

**CARBON COUNTY ROAD DEPARTMENT  
ENCROACHMENT APPLICATION AND PERMIT**

- To be filled in by Carbon County Road Personnel -

AGREEMENT NO.: \_\_\_\_\_ MAINTENANCE NO.: \_\_\_\_\_

PROJECT NO.: \_\_\_\_\_ SIGN ROUTE: \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_ ID NUMBER: \_\_\_\_\_

CORRIDOR: \_\_\_\_\_ RB: \_\_\_\_\_ MP: \_\_\_\_\_

COUNTY: \_\_\_\_\_

- To be filled in by Carbon County Road Personnel and the requesting Company -

COMPANY OR CORPORATION \_\_\_\_\_ Date \_\_\_\_\_ Carbon County Road Department \_\_\_\_\_ Date \_\_\_\_\_

TITLE \_\_\_\_\_ TITLE \_\_\_\_\_

SIGNATURE \_\_\_\_\_ SIGNATURE \_\_\_\_\_

Subject to the terms and conditions shown on Page 2 hereof, this permit is hereby approved and granted.

The "Permittee" agrees to the terms of this permit.

**APPLICANT (PROPERTY OWNER)**

APPLICATION FOR PERMISSION TO: \_\_\_\_\_ \*  
 (Give sufficient detail to permit thorough understanding and submit blueprints or sketches in triplicate.)  
**\*If work involves Environmental-Related cleanup or monitoring, also complete Section 7.**

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

1. Name of Applicant: \_\_\_\_\_
2. Address of Applicant: \_\_\_\_\_
3. Applicant's Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_ Email: \_\_\_\_\_
4. If Applicant is a Corporation, give State of Incorporation and names of President and Secretary: \_\_\_\_\_
5. Highway survey stations, milepost, distances to centerline, and distance from right-of-way line (in metric units) near which installations or structures will be installed: \_\_\_\_\_
6. For how long a period is the permit desired?: \_\_\_\_\_
7. Nature of Permit: \_\_\_\_\_
8. Environmental actions involving hazardous waste sites? (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.)  
 YES:  If YES is checked continue to Page 3 to complete the Environmental Questions Pertaining to #8 on Page #1.  
 NO:  If No is checked continue to Page 2, Instructions Concerning Use of this Form.

**(INSTRUCTIONS  
CONCERNING USE OF THIS FORM)**

Applicant will complete this form in triplicate along with plans, sketches and an environmental checklist and send to the appropriate Carbon County Commissioner for review and approval.

AN ENVIRONMENTAL CHECKLIST MUST BE COMPLETED BY APPLICANT AND MUST BE ATTACHED TO THIS PERMIT. THE PERMIT MUST NOT BE PROCESSED WITHOUT AN ENVIRONMENTAL CHECKLIST.

IF THE PROPOSED INSTALLATION WILL RESULT IN SIGNIFICANT, PERMANENT OR LONG TERM IMPACTS TO THE TRANSPORTATION NETWORK IN TERMS OF SUBSTANTIAL INCREASE TRAFFIC VOLUMES, WEIGHT OR DELAYS TO TRAFFIC ON CARBON COUNTY ROADWAYS, SUCH AS MAJOR MINES GREATER THAN FIVE ACRES, A RAILROAD AT-GRADE CROSSING, RAILROAD UNDER OR OVERPASS, OR STRIP MINES, OR IF THE PROPOSED ACTION HAS PERMANENT IMPACTS TO OTHER FORMS OF TRANSPORTATION (RAIL, TRANSIT, OR AIR MOVEMENT), THE ENCROACHMENT PERMIT MUST BE SUBMITTED TO THE TRANSPORTATION PLANNING DIVISION FOR REVIEW PRIOR TO ISSUANCE OF THIS PERMIT.

Subject to the following terms and conditions, the permit applied for upon the reverse side hereof, is hereby granted:

1. TERM. This permit shall be in full force and effect from the date hereof until revoked as herein provided.
2. FEE. The fee for issuance of this permit is \_\_\_\_\_.
3. REVOCATION. This permit may be revoked by Carbon County upon giving 45 days notice to Permittee by ordinary mail, sent to the address shown herein. However, the State may revoke this permit without notice if Permittee violates any of its conditions or terms.
4. COMMENCEMENT OF WORK. No work shall be commenced until Permittee notifies the Commissioner shown in application the date the Permittee proposes to commence work.
5. CHANGES IN ROAD. If Carbon County road changes necessitate changes in structures or installations installed under this permit, Permittee will make necessary changes without expense to Carbon.
6. CARBON COUNTY SAVED HARMLESS FROM CLAIMS. As a consideration of being issued this permit, the Permittee, its successors or assigns, agrees to protect Carbon County and save it harmless from all claims, actions or damage of every kind and description which may accrue to, or be suffered by, any person or persons, corporations or property by reason of the performance of any such work, character of materials used, or manner of installations, maintenance and operation, or by the improper occupancy of said highway right-of-way, and in case any suit or action is brought against Carbon County and arising out of, or by reason of, any of the above causes, the Permittee, its successors or assigns, will, upon notice to them of the commencement of such action, defend the same at its sole cost and expense and satisfy any judgment which may be rendered against Carbon County in any such suit or action. Permittee will provide proof of both Liability and Workers Compensation insurance commensurate with State of Montana insurance limits.
7. PROTECTION OF TRAFFIC. The Permittee shall protect the work area with traffic control devices that comply with the Manual of Uniform Traffic Control Devices. The Permittee will be required to submit a traffic control plan to the County Commissioner for approval prior to starting work. During work, the County Commissioner or designee may require the Permittee to use additional traffic control devices to protect traffic or the work area. No road closure shall occur without prior approval from the County Commissioner.
8. HIGHWAY AND DRAINAGE. If the work done under this permit interferes in any way with the drainage of the Carbon County road affected. Permittee shall, at the Permittee's expense, make such provisions as Carbon County may direct to remedy the interference.
9. RUBBISH AND DEBRIS. Upon completion of work contemplated under this permit, all rubbish and debris shall be immediately removed and the roadway and roadside left in a neat and presentable condition satisfactory to Carbon County.
10. INSPECTION. The installation authorized by this permit shall be in compliance with the attached plan and the conditions of this permit. The Permittee may be required to remove or revise the installation, at sole expense of Permittee. If the installation does not conform with the requirements of this permit or the attached plan.
11. CARBON COUNTY'S RIGHT NOT TO BE INTERFERED WITH. All changes, reconstruction or relocation shall be done by Permittee so as to cause the least interference with any of Carbon County's work, and Carbon County shall not be liable for any damage to the Permittee by reason of any such work by Carbon County, its agents, contractors or representatives, or by the exercise of any rights by Carbon County upon the highways by the installations or structures placed under this permit.
12. REMOVAL OF INSTALLATIONS OR STRUCTURES. Unless waived by Carbon County, upon termination of this permit, the Permittee shall remove the installations or structures installed under this permit at no cost to Carbon County and restore the premises to the prior existing condition, reasonable and ordinary wear and tear and damage by the elements, or by circumstances over which the Permittee has no control, excepted.
13. MAINTENANCE AT EXPENSE OF PERMITTEE. Permittee shall maintain, at its sole expense, the installations and structures for which this permit is granted, in a condition satisfactory to Carbon County.
14. CARBON COUNTY NOT LIABLE FOR DAMAGE TO INSTALLATIONS. In accepting this permit, the Permittee agrees that any damage or injury done to said installations or structures by a contractor working for Carbon County, or by any Carbon County employee engaged in construction, alteration, repair, maintenance or improvement of the Carbon County Road, shall be at the sole expense of the Permittee.
15. CARBON COUNTY TO BE REIMBURSED FOR REPAIRING ROADWAY. Upon being billed, therefore, Permittee agrees to promptly reimburse Carbon County for any expense incurred in repairing surface of roadway due to settlement at installation, or for any other damage to roadway as a result of the work performed under this permit.
16. The Permittee shall not discharge or cause discharge of any hazardous or solid waste by the installation or operation of the facility of a Carbon County Right-of-Way.
17. The Permittee will control noxious weeds within the disturbed installation area for two (2) years.
18. In accordance with Mont. Code Ann. § 76-3-403(2), Permittee shall, at Permittee's expense, employ the services of a Montana Licensed Professional Land Surveyor to re-establish all existing survey monuments disturbed by work contemplated under this permit.
19. The use of explosives is prohibited for the installation.
20. Any condition of this permit shall not be waived without written approval of the appropriate Carbon County Commissioner.
21. OTHER CONDITIONS AND/OR REMARKS: \_\_\_\_\_

**Environmental Questions Pertaining to #8 on Page #1- Environmental actions involving hazardous waste sites?**  
 (Superfund, Spills, Underground Storage Tanks, Old Mines, etc.)

8a. Name of Facility: \_\_\_\_\_ Facility ID: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

8b. Leaking underground storage tank site?  Yes  No

If yes, provide MDEQ identification number: \_\_\_\_\_

Petro Fund Eligible?  Yes  No

8c. Remediation Response Sites (State Superfund Site)?  Yes  No

If yes, identification number and/or site name: \_\_\_\_\_

8d. Federal Superfund Site?  Yes  No

If yes, identification number and/or site name: \_\_\_\_\_

8e. Active Mine:  Yes  No **OR** Abandoned Mine:  Yes  No

If yes, list the Mine Site ID#: \_\_\_\_\_

Mine Description or Name: \_\_\_\_\_

8f. Spill:  Yes  No

Spill Site: \_\_\_\_\_

Spill Description: \_\_\_\_\_

8g. Other Environmental Action: \_\_\_\_\_

For each well installed in CARBON COUNTY RW, provide GPS coordinates in state plane coordinates (preferred) or well survey information in another format (continue on another sheet if necessary).

**NOTE: Each well request needs to be submitted on a separate application form.**

Well Designation	Easting	Northing

CN / UPN Project Id _____	Name/ Location Description _____	Route/Corr. Fed. Funds Involved? Yes <input type="checkbox"/> No <input type="checkbox"/>
(For MDT Use Only)		

**ENVIRONMENTAL CHECKLIST FOR:**  **Approach Permit**  **Encroachment/Occupancy (incl. Utility)**  **Maintenance Projects (w/ No Right-Of-Way Acquisition, Sale or Transfer)**

Location: Road Name \_\_\_\_\_ Milepost(s) \_\_\_\_\_

Physical Address: \_\_\_\_\_ City: \_\_\_\_\_

Legal Description: County: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section(s): \_\_\_\_\_

Applicant Information: Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Company/Utility \_\_\_\_\_ Business Phone: \_\_\_\_\_

Mailing Address: Street or Box: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Impact Questions	Yes	No	Comment or Explanation (Use attachments if necessary)
Based on ARM 18.2.261 & 23 CFR 771.117 – Actions that qualify for Categorical Exclusion under MEPA or NEPA			
1. Will the proposed action impact any historical sites?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Will the proposed action impact any publicly owned parklands, recreation areas, wildlife or waterfowl refuges?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Will the proposed action impact prime farmlands?	<input type="checkbox"/>	<input type="checkbox"/>	
4. a. Will the proposed action have an impact on the human environment that may result from relocations of persons or businesses, changes in traffic patterns, changes in grade, or other types of changes? b. Has the proposed action received any preliminary or final approval from the local land use authority?	<input type="checkbox"/>	<input type="checkbox"/>	
5. For the proposed action, is there documented controversy on environmental grounds? (i.e. – has the applicant received a letter of petition from an environmental organization?)	<input type="checkbox"/>	<input type="checkbox"/>	
6. Will the proposed action require work in, across or adjacent to listed or proposed Wild or Scenic River? (See listing on page 2)	<input type="checkbox"/>	<input type="checkbox"/>	
7. Will the proposed action impact air quality or increase noise?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Will the proposed project involve hazardous waste sites? (Superfund, spills, underground storage tanks, old mines etc.) Will the proposed action affect water quality, wetlands, streams or other water bodies? If the answer is YES, an environment-related permit or authorization may be required (See Attached "Stream Permitting Guidelines").	<input type="checkbox"/>	<input type="checkbox"/>	
9. a. Are there any listed or proposed threatened or endangered species, or critical habitat in the vicinity of the proposed action? b. Will the proposed action adversely affect listed or proposed threatened or endangered species, or adversely modify critical habitat?	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action require an environment-related permit or authorization? If the answer is "yes," please list the specific permits or authorizations.	<input type="checkbox"/>	<input type="checkbox"/>	
11. Is the proposed action on or within approximately 1 mile of an Indian Reservation? a. If Yes – Will a Tribal Water Permit be required	<input type="checkbox"/>	<input type="checkbox"/>	
12. Is the proposed action in a "Class I Air Shed" (Some Indian Reservations)?	<input type="checkbox"/>	<input type="checkbox"/>	
13. Will the proposed action result in increased traffic volumes, increased wait or delays on state highways, or have adverse impacts on other forms of transportation (rail, transit or air movements)?	<input type="checkbox"/>	<input type="checkbox"/>	
14. Is the proposed action part of a project that may require other governmental permits, licenses or easements? If "Yes" than describe the full extent of the project and any other permits, licenses or easements that may be necessary for the applicant to acquire.	<input type="checkbox"/>	<input type="checkbox"/>	

16.  Attach representative photos of the sites where the proposed action would be implemented.
17.  Attach map(s) showing the location(s) of the proposed action(s), Township, Range, Section, highway or route number and approximate milepost(s).
18. Describe Magnitude / Importance of potential impacts: (To be completed by Applicant)(Use Attached Sheets)

Checklist prepared \_\_\_\_\_ Applicant \_\_\_\_\_ Title \_\_\_\_\_

by: \_\_\_\_\_ Date \_\_\_\_\_

Reviewed for completeness by:

Title	Date
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Approved by:

Title	Date
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Environmental Services  
(When any of the items 1 through 13 are checked "Yes")

Title	Date
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Transportation Planning  
(When items 14 or 15 are checked "Yes")

Checklist Conditions & Required Approvals

- A. Applicant is NOT authorized to proceed with the proposed work until ALL of the Checklist Conditions have been met and the required approvals have been obtained.
- B. Completes the checklist indicating a "Yes" or "No" for each item,.
- C. When a "Yes" is indicated on any of the items except 12 or 13, the Applicant must explain the impacts, and for items 1 through 10 describe any appropriate mitigation measures that will be taken. Use attachments if necessary. If the applicant checks "No" and the District feels there may be potential impacts, the Environmental Checklist must be forwarded to Environmental Services.
- D. If a "Yes" is checked in item 10 a. (threatened or endangered species), please provide information naming the particular species and the expected location, distribution and habitat use in the proposed action area, i.e. within the immediate area of the proposed action and possible direct affects to the species; or, in the general area on occasion (seasonally passes through) but does not nest, den or occupy the area for more than a few days -- adverse affects are very unlikely.
- E. If the applicant checks "Yes" for any item, the approach permit, occupancy agreement or permit along with the checklist and Applicant's mitigation proposal, documentation, evaluation and/or permits must be submitted to MDT Environmental Services for review and approval.
- F. When the applicant checks "Yes" to any item, the Applicant cannot be authorized to proceed with the proposed work until the MDT Environmental Services and/or Transportation Planning, as appropriate, reviews the information and signs the checklist.
- G. Applicant must obtain all necessary permits or authorizations from other entities with jurisdiction prior to beginning the proposed action or activity.

Montana's Wild and Scenic Rivers system as published by the U.S. Department of Agriculture, or the U.S. Department of the Interior:

1. Middle Fork of the Flathead River (headwaters to South Fork of the Flathead River confluence)
2. North Fork of the Flathead River (Canadian Border to Middle Fork of the Flathead River confluence)
3. South Fork of the Flathead River (headwaters to Hungry Horse Reservoir)
4. Missouri River (Fort Benton to Charles M. Russell National Wildlife Refuge)

## Stream Permitting Guidelines

To be used for informational purposes when filling out the Environmental Checklist for MDT approach permits, encroachment/occupancy permits or Maintenance projects.

The most commonly required permits or authorizations are listed below. **Other permits or authorizations may be required**, and other laws may apply depending on the type and the location of the proposed activity. For more information please refer to “A Guide to Stream Permitting in Montana” available on the Internet at <http://www.dhrc.mt.gov/permits/> or from your local conservation district office. (The information provided below was adapted from “A Guide to Stream Permitting in Montana”)

### **Montana Natural Streambed and Land Preservation Act (310 Permit)**

**Any private, nongovernmental individual or entity** that proposes any activity that physically alters or modifies the bed or banks of a **perennially flowing stream** must obtain a 310 permit before beginning work.

Contact the conservation district office to obtain a permit application, fill the application out and submit it to the local conservation district prior to any activity in or near a perennial-flowing stream. Once an application is accepted, a team that consists of a conservation district representative; a Department of Fish, Wildlife and Parks biologist; and the applicant may conduct an on site inspection. The team makes recommendations to the conservation district board, which has 60 days from the time the application is accepted to approve, modify, or deny the permit. Local rules apply. There is no charge for a 310 permit.

For more information, contact your local conservation district or the Conservation Districts Bureau – MT Department of Natural Resources and Conservation at (406) 444-6667, or the Montana Association of Conservation Districts (406) 443-5711

### **Montana Stream Protection Act (SPA 124 Permit)**

**Any agency or subdivision of federal, state, county, or city government** proposing a project that may affect the natural existing shape and form of **any stream** or its banks or tributaries must obtain a SPA 124 permit before beginning work.

Any agency or unit of government planning a project must submit a Notice of Construction (application) to the Department of Fish, Wildlife and Parks, which has up to 60 days to review the application, perform an on-site investigation, and approve, modify, or deny the application. There is no application fee.

For more information contact the Habitat Protection Bureau – MT Fish, Wildlife and Parks (406) 444-2449.

### **Montana Floodplain and Floodway Management Act (Floodplain Development Permit)**

**Anyone** planning new construction **within a designated 100 year floodplain** must obtain a floodplain development permit before beginning work. New construction includes, but is not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; new construction, placement, or replacement of manufactured homes; and new construction, additions, or substantial improvements to residential and commercial buildings. Check with local planning officials or the Floodplain Management Section of the Department of Natural Resources and Conservation to determine whether a 100-year floodplain has been designated for the stream of interest.

Floodplain Development Permits are available from the local floodplain administrator, who may be the city/county planner, sanitarian, building inspector, town clerk, or county commissioner. Permit applications are available from the local floodplain administrator or from the Department of Natural Resources and Conservation. Application fees are established by the local government and vary widely throughout the state. The application process may take up to 60 days. Joint application participant-see Permitting Tips section.

For more information contact the Floodplain Management Section – MT Department of Natural Resources and Conservation (406) 444-0860.

### **Federal Clean Water Act (404 Authorization or Permit)**

**Anyone** proposing a project that will result in the **discharge or placement of dredged or fill material into waters of the United States** must obtain a 404 authorization or permit before beginning work. "Waters of the United States" include lakes, rivers, streams (including perennial, intermittent, and ephemeral channels with an ordinary high water mark), wetlands, and other aquatic sites.

Anyone planning a project must submit an application to the U.S. Army Corps of Engineers (Corps). The U.S. Environmental Protection Agency also has regulatory review and enforcement functions under the law. Permit authorization varies depending on the size and scope of the intended project.

Activities that meet the conditions for a Nationwide or Regional General Permit may be approved in 10 to 45 days. Individual Permits require more extensive review and require a public notice period. Permit approval may take 90 to 120 days. Application fees for Individual Permits may vary from \$10 for private individuals to \$100 for commercial applicants. Do not send money with the application. Applicants will be notified if a fee applies.

For more information contact the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, MT 59626, Phone (406) 441-1375.

### **Short-term Water Quality Standard for Turbidity (318 Authorization)**

**Anyone** initiating construction activity that will cause **short term or temporary violations of state surface water quality standards for turbidity in any "State water"** must obtain a 318 Authorization before beginning work. "State water" includes any body of water, irrigation system, or drainage system, either surface or underground, including wetlands, except for irrigation water where the water is used up within the irrigation system and the water is not returned to other state water.

A 318 Authorization must be obtained prior to initiating a project. The authorization may be obtained from the Department of Environmental Quality, or may be waived by the Department of Fish, Wildlife and Parks during its review process under the Natural Streambed and Land Preservation Act (310 Permit) or the Stream Protection Act (SPA 124 Permit).

Individual applications submitted to the Department of Environmental Quality are normally processed within 30 to 60 days. Authorizations waived under the 310 or SPA 124 permit processes correspond to the time frame under each permit system, usually 30 to 60 days. There is an application fee of \$150.00 (make check or money order payable to Water Protection Bureau, Department of Environmental Quality).

For more information contact the Water Protection Bureau – MT Department of Environmental Quality (406) 444-3080.

### **Storm Water Discharge General Permits**

**Anyone** proposing a construction activity that will disturb one or more acres, a defined industrial activity; a mining or oil and gas activity in which storm water will come into contact with overburden, raw material, intermediate products, finished products, or waste products located on the site of such operations (including active and inactive mine sites); or other defined activity that has a **discharge of storm water into surface waters**. Permit authorization is typically obtained under a Montana Pollutant Discharge Elimination System (MPDES) "General Permit".

For storm water discharges associated with construction activity, permit authorization is effective upon Department receipt of a complete Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and fee. This must be received no later than the construction activity start date. For other regulated storm water discharges, a complete Application Form, SWPPP (except for Small MS4s), and fee must be received for review at least 30 days prior to the discharge of storm water from the facility or activity. Fees vary depending on the type of permit. Contact the Department or visit the website listed below for various storm water discharge "General Permits," Application/NOI Forms, fee schedule, and other permitting forms/information.

For more information contact the Water Protection Bureau – MT Department of Environmental Quality, (406) 444-3080, <http://www.deq.mt.gov>.