

RESOLUTION NO. 4048

A RESOLUTION APPROVING A “JOINT APPLICATION FOR PROPOSED WORK IN MONTANA’S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES.”

WHEREAS, the City of Miles City desires to work with the Department of Fish Wildlife and Parks and Walleyes Unlimited to create fishing jetties within Spotted Eagle reservoir;

AND WHEREAS, the Department of Fish Wildlife and Parks has presented the City with the necessary application which must be approved prior to the joint completion of the project;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The “Joint Application for Proposed Work in Montana’s Streams, Wetlands, Floodplains, and other Water Bodies,” attached hereto as Exhibit “A”, and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said application on behalf of the City of Miles City, and bind the City of Miles City thereto.
3. The Mayor is hereby authorized to execute such further documents as may be necessary to carry out said project.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 25TH DAY OF APRIL, 2017.



John Hollowell, Mayor

ATTEST:



Lorrie Pearce, City Clerk

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 _____
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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
x	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
x	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
x	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): City of Miles City
 Has the landowner consented to this project? Yes No
 Mailing Address: PO Box 910
 Physical Address: 17 S. 8th St
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

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

NAME OF CONTRACTOR/AGENT (if one is used): MT FWP and Miles City Walleye's Unlimited
 Mailing Address: PO Box 1630
 Physical Address: 357 I-94 Business Loop
 Day Phone: 406-234-0914 Evening Phone: _____ E-Mail: cbollman@mt.gov

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location Spotted Eagle Lake Nearest Town Miles City
 Address/Location: Spotted Eagle Recreation Area Geocode (if available): _____
1/4 1/4 1/4, Section 4, Township 7N, Range 47E County Custer
 Longitude -105.85462, Latitude 46.39232

<p>The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? No. If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.</p>
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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 type="checkbox"/> Bridge/Culvert/Ford Construction | <input checked="" type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Other <u>Fishing Jetty</u> | |

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
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as 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 / 17
Finish date 5 / 1 / 18 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?

Spotted Eagle Lake is the urban fishery of Miles City. Lack of shoreline diversity, substrate diversity, and aquatic vegetation make productivity in Spotted Eagle Lake a limiting factor. Lack of quality structure/habitat near shore makes bank angling difficult because fish are not concentrated in the bank anglers fishing zone by quality habitat. Construction of a fishing jetty should improve productivity, improve habitat, concentrate fish, and improve bank angling. In summary the purpose of the project is two-fold; to improve fish habitat in the lake and improve access for anglers.

6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project.

The proposed project is the next step in a series of habitat improvements at Spotted Eagle Lake. The proposed project seeks to address the aforementioned habitat limitation by constructing 1 or more (depending on funding) 100' long fishing jetty(s) perpendicular to the shoreline. The interstitial spaces in the rock rip rap that will surround the jetty will provide habitat for both prey fish and aquatic insects, increasing productivity. The food and habitat provided by the submerged part of the rock jetty will attract and concentrate sport fishes while the surface of the jetty (12'x100') will allow bank anglers to fish at greater water depths and over quality fish habitat. The proposed design of the rock jetty includes recycled concrete and fill dirt as the structural core of the jetty. Native sandstone rock will be used as blanket rip rap on the exposed exterior edges of the jetty. The dry top surface of the jetty will be top soil, reseeded to grass with a crushed scorio rock walking path running the length of the jetty.

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

The current condition of the proposed location of the fishing jetty transitions from a vegetated shoreline to Lake Bottom inundated by 7.5' of water depth.

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?
 Approx. 20 linear feet of shoreline will be disturbed to install the fishing jetty. The foot print of the fishing jetty will encroach into the water body approximately 119'.

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.
 Vegetation removal for installation of fishing jetty will be minimal. Some grasses and shrubs will be removed. Disturbed areas will be re-seeded with grass mix.

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
70 cubic yards dirt		on-site
118 ton rock	2x2' sandstone	local

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.

Track-hoe excavator, loader, back hoe

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?

Rock will be placed in a manner to reduce the amount of fill dirt that will wash away into the pond during construction. Blanket rip rap along the edges of the jetty and keyed into the shoreline will protect against wave action erosion. Revegetation of the jetty surface will protect against run-off erosion.

- Minimize stream channel alterations?

Project is a proposed alteration to a man-made lake and has no impact to natural stream channels.

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

Turbidity caused by construction activities within Spotted Eagle Lake will have a negligible effect to downstream stream flow and water quality. The primary productivity from aquatic insects associated with the fishing jetties should have a net benefit to water quality in Spotted Eagle Lake.

- Minimize effects on fish and aquatic habitat?

The objective of this project is specifically to benefit fish, through improving habitat within Spotted Eagle Lake.

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

The construction of fishing jetties at Spotted Eagle will not have an appreciable effect on flooding risk. Spotted Eagle Lake is not a flood control reservoir and is sustained by water pumped off the Yellowstone River with little input from the surrounding floodplain.

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

The small scale of this project will result in a minimal amount of vegetation disturbance that will be mitigated through re-seeding of grasses.

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

Construction of a fishing jetty should improve productivity, improve habitat, concentrate fish, and improve bank angling. In summary the expected natural resource benefits are two-fold; to improve fish habitat in the lake and improve access for anglers.

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

Sink Christmas trees - this habitat improvement is an ongoing annual effort that improves fish habitat, but a diversified approach to fish habitat would be better than a homogenous approach (more of the same).

Construction of floating docks - this would provide hiding cover for adult sport fish and access for anglers but would do little to improve primary productivity.

Shoreline application of rip-rap – would not maximize benefit for fish habitat or angler access

Fishing Jetty – This alternative maximizes the submerged rock (interstitial spaces) that will improve primary productivity (aquatic insects and forage fishes), concentrate sport fish and improve anglers access to these sport fish.

Do nothing – Several kids fishing days per year and extensive use by anglers throughout the year warrants more than a status quo approach

The construction of a fishing jetty is the preferred alternative to improving habitat and angler access at Spotted Eagle Lake. This alternative diversifies available habitat and maximizes benefits to fishes and anglers. This project is a natural next step in a continued effort to improve the fishery at Spotted Eagle Lake.

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.

I do not know if Spotted Eagle Lake is classified as a water of the US. It is a manmade lake, created by excavation of gravel/fill for the interstate on/off ramps, that uses discharge water from the Miles City State Fish Hatchery (pumped off the Yellowstone River) before returning it to the Tongue River.

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

I do not believe the scale and the nature of the project location (non-stream) make mitigation required.

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).

Project within City of Miles City property

Montana Department of Fish, Wildlife & Parks

United States Department of Agriculture – Ft Keogh

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.

404 permit from ACOE – Pending

124 permit from FWP -- Pending (sent out of region for unbiased review)

5. Floodplain Map Number _____

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: JOAN HOLLOWELL

LANDOWNER:

Print Name: JOAN HOLLOWELL / CITY OF MOLES CITY

 5-2-17
Signature of Applicant Date

 4-25-17
Signature of Landowner Date

*CONTRACTOR/AGENT:

Print Name: Caleb Bollman

 4/10/17
Signature of Contractor/Agent Date

Contact agency to determine if contractor signature is required.