

July 26, 2024

TO: Environmental Quality Council  
FROM: Alexis Sandru, Substitute Staff Attorney  
RE: Administrative Rule Report – Issue 14

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In Issue 14 of the Montana Administrative Register (dated July 26, 2024), Fish, Wildlife and Parks (FWP) published one adoption notice and the Department of Environmental Quality (DEQ) published two adoption notices. Pdfs of the rulemaking are attached to this email.

## **ADOPTION NOTICES**

**MAR Notice Number: 12-625** (proposed Issue 4, February 23, 2024; adopted Issue 14, July 26, 2024)

Subject: Department liaisons

Summary: The FWP proposed to repeal ARM 12.2.306, which required FWP and the Commission to maintain a liaison with citizen organizations active in areas concerning FWP responsibilities. FWP noted that the repeal was necessary because the rule, adopted in 1976, was archaic and no longer reflected how FWP engages with the public.

Notes/Hearing: A public hearing was held on May 3, 2024. Written public comment was due on May 6, 2024.

*Adoption Notice Notes:* In the adoption notice, the FWP responded to 10 comments, most of which opposed the rulemaking. The FWP adopted the rulemaking as proposed.

**MAR Notice Number: 17-441** (proposed Issue 6, March 22, 2024; adopted Issue 14, July 26, 2024)

Subject: Reimbursement payments for abandoned vehicle removal

Summary: The DEQ is authorized to reimburse tow truck charges for removing abandoned vehicles at the request of law enforcement. The DEQ proposed to increase the flat rate reimbursement payment for each abandoned vehicle removed from \$125 to \$175. The DEQ estimated that the increase in the reimbursement rate would result in a \$44,750 annual increase, which would be covered by the junk vehicle fund.

Notes/Hearing: A public hearing was held on April 18, 2024. Written public comment was due on April 19, 2024.

*Adoption Notice Notes:* The DEQ received no public comment and adopted the rulemaking as proposed.

**MAR Notice Number: 17-443** (proposed Issue 8, July 5, 2024; adopted Issue 14, July 26, 2024)

Subject: Need findings in the Montana Facility Siting Act

Summary: The DEQ proposed to amend rules pertaining to major facility siting, implementing SB 274 (2023), which struck the public interest, convenience, and necessity standard used in approving a MFSA facility and replaced the standard with the public interest standard, and revising the standard of need for linear facilities. The DEQ also proposed to repeal numerous rules because of decisions from the Federal Energy Regulatory Commission and the legislation

cited above and because the rules were written when a regulated wholesale market of energy utilities were typically vertically integrated.

Notes/Hearing: A public hearing was not scheduled. Written public comment was due on May 24, 2024.

*Adoption Notice Notes:* The DEQ received no public comment and adopted the rulemaking as proposed.

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