

77-5-302. **Definitions.** As used in this part, the following definitions apply:

- (1) "Alternative practices" means forest practices that are:
  - (a) conducted in the streamside management zone and that are different from those adopted under this part;
  - (b) designed for site-specific conditions encountered during a timber sale; and
  - (c) subject to department approval under 77-5-303.
- (2) "Department" means the department of natural resources and conservation provided for in 2-15-3301.
- (3) "Forest practices" means, within a timber sale, the harvesting of trees, road construction or reconstruction associated with harvesting and accessing trees, site preparation for regeneration of a timber stand, reforestation, and management of logging slash. The term does not include activities related to the operation of a Christmas tree farm or nursery that do not involve new road construction.
- (4) "Operator" means a person responsible for conducting forest practices. An operator may be the owner or a person who, through contractual agreement with the owner, is obligated to or entitled to conduct forest practices or carry out a timber sale.
- (5) "Owner" means an individual, firm, partnership, corporation, or association of any nature that holds an ownership interest in forest land or timber.
- (6) "Person" means an individual, firm, partnership, company, commercial entity, corporation, or association.
- (7) **"Stream" means a natural watercourse of perceptible extent that has a generally sandy or rocky bottom or definite banks and that confines and conducts continuously or intermittently flowing water.**
- (8) "Streamside management zone" or "zone" means a stream, lake, or other body of water and an adjacent area of varying width where management practices that might affect wildlife habitat or water quality, fish, or other aquatic resources need to be modified. The streamside management zone encompasses a strip at least 50 feet wide on each side of a stream, lake, or other body of water, measured from the ordinary high-water mark, and extends beyond the high-water mark to include wetlands and areas that provide additional protection in zones with steep slopes or erosive soils.
- (9) "Timber sale" means a series of forest practices designed to access, harvest, or regenerate trees on a defined land area for commercial purposes.

75-7-103. **Definitions.** As used in this part, the following definitions apply:

- (1) "Applicant" means any person presenting notice of a project to the supervisors.
- (2) "Department" means the Montana department of fish, wildlife, and parks.
- (3) "District" means:
  - (a) a conservation district under Title 76, chapter 15, in which the project will take place;
  - (b) a grass conservation district under Title 76, chapter 16, where a conservation district does not exist; or
  - (c) the board of county commissioners in a county where a district does not exist.
- (4) "Person" means any individual, corporation, firm, partnership, association, or other legal entity not covered under 87-5-502.
- (5) (a) "Project" means a physical alteration or modification that results in a change in the state of a natural, perennial-flowing stream or river, its bed, or its immediate banks.
  - (b) Project does not include:
    - (i) an activity for which a plan of operation has been submitted to and approved by the district. Any modification to the plan must have prior approval of the district.
    - (ii) customary and historic maintenance and repair of existing irrigation facilities that do not significantly alter or modify the stream in contravention of 75-7-102; or
    - (iii) livestock grazing activities.
- (6) **"Stream" means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102.**
- (7) "Supervisors" means the board of supervisors of a conservation district, the directors of a grass conservation district, or the board of county commissioners where a proposed project is not within a district.
- (8) "Team" means one representative of the supervisors, one representative of the department, and the applicant or the applicant's representative.
- (9) "Written consent of the supervisors" means a written decision of the supervisors approving a project and specifying activities authorized to be performed in completing the project.

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