

HOUSE BILL NO. 676
INTRODUCED BY LINDEEN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF "PROJECT" UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-7-103, MCA, is amended to read:

"75-7-103. Definitions. As used in this part, the following definitions apply:

- (1) "Applicant" means any person presenting notice of a project to the supervisors.
- (2) "Department" means the Montana department of fish, wildlife, and parks.
- (3) "District" means:
 - (a) a conservation district under Title 76, chapter 15, in which the project will take place;
 - (b) a grass conservation district under Title 76, chapter 16, where a conservation district does not exist;

or

- (c) the board of county commissioners in a county where a district does not exist.
- (4) "Person" means any individual, corporation, firm, partnership, association, or other legal entity not covered under 87-5-502.

(5) (a) "Project" means a physical alteration or modification THAT RESULTS IN A CHANGE IN THE STATE of ~~a stream in the state of Montana that results in a change in the state of the stream~~ natural, perennial-flowing stream or river, its bed, or its immediate banks.

(b) Project does not include:

- (i) an activity for which a plan of operation has been submitted to and approved by the district. Any modification to the plan must have prior approval of the district.
- (ii) customary and historic maintenance and repair of existing irrigation facilities that do not significantly alter or modify the stream in contravention of 75-7-102.

(6) "Stream" means any natural, perennial-flowing stream or river, its bed, and its immediate banks except a stream or river that has been designated by district rule as not having significant aquatic and riparian attributes in need of protection or preservation under 75-7-102.

(7) "Supervisors" means the board of supervisors of a conservation district, the directors of a grass conservation district, or the board of county commissioners where a proposed project is not within a district.

(8) "Team" means one representative of the supervisors, one representative of the department, and the applicant or the applicant's representative.

(9) "Written consent of the supervisors" means a written decision of the supervisors approving a project and specifying activities authorized to be performed in completing the project."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all notices of projects pending before a conservation district on [the effective date of this act].

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