

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 # LC-26-16 Date Received 8-1-16
 Date Accepted 8-1-16 Initials _____ Date Forwarded to DFWP 8-1-16

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): Missoula River Ranch + Eagle Canyon Ranch Landowner Assn.

Has the landowner consented to this project? Yes No * Exhibit C Declaration of Easements + R/W

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 PIELECH (see Attached)

Mailing Address: _____

Physical Address: _____

Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Deanna L. Lane - Secy - Trees

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

NAME OF STREAM or WATER BODY at project location: (Intermittent) 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 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. 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 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:

- | | |
|--|---|
| <input checked="" type="checkbox"/> • a plan view (looking at the project from above) | <input checked="" type="checkbox"/> • a cross section or profile view |
| <input checked="" type="checkbox"/> • dimensions of the project (height, width, depth in feet) | <input checked="" type="checkbox"/> • an elevation view - 3800' |
| <input type="checkbox"/> • location of storage or stockpile materials | <input type="checkbox"/> • dimensions and location of fill or excavation sites |
| <input type="checkbox"/> • drainage facilities | <input type="checkbox"/> • location of existing or proposed structures, such as buildings, utilities, roads, or bridges |
| <input checked="" type="checkbox"/> • an arrow indicating north | 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 8/1/2016
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) - Replace with two 60" arch top culverts to span 40' in length across road bed expanding the width of the road, as well as the height of the crossing.
two 36" to be salvaged to use in future location.

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

Replace existing two 36" culverts with 60" culverts - two arched top galvanized steel culverts. The amount of fill ~~directly~~ estimated to bed + cover the new culverts is 150 yds. New culverts to be placed 18" to 20" deep into the drainage bed for debris passage as per Tim McNew of the Army Corps of Engineers

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
150 yards - fill

Size and Type
two - 60" arch top culverts

Source
Valley Sand + Gravel
Helena

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 - directed by.
MRR - ECR Landowners Assn. - Road Committee

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 - Intermittent - DRY Creek

- Minimize vegetation disturbance, protect existing vegetation, and control weeds?
Weeds are sprayed as necessary - Will spray after installation of new culverts

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

To allow water from Spring run off to flow easier downstream

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 - ECR - Landowner's Assn.

LANDOWNER: Montana Recreational Properties, Inc.
 Print Name: MARK PIELOCH

Deanna L. Lane 7-26-2016
 Signature of Applicant Date

Mark J. Pieloch 07-26-2016
 Signature of Landowner Date
 MARK J. Pieloch

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

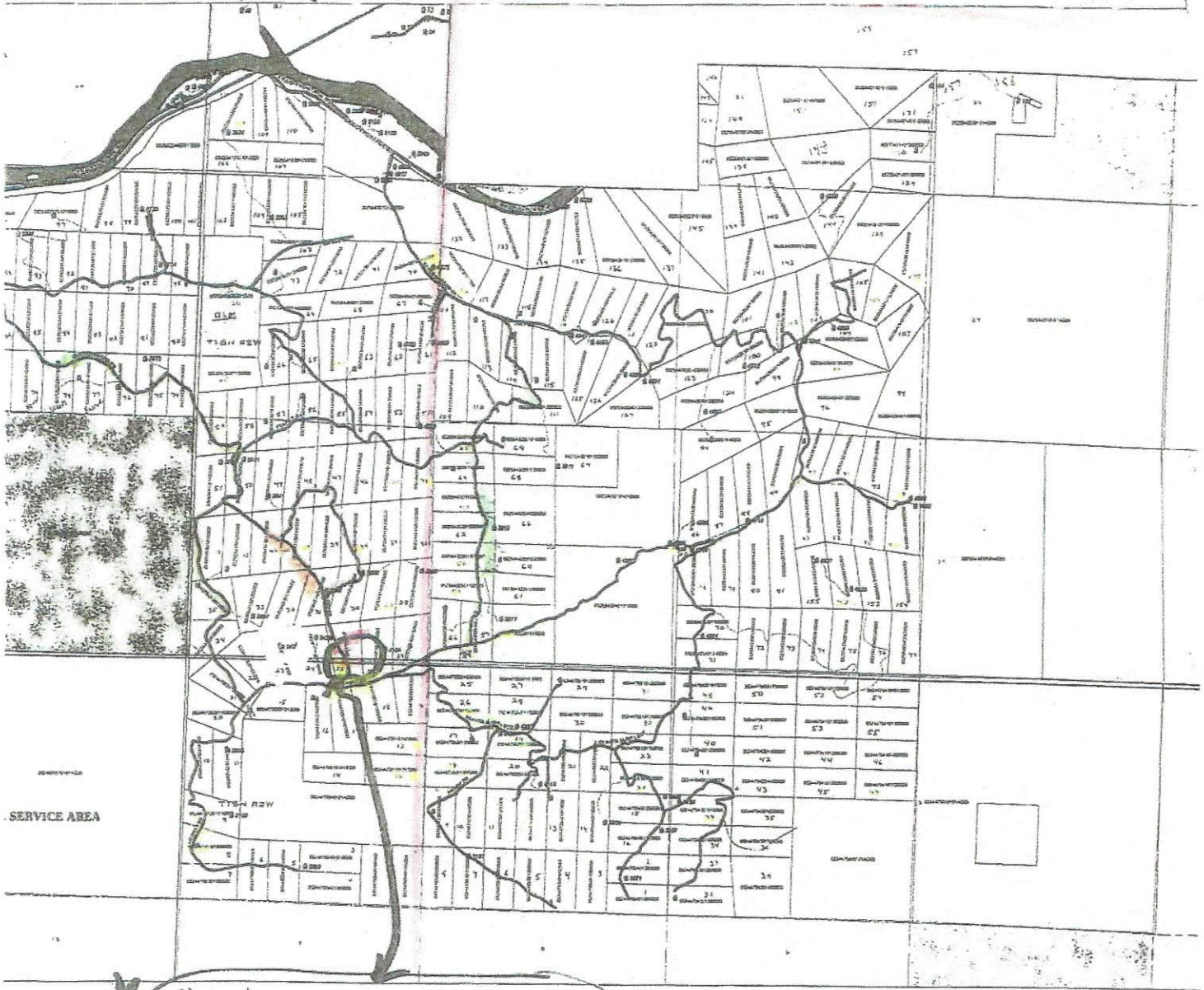
Signature of Contractor/Agent Date

*Contact agency to determine if contractor signature is required.

MRR

Stickney Creek Area Properties

ECR



* Planned Culverts replacements

Lot 25 Exhibit A

Road - Floyd Rd.

Scale: 1" = 100' (Horizontal)
1" = 200' (Vertical)
This map was prepared by the City of Stickney, Illinois, and is the property of the City of Stickney, Illinois. It is not to be used for any other purpose without the written consent of the City of Stickney, Illinois.

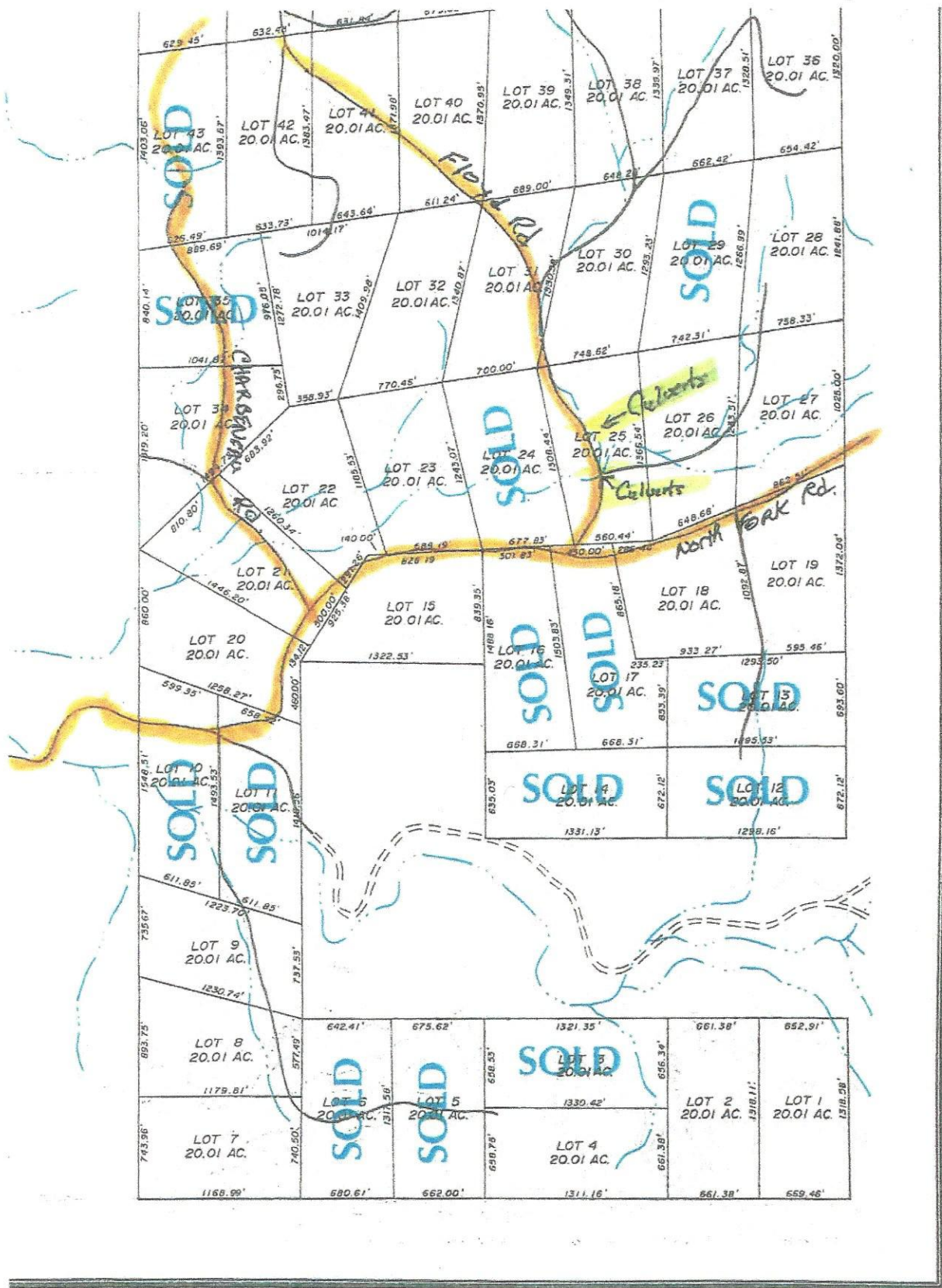


Exhibit B

T15N - R2W.
Missouri River Ranch

Exhibit
①

From: _____
To: _____
Sent: Friday, July 22, 2016 7:28 AM
Subject: Fw: Fwd: Arch Pipe Dimension

To remove & salvage 2 - 36in. culverts, replace with 2 - 60in. arched culverts would cost \$14,110.00
To haul onsite fill to cover the 60in. culverts approximately 150 yards..... would cost \$1425.00
Quote good for 60 days.
frost or rock not in contract. total \$15,535.00

Sincerely,
7/22/16

60" CULVERT MATERIAL COSTS \$ 9120.00

36" CULVERT MATERIAL COSTS \$ 3045.00

THE COST DIFFERENCE CHARGED TO PIELOCK WILL BE \$ 6075.00

We, the landowners association, will contract with Valley to do the removal of 2- 36" culverts and installation of 2 - 60" arched top culverts on MRR lot 25, Floyd Rd. intersection with Stickney drainage.

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.

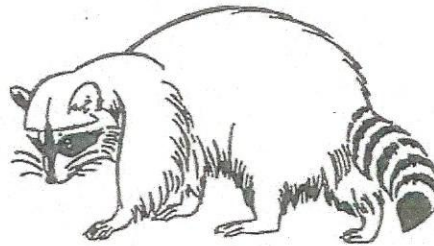


3. **USE OF ROADWAY EASEMENTS:** The above-described roadway easements shall be used in common with Grantor and all Grantees for ingress and egress for all purposes to and from their respective lots, for the construction, repair and maintenance of roadbeds and road surfaces which exist or may be placed 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.

8. **RESERVATION OF GRAZING RIGHTS:** The Grantor reserves the right to graze any lot within Missouri River Ranches until such lot shall be fenced in accordance with law.

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: Jane R. Paul
Its President

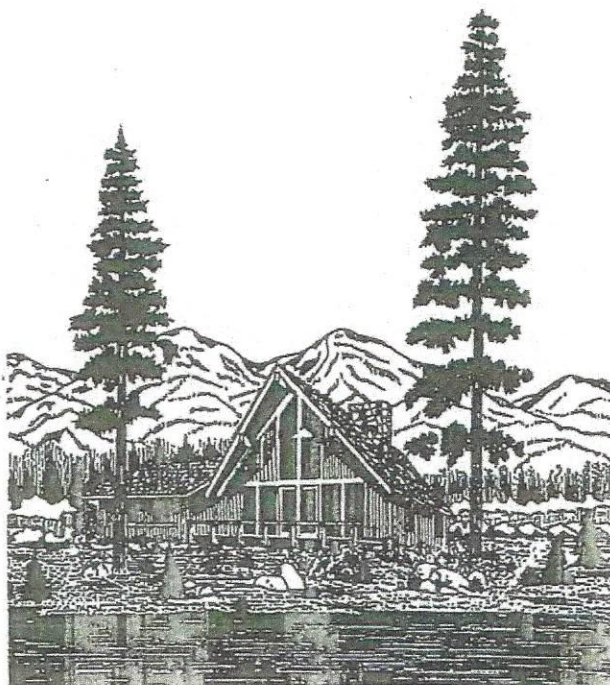
By: Deanna L. Lane
Its Secretary-Treasurer

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.



July 26, 2016

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: Placement of two 60" Culverts – MRR #25
Corps File Number NOW-2016-00179-MTH

Dear Todd:

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 (Exhibits A through D) 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/Fall of 2016, weather permitting. We would like to increase the size from 3 foot to 5 foot diameter culverts on MRR# 25. The two existing 36" culverts are to be taken out and used as salvage on another location in the future.

We appreciate your help and concerns regarding this issue. Will you send Me a copy of with culvert permits issued for this development by landowners of the Missouri River Ranch and Eagle Canyon Ranch subdivisions. Information is requested under the FOIA. Thank you in advance.

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: MRP, Inc. Road Chairman

Cc: Mark J. Pieloch – MRR #25