



ADMINISTRATIVE RULES OF MONTANA



36.2.409 EXCLUSION OF STREAMS

- (1) The district may exclude a stream, or portion thereof, upon a determination that the stream does not have significant aquatic and riparian attributes in need of protection or preservation under 75-7-102, MCA.
- (2) In order to make a determination, the district must conduct a public meeting to gather information relative to the aquatic and riparian attributes of a stream. Notice of the public meeting shall be publication of a notice in a newspaper of general circulation in the area at least twice with an interval of at least 14 days between the two publication dates. The first notice must be published at least 28 days prior to the meeting.
- (3) If after public meeting, the district determines that a stream has no significant aquatic and riparian attributes in need of protection or preservation, the district may exclude the stream, or portion thereof, from jurisdiction of this act by adoption of a district rule.

Authorizing statute(s): 75-7-117, MCA

Implementing statute(s): 75-7-103(6), MCA

History: NEW, 1997 MAR p. 48, Eff. 1/17/97.