

Passive Restoration, Water Planning & Permitting



Travel Montana, Gallatin Canyon

Montana State Water Plan

Vision

- *Finalize Adjudication*
- *Increase real time measurements*
- *Protect existing rights*
- *Meet current & new demands for all beneficial uses*
- *Plan and mitigate for drought*
- *Supply water to serve the needs of people, the economy, natural systems and habitats*



Red Rock Lakes, DOI tumbler

Montana State Water Plan

Recommendations

- *Water Supply and Demand*
- *Water Use Administration*
- *Water Information*
- *Ecological Health and the Environment*
- *Collaborative Water Planning and Coordination*

Water Supply and Demand

STORAGE: Integrate Natural Storage to benefit water supplies and ecosystems



Upper Gallatin

- ***Floodplains***
- ***Healthy riparian areas***
- ***Constructed wetlands***
- ***Retention basins***

Water Supply and Demand

DROUGHT PREPAREDNESS



Develop adaptive management strategies to benefit water supply, fisheries and water quality

O'Dell Creek, Madison CD

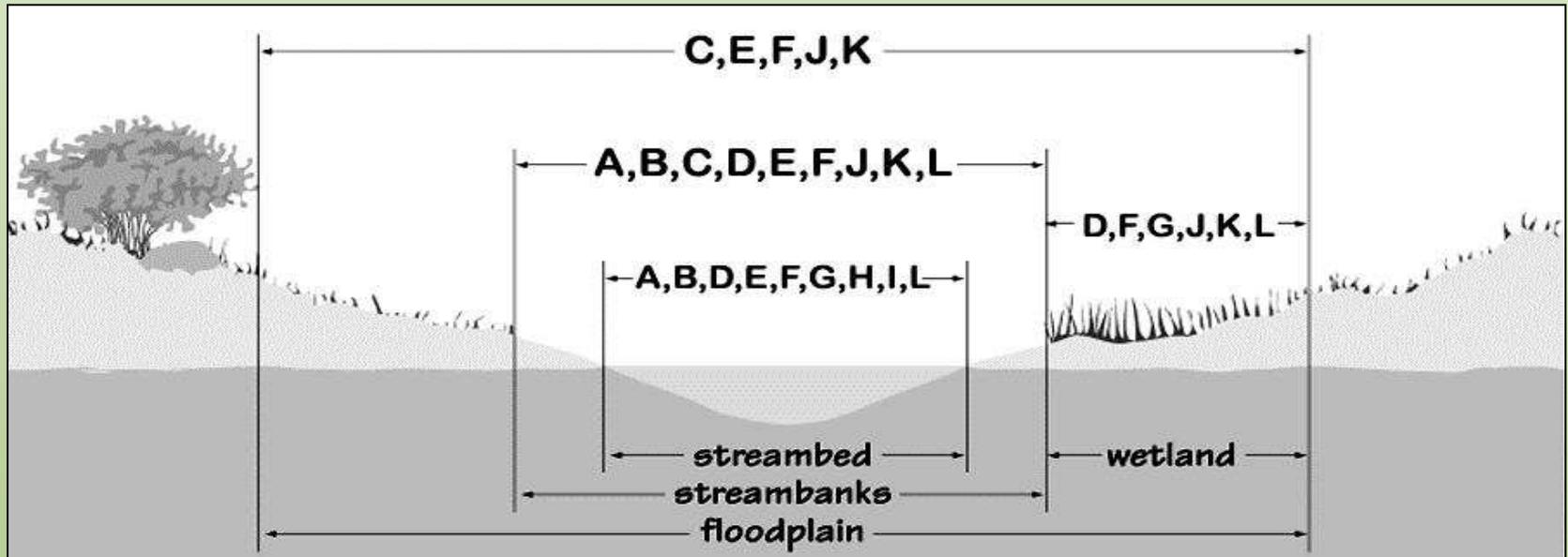
Ecological Health and the Environment

Provide sufficient protection for instream flows to maintain aquatic and riparian systems

- *Recognize the importance of connectivity within stream and riparian systems and strive to restore connectivity and habitat*
- *Support research to determine the frequency, magnitude, timing and duration of high flows and low flows needed to maintain natural ecological function of rivers, streams and habitats across the state.*



Stream and Riparian Permitting

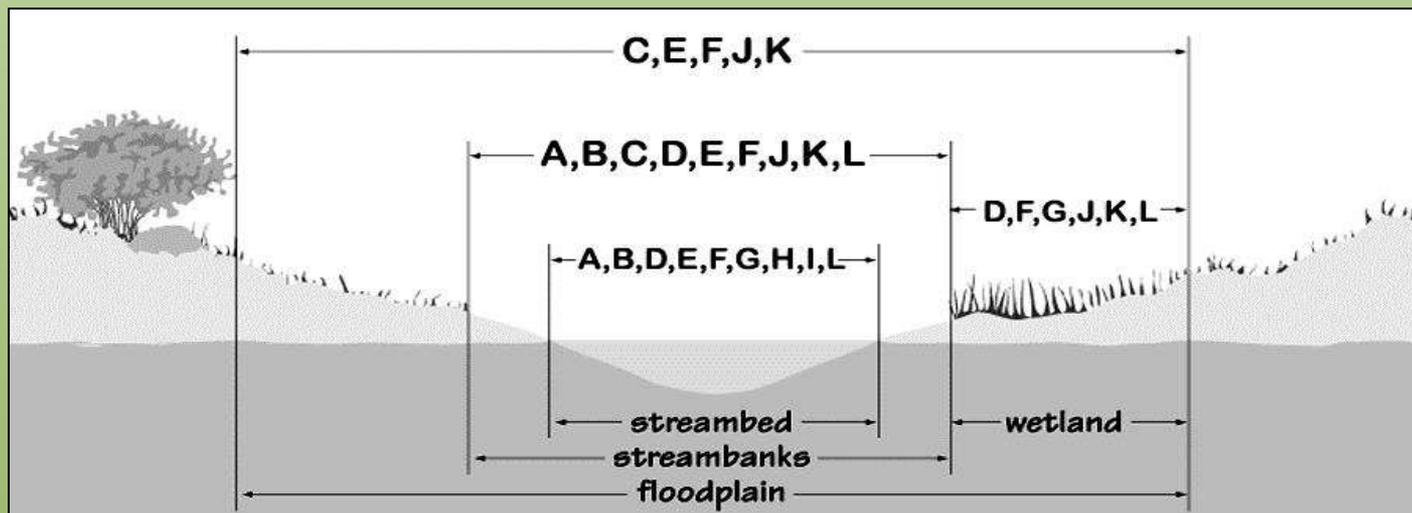


- A. Montana Natural Streambed and Land Preservation Act (310)
- B. Montana Stream Protection Act (SPA 124 Permit)
- C. City or County Floodplain Development Permit
- D. Federal Clean Water Act (404 Permit)
- F. Short-Term Water Quality Standard for Turbidity (318 Authorization)
- H. Montana Water Use Act (Water Right Permit and Change Authorization)

Stream and Riparian Permitting

A. *Montana Natural Streambed and Land Preservation Act (310)*

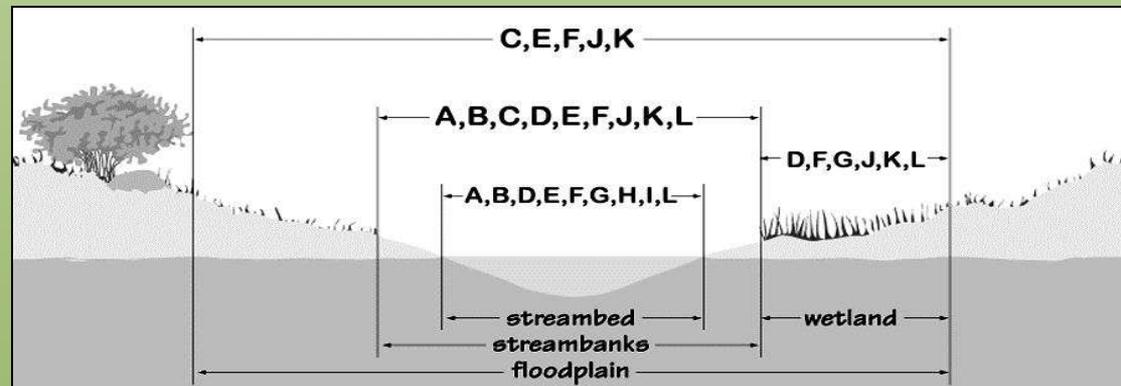
- Any private, nongovernmental individual or entity that proposes to work in or near a stream on public or private land
- Any activity that physically alters or modifies the bed or banks of a perennially flowing stream
- Board of Supervisors of the Local Conservation District
- No fee, can be a joint application (310, 124, Floodplain, 318, 404 & others)



Stream and Riparian Permitting

B. Montana Stream Protection Act (SPA 124 Permit)

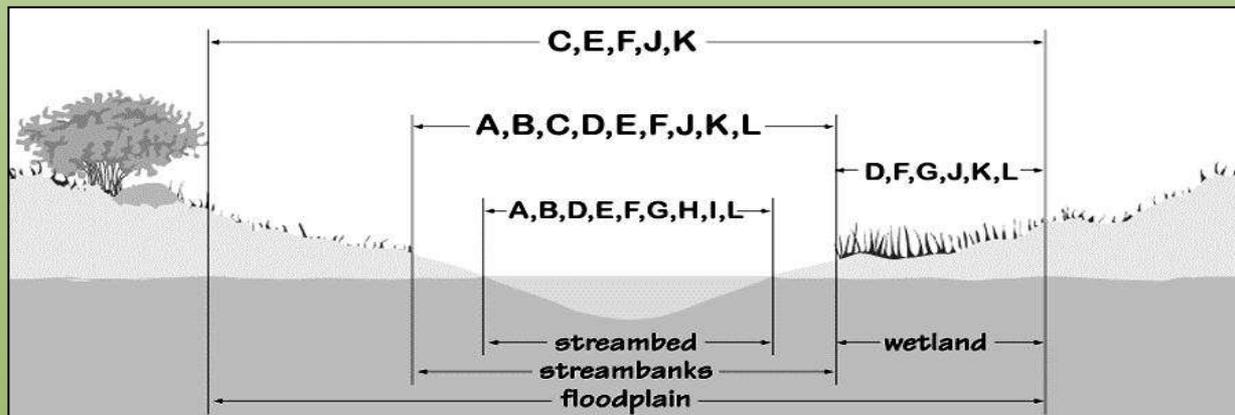
- Any agency or subdivision of state, county, or city government proposing a project that may affect the bed or banks of any stream in Montana. Many federal agencies also comply either via a memorandum of understanding or general agreement.
- Any project including the construction of new facilities or the modification, operation, and maintenance of an existing facility that may affect the natural existing shape and form of any stream or its banks or tributaries.
- Application is reviewed by MT Fish, Wildlife & Parks
- No fee



Stream and Riparian Permitting

C. City or County Floodplain Development Permit

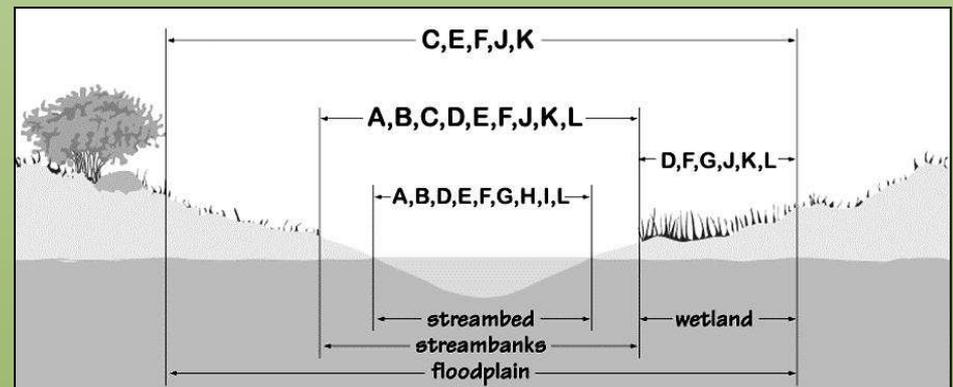
- Anyone planning new development within a designated Special Flood Hazard Areas (SFHA)
- New development including, but not limited to, placement of fill, roads, bridges, culverts, transmission lines, irrigation facilities, storage of equipment or materials, and excavation; and new construction, additions, or substantial improvements to residential and commercial buildings
- Local Floodplain administrator
- Fee varies by city/county



Stream and Riparian Permitting

D. Federal Clean Water Act

- Any person, agency or entity proposing a project that will result in the discharge or placement of dredged or fill material into waters of the US, which includes the area below the ordinary high water mark of stream channels, lakes or ponds connected to the tributary system and wetlands adjacent to these waters
- Fill or placement of dredged or fill material into waters of the US. Fill material includes, but is not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden and materials used to create any structure or infrastructure in the water of the US
- US Army Corps of Engineers
- Fee varies



Stream and Riparian Permitting

F. Short-Term Water Quality Standard for Turbidity (318 Authorization)

- Any person, agency, or entity, both public and private, initiating construction activity that will cause short term or temporary violations of state surface water quality standards for turbidity.
- Any activity in any state water that will cause unavoidable short term violations of water quality standards. “State water” includes any body of water, irrigation system, or drainage system, either surface or underground, including wetlands, except for irrigation water where the water is used up within the irrigation system and the water is not returned to other state water.
- A 318 Authorization must be obtained prior to initiating a project. The authorization may be obtained from MT DEQ, or may be waived by Montana Fish, Wildlife & Parks during the review process. Under certain circumstances, Montana Fish, Wildlife & Parks can issue 318 permits on behalf of the Montana Department of Environmental Quality.
- Application fee of \$250.00

H. Water Use Act