

SPA 124 PROCESS FOR MAINTENANCE

1. Purpose

This work instruction describes the process for ensuring that Maintenance activities on projects that may affect any streams or tributaries in Montana are in full compliance with the requirements of the *Montana Stream Protection Act 124* (SPA 124).

2. Scope

The District Biologists within the MDT Environmental Services Bureau administer the SPA 124 process for maintenance actions, in cooperation with the MDT Maintenance Division, the District Environmental Engineering Specialist and other MDT Sections, as appropriate. The process begins when the MDT Maintenance Division notifies the Environmental Services Bureau of a proposed maintenance action that may affect streams or tributaries. The process is completed with the implementation of the SPA 124 conditions in the maintenance project.

3. Process

[Figure 1](#) presents a flowchart that illustrates the SPA 124 process for maintenance actions. Following the Figure is a description of each process task included in the flowchart.

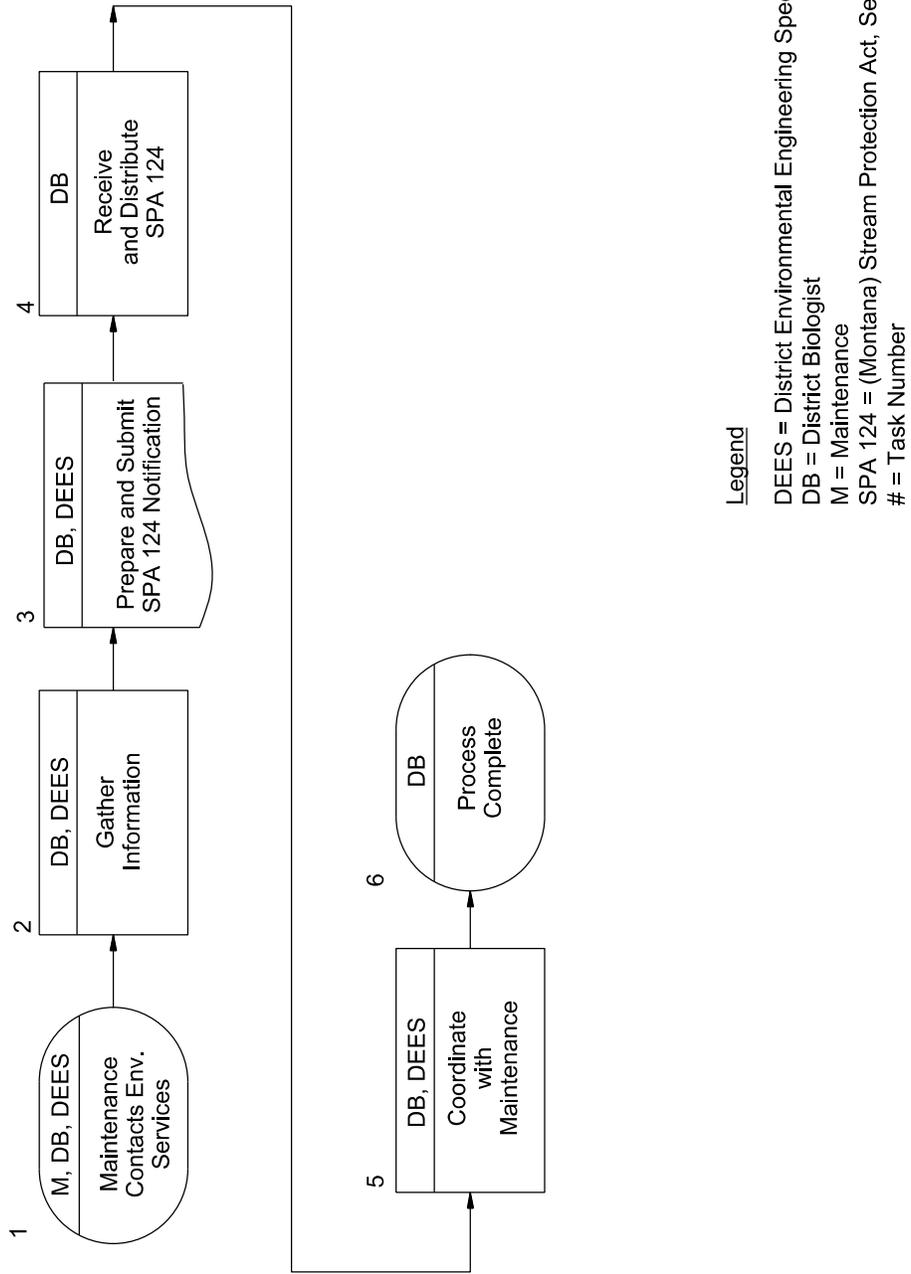


Figure 1 — SPA 124 PROCESS (Maintenance)

PROCESS TASK

Task Title: Maintenance Contacts Environmental Services

Task No.: 1

Task Description

When the Maintenance Division determines that a maintenance action may affect streams or tributaries, Maintenance notifies the appropriate District Biologist (DB) and/or the District Environmental Engineering Specialist (DEES) in the Environmental Services Bureau. The notification may be by email, memorandum or telephone.

PROCESS TASK

Task Title: Gather Information

Task No.: 2

Task Description

In response to the notification from the Maintenance Division, the DB and/or DEES coordinates with other MDT Sections (e.g., Maintenance, Environmental Services) to obtain the information required for the Joint Application Form that must be submitted to Montana Department of Fish, Wildlife and Parks (FWP) for the SPA 124 notification.

The DB and/or the DEES also coordinates with resource agencies, reviews available environmental data and conducts any necessary field work to gather information on fish and wildlife resources and other environmental concerns associated with the affected streams. The DB/DEES coordinates with other MDT Bureaus and Sections, as necessary.

PROCESS TASK

Task Title: Prepare and Submit SPA 124 Notification

Task No.: 3

Task Description

The DB and DEES complete the Joint Application Form for the SPA 124 notification. The information required for the application includes the following:

Project Location

- map or sketch of project site;
- name of stream at project location;
- name of nearest town; and
- section, township, range, county (and longitude/latitude, if available).

Project Description

- plan or drawing of the proposed project;
- type of project;
- purpose of project;
- indication of whether application is for an annual maintenance permit;
- proposed construction start and finish dates;
- project dimensions;
- current conditions (e.g., vegetation, bank conditions) at the project site;
- type and amount of vegetation to be affected;
- materials and methods to be used;
- equipment to be used;
- planned efforts during and after construction to:
 - + minimize erosion, sedimentation or turbidity;
 - + minimize stream channel alterations;
 - + minimize effects on stream flow or water quality caused by materials used or removal of ground cover;
 - + minimize effects on fish and aquatic habitat;
 - + minimize risks of flooding or erosion problems upstream or downstream; and
 - + revegetate/protect existing vegetation and control weeds; and
- natural resource benefits of the proposed project.

After obtaining all necessary information, the DB submits copies of the completed Form, along with a set of preliminary plans or sketches and any other supporting documentation, to FWP.

Regulations and Guidance

Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains, and Other Water Bodies

PROCESS TASK

Task Title: Receive and Distribute SPA 124

Task No.: 4

Task Description

FWP has up to 30 days from receipt of the completed notification to review, perform an on-site investigation, if needed, and provide any recommendations in writing.

If necessary, the DB/DEES coordinates with Maintenance to implement the SPA 124 recommendations. This may be an iterative process to achieve resolution of FWP recommendations.

Once the SPA 124 recommendations are accepted by the DB, DEES and Maintenance, the recommendations are considered conditions of the project. The DB distributes the SPA 124 to Maintenance and any other affected MDT Sections.

PROCESS TASK

Task Title: Coordinate with Maintenance

Task No.: 5

Task Description

The DB/DEES coordinates with Maintenance personnel to ensure the conditions of the SPA 124 are implemented during project construction.

PROCESS TASK

Task Title: Process Complete

Task No.: 6

Task Description

The process is complete upon implementation of the SPA 124 conditions during construction.