

To: Interested Parties

From: Lake County Conservation District

Re: Meadow Creek 310 Violation Update

Date: September 27th, 2019

On September 12, 2019, the Lake County Conservation District (LCCD) postponed a decision regarding a 310 complaint in the Meadow Creek area, Swan Valley. The LCCD also voted to contact a DNRC provided attorney so that LCCD's authority in this matter could be determined. Following is a report on that decision.

DNRC Conservation and Resource Development Division (CARDD) was contacted on September 13 by the LCCD District Administrator. We learned that previous court decisions have concluded that stream designations made by other agencies have no bearing on jurisdictional decisions under the 310 law. Seeking further advice from an attorney is not needed at this time. Stream designation decisions are the responsibility of the Conservation District. As a result of the discussion with DNRC, LCCD will proceed as described below:

- LCCD will vote on next steps at the Regular Supervisors meeting on Thursday, October 10th at 6:30 pm at the office in Ronan at 64352 US Highway 93 Ronan, MT 59864.
- LCCD will decide if a second hydrologist's field review of the site is necessary to determine the perennial/intermittent status of the waterway in question.
- DNRC CARDD will contact a LCCD chosen stream specialist and preassemble a field review team to be activated if LCCD decides to conduct a field inspection.
- If at the meeting, LCCD decides more information is needed, the preassembled inspection team will be asked to make a site visit.
- Once the field inspection report is delivered to LCCD, a determination as to the status of the waterway will be made. Based on this decision, LCCD will determine the next steps to be taken.
- If at the meeting, LCCD decides to render a decision with the evidence at hand, a decision will be made.
- If a directly affected party disagrees with the decision of LCCD, they may request a declaratory ruling, which is a formal process for affected parties to provide additional information to LCCD.
- A declaratory ruling may be challenged in a district court.