

MONTANA ASSOCIATION OF CONSERVATION DISTRICTS

RESOLUTIONS APPROVED AT THE 2010 MACD CONVENTION

Our Conservation Districts have a wide variety of interests in the cause of conserving Montana's natural resources. The following eight Resolutions were approved by the full body at a general session. Specific actions by MACD for each Resolution will be developed in the weeks ahead. In the meantime, we are sending these to a wide variety of natural resource interests in Montana.

Resolution 10-01 Protection of Private Property Rights

WHEREAS, the private farm and grazing lands of the state of Montana are among the basic and most valuable assets of the state;

WHEREAS, farmers and ranchers have decades of experience in managing and improving the natural resources, range production, weed control and farming practices on these private lands;

WHEREAS, resource practices conducted on public lands such as fire management, weed control, range management, and wildlife management have far reaching effects on adjacent private land;

WHEREAS, predator control policy on public lands have far reaching effects on adjacent private land;

WHEREAS, land management approaches used on public lands may directly impact adjacent private lands;

WHEREAS, wildlife managed on public lands consistently travel outside the public land onto private land; creating environmental and economic impacts such as the spread of disease and noxious weed;

WHEREAS, the availability of livestock grazing on public lands greatly influences private land use, conservation practices, and local economics surrounding public lands; and

WHEREAS, weed infestations originating on public lands spread and have negative impacts on surrounding private land;

THEREFORE BE IT RESOLVED, that the Montana Association of Conservation Districts (MACD) formally requests that federal, state and local agencies that control and manage public lands do so in a manner that protects the resource base and property rights of adjacent private

lands utilizing the experience and knowledge of local land owners, conservation districts, and other local agency range management specialists.

Submitted by: Garfield County CD

Area Meeting Action: Passed Area I

MACD Committee Assignment/Recommendation: District Operations/Do Pass

General Session Action: PASSED

**Resolution 10-03
BNSF Cooperation**

WHEREAS, BNSF Railway is a major player in the State of Montana, affecting not only the financial status of Montana citizens, but also affecting the natural resources of the state; and,

WHEREAS, Montana conservation district(s) priorities do not always coincide with the priorities of BNSF Railway, specifically:

- 1) control of noxious weeds,
- 2) respect for the Montana 310 law, and
- 3) maintenance of right-of-way boundaries; and,

WHEREAS, BNSF Railway media advertising currently depicts BNSF as a green and energy-saving transportation option within the state,

THEREFORE, BE IT RESOLVED that Montana Association of Conservation Districts (MACD) open and maintain dialogue with BNSF Railway to insure BNSF Railway is aware of the concerns and responsibilities of Montana conservation districts, and is also made aware of the corresponding responsibilities of BNSF Railway as a member of the Montana community.

Submitted by: Big Horn CD

Area Meeting Action: Passed Area IV

MACD Committee Assignment/Recommendation: Soil Resource & Land Use/Do Pass

General Session Action: PASSED

**Resolution 10-04
Cans & Bottles Deposit Law**

WHEREAS, Montana has experienced significant problems relative to the improper disposal of used beverage cans, plastic and glass bottles for many years; and

WHEREAS, many of the containers are deposited along Montana roadways and rivers causing unsightly and potentially dangerous conditions; and

WHEREAS, many other states have successful beverage deposit programs that could be used as a model for Montana.

THEREFORE BE IT RESOLVED, that the Montana Association of Conservation Districts work with the Legislature to encourage the adoption of a beverage deposit law to ensure the beauty of our unique pristine environment.

Submitted by: Yellowstone CD

Area Meeting Action: Passed Area IV

MACD Committee Assignment/Recommendation: Soil Resource & Land Use/Do Pass

General Session Action: PASSED

**Resolution 10-05
Water Reservations & Change of Use**

WHEREAS, the intent of the Montana Legislature, through the Montana Water Use Act, Title 85, chapter 2, parts 1 through 4, is to provide for the wise utilization, development, and conservation of the waters of the State of Montana for the maximum benefit of its people with the least possible degradation of the natural aquatic ecosystem; and,

WHEREAS, the Act specifically provides at Section 85-2-316, Montana Code Annotated, for the establishment of reservations of water by state and federal governmental entities, including conservation districts ; and,

WHEREAS, conservation districts have, through the completion of a general plan for the development of each conservation district's reserved water, and through yearly and/or 10-year comprehensive reports, provided proof of reasonable diligence; and,

WHEREAS the 1978 "Order of Board of Natural Resources and Conservation Establishing Water Reservations in the Yellowstone River" documents the purpose of each conservation district water reservation, the need for each conservation district water reservation, the amount of water necessary for the purpose(s) of each conservation district reservation, and that the conservation district reservation(s) are in the public interest.

THEREFORE, BE IT RESOLVED, that Montana Association of Conservation Districts encourage the Montana Department of Natural Resources and Conservation to assist conservation districts in their efforts to promote beneficial use of Montana's waters by supporting legislation allowing use of conservation district reserved water under approved development plans by exempting proposed projects from the change in appropriation process under Title 85, chapter 2, part 4, Mont. Code Ann., where:

- 1) The source is identified on the original reserved water application;
- 2) The original public notice reflects correct information of proposed use;
- 3) All or any portion of the proposed place of use is located in any township, range, of the originally designated project boundary as defined in the original plan. ;
- 4) The proposed use does not exceed 10.0 cubic feet per second or 1,000 acre feet per year; and
- 5) The purpose is for agricultural irrigation.

Submitted by: Big Horn CD

Area Meeting Action: Passed Area IV

MACD Committee Assignment/Recommendation: Water Resources/Do Pass

General Session Action: Passed

Resolution 10-06

Resolution to Revise Law Regarding the Appointment of Urban Supervisors

WHEREAS, incorporated city limits, originally omitted from some conservation districts, have expanded into conservation district boundaries; and

WHEREAS, when a city expands its limits into the conservation district, the conservation district boundaries do not change and by operation of law that portion of the expanded city limits remains within the conservation district boundaries; and

WHEREAS, the city limit area included within the conservation district boundary is often small; and

WHEREAS, §76-15-311, Mont. Code Ann., allows for appointing two “urban” supervisors, and requires that the appointed supervisors live within the city limits and the boundaries of the district; and

WHEREAS, it is important to Montana that urban interests and municipalities are represented in conservation districts but it is often difficult to find a candidate meeting the requirements of §76-15-311, Mont. Code Ann.

THEREFORE, BE IT RESOLVED, that the Montana Association of Conservation Districts pursue legislation allowing, the supervisors ~~may~~ to adopt a resolution changing the structure of the board to include five elected supervisors and two supervisors appointed by incorporated municipalities within conservation district boundaries to represent urban interests, when only part of an incorporated city is within the conservation district boundaries.

BE IT FURTHER RESOLVED, it further resolved, that the Montana Association of Conservation Districts pursue legislation allowing the municipalities to appoint urban supervisors that live within the district boundaries but not necessarily within the city limits.

BE IT FURTHER RESOLVED, that the Montana Association of Conservation Districts pursue legislation that the two urban supervisors appointed will represent all the municipalities within the Districts.

Submitted by: Cascade County CD

Area Meeting Action: Passed Area III

MACD Committee Assignment/Recommendation: District Operations/Do Pass

General Session Action: PASSED

Resolution 10-07
Wolves & Endangered Species Act

WHEREAS, livestock production is a vital economic component of Montana's economy,

WHEREAS, recreational hunting and outfitting are vital components of Montana's economy,

WHEREAS, in MCA 76-15-102, it states: "Declaration of Policy. It is hereby declared to be the policy of the legislature to provide for the conservation of soil and soil resources of this state, for the control and prevention of soil erosion, for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water and thereby to preserve natural resources, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of this state.",

WHEREAS, wolf populations are steadily increasing and big game animal populations, particularly moose and elk, are decreasing and the number of predations on livestock are rapidly increasing,

WHEREAS, wolves have been re-listed on the Endangered Species List, thereby reducing wolf management options,

WHEREAS, responsible agencies—both Federal and State—have been slow to respond to eliminate problem wolves;

THEREFORE BE IT RESOLVED, that the Montana Association of Conservation Districts (MACD);

- 1) Support federal legislation to amend the endangered species act in such a manner to allow delisting of wolves.
- 2) Support additional funding for Animal Damage control and fair compensation for losses.
- 3) Support and encourage Fish, Wildlife and Parks to act more swiftly and with greater force to eliminate problem wolf packs.

Submitted by: Ruby Valley CD

Area Meeting Action: Passed Area VI

MACD Committee Assignment/Recommendation: Soil Resource & Land Use/Do Pass

General Session Action: PASSED

Resolution 10-08
Wake Zones on Rivers

WHEREAS, watercraft use on our rivers have increased and;

WHEREAS, the wave action from watercraft wakes continue to cause erosion to our river banks;

WHEREAS, river front landowners are experiencing financial hardship;

AND WHEREAS, there are no regulations to control or impose “no wake” zones on rivers;

THEREFORE BE IT RESOLVED, to have MACD coordinate with other regulatory agencies and the Legislature to pass legislation authorizing wake zone regulations for Montana Rivers.

Submitted by: Flathead CD

Area Meeting Action: Passed Area V

MACD Committee Assignment/Recommendation: Education/Do Pass

General Session Action: PASSED

Resolution 10-09
Aquatic Invasive Species

WHEREAS, the waterways in the United States are quickly becoming populated with a variety of non native aquatic species;

WHEREAS, the cost of operating agriculture irrigation systems, electrical power generators, municipality drinking water systems and other surface water dependent usage is irreparably and significantly impacted when an aquatic invasive species is introduced;

WHEREAS, an aquatic invasive species introduction into a waterway often threatens the existence of native aquatic species, thus having the potential of invoking an onerous and costly threatened or endangered species designation;

WHEREAS, the primary and most common method of spreading aquatic invasive species is through transportation of recreational and commercial watercraft.

THEREFORE BE IT RESOLVED, that MACD petition the Montana Legislature to promulgate, pass and fund legislation that requires mandatory watercraft inspections for all watercraft that are traveling into Montana and all watercraft within Montana that are traveling from waterway to waterway.

Submitted by: Lake County CD

Area Meeting Action: Passed Area V

MACD Committee Assignment/Recommendation: Education/Do Pass

General Session Action: PASSED AS AMMENDED