

MONTANA FISH WILDLIFE AND PARKS
Fisheries Division
Federal Aid Job Progress Report

Date: March 23, 2001

PROJECT TITLE: STATEWIDE FISHERIES INVESTIGATIONS
STATE TITLE: STATEWIDE TECHNICAL GUIDANCE
JOB TITLE: STREAM PROTECTION COORDINATOR
PERIOD COVERED: JULY 1999 – JUNE 2000
PROJECT NUMBER: F-78-R6
JOB NUMBER: VI-A

ABSTRACT

A contractor has been fulfilling the role of coordinating stream-permitting activities related to the Montana Stream Protection Act since September 1994. Most contractor activities relate to permits issued to the Montana Department of Transportation. The contractor also provides some assistance to regional staff pertaining to other miscellaneous permit applications. During the reporting period, a total of 89 Stream Protection Act permits were issued to the Montana Department of Transportation. Permits stipulate conditions that must be followed on projects requiring alteration of the bed or banks of streams. These conditions are intended as safeguards to prevent or minimize damage to aquatic resources caused by these projects.

OBJECTIVES

1. To coordinate Stream Protection Act project review, permitting, and compliance as it relates to projects conducted by the Montana Department of Transportation.
2. To provide technical support, as requested, to regional staff who issue other miscellaneous Stream Protection Act permits.

PROCEDURES

The Stream Protection Act, passed by the 1963 legislature, provides a process whereby county, state and local agencies are required to obtain a permit from Montana Fish, Wildlife and Parks for projects that "may or will obstruct, damage, diminish, destroy, change, modify or vary the natural existing shape and form of any stream or its banks." Memorandums of Understanding with the U.S. Forest Service and the Bureau of Land Management extend our permitting authority to these agencies. The law states that: "it is the policy of the state of Montana that its fish and wildlife resources and particularly the fishing waters within the state are to be protected and preserved to the end that they be available for all time, without change, in their natural existing state except as may be necessary and appropriate after due consideration of all factors involved."

Projects typically require an onsite inspection and culminate with a permit being issued that includes specific stipulations that must be adhered to for the project to go forward. Applications are submitted to the Helena office for all Montana Department of Transportation (MDT) projects and to regional offices for all other projects. All Department of Transportation projects are presently handled by a contractor who coordinates with regional staff.

Permit stipulations may include timing and duration of construction to prevent stream work during times of spawning and incubation; restrictions on types of equipment that may be used and whether it can be used in-stream; requirements for erosion control and revegetation; requirements to prevent blockage of fish passage; requirements to mitigate for problems caused by the project that are discovered at a later date; requirements to wash equipment prior to entering the stream; requirements related to bridge spanning and culvert sizing; requirements during demolition projects to ensure public safety and prevent construction materials from entering or being left in the stream; restrictions preventing encroachment into the channel; restrictions to minimize or prevent turbidity; restrictions on types of construction materials; restrictions to preserve natural stream function; and restrictions to prevent channelization, loss of stream length, or other undesirable channel modifications.

The coordinator reviews all Stream Protection Act permit applications and construction plans received from MDT, coordinates with appropriate regional staff as well as other agencies having permitting authority, performs on-site inspections (both preliminary and compliance), and transmits recommended permit conditions to the Habitat Protection Bureau Chief. Inspections may require photo documentation, inspection reports and on-site meetings with contractors. The coordinator also provides technical assistance to regional staff as requested for non-MDT permitting activities.

FINDINGS

A total of 89 permit applications were received from MDT and processed during this report period. Approximately 50 compliance inspections were conducted and corrective actions required when permit conditions were not being met. A central file of all permits issued and correspondence related to permits is maintained in our Helena office as well as a computerized summary that includes stream name, FWP region, county, and date issued.

RECOMMENDATIONS

Stream Protection Act permitting activities are among the most important habitat protection functions performed by FWP. These efforts are essential and should continue.

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