SENATE JOINT RESOLUTION NO. 6

INTRODUCED BY J. ELLIS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE FEDERAL GOVERNMENT TO SIMPLIFY AND REDUCE THE COSTS OF STREAM RESTORATION PROJECTS WHILE MAINTAINING THE SAFETY OF STRUCTURES IN FLOODS.

WHEREAS, Montana law prohibits certain uses within the floodway, including excavation that will cause water to be diverted from the established floodway, cause erosion, obstruct the natural flow of water, or reduce the carrying capacity of the floodway; and

WHEREAS, an engineering analysis is required by state and federal law to show a no-rise in base elevations. Such a complex analysis is not usually needed for simple stream restoration projects where an engineering analysis can cost more than the restoration work; and

WHEREAS, the Montana Association of Conservation Districts adopted Resolution 15-1 to encourage the Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency to work together to develop solutions to the prohibitive permitting constraints that will be acceptable by all agencies; and

WHEREAS, the Department of Natural Resources and Conservation established a stream restoration committee in 2017 to allow all permitting agencies and interested parties to work together to develop alternatives or guidelines to alleviate unnecessary permitting constraints for restoration projects; and

WHEREAS, an engineering analysis is not necessary to design a restoration project that keeps the rise in 100-year flood levels as close to zero as practically possible to ensure structures are not impacted by flood waters.

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

That the Federal Emergency Management Agency and the National Flood Insurance Program be encouraged to implement the guidance developed by Montana's Stream Restoration Committee so certain

stream restoration projects that keep the rise in 100-year flood levels as close to zero as practically possible are allowed to proceed with a simple analysis instead of unnecessary engineering work that makes stream restoration projects too expensive.

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