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<td><strong>FEDERAL</strong></td>
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| 1 Clean Water Act (Section 404) | COE & EPA         | Requires a permit for placement of dredged or fill material in "waters of the U.S." (includes lakes, rivers, streams, wetlands and other aquatic sites) | Below the Ordinary High Water Mark (OHWM) of rivers, streams, lakes and within the delineated boundaries of wetlands | If stream or jurisdictional wetland is present or suspected (see checklist) recommend that no alterations are made to the wetlands or require the developer to submit a letter from the Army Corps of Engineers (COE) indicating if the wetlands are regulated by the 404 program | Jean Ramer or Allan Steinle  
U.S. Army Corps of Engineers  
301 S. Park Avenue, Drawer 10014  
Helena, MT 59626-1375  
(406) 441-1375  
Jean.L.Ramer@usace.army.mil  
Allan.E.Steinle@usace.army.mil  
U.S. Environmental Protection Agency  
Federal Building, Drawer 10096  
Helena, MT 59626-0026  
(406) 457-5000 |
| 2 Endangered Species Act (ESA) | USFWS             | Requires consultation with U.S. Fish and Wildlife Service (USFWS)         | Fines can be applied to private land if known violations                                        | If habitat for bull trout, gray wolf (Non-Essential, Experimental population), or yellow-billed cuckoo are present (see checklist) (only bull trout and yellow-billed cuckoo are directly tied to wetlands) additional information should be requested and USFWS notified | Field Supervisor  
Mark Wilson  
U.S. Fish & Wildlife Service  
585 Shepard Way  
Helena, MT 59601  
(406) 449-5225  
Mark_Wilson@fws.gov |
| 3 National Environmental Policy Act (NEPA) | Various | Impacts to wetlands resulting from federal actions must be analyzed and documented | Issuance of federal permits (e.g. 404 permit) would require issuing agency to complete NEPA | No action at the county level would apply | Contact individual Federal Agencies to determine NEPA contact person |
| 4 National Flood Insurance Program | Local governments | Local floodplain regulations must meet the minimum National Flood Insurance Program requirements | Jurisdiction remains with the local government | County floodplain regulations apply | Local Floodplain Administrators  
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| Federal Rivers and Harbors Act (Section 10) | COE | Requires authorization for alteration of any navigable water | Navigable waters | Only applies to certain larger rivers | Jean Ramer or Allan Steinle  
U.S. Army Corps of Engineers  
301 S. Park Avenue, Drawer 10014  
Helena, MT 59626-1375  
(406) 441-1375  
Jean.L.Ramer@usace.army.mil  
Allan.E.Steinle@usace.army.mil |
| Montana Floodplain & Floodway Management Act | Local governments | This act authorized the Department of Natural Resources and Conservation (DNRC) to delineate the 100 year floodway and floodplain of every watercourse in the state and to restrict use of these designated areas to those uses that will not seriously damage or present a hazard to life, if flooded | New construction planned within a 100 year designated floodplain | County floodplain regulations | Local Floodplain Administrator  
-or-  
Karl Christians  
Department of Natural Resources and Conservation  
48 North Last Chance Gulch  
Helena, MT 59626  
(406) 444-6654  
kchristians@mt.gov |
<p>| Montana Code (also see county regulations below) | State of MT | Requires local governments to regulate sanitation (Septic system requirements below) and consider effects to various criteria including Natural Environment and Wildlife and Wildlife Habitat | All subdivisions of land | This is the guidance and jurisdiction for the county to consider the impacts of a proposed subdivision to wetlands (County subdivision regulations) | County governments |</p>
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<td>8 County Septic System Regulations</td>
<td>County</td>
<td>Applies to anyone proposing to construct, alter, extend, or operate a sewage treatment and disposal system; Conventional systems must be 100 feet from the 100 year floodplain and 6 feet from groundwater</td>
<td>All septic</td>
<td>If wetland is present (see checklist) indicates high groundwater and depth to groundwater should be determined prior to sewage treatment system location approval</td>
<td>County Environmental Health Department</td>
</tr>
<tr>
<td>9 Montana Natural Streambed and Land Preservation Act (310 permit)</td>
<td>Local CD</td>
<td>For any person or entity (non-governmental) proposing work in or near a stream that may affect the bed or banks of the stream.</td>
<td>Any activity that physically alters or modifies the bed or banks of a perennially flowing stream</td>
<td>If perennial stream is present adjacent riparian areas may be jurisdictional wetland (see checklist) and impacts should be considered in county evaluation and applicant should be told to contact the Conservation District (CD)</td>
<td>Local Conservation District <a href="http://www.mt.nrcs.usda.gov/partnerships/districts.html">http://www.mt.nrcs.usda.gov/partnerships/districts.html</a> <a href="http://www.macdnet.org/conservationdirectorycontact.htm">http://www.macdnet.org/conservationdirectorycontact.htm</a></td>
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<td>10 Montana Stream Protection Act (SPA 124 permit)</td>
<td>MTDFWP</td>
<td>For federal, state, and local government projects proposed in or near a stream that may affect the bed or banks of the stream.</td>
<td>Any activity that physically alters or modifies the bed or banks of a perennially flowing stream</td>
<td>Generally will not apply as subdivisions are typically private individuals or companies (310 permit would apply)</td>
<td>Glenn Phillips Montana Department of Fish, Wildlife and Parks 1420 6th Avenue East Helena, MT 59620 (406) 444-5334 <a href="mailto:gphilips@state.mt.us">gphilips@state.mt.us</a></td>
</tr>
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<td>11 Montana Water Use Act (Water Rights Change or Water Reservations)</td>
<td>DNRC/CD</td>
<td>The Montana Water Law requires new water developments (after July 1, 1973) to be filed with the DNRC to receive a water right. For groundwater developments, wells and developed springs, the amount of water to be used will determine type of right that needs to be applied for.</td>
<td>Water rights</td>
<td>If groundwater developments are proposed and wetlands are present on the parcel (see checklist) effects to wetlands from groundwater pumping should be considered by applicant and county (Natural environment)</td>
<td>Department of Natural Resources and Conservation P.O. Box 201601 Helena, MT 59620-1601 (406) 444-6835</td>
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| **Short-term Water Quality Standard for Turbidity (318 Authorization) (Section 401 CWA)** | DEQ | Requires that federal permits or licenses (including 404 permits) that can result in discharges of pollutants to waters of the U.S. receive certification from the state that such discharges will not violate applicable water quality standards. In Montana, 404 permits receive 401 certification from Montana Department of Environmental Quality (DEQ). | Waters of the U.S. including wetlands | If wetland is present (see Wetlands Indicators checklist) this authorization is needed to ensure water quality standards are maintained and applicant should be told to contact DEQ | Jeff Ryan  
Department of Environmental Quality  
1520 East 6th Avenue  
P.O. Box 200901  
Helena, MT 59626-0096  
(406) 444-4626  
jeryan@mt.gov |
| **Streamside Management Zone Law** | DNRC | Any landowner or operator conducting a series of forest practices that will access, harvest, or regenerate trees on a defined land area for commercial purposes on private, state, or federal lands. | Streams | If a stream is present and these activities are proposed, this regulation may also protect associated wetlands and applicant should be told to contact DNRC | Local Forester  
Department of Natural Resources and Conservation  
http://dnrc.mt.gov/forestry/Personnel/SvcForesters.asp |
| **Montana Land Use License or Easement on Navigable Waters** | DNRC | Any entity proposing a project on lands below the low water mark of navigable waters; If an applicant receives a 310 permit, certain activities do not apply under this section | Below the Ordinary High Water Mark (OHWM) of navigable rivers | If navigable stream is present, this regulation may also protect associated wetlands and applicant should be told to contact DNRC | Department of Natural Resources and Conservation  
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<td>Montana Pollutant Discharge Elimination System (MPDES Permit)</td>
<td>DEQ</td>
<td>Applies to all discharges to surface water or groundwater, including those related to industrial, municipal, and other commercial discharges; In addition, several general discharge permits have been developed to streamline permitting of construction dewatering and other activities.</td>
<td>Surface and groundwater and minimum areas of disturbance (1-5 acres)</td>
<td>If stream or wetland is present (see checklist) applicant should be told to contact DEQ regarding regulations on storm water discharge to wetlands.</td>
<td>Department of Environmental Quality--Water Protection Bureau P.O. Box 200901 Helena, MT 59620-0901 (406) 444-4969</td>
</tr>
<tr>
<td>Storm Water Discharge General Permit</td>
<td>DEQ</td>
<td>Any person, agency, or entity, either public or private, proposing a construction, industrial, mining, or other defined activity that has a discharge of storm water into surface waters. Under the authority of the Montana Water Quality Act, permit authorization is typically obtained under a Montana Pollutant Discharge Elimination System (MPDES) &quot;General Permit&quot;.</td>
<td>All surface waters and greater than 5 acres disturbance</td>
<td>If stream or wetland is present (see checklist) applicant should be told to contact DEQ regarding regulations on storm water discharge to wetlands.</td>
<td>Department of Environmental Quality--Water Protection Bureau P.O. Box 200901 Helena, MT 59620-0901 (406) 444-4969</td>
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