



Licenses & Permits

Stream Permitting Guide

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Information for Applicant (For 310 Permit Application)

Text Size

Project Review Process

Notices of proposed project must be submitted on the [joint application](#) for proposed work on streams to the conservation district in which the activity will take place. The conservation district may reject applications that are not complete.

Upon acceptance of permit application, the district will notify the applicant if an inspection of the proposed project site will be conducted. As the applicant, you (or your representative) are entitled to be a team member for the purposes of making recommendations to the district. Other team members include a Department of Fish, Wildlife and Parks representative and a conservation district representative. Team members may waive participation in the on-site inspection. If no inspection is conducted, the district may proceed with the application and the applicant will be notified of their decision.

After an inspection is conducted, team members make recommendations to the district. The applicant can waive participation, submit this form jointly with other team members (if in agreement with their recommendations), or submit a separate form.

Applications will be reviewed to determine if the project will be accomplished by reasonable means using the following criteria.

1) The effects of 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 environment and better accomplish the purpose of the proposed project; 6) whether the proposed project will create harmful flooding or erosion problems upstream or downstream.

The district will make their decision to approve, modify, or deny the project within 60 days of acceptance of your application. However, this time period can be extended if the district determines it necessary to collect further information. After you receive the supervisors' decision, you have 15 days to return the permit, signed to indicate your intent to proceed. Unless otherwise stated on the supervisors' decision form, you must wait 15 days before proceeding with your project.

General Project Considerations

1. The applicant must provide sufficient information for the district to make a reasonable determination to approve, modify, or deny a project. All information requested on the application form must be provided.
2. Projects must be designed and constructed using methods that minimize: a) adverse impacts to the stream, both upstream and downstream; and (b) future disturbance to the stream.
3. All disturbed areas must be managed during construction and reclaimed after construction to minimize erosion.
4. Temporary structures used during construction must be designed to handle high flows reasonably anticipated during the construction period. Temporary structures must be completely removed from the stream channel at the conclusion of construction and the area must be restored to a natural or stable condition.
5. Channel alterations must be designed to retain original stream length or otherwise provide hydrologic stability.
6. Streambank vegetation must be protected except where removal of such vegetation is necessary for the completion of the project. When removal of vegetation is necessary, it must be kept to a minimum.
7. Riprap, rock, or other material used in a project must be of adequate size, shape, and density and must be properly placed to protect the streambank from erosion.

8. The district may:

- a. limit the time and duration of construction to minimize impacts to the stream or associated aquatic life;
- b. require the applicant to submit engineering designs when in the district's judgment the project's complexity requires a greater assurance of project stability to minimize impacts to the stream;
- c. require the applicant to provide project completion documentation, which may include photographs.

9. Unless specifically authorized by the district, the following activities are prohibited:

- a. the placement of road fill material in a stream;
- b. the placement of debris or other materials in a stream where it can erode or float into the stream;
- c. projects that permanently prevent fish migration;
- d. operation of construction equipment in a stream; and
- e. excavation of streambed gravels.

Individual districts may require additional information. For more information, contact the conservation district in which the project will be conducted or contact the Department of Natural Resources and Conservation, Conservation Districts Bureau, Box 201601, Helena, Montana 59620-1602, 406-444-6667.



CONTACT

DEPT. OF NATURAL RESOURCES & CONSERVATION
1625 ELEVENTH AVE.
HELENA, MT 59601
PHONE: (406) 444-2074
FAX: (406) 444-2684

DIVISIONS

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