Form 4315-2 R 4/05

APPLICATION FOR CONSTRUCTION PERMIT FOR HIGH-HAZARD DAM

INSTRUCTIONS

Use this form to apply for a construction permit to construct, enlarge, perform major repairs or alterations, or remove a dam impounding over 50 acre-feet and classified by the department as a high-hazard dam. Submit with design report, construction plans and specifications to the Montana Dam Safety Program, 1424 9th Avenue, PO Box 201601, Helena MT 59620-1601.

FOR DEPARTMENT USE ONLY

Date Application Rec'd _____

Rec'd by _____

Appl. Complete ___Yes ___ No

Date Returned _____

Date Completed Appl. Rec'd _____

Name of the dam _____

The dam is in _____ County _____ ¼ Sec. _____ Twp. _____ Rge. _____

and is located on _____ , a tributary to _____
(Creek or River or offstream) (Creek or River)

Owner name _____

Address _____
(Street) (P.O.Box)

_____
(City) (State) (Zip Code) (Telephone)

I, _____ , Owner, hereby accept and approve the enclosed design report, construction plans, and specifications for the NEW CONSTRUCTION, ENLARGEMENT, MAJOR REPAIR, ALTERATION, OR **REMOVAL** of the dam. (*circle the appropriate activity)*

Signed _____ Date _____
(Signature of Owner/Agent)

Address (if different than above) _____
(Street) (P.O. Box)

_____
(City) (State)

FOR DEPARTMENT USE ONLY

APPROVAL OF APPLICATION FOR CONSTRUCTION PERMIT

This is to certify that the design report, construction plans, and specifications for _____ dam and reservoir, has been examined and is hereby approved, subject to the attached terms and limitations.

Dated this _____ day of _____ , 20_____, by _____

MONTANA'S DAM SAFETY LAW

Because dam safety is important to both life and property, Montana be-came, in 1985, one of the 43 states that have adopted regulations for construction, operation, and maintenance of high-hazard dams. The Montana Dam Safety Law provides for a permitting process to ensure that construction work on new and existing high-hazard dams is designed and performed in a safe manner.

If your dam is a high-hazard dam, you need a dam safety permit. It's a benefit to you to have the dam permitted. According to Montana's Dam Safety Law, once a high-hazard dam is permitted, the dam owner is not--in the absence of negligence--liable for damages resulting from flows of water from the dam or reservoir that exceed the 100-year floodplain. This provision reduces the risk of liability of the owner of a high-hazard dam.

Exempt from the Dam Safety Act are dams that are owned by the federal government, on federal property, inspected by the Federal Energy Regulatory Commission, included in the mine operating permit issued by the Montana Department of Environmental Quality, or associated with facilities certified under the Major Facility Siting Act.

HAZARD CLASSIFICATION

The law provides for hazard classification. The owner of a dam first needs to make an estimate of the impoundment capacity at the maximum normal operating pool, which is usually to the crest of the principal or emergency spillway. If the impoundment capacity is 50 acre-feet or more, the owner must apply to the Department of Natural Resources and Conservation for hazard classification.

The determination of hazard involves an evaluation of the area downstream from the dam that would be flooded if the dam fails. If the flood would be likely to cause a loss of life, the dam or reservoir is classified as a high-hazard structure. The hazard classification is based on the potential loss of life downstream and **is not an assessment of the safety of the structure.**

To apply for a dam hazard classification, the owner should write or call any DNRC office and request an application form. A hazard classification will be made within 60 days after the department receives a complete application.

CONSTRUCTION PERMIT

If you plan to build a new dam or alter an existing dam, either of which impounds 50 acre-feet or more, you must apply for a hazard classification. If it is determined that the dam is a high-hazard dam, a construction permit is necessary before construction. "Construction" includes construction of a new high-hazard dam or a major repair or alteration, enlargement, or removal of an existing high-hazard dam.

An application for a construction permit includes an application form, construction plans and specifications, and an engineering design report. The plans and specifications must be prepared by an engineer experienced in dam design and construction.

Within 60 days of receiving a completed application, the department will issue or deny a construction permit.

A construction permit is not required for performing minor and routine repairs or maintenance or emergency repairs on a high-hazard dam or reservoir.

OPERATION PERMIT

An application for an operation permit for a high-hazard dam should include an operation plan and a licensed professional engineer's inspection report of the high-hazard dam. The operation plan should include reservoir operation procedures, maintenance procedures for the dam and appurtenant works, and an emergency procedures and warning plan. Preparation of and adherence to the plan will aid in the safe operation and maintenance of the high-hazard dam. A more detailed description of an operation plan can be found in the administrative rules for dam safety. The inspection, which is the responsibility of the dam owner, must be conducted by a licensed professional engineer. The minimum frequency for inspection is set in your operation permit and is not less than once in five years.

If your existing high-hazard dam is found safe and can be operated and maintained safely as well, an operation permit is issued by the department. Renewal of the operation permit is granted by the department upon satisfactory periodic inspections.

EMERGENCY

During a life-threatening emergency caused by the condition of a dam or a reservoir, or by present or imminent floods that threaten the structural integrity of any dam or reservoir, the owner may proceed with the necessary repairs or breaching **without** the previously described construction permit. The department must be notified immediately of any proposed emergency repairs or breaching to be instituted by the owner. If the owner fails to act, the department may take any action necessary to safeguard life and property. Costs incurred by department action during an emergency must be paid by the owner of the dam or reservoir.

If failure of the dam cannot be averted, call your local sheriff to start evacuation of downstream residents.

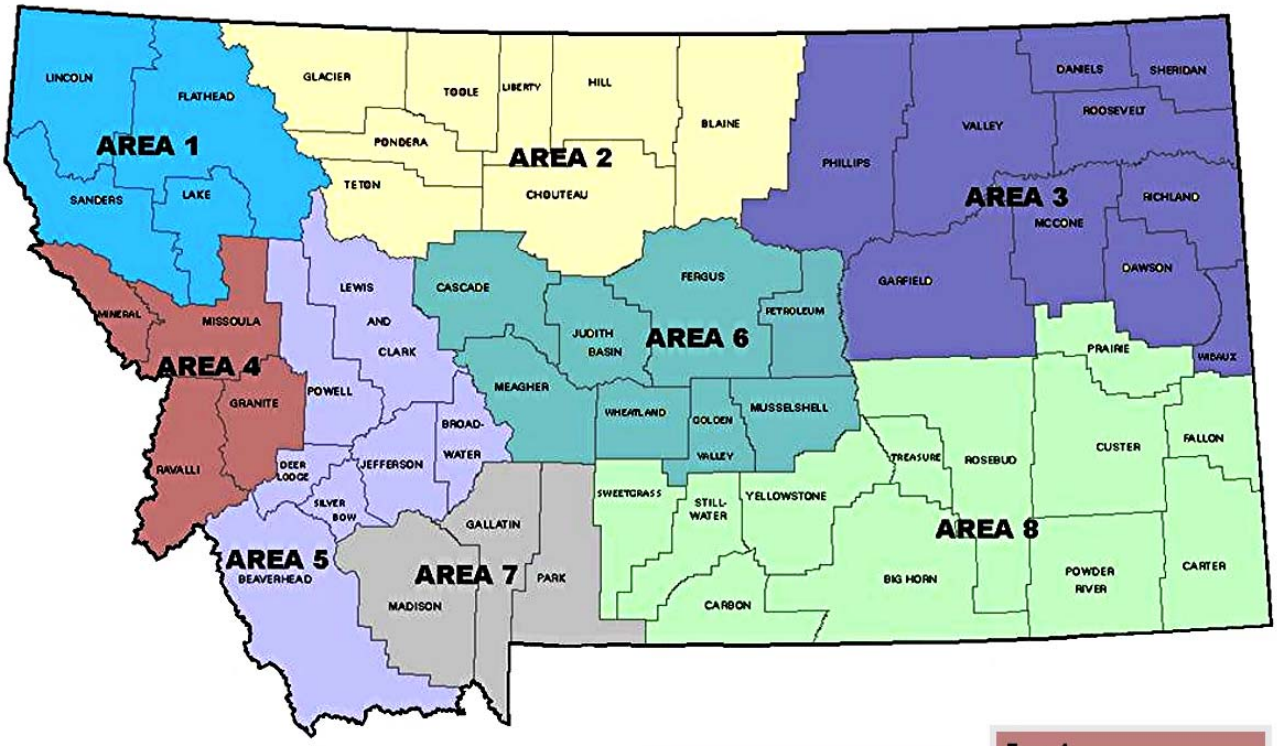
CIVIL PENALTY

Failure to comply with a dam safety law, rule, or order is subject to a civil penalty of up to $1,000 per day.

LAWS, RULES AND FORMS

For a copy of the Montana Dam Safety Act, the administrative rules, or the required forms, contact the DNRC Regional Office in your area. Phone numbers and locations can be found on the next page or go to the following url: http://www.mt.gov/dnrc/permit.html

DNRC Water Resources Division
Regional Offices



Area 1
Kalispell Regional Office
109 Cooperative Way
Suite 110
Kalispell, MT 59901
(406) 752-3267

Area 2
Havre Regional Office
210 Sixth Avenue
Havre, MT 59501
(406) 265-5516

Area 3
Glasgow, Regional Office
222 Sixth Street South
Glasgow, MT 59230
(406) 228-2561

Area 4
Missoula Regional Office
Town & Country Shopping Ctr.
1610 S. Third St. W.
Suite 103
Missoula, MT 59806
(406) 721-4284

Area 5
Helena Regional Office
1424 Ninth Avenue
Helena, MT 59620
(406) 444-6999

Area 6
Lewistown Regional Office
613 NE Main, Suite E
Lewistown, MT 59457
(406) 538-7459

Area 7
Bozeman Regional Office
2273 Boot Hill Court
Suite 110
Bozeman, MT 59715
(406) 586-3136

Area 8
Billings Regional Office
Airport Business Park
1371 Rimtop Drive
Billings, MT 59105
(406) 247-4415

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Water Resources Division

1424 9th Avenue, PO Box 201601, Helena, Montana 59620-1601 (406) 444-6613