



Licenses & Permits

Stream Permitting Guide

Montana Land-use License of Easement on Navigable Waters

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G. Montana Land-use License of Easement on Navigable Waters

Text Size

Who Must Apply

Any entity proposing a project on lands below the low water mark of navigable waters.

Activities Requiring a Permit

The construction, placement, maintenance, or modification of a structure or improvements in, over, below, or above a navigable river. If in doubt, contact the Department of Natural Resources and Conservation Land Office nearest to the project area for a determination of the navigability of the river.

This permit program does not apply to mining, mineral, or oil and gas activities in navigable rivers.

Purposes of the Law

- To protect riparian areas and the navigable status of the water body.
- To provide for the beneficial use of state lands for public and private purposes in a manner that will provide revenues without harming the long term capability of the land or restricting the original commercial navigability.

Who Administers the Law

Department of Natural Resources and Conservation (DNRC).

Application Procedure/Timeline

A DNRC Land Use License or Easement Application, along with the nonrefundable application fee, must be submitted to the appropriate Land Office nearest to the project area. DNRC staff will review the application, conduct a field investigation if necessary, and file an environmental action checklist as appropriate. A written report and recommendation is then submitted to the Real Estate Management Bureau in Helena, which makes the final determination and recommends stipulations as necessary. A Land Use License can normally be reviewed, approved, and issued within 60 days upon the payment of the \$50 application fee and a minimum annual rental fee. The license may be held for up to 10 years, with the ability to request renewal for an additional 10 years. An easement requires approval from the Board of Land Commissioners, which normally takes up to 90 days. The current easement application fee is \$50, with an additional fee for the easement itself.

For more information contact:

DNRC Land Office
or
Real Estate Management Bureau
Department of Natural Resources and Conservation
1625 Eleventh Avenue
P.O. Box 201601
Helena, MT 59620-1601
(406) 444-2074

CONTACT

DEPT. OF NATURAL RESOURCES & CONSERVATION
1625 ELEVENTH AVE.

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