

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** State of Montana - General Permit  
**Permit No.:** GP 00-02  
**Issuing Office:** US Army Corps of Engineers, Omaha District, Helena Regulatory Office

**NOTE:** The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### **Project Description:**

Appendix A lists application information  
Appendix B lists structures covered by this general permit  
Appendix C lists special conditions

**Project Location:** Montana waterways

### **Permit Conditions:**

#### **General Conditions:**

1. The time limit for completing the work authorized ends on 30 June 2005. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:** See Appendix C.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

( X ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

( X ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

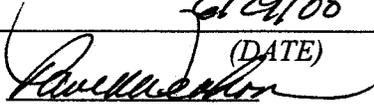
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(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

MARK E. TILLOTSON  
(DISTRICT ENGINEER)  
COLONEL, CORPS OF ENGINEERS

6/29/00  
(DATE)  
By:   
PAUL R. WEMHOENER  
CHIEF, OPERATIONS DIV.

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)

APPENDIX A  
STATE OF MONTANA-GENERAL PUBLIC  
GENERAL PERMIT 00-02

All applications for consideration under this General Permit will be reviewed by the Corps of Engineers from a hydraulic viewpoint with the intent of requiring individual permit processing for any project which may reasonably be expected to initiate or accelerate bank erosion.

APPLICATION PROCEDURES

1. To receive consideration under this General Permit, the applicant will be required to submit a Notice of Intent to construct a particular project to the:

US ARMY CORPS OF ENGINEERS  
HELENA REGULATORY OFFICE  
301 S. PARK, DRAWER 10014  
HELENA, MT 59626-0014  
PHONE: (406) 441-1375 (FAX) 441-1380

2. The Notice of Intent, submitted by the applicant must clearly describe the proposed work so the Montana Program Manager can clearly determine whether or not the proposed work complies with the terms, conditions, and limitations of this General Permit, and must contain the following information.

a. A cover letter describing the proposed work and indicating how the anticipated work will be accomplished.

b. A drawing or sketch showing the size and location of the proposed structures and their relationship to other proposed or existing structures.

c. A clearly marked site location map.

3. Prior to submitting a Notice of Intent to the Corps of Engineers, any proposed work must be coordinated with and approved by the Montana Department of Fish, Wildlife, & Parks (MTFW&P). Verification of MTFW&P's approval should accompany the Notice of Intent to the Helena Regulatory Office.

Applicants can seek approval from the Department of Fish, Wildlife, & Parks office nearest the project site.

a. Region 1 - 490 North Meridian Road, Kalispell, MT 59901

b. Region 2 - 3201 Spurgin Road, Missoula, MT 59804

c. Region 3 - 1400 South 19th, Bozeman, MT 59718

d. Region 4 - P.O. Box 6610, Great Falls, MT 59406

- e. Region 5 - 2300 Lake Elmo Drive, Billings, MT 59105
- f. Region 6 - Rural Route 1 - 4210, Glasgow, MT 59230
- g. Region 7 - P.O. Box 1630, Miles City, MT 59301

4. Projects within the boundaries of Indian Reservations should apply directly to the Natural Resource Department of the specific reservation and to the Corps of Engineers, Helena Regulatory Office.

The following criteria will govern the duration, utilization and applicability of this General Permit.

1. The cumulative impacts of this General Permit may be subject to reevaluation at the discretion of the District Engineer at any time, but will be reevaluated at least every five (5) years.

2. The provisions of this General Permit do not apply to the following:

a. Historic, cultural, or archeological sites or practices as provided in the National Historic Preservation Act of 1966.

b. Sites included in the National Register of Natural Landmarks which are published periodically in the Federal Register.

c. Sites included in the most current listing of the National Register of Historic Places or sites known to be eligible for such listing and all monthly supplements as published periodically in the Federal Register.

d. Projects which would cut off or block tributaries, oxbows, side channels, chutes or other backwater areas unless such blockage is designed to isolate fish populations for fish management purposes.

e. Projects on Federally designated Wild and Scenic Rivers.

APPENDIX B  
STATE OF MONTANA-GENERAL PUBLIC  
GENERAL PERMIT GP 00-02

WOODY PLANT REEFS

The woody plant reefs will be constructed of discarded Christmas trees and/or similar bushy plants. The woody plant reef will consist of several woody plants secured together by cable or polyethylene rope. The reef will be secured to the bottom of the lake by concrete or metal weights so as not to resurface once submerged.

**The above activity would most likely be utilized on lakes. The following structures or activities would most likely be utilized on rivers and streams. However, other similar structures or fish friendly activities such as fish ladders and fish screens, whose purpose is for the improvement of aquatic habitat, would be considered under this General Permit.**

TREE SHELTERS

The tree shelters are constructed by cabling one or more trees along the bankline with the trunks of the trees pointing upstream. Both the upstream and downstream ends of the trees should be cabled to prevent wave action and associated erosion. In high water, cabled trees will float and if the downstream end is not anchored, it will wave back and forth with the current, causing an eddy effect, resulting in bank erosion at the downstream end of the tree shelters. The anchor cables will be buried when possible to prevent tripping hazards. Well rooted stumps or deadman anchors should be used when possible.

RANDOM BOULDER PLACEMENT

The following should be considered before placing boulders:

1. Random boulder placement is preferred in streams where the stream bed is either cobble or gravel materials characterized by a series of rapids with irregular spaced pools.
2. Avoid boulder placement in narrow channels with unstable banks. Normally, boulder placement is not necessary when the pool-riffle ratio exceeds 20 percent pools.
3. Rock size depends on maximum velocities at the site but generally large boulders, two-thirds of a cubic yard or larger, should be used. Actual placement is done with machinery capable of deploying the boulders. Carefully select stream access points to avoid damaging streambanks
4. Boulders should be placed in the channel to pattern natural occurrences. Oblong boulders placed with the long axis at right angles to the streambank are the most effective. Prudence should be taken in boulder placement to avoid diverting the current into soft or unstable banks.

### SPAWNING GRAVELS

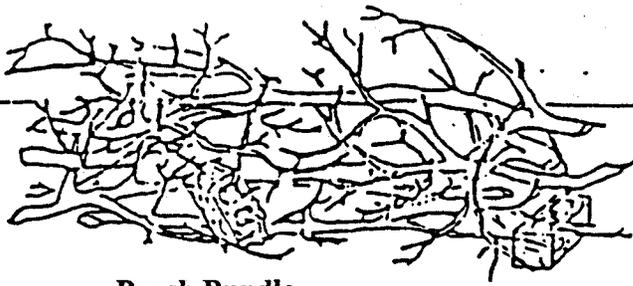
Gravel placement for fish spawning habitat shall be done in a manner that will not reduce the channel capacity (i.e. excavate the existing channel substrate and replace with clean gravel to the pre-existing elevation and contour). Gravel placement should be placed in way that is appropriate within the pattern and profile of the stream channel (i.e. placed at the head of existing riffles or the tail-outs of existing pools).

### NATIVE MATERIAL BANK REVETMENTS

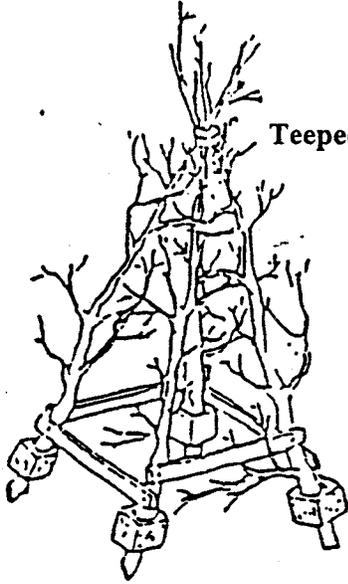
The combined use of rock and root wads/large woody debris/vegetation in properly designed projects can reduce bank erosion and enhance fish habitat.

### RANDOM TREE PLACEMENT/WOODY DEBRIS RECRUITMENT

Random tree placement/woody debris recruitment will simulate the natural process of woody material being "recruited" to the stream ecosystem. Live or dead trees will be placed in small headwaters streams so cover and/or pool habitat is created. Anchoring of the tree is usually not necessary as this type of structure is placed in streams with flows that are incapable of moving the structure. An advantage of this type of structure is that it can be used for habitat improvement projects in remote mountainous terrain where it is impossible or illegal (roadless areas) to access the area with motorized equipment.



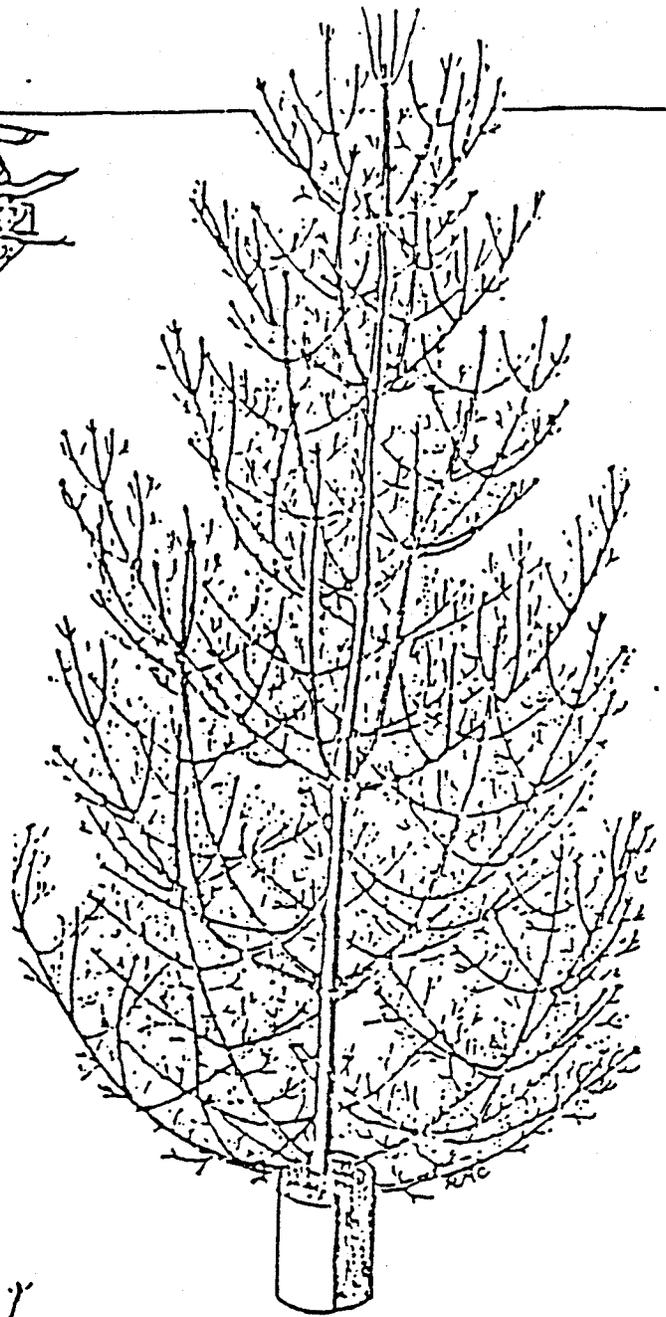
**Brush Bundle**



**Teepee or Pyramid Type**

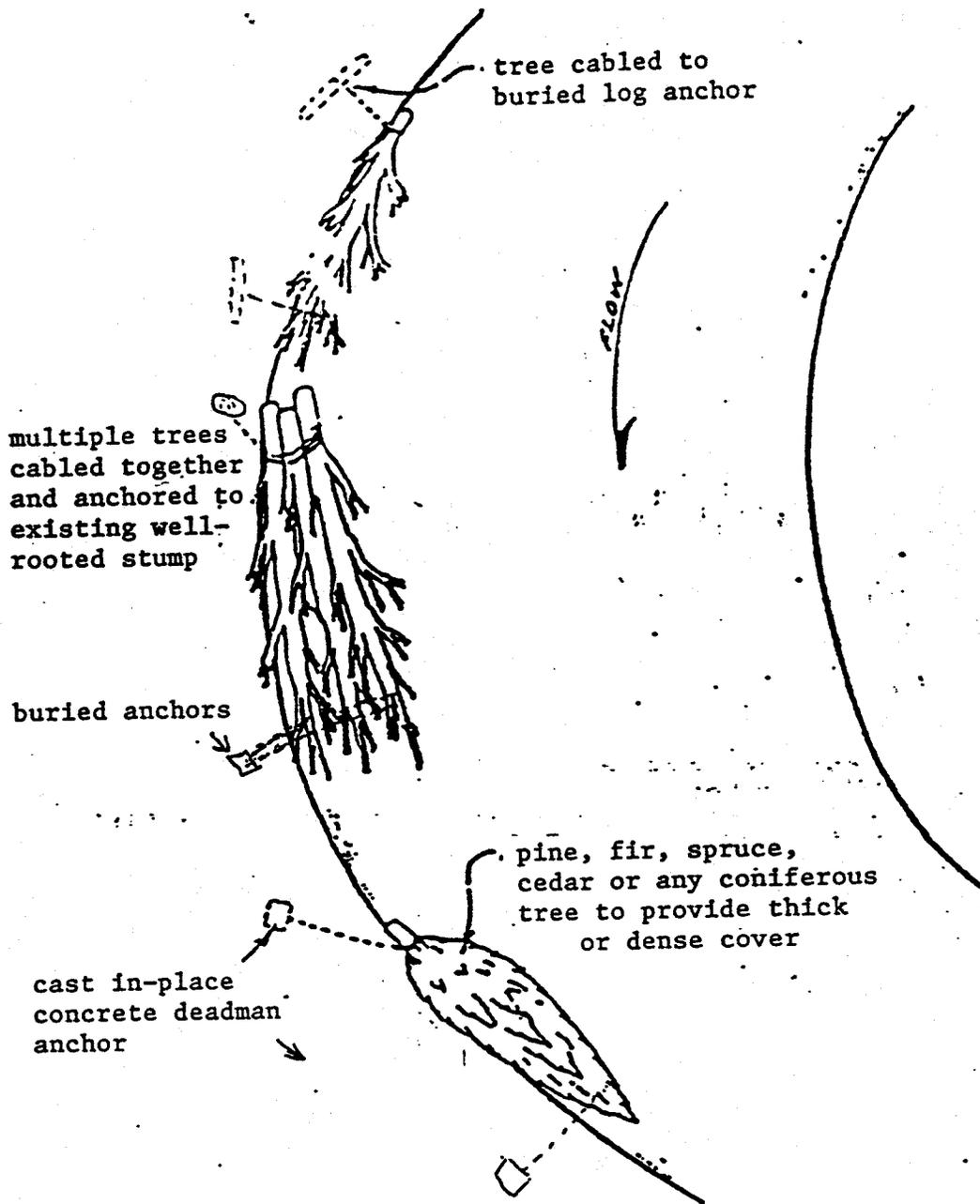


**Large Branches Placed in Crescent**

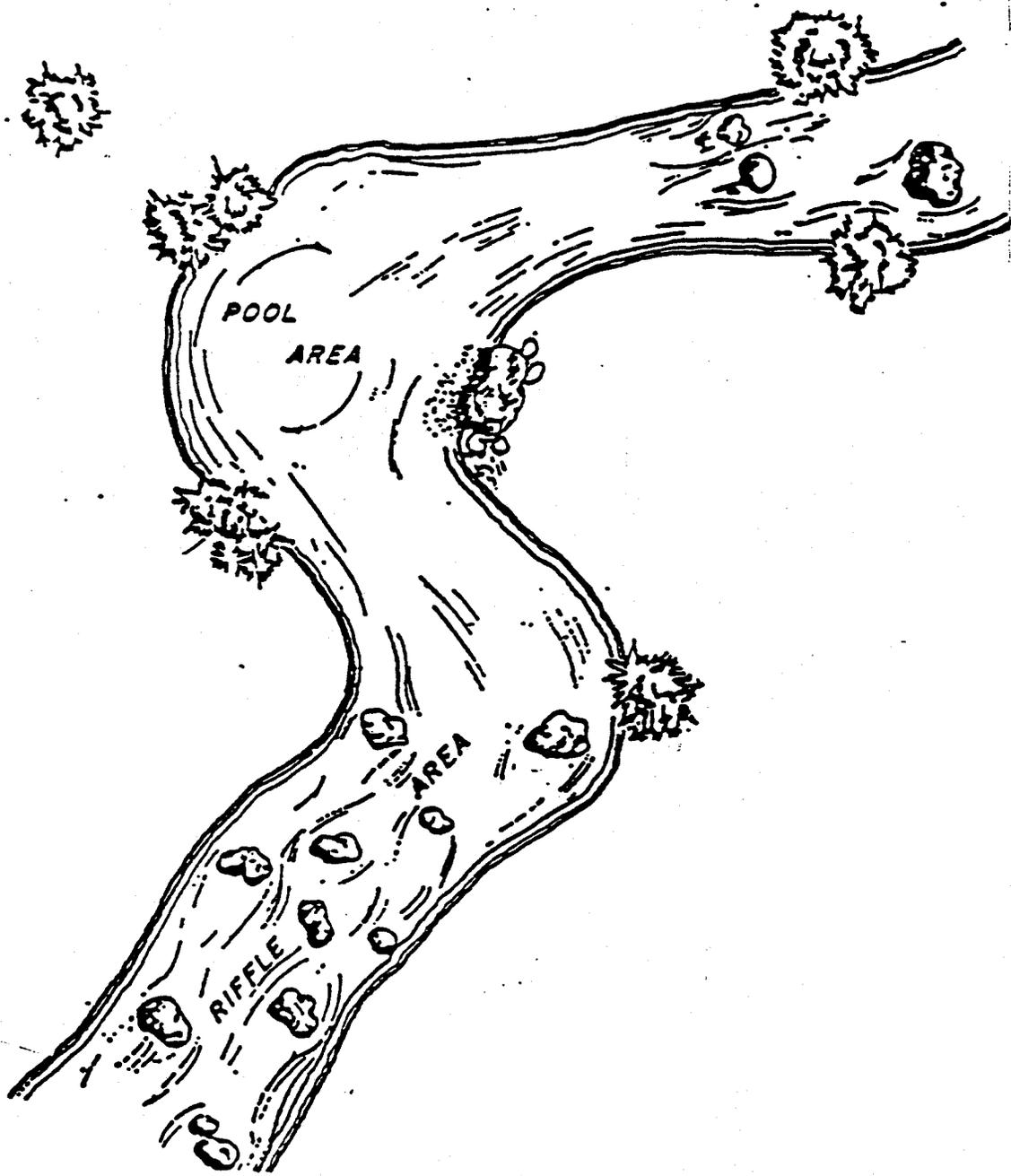


**Tree Unit**

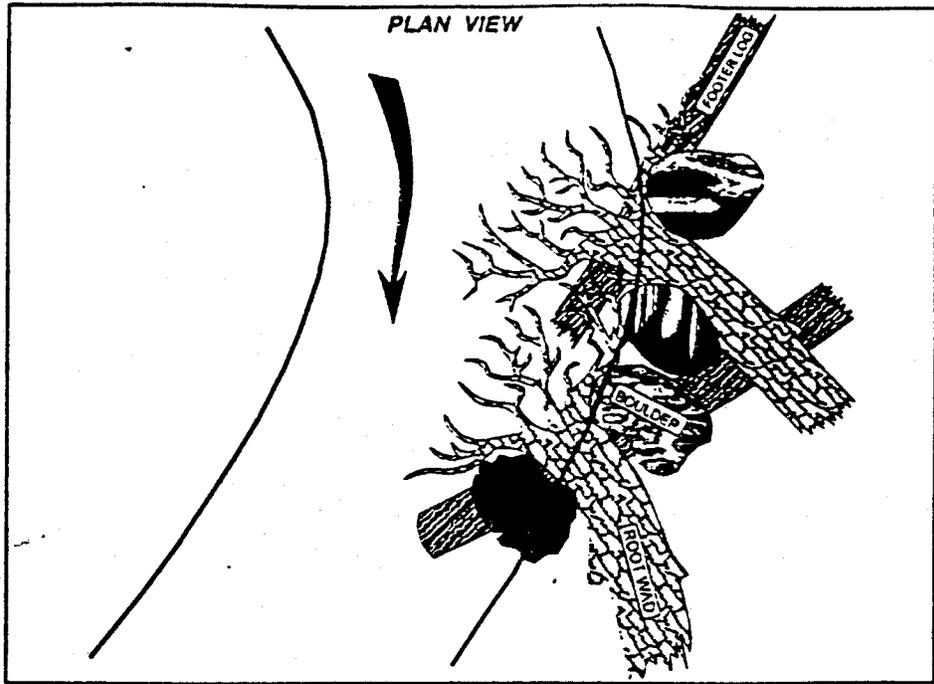
**WOODY PLANT REEFS**



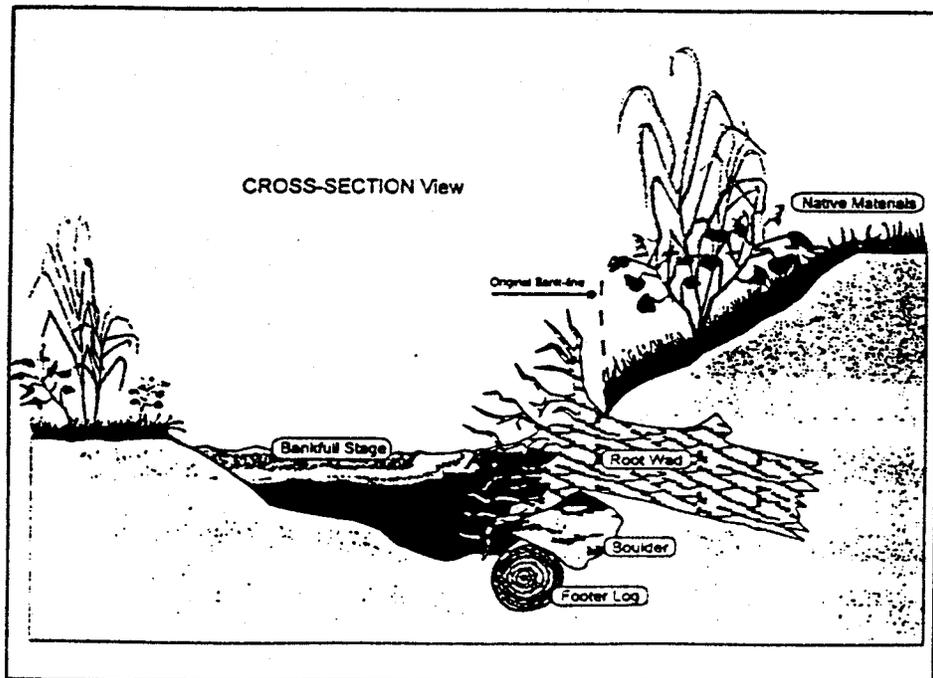
**TREE SHELTERS**



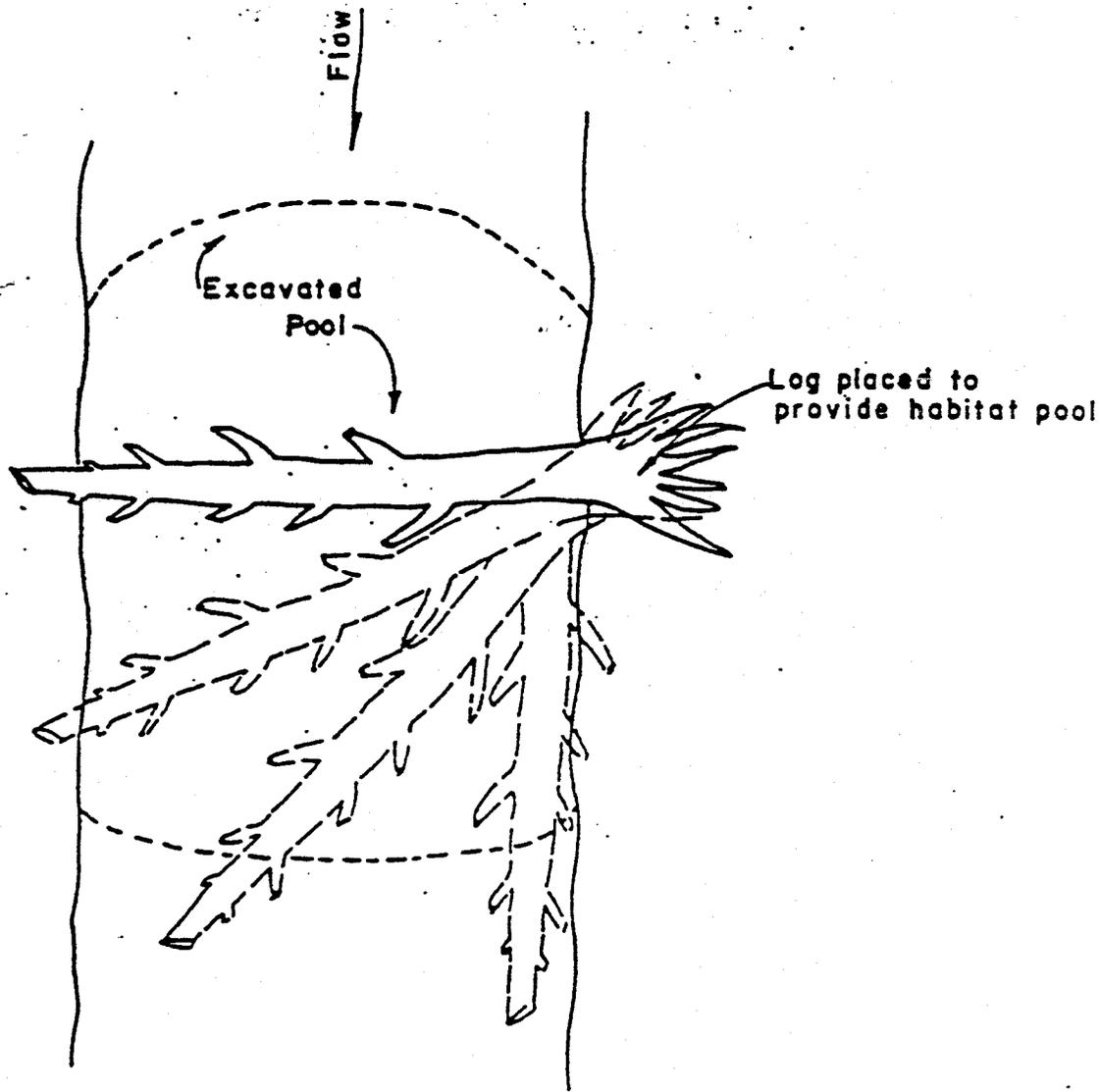
*RANDOM BOULDER PLACEMENT  
No Scale*



Native material bank revetment. (Rosgen, 1993a)



Native material bank revetment. (Rosgen, 1993a)



RANDOM TREE PLACEMENT/  
DEBRIS RECRUITMENT

APPENDIX C  
STATE OF MONTANA-GENERAL PUBLIC  
GENERAL PERMIT 00-02

After a detailed and careful review of all the conditions in this permit, the permittee acknowledges that, although said conditions were required by the Corps of Engineers, nonetheless, the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

SPECIAL CONDITIONS

1. That all construction debris will be disposed of on land in such a manner that it cannot enter a waterway or wetland.
2. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the waterway.
3. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the water except as approved herein.
4. That care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
5. That steps will be taken to prevent materials spilled or stored on shore from washing into the water as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials which are accidentally spilled into the water will be retrieved.
6. That all work in the waterway is performed in such a manner so as to minimize increases in suspended solids and turbidity which may degrade water quality and damage aquatic life outside the immediate area of operation.
7. That only clean riprap materials will be utilized in order to avoid the percolation of fines which would result in excessive local turbidity.
8. That all areas along the bank disturbed or newly created by the construction activity will be seeded with vegetation endemic to the area for protection against subsequent erosion.
9. That the clearing of vegetation will be limited to that which is absolutely necessary for construction of the project.
10. That all dredged or excavated materials, with the exception of that authorized herein, will be placed on an upland site, not in a jurisdictional wetland, in such a manner as not to re-enter the waterway.
11. That all earthwork operations on shore will be carried out in such a manner that sediment runoff and soil erosion to the river are controlled.
12. That the use of machinery in the waterway will be kept to a minimum.

APPENDIX C (continued)  
STATE OF MONTANA-GENERAL PUBLIC  
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13. Construction of fish structures authorized under the provisions of this General Permit must be started within one (1) year of such authorization and must be completed within three (3) years, or said authorization if not previously revoked or specifically extended shall automatically expire.

14. The permittee is responsible for all work accomplished in accordance with the terms and conditions of this authorization. If a contractor or other authorized representative will be accomplishing the work hereby authorized in behalf of the permittee, such parties shall be provided a copy of this authorization so they are aware of the terms and conditions. An activity which fails to comply with the terms and conditions of this authorization will be considered unauthorized and all responsible parties will be subject to appropriate enforcement action.

15. To protect the interests of the United States under Section 10 of the Rivers and Harbors Act in Montana's **navigable waters** (Missouri River, Yellowstone River, and a portion of the Kootenai River), the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of such removal or alteration.