

SENATE JOINT RESOLUTION NO. 37

INTRODUCED BY B. HAMLETT

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUIRING AN INTERIM STUDY OF HOW THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS BEING IMPLEMENTED.

WHEREAS, the Legislature enacted the Natural Streambed and Land Preservation Act of 1975 as Title 75, chapter 7, part 1, with the intent to minimize soil erosion and sedimentation and to protect perennial-flowing streams when a project is proposed in or near a stream; and

WHEREAS, the law is implemented by conservation districts through what is commonly known as a 310 permit, which regulates projects in or near a perennial-flowing stream; and

WHEREAS, a need has arisen to further define a perennial-flowing stream and to distinguish a perennial-flowing stream from intermittent streams and ephemeral streams; and

WHEREAS, legislative guidance during the interim is needed to ensure that the law is implemented in the same manner statewide.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the implementation of The Natural Streambed and Land Preservation Act of 1975.

BE IT FURTHER RESOLVED, that the interim committee receive updates from conservation districts that are working to revise 310 permit rules and examining how to distinguish a perennial-flowing stream from intermittent and ephemeral streams.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,



1 comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

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