

# Montana Stream Permitting

*A Guide for Conservation District  
Supervisors and Others*



Conservation Districts Bureau  
Montana Department of  
Natural Resources and Conservation  
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## INTRODUCTION

This manual is designed to provide guidance to Montana Conservation District Supervisors in making decisions for 310 Permits and assisting landowners in considering the best options for working in and around streams, lakes, and rivers. The purpose of the Montana Natural Streambed and Preservation Act (310 Law) is to ensure that projects will be carried out in ways that minimize impacts to stream or river functions, or to adjoining landowners' property. While this guide can serve as an educational tool intended to be shared with landowners for more informed decision-making, we want to emphasize the importance of working with local and state resource and permitting specialists early on in the process to help identify the causes and most appropriate solutions for landowners and our shared water resources.

The guiding principle behind wise stream management is to select tools and methods that are compatible with a stream's natural tendencies, and to minimize undesirable side effects. Often, this means letting a stream set its own course, forming and re-forming natural meanders, or abiding by historical flood patterns. These are the lessons learned over fifty years ago when [concerned citizens and resource professionals](#) developed the Montana Stream Protection Act (124 Permit), the first state stream protection bill of its kind in the nation. The Natural Streambed and Land Preservation Act (310 Law) further expanded stream habitat protection in 1975.

When more hands-on management is necessary, the best tools and methods are those that support natural stream form and function. To that end, this manual includes chapters describing the permitting process, stream form and function, stream management methods to address streambank erosion, stream crossings, and irrigation structures.

Examples of stream projects are provided, along with design criteria for different types of projects. This document is a guide only and should not be construed as a rule for projects. The provided information is not a substitute for consulting professionals in the selection, design, permitting, and implementation of projects impacting Montana's rivers, lakes, and streams. Some conservation districts have adopted construction standards for certain projects and others may or may not allow all of the projects listed in this guide, depending on the local circumstances.

Finally, thank you for your work in protecting Montana's rivers, lakes and streams.

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# INTRODUCTION

The purpose of this guide is to provide Conservation District Supervisors with the information they need to understand the stream permitting process. This guide is intended to be a practical, step-by-step manual that will help you understand the requirements of the Montana Stream Permitting Act and the role of Conservation District Supervisors in the process. The guide is divided into several sections, each of which covers a different aspect of the permitting process. The sections are: 1. Overview of the Stream Permitting Act, 2. The Role of Conservation District Supervisors, 3. The Stream Permitting Process, 4. The Stream Permitting Application, 5. The Stream Permitting Review Process, 6. The Stream Permitting Decision, and 7. The Stream Permitting Appeal Process.

The Stream Permitting Act is a law that governs the way in which streams are managed in Montana. The Act was passed in 1991 and has since been amended several times. The Act is designed to protect the quality of Montana's streams and to ensure that they are managed in a way that is consistent with the state's water resources policy. The Act requires that any person who wishes to engage in an activity that may affect a stream must first obtain a stream permit from the Montana Department of Natural Resources and Conservation (DNRC). The DNRC is responsible for reviewing and issuing stream permits, and it is also responsible for enforcing the terms of the permits.

Conservation District Supervisors play a key role in the stream permitting process. They are responsible for providing information to the DNRC about the streams in their districts and for reviewing and commenting on stream permit applications. They are also responsible for enforcing the terms of the permits in their districts. The DNRC often relies on the input of Conservation District Supervisors to make decisions about whether to issue a permit and what conditions should be attached to the permit. Therefore, it is important for Conservation District Supervisors to understand the requirements of the Stream Permitting Act and to be able to provide accurate information to the DNRC.

The stream permitting process is a complex one, and it can be difficult to understand. This guide is designed to help you understand the process and to provide you with the information you need to be an effective participant in the process. The guide is written in a clear, concise, and easy-to-understand style. It is intended to be a practical, step-by-step manual that will help you understand the requirements of the Montana Stream Permitting Act and the role of Conservation District Supervisors in the process. The guide is divided into several sections, each of which covers a different aspect of the permitting process. The sections are: 1. Overview of the Stream Permitting Act, 2. The Role of Conservation District Supervisors, 3. The Stream Permitting Process, 4. The Stream Permitting Application, 5. The Stream Permitting Review Process, 6. The Stream Permitting Decision, and 7. The Stream Permitting Appeal Process.