



ENVIRONMENTAL QUALITY COUNCIL

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

GOVERNOR STEVE BULLOCK	HOUSE MEMBERS	SENATE MEMBERS	PUBLIC MEMBERS	COUNCIL STAFF
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March 2, 2018

To: Environmental Quality Council Members
From: Erin Bills, Legal Staff
Re: Legislative Administrative Rule Review Report¹

MAR NOTICE NUMBER: 12-480

AGENCY/BOARD: Department of Fish, Wildlife and Parks

RULE CLASSIFICATION: Substantive

SUBJECT: Pilot program for Aquatic Invasive Species (AIS) in the Flathead Basin

NOTICE DESCRIPTION: Notice of public hearing on proposed adoption

SUMMARY OF RULE: The Department of Fish, Wildlife and Parks (FWP) is proposing to adopt one rule pertaining to the pilot program for AIS in the Flathead Basin.

The FWP proposes to adopt New Rule I which outlines an additional layer of protection to prevent the transport and introduction of AIS in the Flathead Basin by requiring "vessels and equipment traveling into the Flathead Basin that have been used on waters outside the Flathead Basin to be inspected at a department inspection station prior to launching within the Flathead Basin." Section 80-7-1027, MCA, established the Upper Columbia pilot program to address AIS issues in the Flathead Basin. The FWP may adopt rules for the Flathead Basin requiring inspection of all vessels before they are launched.²

NOTES: Hearings were held on the above referenced rule on February 6, 2018, at the Fish, Wildlife and Parks Region 1 Office, 490 North Meridian Road, Kalispell, Montana, and the Fish,

¹Pursuant 75-1-324, MCA, the Environmental Quality Council (EQC) is responsible for reviewing administrative rules within its jurisdiction. Staff for the EQC has prepared this report for informational purposes only. This report does not represent any action or opinion of the EQC and does not preclude additional action that may be taken by the EQC pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

²Mont. Code Ann. § 80-7-1027(5)(a) (2017).

Wildlife and Parks Region 2 Office, 3201 Spurgin Road, Missoula, Montana. Public comment was received until February 9, 2018.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at <http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8249>.

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March 19, 2018

To: Environmental Quality Council Members
From: Erin Bills, Legal Staff
Re: Legislative Administrative Rule Review Report¹

MAR NOTICE NUMBER: 17-392

AGENCY/BOARD: Department of Environmental Quality

RULE CLASSIFICATION: Substantive

SUBJECT: Adoption of a New Version of Department Circular DEQ-8

NOTICE DESCRIPTION: Amended Notice of Proposed Amendment (Subdivisions)

SUMMARY OF RULE: The Department of Environmental Quality (DEQ) is amending its proposed amendments to ARM 17.36.310 and ARM 17.36.345 originally noticed September 22, 2017, as a notice of public hearing on proposed amendments to the subdivision review process and adoption of a new version of the department circular DEQ-8.

NOTES: Public comment will be accepted until April 13, 2018.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at <http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8382>.

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March 19, 2018

To: Environmental Quality Council Members
From: Erin Bills, Legal Staff
Re: Legislative Administrative Rule Review Report¹

MAR NOTICE NUMBER: 12-482

AGENCY/BOARD: Department of Fish, Wildlife, and Parks

RULE CLASSIFICATION: Substantive

SUBJECT: Repeal of ARM 12.3.202 and ARM 12.3.208 pertaining to Classes of License Agents and Acceptable License Agent Security

NOTICE DESCRIPTION: Notice of repeal (no public hearing contemplated)

SUMMARY OF RULE: The Department of Fish, Wildlife, and Parks (FWP) is proposing to repeal two rules pertaining to classification of license agents authorized to sell hunting, fishing, and recreational licenses and acceptable license agent security.

The FWP proposes to repeal ARM 12.3.202 pertaining to classes of license agents reasoning that the FWP now uses an Automated License System (ALS) and no longer uses classes of license agents. In addition, the FWP proposes to repeal ARM 12.3.208 requiring license agent security. The FWP reasons that the requirement for a bond or security is no longer needed, because the department no longer uses a paper system effectively reducing the delay to receive revenue from license sales.

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NOTES: Public comment will be accepted until April 13, 2018. No public hearing is contemplated; however, if the agency receives requests for public hearing that meet certain criteria outlined under the proposal, a hearing will be scheduled.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at <http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8379>.

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