

EXHIBIT NO. 6DATE: 2-11-05BILL NO. SB 281

From: Manley, Lyle  
Sent: Wednesday, January 26, 2005 2:06 PM  
To: Reardon, Tim; Riley, Jean  
Subject: Other regulations on MDT projects

MDT projects are already covered by multiple layers of regulatory oversight. Most of these provisions relate to water quality or streamside issues, at least indirectly. The list may be incomplete, and Jean may be able to add some.:

1. MEPA
2. NEPA, whenever federal money is involved
3. Federal Clean Water Act:
  - 404 (wetlands and waters of the US)
  - 402 NPDES - Stormwater and Point Source
  - 401
4. Montana's Clean Water Act:
  - 318 - Short term turbidity permit
  - Storm water or SWPPP (MPDES)
  - Point Source Discharge - Short Form "C"
5. Wild and Scenic Rivers
6. Prime and Unique Farmlands
7. 124 SPA - (Stream Protection Act - DFW&P)
8. Floodplain permits - FEMA - Administered by Counties
9. 6(f) - Protects lands if there are LWC Funds used to purchase the lands. Usually parks, playground, fishing access sites, etc.
10. 4(f) - Protects Recreation Areas, Parks, Cultural and Historic sites, and Game preserves
11. 106 - Protects Historic sites
12. ADA compliance
13. Threatened and endangered species (USF&WS)
14. MP45 - (water discharged within municipalities)
15. Hazardous waste provisions
16. Superfund and CECRA sites
17. Noise impacts
18. Clean air requirements
19. Executive Orders, e.g., wetlands & Environmental Justice
20. Tribal Permits on Reservations (These often are in addition to the other provisions, such as TERO requirements)
24. Lakeshore Protection Act
25. It should also be pointed out that, pursuant to MEPA and NEPA regulations the Department must look at mitigation measures in such areas as visual impacts, energy use, economic and social impacts, and relocation assistance.