

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED AMENDMENT
ARM 12.10.103, 12.10.106, and) NO PUBLIC HEARING
12.10.112 regarding shooting range) CONTEMPLATED
development grants)

TO: All Concerned Persons

1. On January 27, 2011, the Department of Fish, Wildlife and Parks (department) proposes to amend the above-stated rules.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the department no later than December 23, 2010, to advise us of the nature of the accommodation that you need. Please contact Stella Cureton, Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; fax (406) 444-7456; e-mail scureton@mt.gov.

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

12.10.103 GRANT APPLICATION PROCEDURE (1) To apply for a shooting range development grant, an applicant must prepare and submit a completed application to the department's Conservation Education ~~Division~~ Bureau in Helena. For questions and assistance contact:

Department of Fish, Wildlife and Parks
Conservation Education ~~Division~~ Bureau
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620
Phone (406) 444-3188

(2) Applications are reviewed throughout the biennium as long as funds are available must be postmarked on or before May 1.

(3) If the applicant is a private club or organization, the applicant must submit a club or organization resolution that approves the application for financial assistance, the project proposal, the commitment to allow public and hunter education program use of the facilities, and certifies the applicant's ability to provide matching funds or in-kind contributions.

(4) Applicants receiving preliminary approval must enter into a shooting range development project agreement with the department before the department gives final approval and disburses grant funds. The agreement shall delineate the terms the applicant must abide by under applicable statutes, administrative rules, and state and department policy. Department final approval of an agreement is contingent upon the EA decision notice.

AUTH: 87-1-201, 87-1-279, MCA

IMP: 87-1-201, 87-1-276, 87-1-277, 87-1-278, 87-1-279, 87-2-105, MCA

12.10.106 INSPECTIONS (1) The department may conduct periodic on-site inspections.

(2) Project sites will be subject to inspection by the department for ten years following receipt of a shooting range development grant.

(3) Upon completion of the work, the applicant must submit ~~photographs~~ proof of the completed project.

AUTH 87-1-201, 87-1-279, MCA

IMP: 87-1-201, 87-1-276, 87-1-277, 87-1-278, 87-1-279, 87-2-105, MCA

12.10.112 GRANT PRIORITY (1) As long as funds are sufficient to allocate grants to all eligible applicants, grants will be ~~allocated~~ awarded ~~on a first come, first served basis~~ beginning with on July 1 of each ~~biennium~~ year.

(2) When the department receives more eligible applications for grants than funds are available, the department may include, but is not limited to, the following criteria to disperse funds and approve grants:

(a) needs of the community determined by distance to ~~existing~~ applicant shooting ranges ~~or~~ and annual club membership/range use;

(b) population of the county compared with numbers of shooting ranges allowing public use within the county;

(c) disabled accessibility ~~improved~~ to existing shooting range improved as a result of the proposed project;

(d) types of firearms and archery equipment that can be used at the proposed project;

(e) range safety improved as a result of the proposed project; and

(f) impacts to the human environment.

AUTH: 87-1-279, MCA

IMP: 87-1-277, 87-1-278, 87-1-279, MCA

REASONABLE NECESSITY: The department is proposing the rules regarding the shooting range grant applications to comply with the practices of the department. The department is proposing an annual submission date and award process instead of the biennial process. Applications will need to be postmarked on or before May 1 and distribution of awarded grant money will begin on July 1.

The department is proposing amendments to ARM 12.10.103 to reflect the changes to the department's organization adopted on June 30, 2009. The department is proposing amending ARM 12.10.106 to expand proof of completed work beyond just photographs.

4. Concerned persons may submit their data, views, or arguments concerning the proposed actions in writing to: Kurt Cunningham, Department of Fish,

Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; fax (406) 444-4952; or e-mail kcunningham@mt.gov, and must be received no later than January 8, 2011.

5. If persons who are directly affected by the proposed actions 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 they have to Jessica Fitzpatrick at the above address. A written request for a hearing must be received no later than January 8, 2011.

6. If the department receives requests for a public hearing on the proposed actions from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed action; 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be greater than 25 people based on the number of people who utilize shooting ranges.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make written request, which includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

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

/s/ Arthur Noonan

Arthur Noonan, Deputy Director
Department of Fish, Wildlife and Parks

/s/ William A. Schenk

William A. Schenk
Rule Reviewer

Certified to the Secretary of State November 29, 2010.