

BEFORE THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of ) NOTICE OF ADOPTION OF  
Temporary Emergency Rules I and II ) TEMPORARY EMERGENCY RULES  
pertaining to Renewable Resource )  
Grant and Loan and Reclamation )  
Development Grant Application )  
Deadlines related to the COVID-19 )  
pandemic )

To: All Concerned Persons

1. The Department of Natural Resources and Conservation is adopting the following emergency rules for the following reasons:

A. On March 12, 2020, Governor Steve Bullock declared an emergency in the State of Montana with regards the COVID-19 pandemic in Executive Order 2- 2020.

B. On March 13, 2020, President Donald J. Trump declared a national emergency due to the COVID-19 pandemic.

C. On March 14, 2020, Governor Steve Bullock extended the emergency in the State of Montana with regards the COVID-19 pandemic in Executive Order 3-2020.

D. There is reasonable necessity to immediately adopt temporary emergency rules to extend grant application deadlines to protect the public health, safety, and welfare, because of the emergency conditions of the COVID-19 pandemic. There is reasonable necessity to immediately adopt temporary emergency rules pursuant to 10-3-104, MCA, affecting the operation of the Renewable Resource Grant and Loan Program and the Reclamation Development Grant Program. There is reasonable necessity to allow additional time to complete applications for applicants including local governments, tribal governments, and private persons due to the COVID-19 pandemic. Extension of the application deadline will allow for additional time to observe the recommended prevention measures to prevent the spread of COVID-19. The May 15 of even year deadline is defined in ARM 36.17.608 for the Renewable Resource Grant and Loan Program and in ARM 36.19.112 for the Reclamation and Development Grant Program.

2. The temporary emergency rules are effective April 6, 2020, when this temporary emergency rule notice is filed with the Secretary of State.

3. The text of the temporary emergency rules provides as follows:

NEW RULE I EMERGENCY RULE RELATED TO COVID-19 APPLICATIONS SUBMITTAL DEADLINES (1) This rule is only effective when there has been a declaration by the governor of an emergency or disaster related to the COVID-19 pandemic.

(2) Applications for the Renewable Resource Grant and Loan Program

submitted to the bureau must be postmarked on or before June 1, 2020. The department will provide guidance on electronic application submissions.

(3) Applications for the Reclamation Development Grant Program submitted to the bureau must be postmarked on or before June 1, 2020. The department will provide guidance on electronic application submissions.

AUTH: 2-4-303, 10-3-104, MCA

IMP: 2-4-303, 10-3-104, MCA

NEW RULE II REGULAR APPLICATION DEADLINE RULES TO BE CONSTRUED TO GIVE EFFECT TO EMERGENCY RULES RELATED TO COVID-19 PANDEMIC (1) This rule is only effective when there has been a declaration by the governor of an emergency or disaster related to the COVID-19 pandemic.

(2) The department shall apply existing rules, except as modified by NEW RULES I and II, to maintain consistency during the emergency.

AUTH: 2-4-303, 10-3-104, MCA

IMP: 2-4-303, 10-3-104, MCA

4. The rationale for the temporary emergency rules is as set forth in paragraph 1.

5. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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 for which program the person wishes to receive notices. 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 Aliselina Strong, 1539 Eleventh Avenue, PO Box 201601, Helena, MT 59620; fax (406) 444-2684; e-mail [astrong@mt.gov](mailto:astrong@mt.gov); or may be made by completing a request form at any rules hearing held by the department.

6. The bill sponsor contact requirements of 2-4-302, MCA, do not apply pursuant to 2-4-303, MCA.

/s/ John E. Tubbs  
JOHN E. TUBBS  
Director  
Natural Resources and Conservation

/s/ Danna R. Jackson  
DANNA R. JACKSON  
Rule Reviewer

Certified to the Secretary of State April 6, 2020.