the Stickney Creek channel. (see attached drawing- Exhibit B).

Four
W

02-26-2016

We appreciate your help and concerns regarding this issue.

Respectfully,



DEANNA L.LANE, Secretary-Treasurer
Montana Recreational Properties, Inc.
210 Milwaukee Avenue
Deer Lodge, Montana 59722

Enclosures – Application & map plans

Cc: Lewis & Clark Conservation District
790 Colleen St.
Helena, Montana 59601

Cc: Wade Crittenden, MRP, Inc. Road Chairman



Cc: Mark J. Pieloch – MRR #25



Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting	AGENCY USE ONLY: Application # _____ Date Received _____ Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____
This space is for all Department of Transportation and SPA 124 permits (government projects). Project Name _____ Control Number _____ Contract letting date _____ MEPA/NEPA Compliance <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, #14 of this application does not apply.	

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

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

<input checked="" type="checkbox"/>	PERMIT	AGENCY	FEE
	310 Permit	Local Conservation District	No fee
	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): Missouri River Ranch + Eagle Canyon Ranch Landowner Association
 Has the landowner consented to this project? Yes No * Exhibit C Declaration of Easements' Rpt
 Mailing Address: P. O. Box 69
 Physical Address: Deer Lodge MT. 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

NAME OF LANDOWNER (if different from applicant): MARK PIELOCH (see attached)
 Mailing Address: P.O. Box 120489 Melbourne, FL 32912-0489
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Deanna L. Lane - Secy. Treasurer
 Mailing Address: P.O. Box 69
 Physical Address: 210 Milwaukee Ave Deer Lodge, MT. 59722
 Day Phone: 406-846-1000 Evening Phone: _____ E-Mail: _____

B. PROJECT SITE INFORMATION

(intermittent)
 NAME OF STREAM or WATER BODY at project location MRR Lot 25 Nearest Town Craig, Mt.
 Address/Location: Stidney Creek Geocode (if available): 05-2554-31-4-01-05-0000
 _____ 1/4 _____ 1/4 _____ 1/4, Section 31/6, Township 15/16 N., Range 2W County Lewis & Clark
 Longitude _____, Latitude _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No. Yes
 If yes, send copy of this application to appropriate DNRC land office - see Information for Applicant.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

Native Grass ' Existing Road Material

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
24'	4 (four) two 36" metal Culverts in 2 locations each	MT Culvert vendor

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

Work to be completed by licensed road operator.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?

N/A

- Minimize stream channel alterations?

N/A . DRY - no water

- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?

N/A replacing existing culvert

- Minimize effects on fish and aquatic habitat? - None

N/A

- Minimize risks of flooding or erosion problems upstream and downstream?

N/A Dry Creek - intermittent

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?

Weeds are sprayed annually - Will spray after installation of culverts

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

to allow water from Spring runoff to flow easy downstream.

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

None . Road has been established over many years.

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, PROVIDE WRITTEN DIRECTIONS TO THE SITE.

C. PROJECT INFORMATION

1. TYPE OF PROJECT (check all that apply)

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. PLAN OR DRAWING of the proposed project MUST be attached. This plan or drawing must include:

- ✓ a plan view (looking at the project from above)
 - ✓ dimensions of the project (height, width, depth in feet)
 - location of storage or stockpile materials
 - drainage facilities
 - an arrow indicating north
 - ✓ a cross section or profile view
 - ✓ an elevation view - 3800'
 - dimensions and location of fill or excavation sites
 - location of existing or proposed structures, such as buildings, utilities, roads, or bridges
- N/A

3. 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")

4. PROPOSED CONSTRUCTION DATE. Include a project timeline. Start date 5/1/2016
 Finish date 9/30/2016 Is any portion of the work already completed? Yes No
 (If yes, describe the completed work.)

5. WHAT IS THE PURPOSE of the proposed project?

Remove old culvert.

6. PROVIDE A BRIEF DESCRIPTION of the proposed project. 4 (Four) NP 02-26-2016
 Replace culvert with ~~2~~ 36" Culverts to span across existing road.
 Install ~~two~~ additional 36" Culverts approx. 25' North also
4 (Four) NP 02-26-2016

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

Vacant lot.

8. PROJECT DIMENSIONS. How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?

N/A

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

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits - See "Information for Applicant.")

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.

N/A

2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.

N/A

3. List the names and address 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).

N/A

4. 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.

N/A

5. Floodplain Map Number N/A

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

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

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.

APPLICANT (Person responsible for project):
Print Name: Deanna L. Lane, Secy - Treas
MRR-ECR Landowners Assn.

Deanna L Lane 2-22-16
Signature of Applicant Date

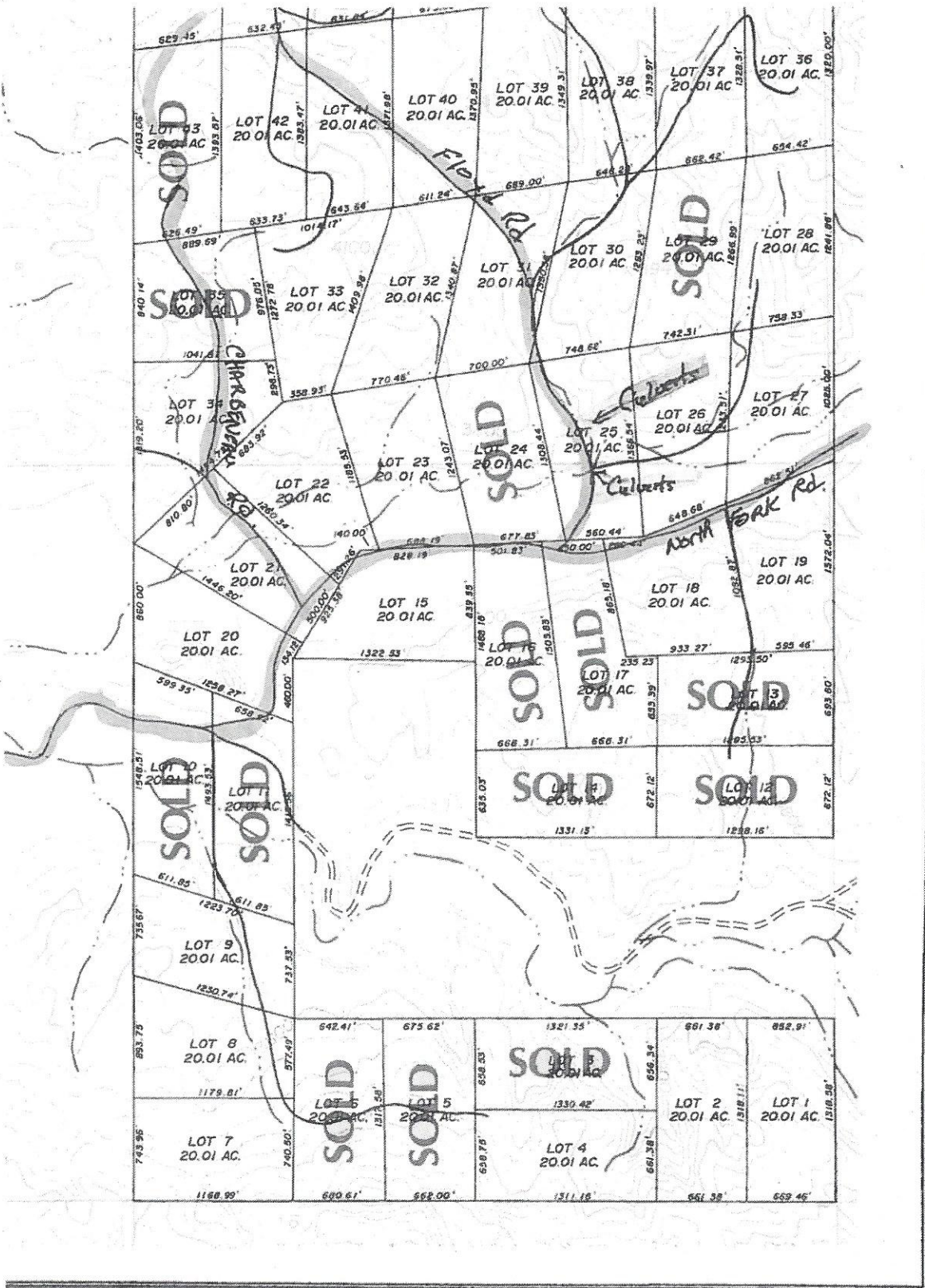
02-26-2016
LANDOWNER:
Print Name: Montana Recreational
Properties, Inc - MARK PIELOCH

Mark J Pieloch 02-26-2016
Signature of Landowner Date

*CONTRACTOR/AGENT:
Print Name: Kim Smith Alt: John
Valley Sand & Gravel 7510 Applegate Dr.
Helena, MT 59602 406-449-4045

N/A
Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.



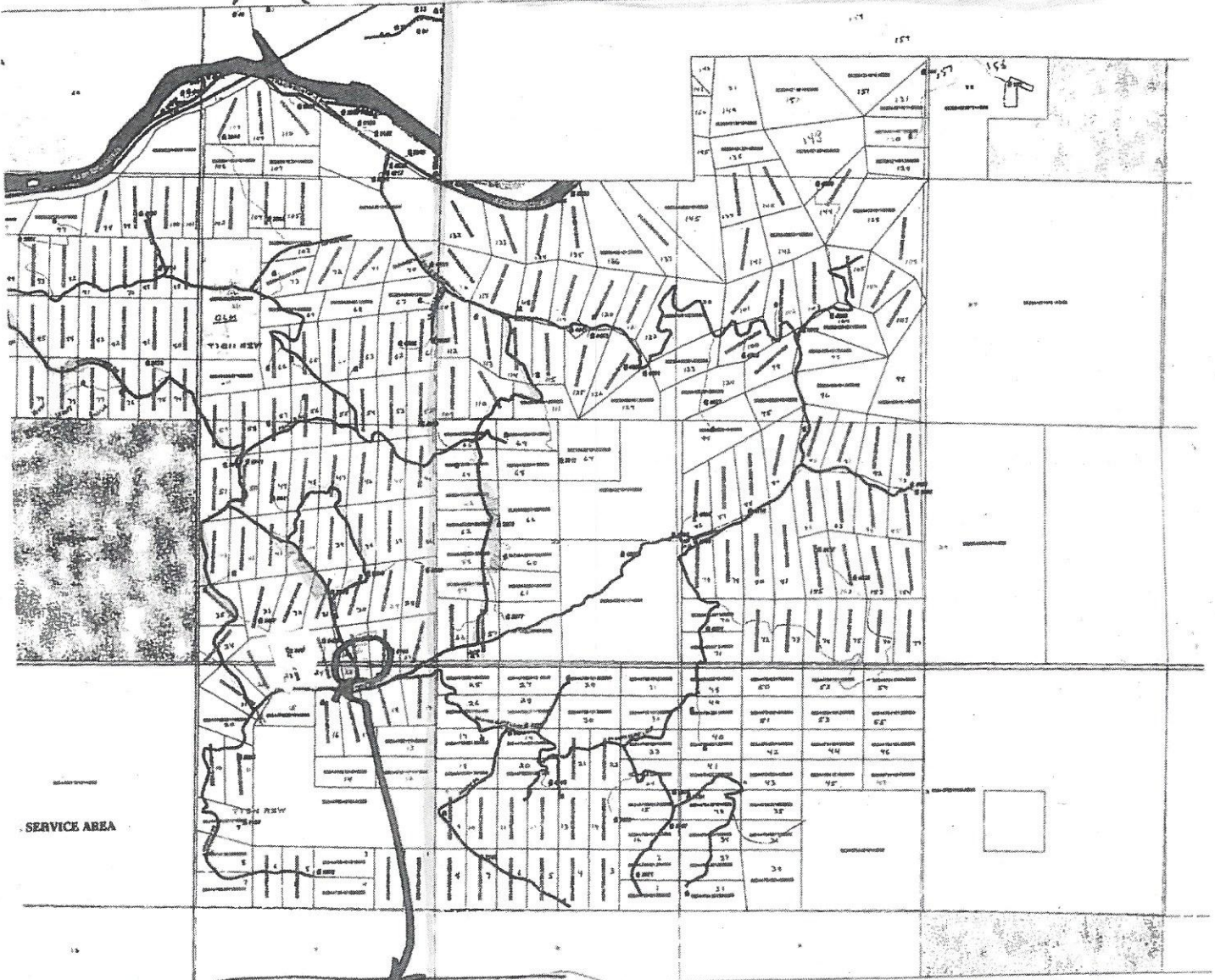
North
 ↑

Exhibit B
 T15N - R2W.
 Missouri River Ranch

MRR

Stickney Creek Area Properties

ECR



SERVICE AREA

* Planned Culverts replacements

Lot 25 Exhibit A
Road - Floyd Rd.

Scale 1:10,000
Date of Survey 1988
Surveyed by E.C.R. & Associates
All Rights Reserved. No part of this map may be reproduced without the written permission of E.C.R. & Associates.

Exhibit C

DECLARATION OF EASEMENTS AND RIGHTS-OF-WAY

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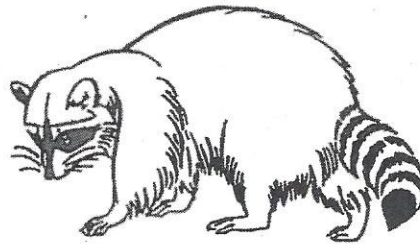
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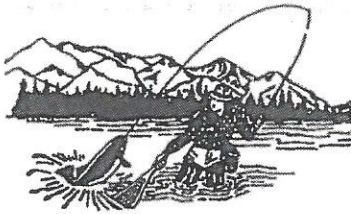
9. **FENCING:** Any Grantee desiring to maintain livestock on his lot shall at his own expense contain the same with fencing and/or cattle guards (which cattle guards shall be at least 14 feet in width), such fencing to conform fully to the laws of the State of Montana, whether or not the lot shall be now or hereafter included in any herd district. All fencing shall be located at least 30 feet from the centerline of any roadway easement designated pursuant to this covenant.

Any and all cattle guards and fences shall be so designed, constructed and maintained with appropriate gates for livestock passage as to permit the free passage and flow of vehicular and livestock traffic over and across all roadway easements without interference with the property abutting such roadway easements.

10. **SUCCESSION AND APPLICABILITY:** The grants and reservations made herein shall run in favor of and be binding upon

the Grantor and Grantees and its and their respective heirs, executors, personal representatives, administrators, successors, in interest and assigns, perpetually, and such easements and reservations as are hereby granted and reserved are covenants running with the land.

11. WAIVER OF GRANTOR'S RIGHTS: Grantor may at any time after the recording of this instrument waive, release or transfer to any Grantee or to the Missouri River Ranches Landowners Corporation (or its successors) any of the rights, reservations and privileges retained by Grantor herein. Grantor shall not expand nor enlarge such rights and privileges. No such waiver, release or transfer shall be valid unless reduced to writing executed by Grantor or its successors in interest nor shall any such waiver, release or transfer operate to confer any rights or privileges not contained herein upon any other Grantee or entity who or which is not the recipient of any such waiver, release or transfer.



12. SUCCESSION: The rights, privileges, obligations and benefits created by this instrument shall be binding upon and inure to the benefit of the Grantor and Grantees and to the respective heirs, executors, personal representatives, administrators, permitted assigns and successors in interest of the Grantor and Grantees.

13. ADDITIONAL LAND TO BE SUBMITTED TO COVENANTS: Any person or entity who shall hereafter purchase or contract to purchase or otherwise become a purchaser or grantee of any of the lands described in paragraph 1 hereof who shall at that time or afterwards be or become the owner of other lands not described in paragraph 1 but wholly within the external boundaries of the lands described in paragraph 1 hereof, by becoming a purchaser or grantee of lands described in paragraph 1, agrees to subject such other land to these easements and rights of way provisions.

14. NUMBER AND GENDER: As used in this instrument, the singular shall include the plural and the masculine shall include the feminine and neuter wherever the sense thereof is indicated.

15. RECORDING: This Declaration shall be recorded in the Office of the Clerk and Recorder, County of Lewis & Clark, State of Montana. It shall be binding upon Grantor, Grantees and all persons claiming under them and shall affect all lands described on EXHIBIT A. From and after the date of recording, the provisions herein shall be incorporated into all other instruments affecting any of the lands described in EXHIBIT A by referring to the Book (Film) and Page Numbers in which this Declaration shall be recorded.

IN WITNESS WHEREOF this instrument is executed on this 20th day of June, 1991, by the Grantor by its duly authorized officers.

MONTANA RECREATIONAL PROPERTIES, INC.

By: *James R. Pa...*
Its President

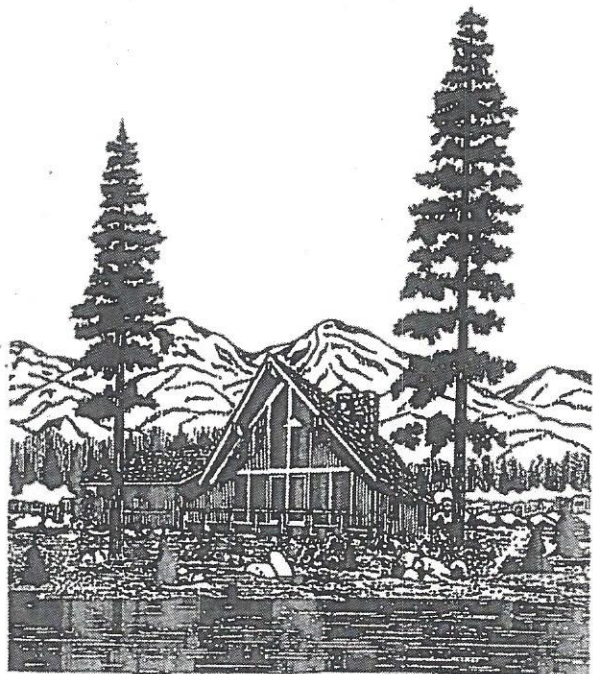
By: *Deanna L. Lane*
Its Secretary-Treasurer

Signatures Notarized

Exhibit A

Parcels 1 through 27 and Lot 34 located in Section 6, T15N, R2W & Section 31, of T16N, R2W, M.P.M., (C. O. S. #471065/E); Parcels 28 through 59 of Sections 30 and 31, T16N, R2W, M.P.M. (C. O. S. #471066/E); and Parcels 60 through 73, and Parcels 101 through 110 of Sections 19 and 30, T16North, R2 W, M.P.M., and Section 25, T16N, R3W, M.P.M. (C. O. S. #471067/E); and Parcels 74 through 100 of Section 25, T16N, R3W, M.P.M. (C.O.S. #471064/E); and Parcels 111 through 117 of Section 35, T16N, R3W, M.P.M. (C.O. S. #471063/E);

Filed with Lewis and Clark County Clerk and Recorder on July 16, 1991, 3:37 p.m. in M Book 12, Page 150.



Property Record Card

Summary

Primary Information

Property Category: RP

Subcategory: Real Property

Geocode: 05-2554-31-4-01-05-0000

Assessment Code: 0000028628

Primary Owner:

PropertyAddress:

PIELOCH MARK J

PO BOX 120489

MELBOURNE, FL 32912-0489

COS Parcel:

Mark J Pieloch
02-26-2016

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision: MISSOURI RIVER RANCH

Legal Description:

MISSOURI RIVER RANCH, S31, T16 N, R02 W, Lot 25, COS # 471065/E

Last Modified: 2/6/2016 7:19:46 PM

General Property Information

Neighborhood: 441.1

Property Type: AR - Agricultural Rural

Living Units: 0

Levy District: 05-049504-1304

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

Property Factors

Topography: 4

Fronting: 0 - None

Utilities: 0

Parking Type:

Access: 3

Parking Quantity:

Location: 0 - Rural Land

Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	20.010	00.00

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land Item #1

Acre Type: Forest

Class Code: 1901

Productivity

Quantity: 145.49

Units: Board Feet/Acre

Valuation

Acres: 20.01

Value: 0

Irrigation Type:

Timber Zone: 3

Commodity: Timber

Per Acre Value: 0



REPLY TO
ATTENTION OF

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

February 4, 2016

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

Subject: Unauthorized Placement of Culverts

Wade Crittenden

██████████
Cascade, Montana 59421

Dear Mr. Crittenden:

This letter is a follow-up to the compliance inspection completed by Mr. Tim McNew of the Omaha District Regulatory Office on August 20, 2015, to the unauthorized placement of culverts, on Stickney Creek at Section 6, Township 15 North, Range 2 West, in Lewis and Clark County, Montana.

During the site visit, it was noted that culverts that were replaced were not installed in accordance with Montana Regional Conditions (MRC). The MRC states that "Culverts installed in ephemeral, intermittent, a perennial streams must completely span the bankfull width of the stream channel". In addition the culvert must be counter sunk into the stream bed. This work has been performed in apparent violation, and all persons responsible are subject to enforcement procedures.

In an effort to resolve this non-compliance activity, you must submit an application, including plans and cross sections of the proposed alternatives and a timeline for completion of the proposed work no later than March 4, 2016. That information must be submitted to the Helena Regulatory Office at 10 West 15th Street, Suite 2200, Helena, MT, 59626-9705.

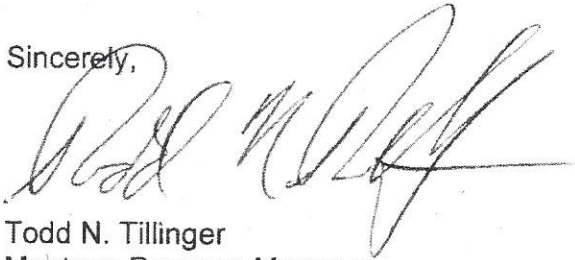
The Corps of Engineers is responsible for administering Section 404 of the Clean Water Act (33 USC 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Section 404 of the Clean Water Act regulates the discharge of dredged or fill material in waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899, regulates structures or work affecting navigable waters of the United States.

Current regulations provide for subsequent enforcement procedures in the form of administrative and/or legal action based on an evaluation of the circumstances surrounding a

violation. You are encouraged to furnish any information that you feel will assist me in making my decision.

Please contact Tim McNew at (406) 441-1378 if you have any questions regarding this non-compliance Notice, and reference Corps File Number NWO-2016-00179-MTH on all inquiries and correspondence.

Sincerely,



Todd N. Tillinger
Montana Program Manager

Enclosures:

Montana Joint Application
NWP 14 and Regional Conditions

Copies Furnished, Without Enclosures:

James Lane
210 Milwaukee Ave.
Deer Lodge MT 59722

Lewis and Clark Conservation District
790 Colleen Street
Helena, MT 59601

Russ Greaves

██████████
Helena, MT 59604

Burke, Linda F NWO

From: McNew, Timothy M NWO
Sent: Tuesday, August 11, 2015 4:11 PM
To: Chris Evans
Subject: RE: [EXTERNAL] letter to stickney creek landowners (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Chris;

I will put into my calendar

Tim

-----Original Message-----

From: Chris Evans [mailto:lccd@mt.net]
Sent: Tuesday, August 11, 2015 3:45 PM
To: McNew, Timothy M NWO; 'Jeff Ryan'; Jason Mullen
Subject: [EXTERNAL] letter to stickney creek landowners

I'm waiting on verification as to whether we have a deputy from the Sherriff's office, I think that we will, the attorney for the CD's is working on it for me.

The attached letter is what went out to landowners today.

Chris Evans

District Administrator

Lewis & Clark Conservation District

790 Colleen Street

Helena MT 59601

406.449.5000 ext. 112

lccd@mt.net

BLOCKEDlccd.mt.nacdnet.orgBLOCKED

L&C Con Dist Logo only

Classification: UNCLASSIFIED
Caveats: NONE

Burke, Linda F NWO

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Sent: Tuesday, August 11, 2015 3:45 PM
To: McNew, Timothy M NWO; 'Jeff Ryan'; Jason Mullen
Subject: [EXTERNAL] letter to stickney creek landowners
Attachments: Stickney Landowner letter.pdf

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lccd@mt.net <<mailto:lccd@mt.net>>

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LEWIS & CLARK CONSERVATION DISTRICT

790 Colleen Street • Helena, Montana 59601 • 449-5000 ext. 112 • Fax (406) 449-5039

August 11, 2015

Landowners in North Fork Stickney Creek

Dear Landowner;

As a result of the extensive run-off in the spring of 2015, and work done in past years on the stream, there were a number of culverts which flooded out and channel realignment that makes other culverts unusable.

The Lewis and Clark Conservation District has not permitted on this stream historically since it has largely been intermittent. However, given the nature of the change in flow, we are now going to be doing permits on any work that is done that affects the bed or banks of the stream on North Fork Stickney Creek and Stickney Creek.

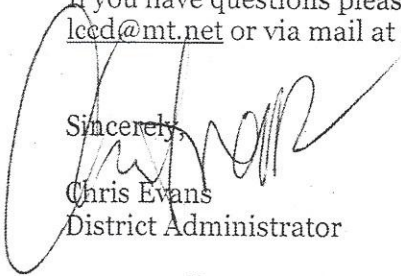
As a result of the washouts, representatives from the Conservation District and Fish Wildlife and Parks, and possibly the Army Corps of Engineers and the Sherriff's Department will be onsite to review channel changes and prepare to make recommendations to landowners in the area as to how to move forward with culvert replacement and similar activities. Undersized and inappropriately placed culverts will very likely make the problem worse.

The inspection team will meet on August 20, 2015 at 1:30 p.m. at the trout shop parking lot in Craig and will proceed to the site to review. You as landowners are more than welcome to attend this inspection or to have a representative attend for you. You may either meet the team at the shop, or find them along their tour.

We hope that this review will result in some clear recommendations on activities that will alleviate future washouts of culverts and roads.

If you have questions please contact me at the CD office at 406-449-5000 ext. 112, via email at lccd@mt.net or via mail at 790 Colleen Street, Helena MT 59601.

Sincerely,


Chris Evans
District Administrator

cc: Jeff Ryan, LCCD Supervisor
Jason Mullen, FWP Fisheries Biologist
Paul Stahl, Lewis & Clark County Attorney
Tim McNew, Army Corps of Engineers
Landowners (see enclosed)

Last name	First Name
Pieloch	Mark
Buchanan	John
Gentry	Ronald A
2005 Thompson Family Trust	
Knoch	Richard
Olejnik	Matthew and Patricia
Raynor	Bobbi
Eliason	Kaye
Helms	Laura
Greaves	Linda
Saucier	Jerome and Kathleen
Leigh	Andrew
Wade	Crittendon