

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.433 and 32.3.434	)	AMENDMENT
pertaining to designated surveillance	)	
area and animal identification within	)	NO PUBLIC HEARING
the DSA	)	CONTEMPLATED

1. On July 25, 2011, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on July 20, 2011 to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

32.3.433 DESIGNATED SURVEILLANCE AREA (1) through (1)(b) remain the same.

(c) Madison County – south of Highway 84 from Gallatin-Madison County line to Norris, then east of U.S. Highway 287 from Norris to Ennis, then south of State Highway 287 from Ennis to Alder, then east of State Rd. 357 (Upper Ruby Road–~~becomes Centennial Divide Road~~) to Sweetwater Road, then south of Sweetwater Road to the Madison-Beaverhead County line; and

(d) Beaverhead County – from Madison-Beaverhead County line, ~~east of Forest Route 100 (becomes Road 204 – Gravelly Range Road), continuing east of 204~~ south of Sweetwater Road to East Bench Road near Dillon, then south of East Bench Road to Blacktail Road, then East of Blacktail Road to North Valley Road then north and east of North Valley Road to Stibel Lane (Road 202) ,then east of Stibel Lane, which becomes Price Lane, to south of South Valley Road Rd. (State Road 509) approximately 1 mile, then east of Price Peet Rd. (Road 207) running south , then south of South Valley Road to Price Peet Road, then east of Price Peet Road to the Montana/Idaho border.

AUTH: 81-2-102, 81-2-103, 81-2-104, MCA  
 IMP: 81-2-101, 81-2-102, 81-2-103, 81-2-104, 81-2-105, 81-2-110, 81-2-111, MCA

REASON: A recent elk study in the southern Ruby Range and Snowcrest range (outside of the current Designated Surveillance Area), by the Montana Department

of Fish, Wildlife and Parks (FWP) revealed a significant number of brucellosis exposed elk. Due to the potential of Brucella exposure to livestock, and to help to protect Montana livestock producers, and its trading partners from the introduction of potentially infected livestock it is necessary to include cattle operations that overlap with the range of these elk in the Designated Surveillance Area.

32.3.434 ANIMAL IDENTIFICATION WITHIN THE DSA (1) All sexually intact cattle and domestic bison ~~12 months of age and older within~~ leaving the DSA must be identified with official individual identification.

AUTH: 81-2-102, 81-2-103, 81-2-104, MCA;  
IMP: 81-2-101, 81-2-102, 81-2-103, 81-2-104, 81-2-105, 81-2-110, 81-2-111, MCA

REASON: Individual identification of all sexually intact cattle and domestic bison is imperative for disease surveillance and traceability. This change helps prevent multiple and varying identification requirements being place on Montana DSA livestock by trading partners.

4. Concerned persons may submit their data, views, or arguments in writing to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to [cmackay@mt.gov](mailto:cmackay@mt.gov) to be received no later than 5:00 p.m., July 25, 2011.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Christian Mackay at the above address no later than 5:00 p.m., July 25, 2011.

6. If the department receives requests for a public hearing on the proposed actions from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed actions; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the population of the state.

7. An electronic copy of this proposal notice is available through the department's web site at [www.liv.mt.gov](http://www.liv.mt.gov).

8. The Montana Department of Livestock maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to

receive notices and specifies the area of interest that the person wishes to receive notices regarding. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Christian Mackay, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; faxed to (406) 444-1929 "attention Christian Mackay"; or e-mailed to [cmackay@mt.gov](mailto:cmackay@mt.gov). Request forms may also be completed at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

#### DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay  
Christian Mackay  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ George H. Harris  
George H. Harris  
Rule Reviewer

Certified to the Secretary of State June 13, 2011.