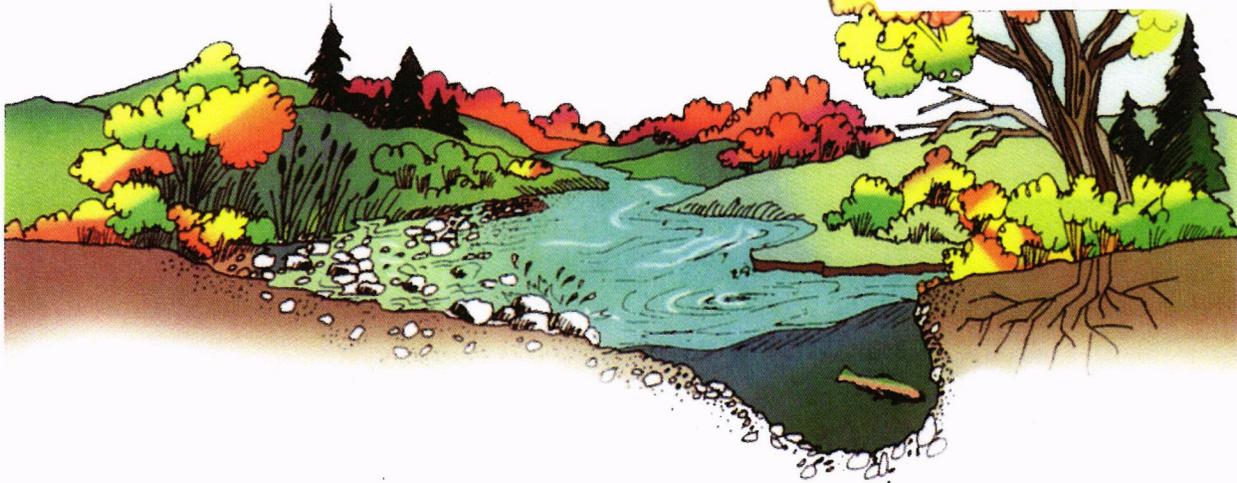


# 310 PERMITS

WATER POLICY INTERIM  
COMMITTEE. 2013-14

January 7, 2014

Ex. No. 2



**What is a 310 Permit?** Montana's Natural Streambed and Land Preservation Act, also known as the 310 Law, is a state law which requires that any person planning to work in or near a year-round (perennial) stream or river on private or public land must first obtain a 310 Permit from the local conservation district.

**What is the purpose of the 310 Law?** The purpose of the 310 Law is to insure that projects on perennial streams will be carried out in ways that are not damaging to the stream or to adjoining landowners.

**Who administers this law?** Conservation Districts throughout Montana administer the 310 Law. See map on back page. The Missoula Conservation District administers the 310 Law within Missoula County.

**How long does the permitting process take?** The permitting process takes 30 to 90 days. The permit is valid for one year. The Missoula Conservation District Board meets once a month on the second Monday. All decisions on 310 Permits are made at these meetings, which are open to the public.

**How does the permitting process work?**

## 1) Application Process

All information requested on the 310 application along with a plan and/or drawing of the proposed project and a site map must be provided. Incomplete applications may be rejected. Applications are reviewed and accepted at the monthly District meetings. After a project is accepted, Montana Fish Wildlife and Parks is notified of the proposed project and may request an on-site inspection.

## 2) Site Inspection Process

A team consisting of a District representative, a Montana Fish, Wildlife and Parks representative and the landowner or landowner's representative will meet to discuss the project on site. The applicant or their representative is entitled to be a team member for the purposes of making recommendations to the District. Team members may waive participation in the on-site inspection.

After an inspection is conducted, team members make recommendations to the District at a regular meeting. The applicant can waive participation, submit a team member report jointly with other team members (if in agreement with their recommendations), or submit a separate report.

If no inspection is required, the District may proceed with the application and the applicant will be notified of its decision.

### 3) Decision Process

The District will decide whether to approve, modify, or deny the project within 60 days of acceptance of the application. However, this time period can be extended if the District determines it necessary to collect further information. After receiving the supervisors' decision, the applicant has 15 days to return the permit, signed to indicate agreement with the District's decision. Unless otherwise stated on the supervisors decision form, the applicant must wait 15 days before proceeding with the project.

#### Considerations that must be addressed by the District in making their decision:

- 1) The effects on soil erosion and sedimentation, considering the methods available to complete the project and the nature and economics of the various alternatives;
- 2) the effects of stream channel alteration;
- 3) the effects on streamflow, turbidity, and water quality caused by materials used or by removal of ground cover;
- 4) the effects on fish and aquatic habitat;
- 5) whether there are modifications or alternative solutions that are reasonably practical that would reduce the disturbance to the stream and its environmental and better accomplish the purpose of the project;
- 6) whether the proposed project will create harmful flooding or erosion problems upstream or downstream.

**What does a 310 Permit cost? What do I have to do to get one?** There is no fee for a 310 Permit. For Stream activities within Missoula County contact the Missoula Conservation District by calling (406) 829-3395; E-mailing [mslacd@montana.com](mailto:mslacd@montana.com); Fax – (406) 829-3455 or stop by at 3550 Mullan Road, Suite 106 to pick up an application. Applications can also be found on the Internet at [www.dnrc.state.mt.us/cardd/jointapplinfo.html](http://www.dnrc.state.mt.us/cardd/jointapplinfo.html).

**What if I have an emergency?** There is a provision in the 310 Law to handle actions necessary to safeguard life or property, including growing crops, during periods of emergency. If a person takes an emergency action, the Conservation District must be notified within 15 days in writing of the action taken and why. The emergency action will be reviewed by the Conservation District. The District will decide whether the action was appropriate, must be modified, or must be removed and/or replaced.

**What happens if I don't get a permit?** It is a misdemeanor to initiate a project without a permit; to conduct activities outside the scope of the permit, to violate emergency procedures or to use prohibited materials in a project. Upon conviction of a misdemeanor, a person may be punished by a fine up to \$500 or by a civil penalty not to exceed \$500 per day for each day the person continues to alter the stream. In addition, at the discretion of the court, the person may be required to restore the damaged stream as recommended by the District supervisors to as near its prior condition as possible.

## Examples of Projects Requiring a 310 Permit



**CHANNEL CHANGES / DREDGING**



**NEW DIVERSIONS**



**STREAMBANK PROTECTION  
PROJECTS**



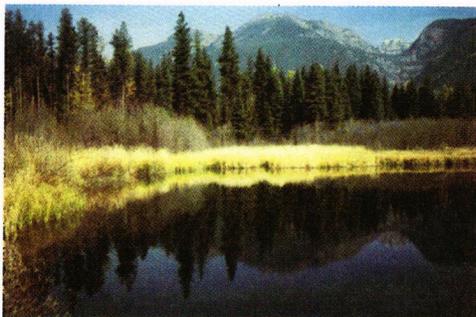
**CULVERTS**



**BRIDGES**



**FORDS**



**NEW DAMS, RESERVOIRS, PONDS**



**TRENCHING IN UTILITY LINES  
OR PIPELINES**

A permit may also be required if an existing project needs repairs and/or alterations.

**OTHER STREAM PERMITS MAY BE NEEDED IN ADDITION OF THE 310 PERMIT.**

