



ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704
HELENA, MONTANA 59620-1704
(406) 444-3742

GOVERNOR STEVE BULLOCK
DESIGNATED REPRESENTATIVE
PATRICK HOLMES

HOUSE MEMBERS
WILLIS CURDY
JANET ELLIS
STEVE GUNDERSON
BRADLEY MAXON HAMLETT
THERESA MANZELLA
KERRY WHITE

SENATE MEMBERS
MIKE LANG
MIKE PHILLIPS
JP POMNICHOWSKI
CARY SMITH
CHAS VINCENT
GENE VUCKOVICH

PUBLIC MEMBERS
SCOTT ASPENLIEDER
JOHN C. BRENDEN
KYLIE PAUL
MATT VINCENT

COUNCIL STAFF
JASON MOHR, Research Analyst
HOPE STOCKWELL, Research Analyst
NADINE SPENCER, Secretary
JOE KOLMAN, Legislative Environmental Analyst

June 30, 2017

Martha Williams
Director, Department of Fish, Wildlife, and Parks

by intraoffice mail

Dear Ms. Williams,

A majority of the members of the Environmental Quality Council (EQC) object to MAR Notice 12-473, relating to the Department of Fish, Wildlife, and Parks' (FWP) proposed rule for dog training in upland game bird nesting areas. This letter notifies the FWP that the EQC will consider the notice for its next meeting.

Montana Code Annotated section 2-4-305(9) requires the Department to delay the adoption of the proposed rule:

(9) If a majority of the members of the appropriate administrative rule review committee notify the committee presiding officer that those members object to a notice of proposed rulemaking, the committee shall notify the agency in writing that the committee objects to the proposal notice and will address the objections at the next committee meeting. Following notice by the committee to the agency, the proposal notice may not be adopted until publication of the last issue of the register that is published before expiration of the 6-month period during which the adoption notice must be published, unless prior to that time, the committee meets and does not make the same objection. A copy of the committee's notification to the agency must be included in the committee's records.

At its next meeting, the EQC would like to hear from the FWP and interested parties regarding dog training in upland bird nesting areas. The EQC also would appreciate a written explanation of the reasoning behind the proposed rule. Please note that this explanation should include a historical analysis of the enabling legislation, a synopsis of the FWP's enforcement of these statutes, and potential future legislation.

Thank you for your attention to this request for information. As you can see from 2-4-305(9), MCA, the EQC may decide that the objection is no longer necessary after it has held its next meeting.

Sincerely,

Sen. Chas Vincent, presiding officer

CI0106 718413xa