

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

In the matter of the amendment of ARM ) NOTICE OF AMENDMENT AND  
36.14.101, 36.14.201, 36.14.309, ) REPEAL  
36.14.402, 36.14.406, 36.14.407, )  
36.14.501, 36.14.601, 36.14.602, and )  
36.14.603 and the repeal of ARM )  
36.14.311 pertaining to Dam Safety )

To: All Concerned Persons

1. On July 8, 2022, the Department of Natural Resources and Conservation (department) published MAR Notice No. 36-22-216 pertaining to the public hearing on the proposed amendment and repeal of the above-stated rules at page 1177 of the 2022 Montana Administrative Register, Issue Number 13.

2. The department has amended and repealed the above-stated rules as proposed.

3. The department has thoroughly considered the written comments received. No oral comments were received at the August 9, 2022 public hearing. A summary of the written comments appears below with the department's responses:

COMMENT NO. 1: The rules should be amended and repealed as proposed.

RESPONSE NO. 1: The department agrees.

COMMENT NO. 2: The EAP signature requirement in ARM 36.14.406 should remain. It secures buy-in from local emergency responders and ensures they have reviewed the EAP for high-hazard structures. A signed EAP helps spread responsibility in times of emergency.

RESPONSE NO. 2: The department disagrees. The EAP signature requirement has proven to be a significant obstacle to timely plan distribution for many dam owners. Dam owners are encouraged to work closely with local emergency managers to ensure proper response in an emergency and can ask for signatures at their discretion. The requirements in rule ensure buy-in, review, and acceptance of responsibility regardless of the signature.

/s/ Amanda Kaster  
Amanda Kaster  
Director  
Natural Resources and Conservation

/s/ Joslyn Hunt  
Joslyn Hunt  
Rule Reviewer

Certified to the Secretary of State on September 13, 2022.