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HOUSE BILL NO. 85

INTRODUCED BY M. MALONE

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THE LAND BOARD AND THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FROM ENVIRONMENTAL REVIEW FOR CERTAIN IMPROVEMENTS RELATED TO AGRICULTURE AND GRAZING LEASES ON STATE TRUST LANDS; AMENDING SECTION 77-1-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 77-1-121, MCA, is amended to read:

"77-1-121. Environmental review compliance -- exemptions. (1) Except as provided in 77-1-122, 77-1-1112, and subsection (2) of this section, the department and board are required to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within this title only if the department is actively proposing a sale or exchange or to issue a right-of-way, easement, placement of improvement, lease, license, or permit or is acting in response to an application for an authorization for a proposal.

(2) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when issuing any lease or license that expressly states that the lease or license is subject to further permitting under any of the provisions of Title 75 or 82.

(3) Except for rulemaking and as provided in subsection (1), the department and board are otherwise exempt from the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within this title, including but not limited to the issuance of lease renewals. The department and board do not have an obligation to comply with the provisions of Title 75, chapter 1, parts 1 and 2, when implementing provisions within this title if the department or board chooses not to take any action, even though either may have the authority to take an action.

(4) The department and board are exempt from the provisions of Title 75, chapter 1, parts 1 and 2,

1 when taking actions, including preparing plans or proposals, in relation to and in compliance with the following

2 local government actions:

3 (a) development or adoption of a growth policy or a neighborhood plan pursuant to Title 76,

4 chapter 1;

5 (b) development or adoption of zoning regulations;

6 (c) review of a proposed subdivision pursuant to Title 76, chapter 3;

7 (d) actions related to annexation;

8 (e) development or adoption of plans or reports on extension of services; and

9 (f) other actions that are related to local planning.

10 (5) ~~The Except as provided in subsection (6), the~~ department and board are exempt from the
11 provisions of Title 75, chapter 1, parts 1 and 2, when authorizing the following actions related to leases under
12 Title 77, chapter 6, part 1:

13 (a) the repair, maintenance, or replacement of infrastructure;

14 (b) water developments that have a de minimis impact on the environment, including but not
15 limited to placement of stockwater tanks and pipeline; and

16 (c) routine herbicide applications.

17 (6) ~~The exemption in subsection (5) does not apply to repair, maintenance, or replacement of~~
18 ~~fencing."~~

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

21 - END -