

Permit and Change Process
Incorporating HB 114 and 2023 Proposed Rule Changes

Process Step	Explanation of Step	Process Statute (MCA)	Process Rule (ARM)	Forms	Criteria Analysis	Criteria Statute (MCA)	Criteria Rule (ARM)
Scoping Meeting	Applicant requests informal meeting to discuss potential project or seek understanding of process.						
Request For Preapplication Meeting	Applicant requests formal meeting to discuss details of project, provides required information for DNRC to review project before meeting.		36.12.1302	Written Request (no specific form)			
Preapplication Meeting	Applicant shares full details of project; DNRC shares any initial calculations or local knowledge of project area, identifies missing information needed for technical analyses. DNRC completes pre-app checklist during meeting.	85-2-302	36.12.1302	Form 600P (Permits) Form 606P (Changes) <i>*both forms to be updated</i>			
Completion of Technical Analyses	DNRC completes technical analyses for the proposed application.	85-2-302	36.12.1302 36.12.1303	Form 633 - Aquifer Test Data Form, <i>for groundwater permits and changes proposing to add a groundwater POD</i>			
Variance Requests (if applicable)	Applicant may request variance from aquifer testing or surface water measurement requirements; DNRC may grant or deny.		36.12.123	Form 654 (<i>NEW in this rulemaking (36.12.102)</i>)			
Application Received	DNRC identifies whether submitted application meets minimum requirements for receipt and processing.	85-2-302	36.12.1304 (Permits) 36.12.1305 (Changes)	Form 600 (Permits) Form 606 (Changes) <i>*both forms to be updated</i> <i>**plus any applicable addendums</i>			
Application Posted on Website	DNRC posts application information on website.	85-2-307					
Deficiency Letter	DNRC identifies any defects in the application and notifies the applicant via deficiency letter.	85-2-302	36.12.1501				
Deficiency Response	Applicant provides information identified in the deficiency letter.	85-2-302	36.12.1501				
Correct and Complete	DNRC determines whether an application is correct and complete, updates application status on website.	85-2-302 85-2-307	36.12.1601				
Environmental Assessment	DNRC conducts an Environmental Assessment for the proposed application.						
Modification to Application (if applicable)	Applicant requests to modify an element of a permit or change application; timelines are reset.		36.12.1401	Form 656 (<i>NEW in this rulemaking (36.12.102)</i>)			
Draft Preliminary Determination	DNRC makes a written draft preliminary determination as to whether application satisfies applicable criteria for issuance.	85-2-307			<u>Permit Criteria</u>	85-2-311	
					Physical Availability		36.12.1702

Process Step	Explanation of Step	Process Statute (MCA)	Process Rule (ARM)	Forms	Criteria Analysis	Criteria Statute (MCA)	Criteria Rule (ARM)
					Legal Availability		36.12.1704
					Adverse Effect		36.12.1706
					Adequacy of Diversion		36.12.1707
					Beneficial Use		36.12.1801
					Possessory Interest		36.12.1802
					Change Criteria	85-2-402	
					Adverse Effect, including Historical Use Analysis		36.12.1903 36.12.1902
					Adequacy of Diversion		36.12.1904
					Beneficial Use		36.12.1801
					Possessory Interest		36.12.1802
Applicant Extension Request	Applicant can request an extension to submit additional information. If this occurs, DNRC may revise draft PD.	85-2-307					
Public Comment	DNRC prepares notice of opportunity to provide public comment on draft PD.	85-2-307		Form 655 (NEW in this rulemaking (36.12.102))			
Preliminary Determination	DNRC considers and responds to public comments, issues a non-draft PD. If no public comments are received, the draft PD is adopted as the final PD and the Department does not provide notice of opportunity to object.	85-2-307			same as Draft PD		
Opportunity to Object	DNRC provides notices of opportunity to object to a PD.	85-2-308		Form 611 - Objection to Application			
<i>*hearing steps not included, for brevity*</i>							
Final DNRC Decision	If no valid objections are received, Department adopts Preliminary Determination in Final Order.	85-2-310					