

INTRODUCTION

PERMIT INDEX

The *Montana Index of Environmental Permits* is prepared by the Environmental Quality Council staff to provide a complete list of the permits and licenses needed to conduct activities that may affect the state's environment. The permit index lists the permits required, the permitting agencies and the statutes and rules that regulate each permit.

The permit index is **not** a legal document. Anyone planning an activity should contact the administering agency for detailed information before beginning a project.

HOW TO USE THE PERMIT INDEX

Find the relevant activity through the index or table of contents.

On the appropriate page, the entry will look like this. ↓

FLOODPLAINS AND FLOODWAYS

The text in the entry describes the permits and/or licenses that are required for the activity.

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Listed below the text are the relevant statutes from the Montana Codes (MCA) available online at http://leg.mt.gov/bills/mca_toc/index.htm and administrative rules (ARMs), available online at <http://mtrules.org/>. ⇒

Finally, the entry lists the appropriate agency to contact. ⇒

Artificial obstructions and nonconforming uses within a designated floodplain or floodway require a permit from the local governing body. Local governments may adopt land use regulations, including floodplain management regulations within sheetflood areas, that may restrict development.

Statute: 76-5-401 through 76-5-406, MCA

Rule: ARM 36.15.601-36.15.801

Contact: LOCAL GOVERNMENT

DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
Water Resources Division

Next, if the activity is proposed in a specially designated area such as a conservation district or floodplain, check the land designation section located in the first 14 pages of the index. The land designation section is used primarily as a reference to complement information in the activity section.

It is important to note that if the action will affect any species or species habitat protected under the state or federal Endangered Species Acts, special regulations apply. See Nongame and Endangered Species, p. 100.

In addition, a project that may have an impact on the environment is subject to review under the provisions of the Montana Environmental Policy Act (p. 132).

THE STATE REGULATORY STRUCTURE

Montana state government is divided into three branches: legislative, executive, and judicial. The laws governing the state are enacted by the Legislature, implemented by the Executive Branch, and interpreted by the Judicial Branch.

The state's environmental programs are administered by agencies of the Executive Branch. Each agency is headed by a governor-appointed director who is responsible for the operation of the department. The department is composed of divisions, that are divided into bureaus, that may be further divided into sections.

The Executive Branch agencies administer programs established by statute (contained in the *Montana Code Annotated*) and rule (contained in the *Administrative Rules of Montana*). The principal agencies involved in the issuance or review of environmental permits are the Department of Agriculture, Department of Environmental Quality, Department of Livestock, Department of Natural Resources and Conservation, Department of Transportation, Department of Fish, Wildlife and Parks, and Public Service Commission.

FEDERAL AND LOCAL GOVERNMENT PERMITS

Montana administers several federal environmental programs under agreement with the United States Environmental Protection Agency: air and water quality, solid and hazardous waste, and asbestos and pesticide regulation. Montana has also been certified by the U.S. Department of the Interior to administer the federal Surface Mining Control and Reclamation Act (SMCRA). Some federal programs are mentioned in the permit index, but it is important to check with the appropriate state agency to determine if any associated federal permits are required for an activity.

Local governments such as town councils, county commissioners or local health officials also administer permits.

GENERAL INFORMATION

The permit index is a starting point for finding information on environmental regulations for certain activities. It does not replace assistance from agency personnel who have the responsibility to help citizens comply with Montana's environmental laws. To avoid difficulties, contact the permitting agencies as soon as possible and integrate environmental regulations into your planning process early.

For answers to general permit questions, call the Governor's Office (444-3111), the Environmental Quality Council (444-3742), or the Citizen's Advocate Office (444-3468, 1-800-332-2272).