

310 Law Mini Trainings

Forming a Team & Onsite Inspections



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What we'll cover today:

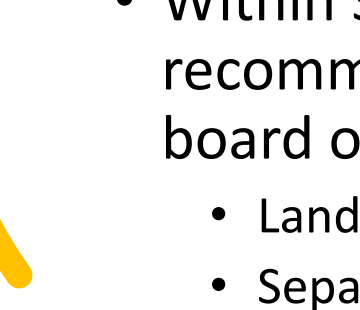
- Montana Code Annotated
 - Timelines
 - Responsibilities of FWP reps
 - Responsibilities of CD reps
 - The Team Member Report
 - How to make a recommendation
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MCA 75-7-1

- “Department” means the Montana department of fish, wildlife, and parks
- “Team” means one representative of the supervisors, one representative of the department, and the applicant or the applicant’s representative.



Timelines: [MCA 75-7-112](#)

- District “accepts” the proposed project
 - Within 10 working days, the district must notify FWP
 - Within 20 days, the district will “call a team together” for an onsite inspection
 - (If FWP determines an onsite is not needed it can be skipped)
 - Onsite inspection by “team”
 - Within 30 days of the onsite inspection, each member of the team will make a recommendation in writing to approve, deny, or modify the project to the board of supervisors
 - Landowner can skip
 - Separate recommendations can be given, but must still be in writing
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Timeline Cont.

- CD Board approves, denies, or modifies (or determines not a project)
 - Within 60 days of accepting the application
 - can be extended if additional info is needed for making a decision, up to 1 year but not more
- “Receipt of supervisor’s decision”
 - Within 5 working days, a team member other than the applicant may request an arbitration panel if they disagree with the decision
- “Upon written consent of the supervisors”
 - Within 30 days, applicant must notify the supervisors, in writing, of their intent to proceed as approved
 - 15-day waiting period before work can begin, unless written permission given by all team members

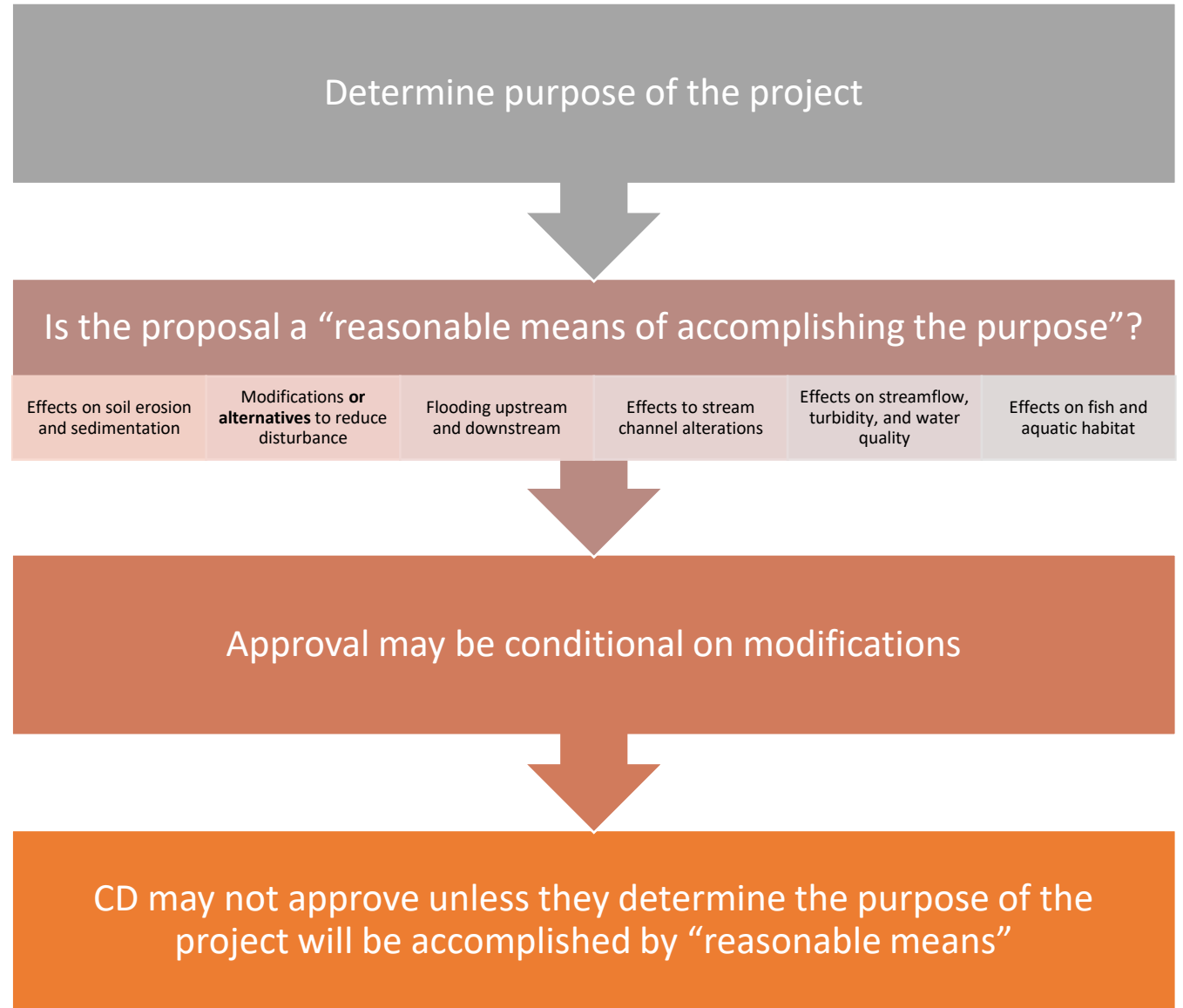
Responsibilities of FWP Rep

- Call an onsite inspection
- Be a member of the Team
- Provide recommendation for approval, denial, or modification
- Request arbitration panel, following disagreement with supervisors' decision
- Waive 15 day waiting period, if desired

Responsibilities of CD Rep

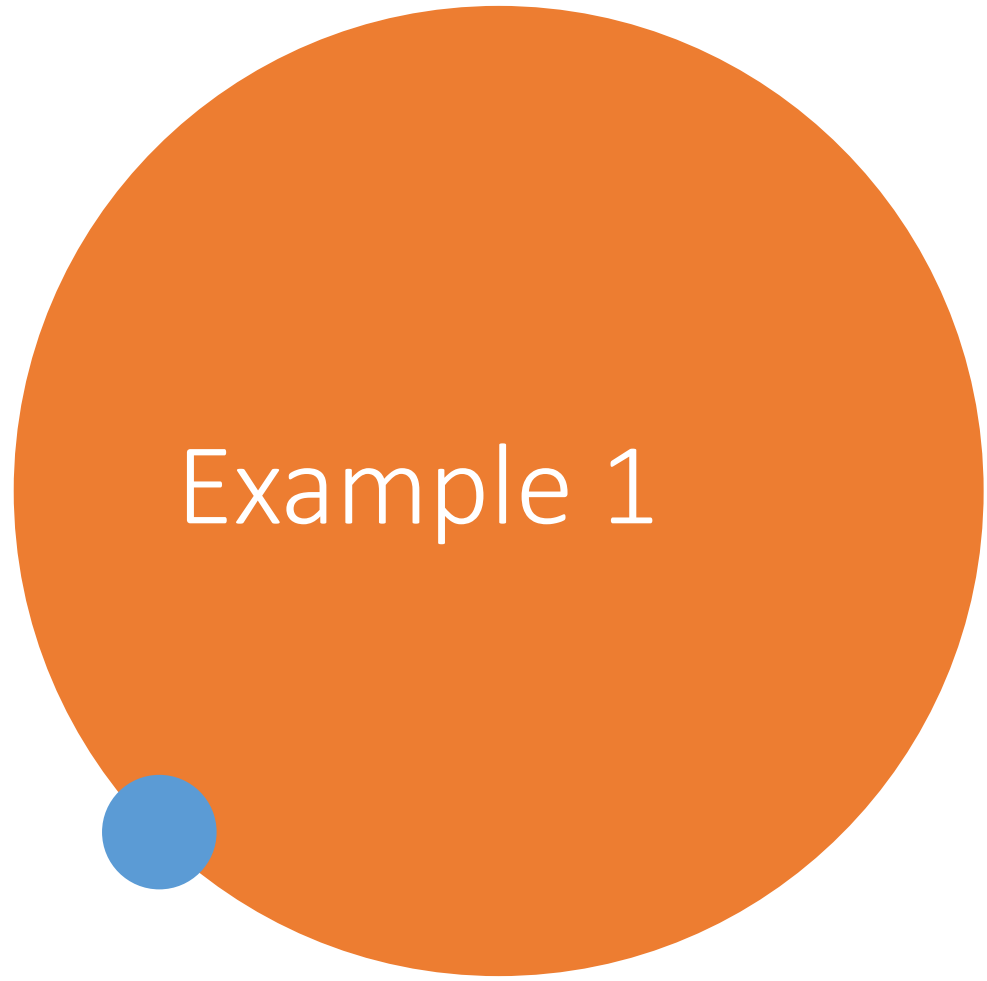
- Determine if it constitutes a project within CD jurisdiction
- Be a member of the Team
- Make final decision to affirm, override, or modify the Team's recommendations
- Request arbitration panel, following disagreement with supervisors' decision
- Waive 15 day waiting period, if desired
- Notify the applicant of all decisions

How to make a recommendation:
[MCA 75-7-112](#)



Team Member Report

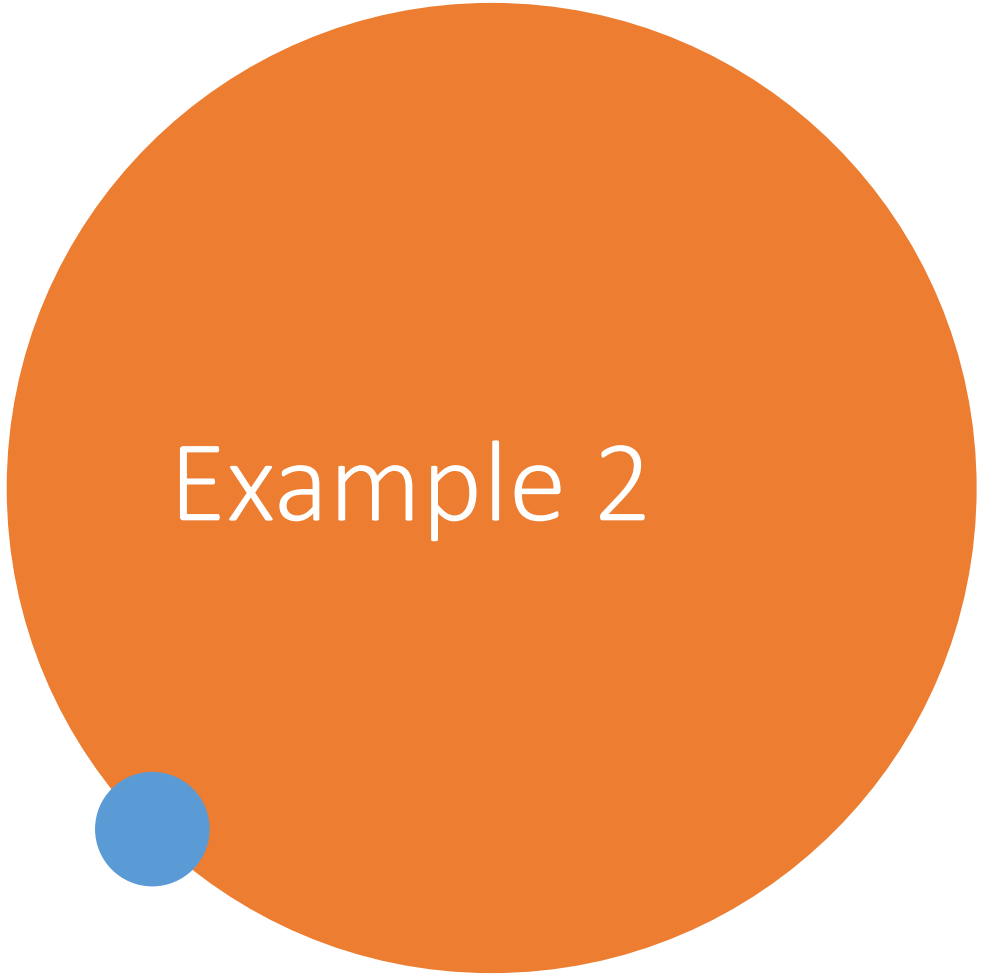
- Documents written recommendation from each team member
- Documents the request for additional time beyond the 60 days decision timeline
- Documents written permission to waive the 15-day construction waiting period
- https://dnrc.mt.gov/docs/conservation/CD_Bureau/cd-resource-documents/Team-Member-Report-Fillable-272a_120516.pdf



Example 1

- Application is not complete

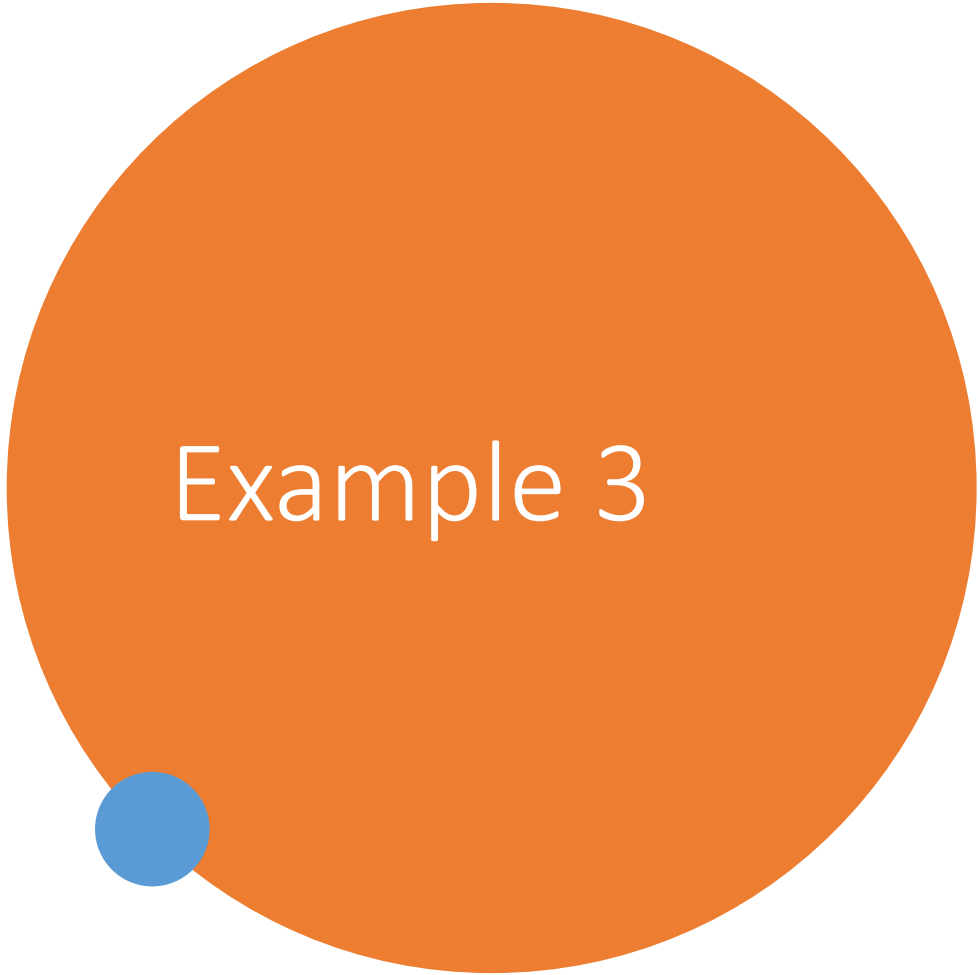




Example 2

- Simple or repeat project

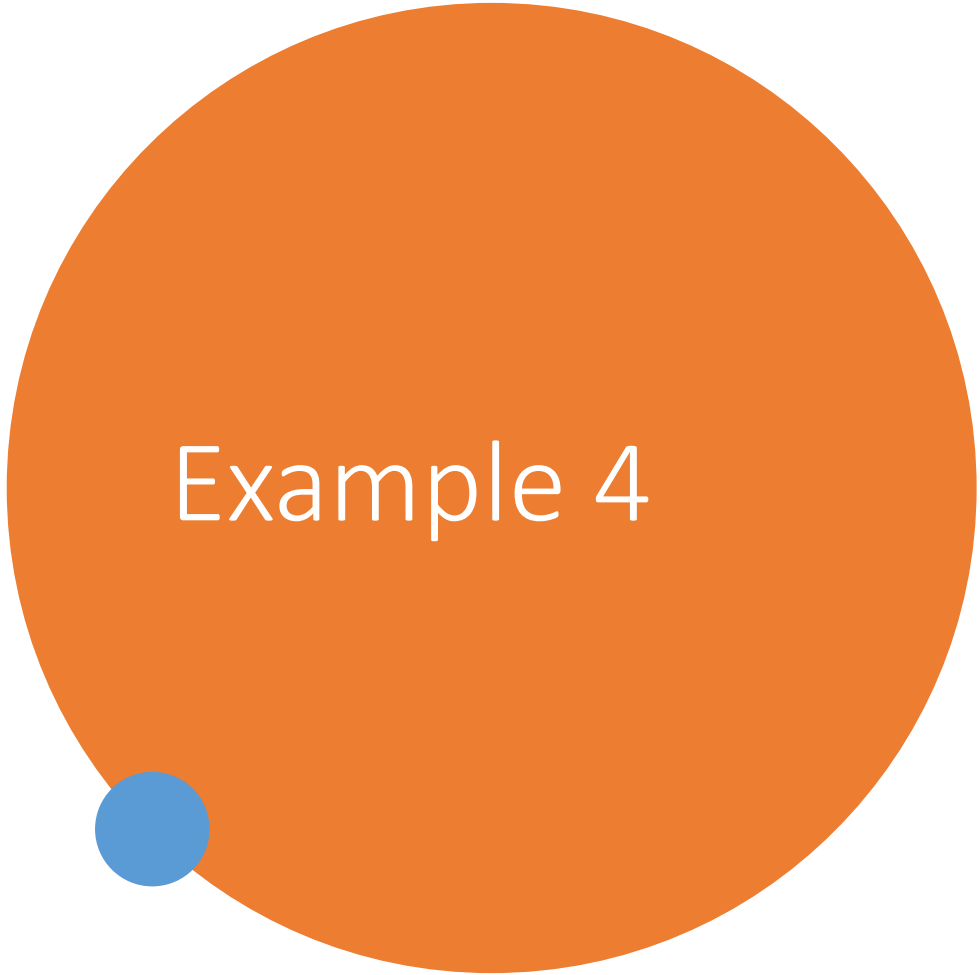




Example 3



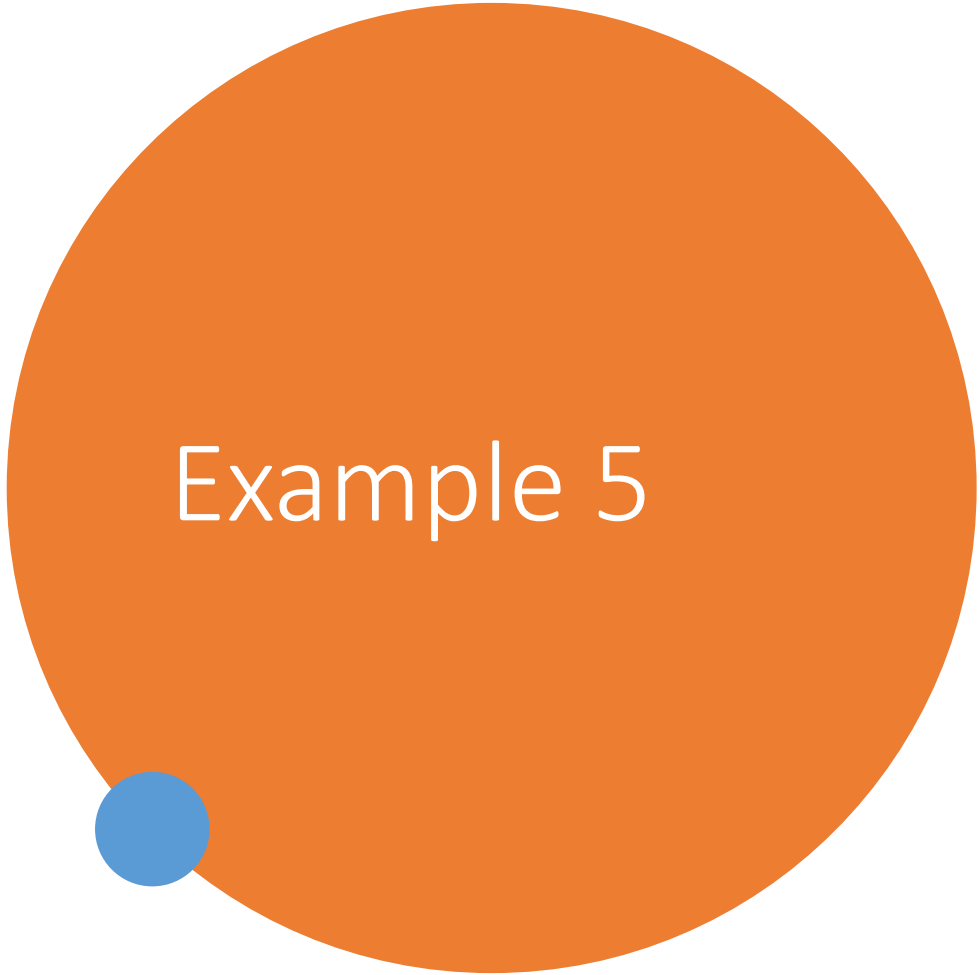
- Purpose of project is foot access to river, but application describes 6' paved path



Example 4



- CD rep recommends approval, but FWP rep would like to see some modifications



Example 5



- Application for private boat launch 5 feet from public boat launch

Technical Review

- We can't tell what the impacts of the projects will be!
- We disagree on what the impacts will be!
- ~~We need a professional to tell us how to modify the project or come up with alternatives!~~
 - This would be considered designing a project for the landowner and the CD would take on all the liability for the project. Don't do this. It is the landowner's responsibility to design the project.
 - When proposing modifications this is fine line. Tread carefully.

Q&A

