

SENATE JOINT RESOLUTION NO. 2

INTRODUCED BY B. HAMLETT

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE FEASIBILITY OF MONTANA ASSUMING AUTHORITY TO ADMINISTER ~~DREDGE AND FILL~~ FEDERAL SECTION 404 PERMITS REQUIRED BY THE CLEAN WATER ACT.

WHEREAS, projects in and near Montana waterways are subject to local, state, and federal permits; and WHEREAS, the Clean Water Act allows states to assume administration of some permitting programs; and

WHEREAS, state administration of the Clean Water Act for ~~dredge and fill~~ FEDERAL SECTION 404 permits would give Montana more direct control over its land and water, could eliminate duplicative regulations, would be administered by employees with local knowledge, and could expedite the permitting process; and

WHEREAS, the Environmental Quality Council has administrative oversight of state agencies that regulate waterways and is well suited to evaluate the feasibility of assuming state administration of the Clean Water Act and propose necessary changes to state law.

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:

- (1) evaluate local, state, and federal permits for waterway projects to identify overlapping regulations;
- (2) determine if Montana has the jurisdiction and authority to regulate activities covered by the ~~dredge and fill~~ FEDERAL SECTION 404 permit required by the Clean Water Act;
- (3) solicit information from the regulated community, conservation districts, local governments, the Departments of Environmental Quality and Natural Resources and Conservation, the U.S. Army Corps of Engineers, the Environmental Protection Agency, and the public to determine potential benefits, disadvantages, and obstacles to state assumption of the ~~dredge and fill~~ FEDERAL SECTION 404 permit program; and



1 (4) evaluate costs of applying for assumption of the ~~dredge and fill~~ FEDERAL SECTION 404 permit program,
2 estimate ongoing costs of administering the program, and identify state laws that may need amendment to
3 assume primacy for the ~~dredge and fill~~ FEDERAL SECTION 404 program.

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

6 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
7 requirements, be concluded prior to September 15, 2016.

8 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
9 comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

10 - END -