

**Montana Department of Environmental Quality
Draft Programmatic Review / Environmental Assessment**

Water Quality Division: Water Protection Bureau

Proposed Action: The proposed action is the reissuance of the Montana Pollutant Discharge Elimination System (MPDES) “General Permit for Storm Water Discharges Associated with Construction Activity”, MPDES Permit Number MTR100000 and subsequent authorizations under that permit. In this document, MPDES Permit Number MTR100000 is hereafter referred to as the “General Permit” or “MTR100000”.

Description of the Proposed Action: The Montana Department of Environmental Quality (DEQ) is proposing to reissue MTR100000 through a five-year permit cycle, beginning January 1, 2018, and expiring on December 31, 2022. MTR100000 is the permitting mechanism developed to provide and/or continue coverage (authorizations) for construction activities within Montana discharging storm water to state surface waters, excluding construction activities occurring on land within the external boundaries of Indian Reservations. The proposed action will be DEQ’s sixth reissuance of the General Permit. **The General Permit reissuance (proposed action) does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation. The General Permit reissuance regulates the discharge of storm water associated with construction activities as that term is defined at ARM 17.30.1102(28).**

“MTR100000 requires the “owner or operator” of the construction activities to follow a Notice of Intent (NOI) process to obtain authorization under this General Permit. An NOI process is when an owner or operator, also identified as a “permittee”, acknowledges eligibility for coverage under MTR100000 and agrees to comply with the effluent limits and conditions of the General Permit. Authorizations under the proposed reissuance of MTR100000 require DEQ review of a complete NOI package as outlined by Section 1.2 of the General Permit. The permittee may terminate coverage under this General Permit upon the removal of any temporary storm water control measures; removal of construction equipment and vehicles; cessation of any potential pollutant-generating activities due to the construction activities; and upon achieving final stabilization of the site as defined in ARMJ 17.30.1102(5).

The Draft Fact Sheet provides the rationale for the Draft Permit and is a reference document for this Draft Programmatic Review / Environmental Assessment.

The Montana Water Quality Act (§ 75-5-101, MCA *et seq*) outlines the duties of DEQ including the issuance of permits to discharge wastes into state waters (MPDES permits). DEQ’s duties to issue permits extends to general permits for specific categories of point source discharges, as determined appropriate by the Board of Environmental Review, to include point source discharges of storm water consistent with the federal storm water Phase I and II Rules. This Draft Programmatic Review / Environmental Assessment of the proposed action has been prepared in accordance with the Montana Environmental Policy Act (§ 75-1-Parts 1 through 3, MCA); and ARM, Title 17, Chapter 4, subchapters 1 and 6;.

Purpose and Benefits of the Proposed Action: The purpose of this action is to regulate storm water discharges associated with construction activity. Storm water discharges associated with construction activity are a concern because, if uncontrolled, these activities provide a diffuse source of water pollution. Construction activities disturb the project site's stabilizing vegetative cover and expose the soil underneath to erosive elements such as rainfall and snowmelt runoff. Consequently, storm water runoff from construction activities may carry increased sediment loading and potentially other pollutants from construction-related activities and materials. The primary pollutant generated from construction activities is sediment including total suspended solids, turbidity, and siltation. Potential pollution concentrations may vary depending on the overall scope of the construction project, the size and duration of a storm event impacting a site, the particular phase of construction at which a storm event occurs, and the soil characteristics of the site. If uncontrolled, storm water discharges associated with construction activities can result in the acceleration of sedimentation in waterways and degrade aquatic habitat and water quality.

The General Permit will require permittees to comply with effluent limits, conditions, and other requirements. The core requirement of the General Permit is to develop, submit, and maintain a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is a document (including associated maps, diagrams, details, and plans) that: (1) identifies sources of pollution that may affect water quality as a result of uncontrolled storm water discharges associated with construction activity; and (2) requires control measures (Best Management Practices-BMPs) developed and implemented in accordance with good engineering, selection, and design, hydrologic principles, and pollution control practices to minimize and control the discharge of pollutants in storm water discharges associated with construction activities. SWPPPs are intended to be "living documents" and updated to reflect current site conditions and activities. Also, MTR10000 requires (1) periodic site inspections, and (2) necessary maintenance or improvement of implemented storm water controls. Through this iterative process the overall benefit of the proposed action is improved quality of receiving waterbodies statewide.

Additional Government Agencies with Overlapping or Additional Jurisdiction, or Environmental Review Responsibility for the Proposed Action (and the permits, licenses, and other authorizations required):

No other government agencies have responsibility for the proposed action (issuing and administering the General Permit). Additional government agencies with potential overlapping or additional jurisdiction include local city and county governments that are required to regulate storm water discharges through their small municipal separate storm sewer systems (MS4s) discharge permits. Permitting under MTR100000 is separate from any additional localized site regulation and requirements of the MS4s. Any government agency subdivision review and approval process of storm drainage plans and related designs is outside the scope of the proposed action because such reviews ensure properly engineered drainage ways for subdivisions in Montana while this proposed action is for the reissuance of the permitting mechanism developed to protect water quality from discharges of storm water associated with construction activities through all phases of the regulated construction project. Additionally, the Montana Sage Grouse Habitat Conservation Program (Program) will provide recommendations designed to protect sage grouse populations through a consultation process for construction projects proposed within sage grouse habitat designated by the Program and subsequently, the purpose of the proposed construction project or operation. Both of these factors are outside of the scope of the proposed action to reissue MTR100000. The Program has a role of consultation, recommendation, and facilitation, and has no authority to either approve

or deny a project. The Program will be further discussed in appropriate sections of this environmental assessment. Additional permitting, licenses, and authorizations may be required from governmental agencies for final project completion, or for project operation, but these additional requirements are outside the scope of the proposed action. The General Permit will protect water quality from pollutants generated from temporary construction activities and conveyed through storm water, regardless of the purpose behind the final constructed project or operation. The above described overlapping or additional authorities are peripheral to the proposed action.

Evaluation of Affected Environment and Impacts of the Proposed Project:

Environmental Assessment for Potential Effects to the Physical Environment	
Resource	Evaluation
Terrestrial, avian, and aquatic life and corresponding habitats	<p>[N] The proposed action will protect receiving waterbodies from pollutants transported by storm water associated with construction activity. Therefore, no significant impacts to aquatic life and habitat are expected to result from discharges associated with construction activity in compliance with MPDES General Permit MTR100000. MTR100000 focuses on storm water discharges associated with temporary construction activities. Construction activities typically disturb the project site’s stabilizing vegetative cover and expose the soil underneath to erosive elements such as rainfall and snowmelt runoff. The primary pollutant generated from temporary construction activities is sediment. This proposed action covers potential discharges of storm water from the site until the construction activities are completed and the project site reaches final stabilization. The permitted activity is temporary and any potential corresponding impacts to habitat would also be temporary in nature and mitigated through controls required by the General Permit. The proposed action does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation. Compliance with conditions and limitations of the proposed General Permit will protect aquatic habitats from impacts associated with proposed construction projects or associated operations.</p> <p>Likewise, terrestrial and avian life and corresponding habitat will be protected by the proposed action because the storm water pollution prevention plan (SWPPP) develops and implements controls that will reduce the potential for pollutants from construction sites to impact waterbodies through storm water runoff. Implementation of temporary and permanent BMPs outlined in the SWPPP may have a positive effect on terrestrial, avian, and aquatic life because these controls focus on minimizing erosion, limiting areas</p>

	<p>of disturbance, preserving topsoil, maintaining natural buffers near waterbodies, and stabilization of steep slopes and disturbed areas. Also, post-construction runoff requirements emphasize both storm water retention/detention BMPs. Retention or detention BMPs control storm water by gathering runoff in to sediment basins such as wet ponds, dry basins, or multi-chamber catch basins. These sediment basins function as storm water impoundments and sediment accumulation reservoirs that may become new or increased habitat. Vegetative BMPs are landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting healthier habitats, and increasing aesthetic appeal. Examples include grassy swales, filter strips, artificial wetlands, ponds, and rain gardens. The General Permit's vegetative BMPs may increase and enhance terrestrial and avian life and corresponding habitats.</p>
<p>Sage Grouse Executive Order No. 12-2015</p>	<p>Projects within designated sage grouse habitat will be addressed through the Montana Sage Grouse Habitat Conservation Program (the Program). The Program has a role of consultation, recommendation, and facilitation, and has no authority to either approve or deny a project. Certain limitations or conditions may apply to a project within designated sage grouse habitat. Any recommendations and mitigations determined by the Program are provided to the project proponent in a consultation letter. Consultation with the Program must occur prior to submitting an NOI for authorization under the General Permit. The scope of the consultation letter may cover multiple state actions associated with the proposed project.</p> <p>DEQ updated its Notice of Intent (NOI) forms to require consultation with the Program for projects within designated sage grouse habitat and subject to Executive Order 12-2015 and 21-2105. The resulting consultation letter must be submitted as part of a complete NOI package and any recommendations and mitigation actions will be included in an authorization under the General Permit. Projects not in designated sage grouse habitat are not subject to these additional NOI and authorization requirements.</p> <p>Also, the Montana Sage Grouse Oversight Team (MSGOT) has recognized that cities and towns do not provide sagebrush habitat. MSGOT approved an exemption from</p>

	<p>the consultation requirements of Executive Order 12-2015 for proposed projects that would occur wholly within existing boundaries of incorporated cities and towns. This geographically-limited exception to the consultation requirements applies to any activity that would wholly occur within the boundaries of incorporated cities and towns as of March 28, 2016.</p>
<p>Water quality, quantity, and distribution</p>	<p>[N] The proposed action will continue the beneficial effects of regulating storm water discharges associated with construction activities through a discharge permit that is designed to protect water quality. Each authorization under the General Permit will require implementation of a SWPPP, which includes the following key requirements: erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. The key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies from permitted construction projects. The proposed action requires owners or operators (permittees) to perform routine inspections, maintain up-to-date inspection reports on current site conditions, and perform corrective actions to maintain effective Best Management Practices (BMPs). The routine inspections require the permittees to self-monitor the implemented SWPPP for specific pollutants typical of construction activities, evaluate and update their SWPPP based on the inspection results, and continuously improve the water quality by minimizing impacts from storm water associated with their construction activities. MTR100000 will not directly affect water quantity. The construction and post-construction BMPs may include infiltration (via vegetative buffers, minimization of disturbance areas, directed runoff pathways, stabilization of swales or ditches, etc.) Runoff water can be infiltrated back into the aquifer, evapotranspired back into the water cycle, or reused through ponding. These requirements mitigate the potential increase of the quantity of water delivered to a receiving waterbody during storm events. Furthermore, these requirements potentially mitigate increases of water quantity to a receiving waterbody upon the project's final stabilization by reducing impervious surfaces that disrupt the natural cycle of gradual percolation through vegetation and soil. The proposed action is not expected to affect distribution.</p>

<p>Geology, and Soil quality, stability, and moisture</p>	<p>[N] Storm water runoff is generated when precipitation and snowmelt flow over land or impervious surfaces rather than percolate into the ground. Storm water runoff associated with construction activities may carry sediment, other pollutants, and increase erosion from the disturbed project site. The Permit promotes the stability and retention of native soils through sediment and erosion control requirements as part of a SWPPP. Although the General Permit does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation, the General Permit regulates the discharge of storm water that may come into contact with potential pollutant sources as a result of a construction project. The proposed Permit will mitigate the potential negative impacts to soil quality, stability, and moisture arising from construction activities through sediment and erosion control requirements for areas of disturbance (or exposed soils). Sediment control BMPs are designed to prevent soil particles carried in storm water from discharging from a construction site. These controls include silt fence, straw wattles, earthen berms, inlet protection, sediment traps, and sediment basins. Erosion control BMPs usually consist of a ground cover BMP used to prevent any of the forms of erosion from occurring such as surface roughening, diversion ditches, slope drains, velocity checks, and preservation of natural vegetation or vegetative buffers.</p> <p>Overall, issuance of MTR100000 will mitigate potential erosion and sediment migration and will support and protect natural geology, soil quality, stability, and moisture from negative impacts associated with regulated construction activities throughout Montana.</p>
<p>Vegetation cover, quantity, and quality</p>	<p>[N] Compliance with the Permit is not expected to negatively impact, and may improve, vegetation cover in the project area. MTR100000 places limits and conditions on storm water discharges from construction activities to limit areas of disturbance, provide a natural buffer within the construction project area, maintain natural buffers around state waters, preserve topsoil, mark and maintain clearing limits before disturbing soils, and require achievement of final stabilization prior to termination of permit coverage. Disturbance of the original vegetation is temporary based on the timeframe of the project. If the project is in a developed or urban area, the original vegetation may have already been altered through previous development. The controls incorporated within the Permit</p>

	<p>increase, restore, and maintain vegetation cover, quantity, and quality during construction activities. Many vegetative BMPs are landscaping features that, with optimal design and good soil conditions, remove pollutants, and facilitate percolation of runoff, thereby promoting healthier habitats, and increasing aesthetic appeal. Also, construction-related vegetative BMPs may include grassy swales, filter strips, artificial wetlands, and rain gardens. These increased and maintained landscaping features improve and enhance vegetation quantity and quality in the construction site area during the project and after final stabilization of the project.</p>
<p>Aesthetics (visual quality, nuisances, odors, noise)</p>	<p>[N] As discussed above in A and D, the benefits of the proposed action may increase the visual aesthetic appeal of regulated construction activities. The proposed action, to continue regulation of storm water associated with construction activities through renewal of the General Permit, is not expected to affect noise. During the active construction phase of a project and related operations there may be temporary aesthetic impacts (odor, visual, noise, etc.). The proposed action specifically regulates storm water associated with construction activities and not the scope of the project. The Program consultation letter, if required, may include noise or visual requirements that are specific to sage grouse. The proposed action may have a beneficial effect on odors by controlling discharges of pollutants conveyed through storm water in state surface waters, or from illicit discharges, that may be the source of odor.</p>
<p>Air Quality</p>	<p>[N] Issuance of MTR100000 is not expected to impact air quality. The proposed action will control water quality impacts arising from storm water discharge associated with construction activities. Disturbed areas within construction sites may contribute dust due to increased, temporary exposed soils. These permitted sites are required to implement and maintain BMPs to manage sediment on site and mitigate sediment potentially leaving the site. Additionally, BMPs may include street cleaning, which benefits air quality by controlling dust.</p>
<p>Unique, endangered, fragile, or limited environmental resources to include endangered species and species of concern</p>	<p>[N] The proposed action is not expected to impact unique, endangered, fragile, or limited environmental resources. The proposed action will protect water quality in receiving waterbodies from potential pollutants transported by storm water associated with construction activities. Therefore, aquatic life and habitat will be protected by MTR100000 and the subsequent authorizations covered under this General Permit. The Permit will require BMPs designed to</p>

	<p>increase, restore, and maintain vegetation within the construction site and these BMPs may benefit terrestrial and avian life by preserving habitat. Any vegetative communities and terrestrial, avian, and aquatic habitats that are potentially located within the boundaries of the construction activities may be temporarily impacted during the timeframe of the construction project. The General Permit reissuance does not approve, regulate, or permit the underlying construction activities or the scope of the proposed construction project or operation. The proposed action reissues the General Permit to regulate the discharge of storm water that may come into contact with potential pollutant sources from the construction activities within a project or operation site. Therefore, the proposed action may mitigate the potential negative impacts to the unique, endangered, fragile, or limited environmental resources located within, or near, the proposed construction project site. The proposed action regulates the discharge of storm water associated with construction activities and mitigates potential impacts to receiving waterbodies. Any potential impacts to aquatic species of concern would be minimal and temporary based on the timeframe of the construction project, and factors and frequency of storm events during this timeframe. Proposed construction projects located above. Overall, the proposed action may have a beneficial effect on unique, endangered, fragile, or limited environmental resources because MTR100000 focuses on improving water quality and encourages increased vegetation within construction project sites.</p>
<p>Historical and archaeological sites</p>	<p>[N] The proposed action requires authorizations for coverage including development and implementation of a SWPPP that focuses on sediment and erosion controls. Routine construction inspections ensuring effective sediment and erosion controls and regular construction site inventory will be incorporated in the SWPPP. Issuance of MTR100000 is not expected to have a direct effect on identified historical and archaeological sites. The proposed action may have a secondary beneficial effect of reduced or controlled erosion near or within a historical or archaeological site because erosion and sediment controls are required on all regulated construction projects. Previous reissuances of the General Permit provide no indication that historical and archaeological sites will be impacted by this action.</p>
<p>Demands on environmental resources (land, water, air, and/or energy use)</p>	<p>[N] The proposed action will continue the beneficial effects of regulating storm water discharges associated with construction activities to protect water quality.</p>

	<p>Implementation of a SWPPP includes the following key requirements: erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. The key SWPPP requirements are expected to result in substantial reductions of pollutants discharged into receiving waterbodies and protect land adjacent to the proposed construction project from sediment leaving the site. Therefore, the proposed action is intended to prevent, plan, and mitigate the potential negative effects of pollutants carried by storm water associated with construction activities and reduce the demand on resources that would result from uncontrolled storm water discharges (like contamination of local waterbodies, fish kills, and the destruction of spawning and wildlife habitats) and any consequential remediation efforts.</p>
<p><u>Cumulative and Secondary Effects Analysis:</u> The proposed action is protective of receiving waterbodies statewide from pollutants transported by storm water associated with construction activities. The proposed action will have a net beneficial (positive) effect on water quality. Authorizations under the Permit would discharge storm water in compliance with the Permit. MTR10000 proposes to continue regulating storm water discharges because unregulated and uncontrolled storm water associated with construction activities often has interrelated and cumulative effects such as degraded water quality and loss of habitat combining to impact terrestrial, avian, and aquatic habitat and environmental resources. Storm water associated with construction activities cumulative effects are more easily documented through impacts to habitat and aquatic life rather than changes in the water column chemistry because storm water associated with construction activities combines with (1) storm water from regulated sources like municipal separate storm sewer systems and industrial operations, (2) private and municipal regulated point source dischargers, and (3) non-point discharges to receiving waterbodies. All sources of pollutants can cumulatively impact receiving waterbodies. Construction activities, regulated under the General Permit are temporary in nature; and the potential pollutants discharged from construction sites will vary based on storm events. Construction activities are regulated under the General Permit until the site achieves final stabilization. The long term impacts from regulated construction projects may be minor compared to continuous dischargers impacting state surface waters. The proposed action maintains and further develops the current Storm Water Pollution Prevention Plans for regulated construction activities, and thus, continues to mitigate and reduce the cumulative effects of storm water discharges associated with construction activities into receiving waterbodies. Secondary impacts may include downstream impacts to surface water quality and aquatic habitat. Secondary impacts will be mitigated by requiring owners and operator to comply with the WQA through the General Permit. Compliance with technology and water quality-based effluent limits including controls and BMPs will ensure storm water discharges associated with construction activities comply with Montana’s surface water quality standards and maintain beneficial uses in receiving water bodies. The General Permit is an iterative process of an adaptive management approach for storm water permitting associated with construction activities, and future proposed reissuances will continue to mitigate and reduce potential negative cumulative effects from storm water associated with construction</p>	

activities.

Environmental Assessment for Potential Effects to the Human Population	
Topic	Evaluation
Social structures	[N] The proposed action will have no significant impact on this category.
Cultural uniqueness and diversity	[N] The proposed action will have no significant impact on this category.
Access to and quality of recreational and wilderness activities	[N] The proposed action will have no significant impact on the access to recreational and wilderness activities. The proposed action may enhance (benefit) the quality of recreational and wilderness activities by continuing to regulate storm water discharges associated with construction activities and by protecting water quality and aquatic habitat.
Local and state tax base and tax revenues	[N] The proposed action is not expected to significantly affect this category.
Human Health	[N] The proposed action is designed to minimize or eliminate potential negative effects on human health from storm water discharges associated with construction activity. Contaminated storm water runoff associated with construction activities may affect human health from pollutants conveyed to receiving waterbodies used for water supplies, fishing, and recreation. The proposed action may have an overall beneficial effect on human health.
Quantity and distribution of employment	[Y] The proposed action may result in increased temporary and permanent jobs to: (1) plan and implement sediment and erosion controls throughout a project, (2) educate permittees, their agents, employees, consultants, and representative regarding storm water permitting requirements, and (3) to certify SWPPP Preparer(s) and Administrator(s). Also, tourism and recreational fishing is a source of employment through guide services and gear distribution and retailers. The issuance of the General Permit protects receiving waterbodies, which protects this sector of Montana employment.
Distribution and density of population and housing	[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.
Demands for government services	[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.
Agricultural, industrial, and	[N] The proposed action is not expected to significantly

commercial production and activity (to include transportation)	impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action.
Locally adopted environmental plans and goals	[N] The proposed action is not expected to significantly impact this category. The type and location of construction activities that are subject to this General Permit are outside the scope of this action. Locally adopted environmental plans and goals will continue to require coverage under the General Permit for construction activities. The proposed action may have a beneficial effect on the local water quality.
Other social and economic circumstances	No further significant impacts have been identified. .
<p><u>Cumulative and Secondary Effects Analysis:</u> The proposed action is protective of receiving waterbodies statewide from pollutants transported by storm water associated with construction activities. The proposed action will have a net beneficial (positive) effect on storm water quality. Authorizations under the General Permit will discharge storm water in compliance with the Permit. Reissuance of MTR10000 will prevent impacts on human health through illness from consumption of polluted water supplies, direct contact during recreational activities like swimming and fishing, and consumption of contaminated fish. Secondary effects of polluted waterbodies from unregulated and uncontrolled storm water may include a negative impact on tourism and recreational fishing and the employment associated with these industries. The proposed action requires permittees to maintain and further develop the Storm Water Pollution Plans for regulated construction activities, and thus, continue to mitigate and reduce the cumulative and secondary effects of unregulated storm water associated with construction activities into receiving waterbodies. .</p>	

Description and analysis of reasonable alternatives to the proposed action (whenever alternatives are reasonably available and the implementation of these alternatives); and selection of the preferred action.

The proposed action is the reissuance of the Montana Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activities. The alternatives considered are:

1. No Action: The Department would not reissue the General Permit under the “no action” alternative. The Department concludes that not reissuing the General Permit would allow the General Permit to expire and then General Permit coverage is no longer available for regulated construction activities. Without reissuance of MTR10000, the fifth generation and active General Permit would expire effective midnight, December 31, 2017. All permitted construction activities would be required to obtain individual permit coverage. The individual permit application process would: (1) be more expensive for the owners/operators of the construction activities with the same baseline storm water controls indicative of construction site sediment and erosion best management practices and development and implementation of a SWPPP, (2) limit flexibility needed by the permittee to predict and/or react to site conditions during the phases of a construction project, and (3) delay updated construction permitting program requirements from being implemented as the proposed action requirements are already outlined for the upcoming five years. The federal storm water Phase I and II Rules were designed to accommodate general permit issuance for

construction activities, and the General Permit is the typical approach being used by the EPA and other states. The General Permit enables DEQ to provide an enforceable statewide regulatory mechanism for storm water discharges associated with construction activities where NOI packages and permit coverage can be effectively managed and expedited; and the owners/operators of construction projects can incorporate location-specific discretion to self-determine appropriate BMPs to control pollutant sources.

2. Reissuance of the General Permit with Modifications: The Department has not identified any necessary or reasonable alternatives to the proposed action.

Issuance of the General Permit is the Preferred Action Alternative: Per DEQ's duties to issue general permits for specific categories of point source discharges including discharges of storm water and the federal storm water Phase I and II Rules, the reissuance of MTR10000 will continue to regulate storm water discharges associated with construction activities and continue to prevent violations of water quality standards to receiving waterbodies.

The proposed action requires owners/operators of regulated construction activities to develop, implement, and update a SWPPP. The SWPPP includes erosion and sediment controls, soil stabilization techniques, controlling dewatering activities, managing pollution prevention measures, protocols for surface outlet discharges, and prohibiting certain construction-related discharges. Conducting construction activity in compliance with a SWPPP will result in substantial reductions of pollutants discharged into receiving waterbodies. *The reissuance of MTR100000 is the preferred action because the Permit will continue to provide an effective regulatory mechanism for protecting water quality from storm water discharges associated with construction activities.*

Listing and evaluation of mitigation, stipulations, and other controls enforceable by the agency or other government agencies: Storm water discharges within regulated municipal separate storm sewer systems (MS4s) may include additional requirements based on the MS4s' Storm Water Management Program. These additional requirements would be at least as stringent as the proposed action and support improved water quality from discharges associated with construction activities. Government agency subdivision review and approval of storm drainage plans and related designs may occur and overlap/supplement the General Permit requirements, but such reviews ensure proper drainage ways for subdivisions in Montana and the proposed action is for the reissuance of the permitting mechanism developed to protect water quality from discharges of storm water from construction activities. The Montana Sage Grouse Habitat Conservation Program (Program) may provide recommendations through a consultation process for construction projects based on initially the location of a project proposed within designated sage grouse habitats. Recommendations are based on a comparison of the proposed activity with stipulations set forth in Executive Order 12-2015 when considering the type of proposed activity and where it is located. The proposed action serves as a mechanism to ensure that water quality is protected and authorizations under the General Permit incorporate requirements imposed by the Program for sage grouse conservation. The Department has updated this General Permit NOI package and permit language to confirm whether a project will be located within designated sage grouse habitat and mitigate any potential impacts through incorporation of recommendations of a consultation process with authorizations (as needed). The Department would be the enforceable agency for any recommendations included within the General Permit's authorization letters. If violations of the WQA or the General Permit occur, the Department will initiate appropriate enforcement action under §75-5-part 5, MCA. Enforcement actions may include injunctions, civil and administrative penalties, and clean up orders. Additional

permitting, licenses, and authorizations may be required from other governmental agencies due to the final constructed project or operation and these may require controls that overlap and/or supplement the General Permit requirements.

Appropriate level of analysis and rationale: This programmatic review / environmental assessment is the appropriate level of evaluation because the proposed action is not expected to result in significant impacts on the physical and human environment. No further environmental analysis, through an environmental impact statement, is recommended.

Listing of other agencies and groups that have been contacted or have contributed information: Montana Natural Heritage Program, Montana State Historic Preservation Office, and Montana Sage Grouse Habitat Conservation Program

Public Involvement: This EA was public noticed.

EA Prepared by: Carolina Balliew, April 2017

Approved by:

Jon Kenning, Chief

Date