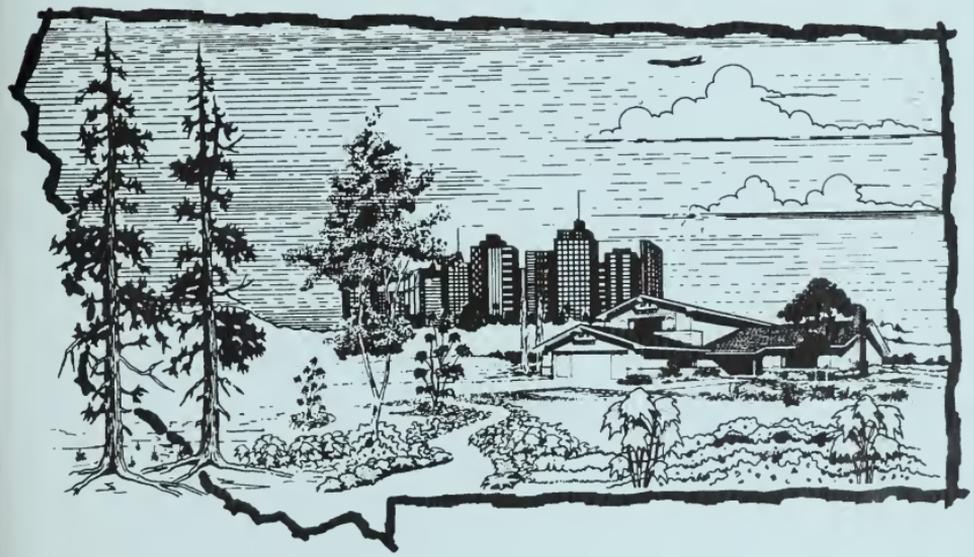


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ENVIRONMENTAL PERMIT DIRECTORY



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HELENA, MT. 59601**



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MONTANA ENVIRONMENTAL PERMIT DIRECTORY



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INTRODUCTION

This Permit Directory was prepared by the Montana Environmental Quality Council in an effort to draw together in one place a comprehensive list of permits and licenses which must be obtained to engage in activities in the state of Montana which may have an impact on the environment. It is hoped that this Directory will be of aid to persons contemplating such activities. If a proposed project even remotely resembles any of the areas of regulation listed here, the appropriate authorities should be contacted for more complete information, forms, time limits, etc.

The Permit Checklist presents the Directory's organization in summary form. By proceeding down the checklist, you should be alerted to the types of regulations which may apply to your proposed activity.

Several indexes are provided to increase the utility of the Directory. Index I contains a listing of state permitting agencies and the activities which they regulate. Index II lists state agency regional offices which may be contacted for specific information and permit applications. Index III lists local permitting authorities and the types of permits with which they are involved. Index IV lists federal agencies having regulatory responsibilities for activities undertaken in the state. Index V is an alphabetical listing of all topics treated in the Directory.

DIRECTORY OF PERMITS SPECIAL AREAS

If the development or activity is to be located in one of the following special areas, check with the appropriate authorities for special land use and activity restrictions.

Airport Zones

The height of buildings and structures is regulated within two miles of public airports. Searchlights and other lights may be prohibited. Permits for construction must be obtained from the local governing body which owns or operates the airport.

Statute: *Airport Zoning Act, 1-701 et seq., R.C.M. 1947*

Contact: Local Governing Body
Zoning Board

Antiquity Sites

A permit is required to excavate in a registered antiquity site. Permits are available only to colleges, museums, etc.

Statute: *Preservation of Antiquities Act, 81-2501 et seq., R.C.M. 1947*

Contact: Department of Fish & Game
Recreation and Parks Division

Conservation Districts

Agricultural lands located within a Soil and Water Conservation District may be subject to land use regulations administered by the Conservation District supervisors.

Statute: *76-101 et seq., R.C.M. 1947*

Contact: Conservation District Supervisors

Floodways or Floodplains

Artificial obstructions and nonconforming uses within a designated floodway or floodplain require a permit from the local governing body, or from the Department of Natural Resources & Conservation if the local authorities have not adopted regulations.

Statute: *Floodway Management Act, 89-3501 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.14B(1)-S1400 et seq.*

Contact: Local Governing Body
Department of Natural Resources & Conservation
Floodway Management Bureau

Forest Areas: Burning Permits

Burning permits must be obtained from either the Department of Natural Resources & Conservation or from the Board of County Commissioners, depending on whether it is a state or county forest. Open burning permits are also required from the Department of Health & Environmental Sciences Air Quality Bureau.

Statutes: *28-114, R.C.M. 1947 and 28-601 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.10A(1)-S1000 et seq. and MAC 16-2.14(1)-S1490*

Forest Areas: Christmas Tree Cutting

A permit must be obtained from DNR&C.

Regulations: *MAC 36-2.10B(1)-S1010*

Forest Areas: Portable Sawmills

A license from DNR&C is required to operate a portable sawmill on forest lands.

Statute: *28-801 et seq., R.C.M. 1947*

Forest Areas: Removal of Timber

Permits for removal of dead or inferior timber may be obtained from DNR&C or from the Board of County Commissioners.

Statutes: *28-505, R.C.M. 1947 and 81-1407, R.C.M. 1947*

Forest Areas: Slash Disposal

Fire hazard reduction agreements with DNR&C are required before conducting any timber stand improvements on private lands. DNR&C must be notified at least ten days before any clearing for right-of-way, etc. DNR&C will issue a certificate of clearance when a contract for reduction of fire hazard has been executed.

Statute: *28-403.1 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.10B(2)-S1060 et seq.*

Contact: Board of County Commissioners

County Health Officer

Department of Natural Resources & Conservation

Forestry Division Area Supervisor

Department of Health & Environmental Sciences

Air Quality Bureau

Highway Advertising

A permit is required from the Department of Highways for outdoor advertising signs along the right-of-way of interstate or primary highways.

Statute: *32-4715 et seq., R.C.M. 1947*

Regulations: *MAC 18-2.6A1(14)-S6210 et seq.*

Highway Right-of-Way: Approach Permits

Permits are issued by the Department of Highways for the construction of driveways and other approaches intersecting public streets and highways.

Regulations: *MAC 18-2.6A1(1)-S615 et seq.*

Contact: Department of Highways

Area Field Maintenance Bureau

Highway Right-of-Way: Encroachments - Easements

Permits are issued by the Department of Highways for construction or maintenance of encroachments on or under highway rights-of-way. Written permission is required from the Board of County Commissioners for any excavation or construction across public

highways. Utility easements on or across highway rights-of-way may be obtained from the Department of Highways.

Statute: 32-4403, R.C.M. 1947

Regulations: MAC 18-2.6A1(2)-S6020 et seq.

Contact: Board of County Commissioners

Department of Highways
Right-of-Way Bureau

Lakeshores

If the local governing body has adopted lakeshore protection regulations, a permit is required for any work which will alter the current, course, or cross-sectional area of a lake or its shore (up to 20 feet from the mean high-water mark). Upon petition from the land-owners, the Department of Natural Resources & Conservation may adopt and enforce regulations.

Statute: 89-3701 et seq., R.C.M. 1947

Contact: Local Governing Body

Department of Natural Resources & Conservation

Open Spaces - Natural Areas

If the land is subject to a conservation easement held by the local governing body, development may be restricted by the terms of the easement, which should appear on the deed. Activities on state lands may be subject to restrictions as described in a Natural Areas Master Plan, administered by the Department of State Lands.

Statutes: *Open Space Land Act*, 62-601 et seq., R.C.M. 1947

Natural Areas Act, 81-2701 et seq., R.C.M. 1947

Regulations: MAC 26-2.14(4)-S1410 et seq.

Contact: Local Governing Body

Department of State Lands
Land Administration Division

Stream Beds - Stream Banks - Wetlands

Any physical alteration of a natural perennial flowing stream, its bed, or immediate banks requires approval from either the Conservation District Supervisors (Title 76, Chapter 1, R.C.M. 1947), the Grass Conservation District Supervisors, (Title 46, Chapter 23, R.C.M. 1947), or the Board of County Commissioners. Written notice must be sent to the appropriate local authority which then notifies the Department of Fish & Game. A team may be formed for an on-site inspection. In addition, a permit is required from the Army Corps of Engineers for any dredge and fill activity or other work which affects "navigable waters" or wetlands.

Statutes: *Stream Preservation Act*, 26-1501 et seq., R.C.M. 1947

Rivers and Harbors Act, 33 USC 401 et seq.

Regulations: MAC 36-2.2(2)-S210 et seq.

33 CFR 209 and 40 Federal Register 31319

Contact: Board of County Commissioners

Conservation District Supervisors
Army Corps of Engineers
District Engineer

GENERAL REGULATIONS

One or all of the following general regulations may apply to all types of developments and activities. The appropriate authorities should always be contacted to see which regulations are applicable.

Building Codes and Restrictions

The state-wide building code applies to all construction throughout the state. A local community may adopt its own code. A permit from county or municipal authorities is required before any construction can begin.

Statute: 69-2105 *et seq.*, R.C.M. 1947

Regulations: MAC 2-2.10(6)-S10130 *et seq.*

Contact: City or Town Council
Board of County Commissioners

Fire Inspection

Buildings designed for assembly, business, educational, industrial, institutional, or residential (other than single-family private homes) occupancy must meet fire escape and fire extinguisher requirements. Plans must be submitted to and a permit obtained from the State Fire Marshal.

Statute: 69-1801 *et seq.*, R.C.M. 1947

Contact: Department of Justice
State Fire Marshal
Fire Marshal Bureau

Water Pollution - Sewage - Sanitary

A permit from the Department of Health & Environmental Sciences is required to construct, modify or operate a disposal system which discharges into state waters, or to construct or use any outlet for discharge of sewage, industrial or other wastes into state waters, or for any other project which may have an adverse impact on the quality of state waters. A permit application must be filed no less than 180 days prior to the operation of a point source. In addition, all structures or facilities which require the disposal of sewage through an individual disposal system must be approved by the local board of health.

Statute: 69-4801 *et seq.*, R.C.M. 1947

Regulations: MAC 16-2.14(10)-S14460

Contact: Local Board of Health
Department of Health & Environmental Sciences
Water Quality Bureau

Water Pollution: Federal Facilities

Federal permitting authority is involved for federal facilities, for projects which require federal permits or licenses under some other regulatory authority (e.g., activities licensed by the FPC), and for activities on Indian reservations.

Contact: Environmental Protection Agency
Region VIII

Zoning Regulations

Cities, towns and counties may adopt zoning regulations and establish zoning districts for the regulation of height and size of buildings, percentage of lot occupied, size of yards, density of population, location and use of buildings, etc. Local zoning regulations, if any, should always be checked before beginning any development or activity. No zoning rule may prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner.

Statutes: *11-2701 et seq.; 11-3801 et seq.; 16-4101 et seq. and 16-4701 et seq., R.C.M. 1947*

Contact: Local Governing Body
Local Zoning Board

WATER USE

If the project requires the use of water or the development of a water supply, the following regulations may apply.

Public Water Supply

A water supply system serving ten or more families must be approved by the Department of Health & Environmental Sciences. Advance notice to the Department is required before drilling a well for a public water supply. Water supply systems for food and lodging establishments licensed by the Department must also be approved.

Statute: *69-4901 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(10)-S14370, 14380*

Contact: Department of Health & Environmental Sciences
Water Quality Bureau

Surface Water Appropriations - Diversions

A permit from the Department of Natural Resources & Conservation is required to appropriate surface water for beneficial uses. Application forms are available from the Department or from the County Clerk & Recorder. Thirty days notice must be given to the owners of a railroad right-of-way before conducting water by ditch or flume over the right-of-way. Diversion of water outside the state requires an Act of the Legislature.

Statutes: *89-820, 89-846, 89-865 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.14J(1)-S1400 et seq.*

Contact: County Clerk & Recorder
Department of Natural Resources & Conservation
Water Rights Bureau

Water Wells

Outside of a Controlled Groundwater Area, no prior permit is required to drill a well with a maximum yield of less than 100 gallons per minute. However, notice of completion of the well must be filed with the Department of Natural Resources & Conservation within 60 days. For larger wells, or inside a Controlled Groundwater Area, a permit for appropriation of groundwater must be obtained from the Department. All wells must be drilled by a contractor licensed by the Board of Water Well Contractors, or by a person who has been granted a permit by the Board to drill a well on his own property for his own private use.

Statutes: *89-2911 et seq.* *89-880*, and *66-2602 et seq.*, *R.C.M. 1947*

Regulations: *MAC 36-2.14J(1)-S1400 et seq.*
MAC 40-3.106(6)-S10620 et seq.

Contact: County Clerk & Recorder
Department of Natural Resources & Conservation
Water Rights Bureau
Board of Water Well Contractors

GEOPHYSICAL EXPLORATION

If seismic exploration using explosives is involved in the project, the following may apply.

Geophysical Exploration

Persons engaged in the business of geophysical exploration using seismographs and explosives must file with the Secretary of State. Such a person must file a notice of intent and receive an exploration permit from the County Clerk & Recorder before conducting any such exploration. A report must be filed within three months after the firing.

Statute: *69-3301 et seq.*, *R.C.M. 1947*

Contact: County Clerk & Recorder
Secretary of State

SPECIFIC CATEGORIES

In addition to the statutes and regulations listed above which may apply to all types of developments and activities, if the activity falls into one or more of the following categories, additional regulations may apply.

AGRICULTURE

Animal Confinement Facilities

Permits are required from the Department of Health & Environmental Sciences for operation of confined animal feeding facilities which may cause air or water pollution.

Regulations: *MAC 16-2.14(10)-S14530, 14540*

Contact: Department of Health & Environmental Sciences
Water Quality Bureau

Apiaries

Apiaries must be registered with the state Department of Agriculture and permits must be obtained for operation or relocation.

Statute: *3-3101 et seq., R.C.M. 1947*

Regulations: *MAC 4-2.34(1)-S3400 et seq.*

Contact: Department of Agriculture
Apiculture Division

Disease Control

Livestock are prohibited from entering designated Disease Control Areas without a permit from the Department of Livestock.

Statute: *46-212, R.C.M. 1947*

Contact: Department of Livestock
Disease Control Bureau

Fertilizer Registration

Fertilizers must be registered with the state Department of Agriculture before distribution in Montana. An annual license from the Department is required to sell or distribute fertilizer.

Statute: *3-1714.2 et seq., R.C.M. 1947*

Regulations: *MAC 4-2.10(1)-S1000 et seq.*

Contact: Department of Agriculture
Feed & Fertilizer Division

Grazing Leases

Preferences and permits for grazing within a Grass Conservation and Grazing District must be obtained from the District Supervisors. The Department of State Lands issues leases for grazing on state lands.

Statutes: *46-2301 et seq. and 81-401 et seq., R.C.M. 1947*

Contact: Grazing District Supervisors
Department of State Lands
Centralized Services Division

Nurseries - Nurserymen - Nursery Stock

Inspection, certification, and licensing by the Department of Agriculture is required for sale of nursery stock.

Statute: *3-1201 et seq., R.C.M. 1947*

Regulations: *MAC 4-2.18(6)-S1830 et seq.*

Contact: Department of Agriculture
Horticulture Division

Pesticides

All pesticides distributed in the state must be registered annually with the Department of Agriculture. The Departments of Health & Environmental Sciences and Fish & Game also review registration applications. Commercial applicators must be licensed annually by the Department of Agriculture and farm applicators must obtain special use permits for restricted pesticides. Aerial applicators must be licensed by the Department of Community Affairs.

Statute: *Montana Pesticides Act, 27-213 et seq., R.C.M. 1947*

Regulations: *MAC 4-2.22(1)-S2200 et seq.*
MAC 22-3.6(10)-S650 et seq.

Contact: Department of Agriculture
Pesticides Division
Department of Community Affairs
Aeronautics Division

CARRIERS - TRANSPORTATION

Air Carriers

Air carriers must receive a certificate of public convenience and necessity from the Board of Aeronautics. Airplanes must be registered with the Board.

Statute: *1-322 et seq., R.C.M. 1947*

Contact: Department of Community Affairs
Aeronautics Division

Airport Licensing

Airports and other air navigation facilities must be licensed annually by the Department of Community Affairs. The Department also issues certificates of site approval.

Statute: *1-301 et seq., R.C.M. 1947*

Contact: Department of Community Affairs
Aeronautics Division

Motor Carriers

Certification from the Public Service Commission is required for the transportation of livestock by motor vehicles on public highways. Commercial motor carriers must receive a certificate of public convenience and necessity from the Commission.

Statute: *8-101 et seq., R.C.M. 1947*

Regulations: *MAC 38-2.6(1)-S600 et seq.*

Contact: Department of Public Service Regulation
Transportation Division

COMMERCIAL - INDUSTRIAL

Air Pollution Permits: State

Permits from the Department of Health & Environmental Sciences are required for the construction, installation and operation of equipment or facilities which may directly or indirectly cause or contribute to air pollution. A permit application must be filed not later than 180 days before construction, and not later than 120 days before installation of the facility. The city or county may administer its own air pollution program in addition to the Department's permit program. Permit regulations and/or emission limitations apply to the following:

- Acid manufacturing
- Aluminum plants
- Asphalt batching
- Canneries
- Cement plants
- Concrete batching
- Fertilizer plants
- Fluoride emissions
- Foundries
- Incinerators
- Industrial or commercial boilers or furnaces burning fuel, wood, coal or heavy petroleum products
- Industrial or commercial power generation
- Kraft pulp mills
- Lumber mills
- Manufacturing plants (see list in the Department's regulations)
- Metallurgical operations
- Metal scrap processing
- Non-ferrous smelters
- Petroleum products storage
- Petroleum refining
- Phosphate rock or phosphorite processing
- Pulp and paper mills
- Rock crushing, gravel cleaning
- Slaughterhouses, rendering plants
- Use of sulfur-containing fuels
- Wood waste burners

Statute: *Montana Clean Air Act, 69-3904 et seq., R.C.M. 1947*

Regulations: *16-2.14(1)-S1400 et seq.*

Contact: Local Board of Health
Department of Health & Environmental Sciences
Air Quality Bureau

Air Pollution Permits: Federal

Federal permitting authority is involved for hazardous pollutants, for certain point source categories, and under the federal nondegradation rules. The Department will provide information as to when federal approval is required.

Contact: Department of Health & Environmental Sciences
Air Quality Bureau
Environmental Protection Agency
Region VIII

Indoor Emissions - Occupational Noise - Radiation

A permit is required from the Department of Health & Environmental Sciences for the operation of machinery which may emit pollutants into an enclosed work area. The Department also regulates occupational noise levels and laser emissions. Persons who handle radioactive materials must be licensed by the Department.

Statutes: *69-4206 et seq. and 69-5801 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(6)-S14270 et seq.*

Contact: Department of Health & Environmental Sciences
Occupational Health Bureau

Major Facility Siting

Certificates of Public Need and Environmental Compatibility may be required from the Board of Natural Resources & Conservation for major facilities which produce natural gas or liquid hydrocarbon products, enrich uranium minerals, or utilize, refine, or convert coal. Certification is also required from the Department of Health & Environmental Sciences that the facility will not violate air and water quality standards. Upon receipt of an application for certification, DNR&C conducts a study of the proposed facility and reports to the Board. Reports are also received from the Departments of Health & Environmental Sciences, Fish & Game, Highways, Community Affairs, and the Public Service Commission. A public hearing is then held. Each person contemplating construction of a major facility within the next 10 years must submit an annual long-range plan to DNR&C. Certification under this act removes the requirement for permits or authorizations under any other statute or ordinance, except that air and water quality standards are still to be enforced by the Department of Health & Environmental Sciences.

Statute: *Major Facility Siting Act, 70-801 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.8(1)-S800 et seq.*

Contact: Department of Natural Resources & Conservation
Energy Planning Division
Department of Health & Environmental Sciences
Air Quality Bureau
Department of Health & Environmental Sciences
Water Quality Bureau

FOOD PROCESSING AND SERVICE

Dairies

Approval from the Department of Health & Environmental Sciences is required for the construction, remodeling, or relocation of dairy plants. Licenses for operation must be obtained from the Departments of Health & Environmental Sciences and Livestock. The local health board may also participate in the licensing.

Statute: 3-24-110 *et seq.*, R.C.M. 1947

Contact: Local Board of Health

Department of Health & Environmental Sciences
Food & Consumer Safety Bureau

Department of Livestock
Milk & Egg Bureau

Food Service Establishments

Food manufacturing establishments, meat markets, food service establishments, frozen food plants, and commercial food processors must receive an annual license from the Department of Health & Environmental Sciences. The local board of health may assist in enforcement. The Department of Livestock may also have approval authority.

Statute: 27-611 *et seq.*, R.C.M. 1947

Regulations: MAC 16-2.14(2)-S14210-14220 and 32-2.6(1)-S600 *et seq.*

Contact: Department of Health & Environmental Sciences
Food & Consumer Safety Bureau

Liquor Licenses

In addition to all Health Department regulations, a license must be obtained from the Department of Revenue. The city or county may also require a license.

Statute: 4-4-101 *et seq.*, R.C.M. 1947

Regulations: MAC 42-2.12(6)-S1298 *et seq.*

Contact: Local Governing Body

Department of Revenue
Liquor Division

Rendering and Disposal Plants

An annual license is required from the Department of Livestock.

Statute: 46-2401 *et seq.*, R.C.M. 1947

Contact: Department of Livestock
Disease Control Bureau

Slaughterhouses - Meatpacking Plants

Licenses must be obtained from the Department of Livestock.

Statute: 46-235, R.C.M. 1947

Contact: Department of Livestock
Disease Control Bureau

HUNTING - FISHING - WILDLIFE MANAGEMENT

The Department of Fish & Game is charged with the regulation of hunting and wildlife management and issues all hunting permits and licenses, with the exception of aerial hunting permits (see below).

Contact: Department of Fish & Game
Centralized Services Division
Licensing Section
Enforcement Division
Fisheries Division
Game Management Division

Hunting and Fishing

Commercial Seining: *MAC 12-2.6(1)-S640*. Contact: Licensing Section
Fish and Game Licenses: *MAC 12-2.6(1)-S600 et seq.* Contact: Licensing Section
Hunting Regulations: *MAC 12-2.10(2)-S1040 et seq.* Contact: Enforcement Division
Ice Fishing Regulations: *MAC 12-2.10(1)-S1000 et seq.* Contact: Enforcement Division
Migratory Waterfowl Permits: *MAC 12-2.22(1)-S2200*. Contact: Game Management Division
Shooting Preserve Bird Tags: *MAC 12-2.6(1)-S620*. Contact: Licensing Section
Special Permits & Licenses: *MAC 12-2.6(1)-S650 et seq.* Contact: Licensing Section
Use of Baits on Department Lands: *MAC 12-2.22(1)-S22060*. Contact: Game Management Division
Wild Bird Permits: *MAC 12-2.22(1)-S22070*. Contact: Game Management Division

Special Activities

Beaver Trapping: *26-402 R.C.M. 1947; MAC 12-2.10(18)-S10210*. Contact: Enforcement Division
Breeding Game Birds & Animals: *26-1201 et seq., R.C.M. 1947*. Contact: Enforcement Division
Fur Dealers: *26-1301 et seq. R.C.M. 1947*. Contact: Enforcement Division
Importation of Salmon Eggs: *26-1701 et seq., R.C.M. 1947; MAC 12-2.18(2)-S1820*. Contact: Fisheries Division
Outfitters Licensing: *26-904 et seq., R.C.M. 1947; MAC 12-2.10(6)-S1080*. Contact: Enforcement Division
Roadside Zoos: *26-1205 et seq., R.C.M. 1947; MAC 12-2.6(1)-S630*. Contact: Licensing Section
Shooting Preserves: *26-1601 et seq., R.C.M. 1947*. Contact: Enforcement Division

Aerial Hunting of Predators

Permits are obtained from the Department of Livestock.
Statute: *46-1903 et seq., R.C.M. 1947*
Regulations: *MAC 32-2.10(22)-S10090 et seq.*
Contact: Department of Livestock
Predatory Animal & Rodent Control Bureau

LODGING - CAMPING

Lodging Establishments

Hotels, motels, tourist homes, retirement homes and rooming houses require annual licenses from the Department of Health & Environmental Sciences. Approval from the local health board may also be required.

Statute: *34-301 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(2)-S14150*

Contact: Local Board of Health

Department of Health & Environmental Sciences
Food & Consumer Safety Bureau

Tourist Campgrounds - Trailer Courts - Industrial Camps

Licenses are required from the Department of Health & Environmental Sciences or from the local board of health. Inspections are conducted by state or local health officers. Plans are submitted to the Department, the local health officer, and, where applicable, the local zoning authorities. For trailer courts private water supplies must comply with *69-5901 et seq., R.C.M. 1947*.

Statute: *69-5601 et seq., R.C.M. 1947*

Regulations: Trailer Courts *MAC 16-2.14(2)-S14160*

Tourist Campgrounds *MAC 16-2.14(2)-S14170*

Industrial, Logging Camps *MAC 16-2.14(2)-S14180*

Campgrounds *MAC 16-2.14(2)-S14190*

Contact: Local Board of Health

Department of Health & Environmental Sciences
Food & Consumer Safety Bureau

NATURAL RESOURCES DEVELOPMENT - PREPARATORY

Recording of Mining Claims

The following procedures must be followed:

1. Post written notice at point of discovery.
2. Within 30 days, mark boundaries of site.
3. Within 60 days, comply with U.S. mining laws, and record the location in the office of the County Clerk & Recorder.
4. An annual work report must be filed with the county.

Statute: *50-701 et seq., R.C.M. 1947*

Contact: County Clerk & Recorder

U.S. Department of the Interior
Bureau of Mines
Regional Office

Coal & Uranium Mining: Prospecting Permit

A prospecting permit must be obtained from the Department of State Lands for prospecting on lands not included in a current operating permit. A reclamation plan and bond must be submitted. Annual progress and revegetation reports are required.

Statute: *Strip & Underground Mine Reclamation Act, 50-1034 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.10(10)-S10190 et seq.*

Contact: Department of State Lands
Reclamation Division

Coal & Uranium Mining: Mine Site Location Permit

A mine site location permit is required prior to any preparatory work, unless an operating permit has been granted under Chapter 10 of Title 50 (see p. 19), and the application for such a permit included a long-range mining plan. The siting permit is valid for one year and is renewable until an operating permit is obtained.

Statute: *Strip & Underground Mine Siting Act, 50-1601 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.10(18)-S10380 et seq.*

Contact: Department of State Lands
Reclamation Division

Hardrock Mining

This applies to ores other than oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock, or uranium. An exploration license is required from the Department of State Lands and a reclamation and vegetation bond is required. A development permit is required before doing any preparatory work. A reclamation plan and reclamation and vegetation bond must be submitted. Exemptions may be available for small operations and for federal lands.

Statute: *Hardrock Mining Act, 50-1201 et seq., R.C.M. 1947*

Regulations: *26-2.10(2)-S10000 et seq.*

Contact: Department of State Lands
Reclamation Division

Prospecting on State Lands

Prospecting permits must be obtained from the Department of State Lands to prospect for metalliferous minerals or gems on state lands.

Statute: *81-601 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.2(2)-S210*

Contact: Department of State Lands
Centralized Services Division

NATURAL RESOURCES DEVELOPMENT: OPERATIONS

Coal & Uranium Mining

Safety regulations are enforced by the Workers Compensation Division. A mining plan must be approved by the Department of State Lands before engaging in strip mining of coal. An operating permit must be obtained from the Department of State Lands to engage in coal or uranium mining. A reclamation bond and written permission from the surface owner is required, and a reclamation plan must be submitted to the Department. Annual planting and reclamation reports are required.

Statutes: *50-401 et seq., R.C.M. 1947*

Strip Mined Coal Conservation Act, 50-1401 et seq., R.C.M. 1947

Strip & Underground Mine Reclamation Act, 50-1034 et seq., R.C.M. 1947

Regulations: *MAC 26-2.10(14)-S10360 et seq.*

MAC 26-2.10(10)-S10190 et seq.

Contact: Department of Labor & Industry
Workers Compensation Division
Safety & Health Bureau
Department of State Lands
Reclamation Division

Hardrock Mining

This applies to ores other than oil, gas, bentonite, clay, coal, sand, gravel, phosphate rock and uranium. An operating permit must be obtained from the Department of State Lands. A reclamation and vegetation bond is required, and a reclamation plan must be submitted. Annual reports and fees are required and the Department makes annual inspections for compliance with the reclamation plan. Exemptions may be available for small operations and federal lands. The Workers Compensation Division enforces safety regulations.

Statutes: *50-101 et seq., and 50-1201 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.10(2)-S10000 et seq.*

Contact: Department of Labor & Industry
Workers Compensation Division
Safety & Health Bureau

Department of State Lands
Reclamation Division

Open Cut Mining

This applies to bentonite, clay, scoria, phosphate rock, sand and gravel. No mining is allowed unless the miner has entered a reclamation contract with the Board of Land Commissioners. A reclamation plan must be submitted. Exemptions may be available for small operations or federal lands. The Workers Compensation Division enforces safety regulations.

Statutes: *50-101 et seq. and 50-1501 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.10(6)-S10070 et seq.*

Contact: Department of Labor & Industry
Workers Compensation Division
Safety & Health Bureau
Department of State Lands
Reclamation Division

Oil & Gas

Notice of intention to explore and notice of intention to drill must be filed with the Oil & Gas Conservation Board of DNR&C and drilling permits must be obtained. Wells must comply with spacing units and pooling orders established by the Board, and must be operated in compliance with the Board's regulations. Operations must also comply with water pollution regulations of the Department of Health & Environmental Sciences. A public utility may apply to the Board for certification of eminent domain power to maintain underground gas storage reservoirs.

Statutes: *60-801 et seq. and 60-126 et seq., R.C.M. 1947*

Regulations: *MAC 36-3.18(10)-S18020 et seq.*
MAC 16-2.14(10)-S14460(11)

Contact: Department of Natural Resources & Conservation
Oil & Gas Conservation Division
Department of Health & Environmental Sciences
Water Quality Bureau

Operations on State Lands: General

The Board of Land Commissioners may issue leases for the development of natural resources located on state lands.

General Leasing Regulations: *MAC 26-2.2(2)-S210 et seq.*

Operations on State Lands: Coal Mining

Leases are awarded by competitive bidding at no less than fair market value. The primary term is for ten years, and for so long thereafter as coal is produced in commercial quantities. Rent and royalties must be paid.

Statute: *81-501 et seq., R.C.M. 1947*

Operations on State Lands: Geothermal Resources

The primary term of a lease is for ten years. Compensation must be paid to the surface lessee.

Statute: *81-2601 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.6(2)-S6070 et seq.*

Operations on State Lands: Metalliferous Minerals & Gems

Rent, royalty, and length of term are to be determined by the Board of Land Commissioners. Royalties must be at least five percent of the returns from the mine.

Statute: *81-601 et seq., R.C.M. 1947*

Operations on State Lands: Oil & Gas

The primary lease is for ten years, and monthly reports are required. Operation regulations of the Oil & Gas Conservation Board (see above) are to be complied with.

Statute: *81-1701 et seq., R.C.M. 1947*

Regulations: *MAC 26-2.6(1)-S600 et seq.*

Operations on State Lands: Stone, Gravel, and other Nonmetalliferous Minerals

Leases are issued on a royalty basis for no longer than a ten year term. Monthly reports are required.

Statute: *81-701 et seq., R.C.M. 1947*

Contact: Department of State Lands
Centralized Services Division

ROAD USE - FUELS

Gasoline Dealers

A license is required from the Department of Revenue.

Statute: *84-1845 et seq., R.C.M. 1947*

Regulations: *MAC 42-2.18(2)-S1830 et seq.*

Contact: Department of Revenue
Motor Fuels Division

Sale of Petroleum Products

Products must meet tests and standards set by the Department of Business Regulation. A license from the Department is required to sell petroleum products. Pump and meter license fees and vehicle tank license fees must be paid.

Statute: *60-204 et seq., R.C.M. 1947*

Regulations: *MAC 8-2.10(6)-S1050, 1060*

Contact: Department of Business Regulation
Weights & Measures Division

Special Fuels

A fuel dealer's license must be obtained from the Department of Revenue. Special fuel user's license and special fuel vehicle permit are also required.

Statute: *84-1830 et seq., R.C.M. 1947*

Regulations: *MAC 42-2.18(6)-S18080 et seq.*

Contact: Department of Revenue
Motor Fuels Division

Special Vehicle Permits

The Department of Highways may issue special permits for the operation of over-sized vehicles on public highways.

Statute: *32-1123.7 R.C.M. 1947*

Contact: Department of Highways
Gross Vehicle Weight Division
Special Permit Bureau

SOLID WASTE - HAZARDOUS WASTE

Hazardous Waste Disposal

The Department of Health & Environmental Sciences must be notified ten days in advance, and a permit must be obtained.

Regulations: *MAC 16-2.14(2)-S14100(8)*

Contact: Department of Health & Environmental Sciences
Solid Waste Management Bureau

Motor Vehicle Wrecking Facilities

An annual license from the Department of Health & Environmental Sciences is required to operate a facility.

Statute: *69-6801 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(2)-S14261*

Contact: Department of Health & Environmental Sciences
Solid Waste Management Bureau

Refuse Disposal Areas

An annual license to operate a refuse disposal area must be obtained from the local, county or district board of health. Upon application, the site must be approved by the Department of Health & Environmental Sciences. The local board may issue a license after site approval by the Department.

Statute: *69-4001 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(2)-S14100*

Contact: Local Board of Health
Department of Health & Environmental Sciences
Solid Waste Management Bureau

Roadside Junkyards

A license is required for the operation of a junkyard within one thousand feet of an interstate or primary highway right-of-way. Licenses are issued by the Department of Health & Environmental Sciences with the concurrence of the Department of Highways. Enforcement of screening requirements is performed by the Right-of-Way Bureau of the Highway Department.

Statute: *32-4513 et seq., R.C.M. 1947*

Regulations: *MAC 18-2.6A1(10)-S6130 et seq.*

Contact: Department of Health & Environmental Sciences
Solid Waste Management Bureau
Department of Highways
Right-of-Way Bureau

SUBDIVISIONS

Plat Approval

Subdivision plats are submitted to the local governing body for review. Where a master plan has been adopted, the plat is submitted to the planning board which reports to the governing body on compliance with the master plan. A public hearing and environmental assessment may be required. Special regulations apply to condominium developments, planned unit developments, mobile home and recreational vehicle parks, and minor subdivisions of five or fewer parcels.

Statute: *Subdivision and Platting Act, 11-3859 et seq., R.C.M. 1947*

Regulations: *MAC 22-2.4B(1)-S400 et seq.*

Contact: Local Governing Body

Sale of Subdivided Lands

Subdivisions of five or more parcels, a parcel of which is less than five acres, which is offered for sale outside of Montana must be registered with the Board of Real Estate and a public offering statement must be filed. Annual reports are required. In addition, if the subdivision involves fifty or more lots, not all of which are five or more acres, the developer must register the subdivision with the U.S. Department of Housing & Urban Development.

Statutes: *67-2101 et seq., R.C.M. 1947*

Interstate Land Sales Act, 15 USC 1701 et seq.

Regulations: *MAC 40-3.98(6)-S9880*

Contact: Department of Professional & Occupational Licensing
Board of Real Estate

U.S. Department of Housing & Urban Development
Office of Interstate Land Sales

Sanitation in Subdivisions

A subdivision plat cannot be filed and structures cannot be built or occupied until sanitary restrictions relating to water supply, sewage, and solid waste disposal are lifted by the Department of Health & Environmental Sciences.

Statute: *69-5001 et seq., R.C.M. 1947*

Regulations: *MAC 16-2.14(10)-S14340*

Contact: Department of Health & Environmental Sciences
Subdivision Bureau

UTILITIES

Dams and Reservoirs

Construction on navigable waters of the U.S. requires licensing by the Federal Power Commission and the Army Corps of Engineers. Upon complaint, the Department of Natural Resources & Conservation must inspect and approve dams and reservoirs on state waters.

Statutes: *Federal Power Act, 16 USC 791a et seq.*
Rivers and Harbors Act, 33 USC 401 et seq.
89-701 et seq., R.C.M. 1947

Contact: Department of Natural Resources & Conservation
Water Resources Division
Engineering Bureau
Army Corps of Engineers
District Engineer
Federal Power Commission

Hydroelectric Sites on State Lands

The Board of Land Commissioners may grant leases for construction and operation of hydroelectric power sites on state lands. Hydroelectric plants on navigable waters of the U.S. must be licensed by the Federal Power Commission.

Statutes: *81-1801 et seq., R.C.M. 1947*
Federal Power Act, 16 USC 791a et seq.

Contact: Department of State Lands
Centralized Services Division
Federal Power Commission

Mains

Gas, water and other mains are regulated and approved by the city or town council or the Board of County Commissioners.

Statutes: *11-975 and 16-1114, R.C.M. 1947*

Contact: Local Governing Body

Major Facility Siting

Certification by the Board of Natural Resources & Conservation and the Department of Health & Environmental Sciences is required for construction of major utilities (power generation plants, transmission lines, pipelines, etc.). For details and agency contacts, see p. 14 above.

Statute: *70-801 et seq., R.C.M. 1947*

Regulations: *MAC 36-2.8(1)-S800 et seq.*

Overhead Lines

The city or town council may regulate erection of poles and cables within city limits. The owner of agricultural lands may petition the district court for permission to relocate overhead lines.

Statutes: *11-945; 24-101 et seq.; and 24-201 et seq., R.C.M. 1947*

Contact: City or Town Council

Pipelines

Permission to construct and operate pipelines must be obtained from the Public Service Commission.

Statute: *8-201 et seq., R.C.M. 1947*

Contact: Department of Public Service Regulation
Utilities Division

Utility Easements

Easements along highway rights-of-way are granted by the Department of Highways.

Regulations: *MAC 18-2.6A1(6)-S6080 et seq.*

Contact: Department of Highways
Right-of-Way Bureau

Utility Extensions

The city council has the power to grant permission to extend utility facilities, subject to petition and referendum.

Statute: *11-3316, R.C.M. 1947*

Contact: City or Town Council

WEATHER MODIFICATION

A license and permit from the Board of Natural Resources & Conservation are required to engage in weather modification and control activities. The applicant must publish a notice of intent to engage in such activities.

Statute: *89-310 et seq., R.C.M. 1947*

Contact: Department of Natural Resources & Conservation
Water Resources Division

INDEX I: MONTANA STATE AGENCIES

ADMINISTRATION, DEPARTMENT OF

Director, Jack C. Crosser
Rm. 229 Mitchell Bldg.
Helena, MT
(406) 449-2032

Construction & Maintenance Division
Construction Regulation Bureau

Chief, W. James Kembel
1500 E. 6th Avenue
Helena, MT
(406) 449-3104

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AGRICULTURE, DEPARTMENT OF

Commissioner, George Lackman
1300 Cedar Street
Helena, MT
(406) 449-3144

Apiculture Division

Administrator, Willard A. Kissenger
(406) 449-3730
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Horticulture Division

Administrator, Ray Bjornson
(406) 449-3730
Nurseries, page 12

Feed & Fertilizer Division

Administrator, Burton Ginther
Bozeman, MT
(406) 994-3384
Fertilizer registration, page 11

Pesticides Division

Administrator, Gary Gingery
(406) 449-3730
Pesticides registration, page 12

BUSINESS REGULATION, DEPARTMENT OF

Director, Harold J. Pitts
805 N. Last Chance Gulch
Helena, MT
(406) 449-3163

Weights & Measures Division

Administrator, Gary L. Delano
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COMMUNITY AFFAIRS, DEPARTMENT OF

Director, Judith H. Carlson
1424 9th Ave.
Helena, MT
(406) 449-3494

Aeronautics Division

Administrator, Michael D. Ferguson
Helena Municipal Airport
Helena, MT
(406) 449-2507

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FISH & GAME, DEPARTMENT OF

Director, Wesley R. Woodgerd
Rm. 101 Mitchell Bldg.
Helena, MT
(406) 449-3186

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Centralized Services Division

Administrator, Ronald W. Egeland, (406) 449-2701
Licensing Section; (406) 449-2662

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Enforcement Division

Administrator, Orville W. Lewis, (406) 449-2453

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Fisheries Division

Administrator, Arthur N. Whitney, (406) 449-2449

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Game Management Division
Administrator, Wynn G. Freeman, (406) 449-2612
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Recreation & Parks Division
Administrator, Ron G. Holliday, (406) 449-2988
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HEALTH & ENVIRONMENTAL SCIENCES, DEPARTMENT OF

Director, Arthur C. Knight, M.D.
Rm. 200 Cogswell Bldg.
Helena, MT
(406) 449-2544

Environmental Sciences Division
Administrator, Benjamin F. Wake
Rm. 224 Cogswell Bldg.
(406) 449-3454

Air Quality Bureau
Chief, Michael D. Roach
Rm. 224 Cogswell Bldg.
(406) 449-3454

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Food & Consumer Safety Bureau
Chief, Vern E. Sloulin
Board of Health Bldg.
(406) 449-2408

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Occupational Health Bureau
Chief, Larry Lloyd
Rm. 224 Cogswell Bldg.
(406) 449-3454
Occupational emissions, page 14
Noise, page 14
Laser radiation, page 14
Radioactivity, page 14

Solid Waste Management Bureau
Chief, Terrence Carmody
Board of Health Bldg.
(406) 449-2821

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Subdivision Bureau
Chief, Edward Casne
Board of Health Bldg.
(406) 449-2406
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Water Quality Bureau
Chief, Donald G. Willems
555 Fuller St.
(406) 449-2407
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HIGHWAYS, DEPARTMENT OF

Director, Harry J. Anderson
Highway Bldg., 6th & Roberts
Helena, MT
(406) 449-2482

Engineering Division
Administrator, Jack R. Beckert
(406) 449-3452

Right-of-Way Bureau
Chief, Robert E. Champion
(406) 449-2008

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Gross Vehicle Weights Division
Administrator, William Mortieau
(406) 449-2476

Special Permits Bureau
Chief, Wilbur E. Frickel
(406) 449-2476
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JUSTICE, DEPARTMENT OF

Attorney General, Robert L. Woodahl
Rm. 208 Capitol Bldg.
Helena, MT
(406) 449-2026

Investigation, Communication & Identification Division

Fire Marshal Bureau
Chief, William A. Penttila
528 Sanders
(406) 449-2050

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LABOR & INDUSTRY, DEPARTMENT OF

Commissioner, Sidney T. Smith
1331 Helena Ave.
Helena, MT
(406) 449-2621

Workers Compensation Division

Safety & Health Bureau
Chief, B. J. Briggeman
510 Logan
Helena, MT
(406) 449-3402

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LIVESTOCK, DEPARTMENT OF

Animal Health Division

Administrator, Glenn C. Halver, D.V.M.
Livestock Bldg.
Helena, MT
(406) 449-2043

Disease Control Bureau

Chief, James W. Glosser

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Milk & Egg Bureau

Chief, Thomas Lofthouse

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Brands Enforcement Division

Predatory Animal & Rodent Control Bureau

Chief, Kenneth Seyler

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NATURAL RESOURCES & CONSERVATION, DEPT. OF

Director, Gary Wicks

32 S. Ewing
Helena, MT
(406) 449-3712

Energy Planning Division

Administrator, Albert Tsao

25 S. Ewing
Helena, MT
(406) 449-3780

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Forestry Division

Administrator, Gareth Moon
2705 Spurgin Road
Missoula, MT
(406) 728-4300

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Slash disposal, page 6
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Oil & Gas Conservation Division
Administrator, Donald Chisholm
325 Fuller
Helena, MT
(406) 449-2611
Oil & gas development, page 20

Water Resources Division
Administrator, Orrin Ferris
32 S. Ewing
Helena, MT
(406) 449-2872
Weather modification, page 25

Engineering Bureau
Chief, Richard Bondy
(406) 449-2864
Dams & reservoirs, page 24

Floodway Management Bureau
Chief, Charles Parrett
(406) 449-2872
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Water Rights Bureau
Chief, Laurence Siroky
(406) 449-3634
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PROFESSIONAL & OCCUPATIONAL LICENSING, DEPT. OF

Director, Ed Carney
42½ N. Last Chance Gulch
Helena, MT
(406) 449-3737

Board of Real Estate
Administrator, Robert McTaggart
(406) 449-2961
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Board of Water Well Contractors
Adm. Sec'y, Diana Cutler
(406) 449-3737
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PUBLIC SERVICE REGULATION, DEPARTMENT OF

Public Service Commission
1227 11th Ave.
Helena, MT
(406) 449-3017

Transportation Division
Administrator, Bruce Tomko
(406) 449-3457
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Utilities Division
Administrator, William J. Opitz
(406) 449-2649
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REVENUE, DEPARTMENT OF

Director, W. A. Groff
Rm. 205 Mitchell Bldg.
Helena, MT
(406) 449-2460

Liquor Division
Administrator, Ken Wynn
Liquor Warehouse, Front & Lyndale
Helena, MT
(406) 449-2540

Liquor license, page 15

Motor Fuels Division
Administrator, Norris Nichols
201 E. 6th
Helena, MT
(406) 449-3474

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SECRETARY OF STATE

Frank Murray
Room 202 Capitol Bldg.
Helena, MT
(406) 449-2034

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STATE LANDS, DEPARTMENT OF

Commissioner (Acting), Leo P. Berry, Jr.
1625 11th Ave.
Helena, MT
(406) 449-2074

Centralized Services Division
Administrator, John W. Osborne
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Administrator, C. C. McCall
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Billings: 1125 Lake Elmo Drive
(406) 252-4654

Bozeman: Rte. 3, Box 274
(406) 586-5419

Glasgow: Rte. 1-129
(406) 228-9347

Great Falls: Rte. 4, Box 243
(406) 454-3441

Kalispell: 490 N. Meridian
(406) 755-5505

Miles City: Box 430
(406) 232-4365

Missoula: 3309 Brooks
(406) 549-1496

HEALTH & ENVIRONMENTAL SCIENCES, DEPARTMENT OF

Air Quality Bureau

Billings: 3302 2nd Ave. No.
Box 20296
(406) 248-3266

Butte: 1041 W. Galena
(406) 723-6192

Water Quality Bureau

Billings: Box 20296
(406) 252-5697

Kalispell: Box 1031
(406) 755-5521

HIGHWAYS, DEPARTMENT OF

Area Field Maintenance Bureaus

Billings: Box 20437
(406) 252-4138

Bozeman: Box 1110
(406) 586-9562

Butte: Wynne & Lowell
(406) 494-3666

Glendive: 503 N. River Ave.

Great Falls: 104 18th Ave. NE
(406) 453-0422

Havre: West of Havre
(406) 265-6821

Helena: Highway Bldg.
6th & Roberts
(406) 449-2002

Kalispell: 6th Ave. East
(406) 755-5717

Lewistown: West of Lewistown
(406) 538-8731

Miles City: Third & Orr
(406) 232-1093

Missoula: West Broadway
(406) 549-6491

NATURAL RESOURCES & CONSERVATION, DEPT. OF

Billings: 1245 N. 29th
(406) 248-6450

Glasgow: Box 894
(406) 228-2561

Kalispell: Box 224
(406) 755-6575

Forestry Division Area Supervisors

Billings: Don Kendall
1245 N. 29th, Rm. 202
(406) 248-6540

Helena: Larry Pyke
8001 Montana
(406) 449-3633

Kalispell: Jim Greg
Box 224
(406) 755-6575 & 755-6776

Lewistown: Craig Roberts
Box 1021
(406) 538-5989

Missoula: Chuck Wright
2705 Spurgin Road
(406) 728-4300

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ARMY CORPS OF ENGINEERS

Missouri River Division
Box 103 Downtown Station
Omaha, Nebraska 68108
(402) 221-3001

Omaha District
6014 U.S. Post Office & Courthouse
215 N. 17th
Omaha, Nebraska 68102
(402) 221-3900

North Pacific Division
Rm. 210 Courthouse
Portland, Oregon 97209
(503) 221-3700

Seattle District
Box C-3755
Seattle, Washington 98124
(206) 764-3969

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DEPARTMENT OF HOUSING & URBAN DEVELOPMENT

Office of Interstate Land Sales
909 17th St.
Denver, Colorado 80202
(303) 837-2441

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DEPARTMENT OF THE INTERIOR

Bureau of Mines
Montana Liaison Office
636 Logan
Helena, Montana 59601
(406) 449-5297

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ENVIRONMENTAL PROTECTION AGENCY

Region VIII
Suite 900
1860 Lincoln Street
Denver, Colorado 80203
(303) 837-3895

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FEDERAL POWER COMMISSION

Regional Office
555 Battery Street
San Francisco, California 94111
(415) 556-3581

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