

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the repeal of ARM)
12.9.202 pertaining to the brinkman)
game preserve)

NOTICE OF PUBLIC HEARING ON
PROPOSED REPEAL

TO: All Concerned Persons

1. On August 4, 2023, at 10:00 a.m., the Fish and Wildlife Commission will hold a public hearing via the ZOOM meeting platform to consider the proposed repeal of the above-stated rule. There will be no in-person hearing. Interested parties may access the telephonic public hearing in the following way:

Dial by telephone: +1 646 558 8656
Meeting ID: 885 4712 0951
Passcode: 900427

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Fish, Wildlife and Parks (FWP) no later than 5:00 p.m., on July 21, 2023, to advise us of the nature of the accommodation that you need. Please contact Christina Bell, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail cbell@mt.gov.

3. The rule proposed to be repealed is as follows:

12.9.202 BRINKMAN GAME PRESERVE

AUTH: 87-1-301, 87-5-402 MCA
IMP: 87-1-305, 87-5-401 MCA

REASON: On April 19, 2023, petitioner Edward Cole submitted a petition for rulemaking to the Department of Fish, Wildlife and Parks. Pursuant to 2-4-315, MCA, an "interested person...may petition an agency requesting the promulgation, amendment, or repeal of a rule." Petitioner Cole's petition seeks the repeal of ARM 12.9.202, which establishes the Brinkman Game Preserve. If ARM 12.9.202 is repealed, the Brinkman Game Preserve will be abolished. Mr. Cole seeks the repeal of ARM 12.9.202, as the Brinkman Game Preserve includes large swaths of private property, impacting his family's use and enjoyment of the land. On June 8, 2023, the Fish and Game Commission granted Mr. Cole's petition. Therefore, the department is required to file this notice with the Secretary of State and initiate the rulemaking process.

4. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to:

Brian Wakeling, Department of Fish, Wildlife and Parks, P.O Box 200701, Helena, Montana, 59620-0701; or email brian.wakeling@mt.gov and must be received no later than 5:00 p.m., August 7, 2023.

5. Christina Bell or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing or email address of the person to receive the notice. Such written request may be mailed or delivered to: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to cbell@mt.gov.

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

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the repeal of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Kevin Rechkoff
Kevin Rechkoff
Rule Reviewer

/s/ Lesley Robinson
Lesley Robinson
Chair
Fish and Wildlife Commission

Certified to the Secretary of State June 27, 2023.