



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, OMAHA DISTRICT  
MONTANA REGULATORY OFFICE  
100 NEILL AVENUE  
HELENA, MT 59601-3329

January 17, 2024

SUBJECT: Nationwide Permit Verification; MDT - 9319001 / MT-80 Drilling for Bridge Replacement, Missouri River - Chouteau Co.  
USACE File No. **NWO-2023-01741-MT**

Mr. Derek Fleming  
Montana Department of Transportation  
2701 Prospect Ave  
Helena MT, 59620

Dear Mr. Fleming:

This letter is in response to your October 31, 2023 Pre-construction Notification (PCN), requesting Department of the Army (DA) Nationwide Permit (NWP) verification for the above-referenced project. The project site is located at Latitude 47.814938°, Longitude -110.667171°, at MT-80 Bridge in the Missouri River and on the east and west banks of the river near the existing bridge piers, within Section 23, Township 24 North, Range 8 East, Fort Benton, Chouteau County, Montana.

For the above-referenced project you propose to conduct core sampling operations at four locations in the Missouri River to collect boring samples to study the soil and bedrock layers for a future roadway improvement project for the MT-80 Bridge replacement through the Fort Benton area. The core drilling equipment will be deployed for approximately 1 week after which it will be completely removed from the Missouri River.

**Project-specific components:**

1. The river borings will be drilled by setting an 8-inch diameter conductor casing to the river bottom and advancing an approximately 6-inch diameter drill casing into the bedrock surface, then coring approximately 50 feet into bedrock. Two of the river borings will be conducted from the existing bridge and the remaining two will be conducted from the riverbank impacting an area of approximately 25 square feet overall at the four locations in and on the banks of the Missouri River.
2. During the procedures of coring bedrock, water will be used to flush cuttings up and out of the casing to a mud tub which will capture the discharge of materials

returning to the surface, preventing them from discharging into the waterway. The material will be contained and transported to an offsite area for disposal.

The U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged and fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) (33 U.S.C. 1344) and structures or work in, over, and under navigable waters of the United States under Section 10 of the Rivers and Harbors Act (RHA) (33 U.S.C. 403). The Corps' regulations are published in the *Code of Federal Regulations* at 33 CFR parts 320 through 332. NWP's are defined in the *Federal Register* published on December 27, 2021 (86 FR 73522). Based on a review of the information you furnished and available to us, we have determined the above referenced work requires DA authorization under Section 10 of the RHA.

Based upon the information you provided, we hereby verify that the work described above, which would be performed in accordance with the plans you provided on October 31, 2023, is authorized by NWP 6, Survey Activities. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office. This NWP and associated Regional and General Conditions are enclosed and can be accessed on our website at: <https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana>. Failure to comply with the General and Regional Conditions of this NWP, or the project-specific special conditions of this authorization, may result in the suspension or revocation of your authorization, and you may be subject to appropriate enforcement action. You shall comply with all terms and conditions associated with this NWP.

You shall comply with all terms and conditions of the enclosed December 14, 2020, Section 401 of the Clean Water Act Water Quality Certification.

Unless this NWP is suspended, modified, or revoked, it is valid until **March 14, 2026**. It is incumbent upon you to remain informed of changes to this NWP. We will issue a public notice when the NWP's are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP unless discretionary authority has been exercised on a case-by-case basis to modify, suspend, or revoke the authorization as per 33 CFR 330.6(b). Any project specific conditions listed in this letter continue to remain in effect after the NWP verification expires unless the district engineer removes those conditions.

To assist in your compliance with NWP General Condition 30, enclosed is a "Compliance Certification" form, which shall be signed and returned within 30 days of completion of the project, including any required mitigation. Your signature on this form certifies that you have completed the work in accordance with the terms and conditions of the NWP. Activities completed under the authorization of an NWP which was in effect at the time the activity was completed continue to be authorized by that NWP.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Authorizations under this NWP does not relieve permittees from obtaining permits or other authorizations from any required federal, state, or local agency.

Please refer to identification number **NWO-2023-01741-MT** in any correspondence concerning this project. If you have any questions, please contact Frank Winter by email at *Frank.J.Winter@usace.army.mil* or telephone at (406) 880-5878.

Sincerely,

A handwritten signature in black ink that reads "Frank Winter". The signature is written in a cursive, slightly slanted style.

Frank Winter  
Project Manager

3 Enclosures

1. NWP Fact Sheet with Regional and General Conditions
2. Compliance Certification
3. CWA Section 401 Water Quality Certification

cc:

Sam Michalak (Tetra Tech)

## COMPLIANCE CERTIFICATION

**Corps File Number:** NWO-2023-01741  
**Permit Type:** Nationwide Permit 6 (Survey Activities)  
**Name of Permittee:** Derek Fleming/MDT  
**County:** Chouteau  
**Date of Issuance:** January 17, 2024  
**Corps Project Manager:** Frank Winter

Within 30 days of completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following:

Montana.Reg@usace.army.mil

**OR**

U.S. Army Corps of Engineers, Omaha District  
Montana Regulatory Office  
100 Neill Avenue  
Helena, MT 59601-3329

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the conditions of this permit, you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date