

BEFORE THE BOARD OF LAND COMMISSIONERS AND  
THE DEPARTMENT OF NATURAL RESOURCES  
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING ON  
Rule I regarding the conservation ) PROPOSED ADOPTION  
strategies on forested state trust )  
lands )

To: All Concerned Persons

1. On February 23, 2015, at 4:00 p.m., the Department of Natural Resources and Conservation (DNRC) will hold a public hearing at DNRC's Forestry Division Headquarters Clark Fork Conference Room, 2705 Spurgin Road, Missoula, Montana, 59804, to consider the adoption of the above-stated rule.

2. The department 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 agency no later than 5:00 p.m. on February 19, 2015, to advise the department of the nature of the accommodation that you need. Please contact Sonya Germann, Chief, DNRC Forest Management Bureau, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306, fax (406) 542-4217, e-mail sgermann@mt.gov.

3. The department proposes to adopt the following rule:

NEW RULE I DNRC CONSERVATION STRATEGIES (1) For forested state trust lands in the department's Northwestern Land Office, Southwestern Land Office, and Central Land Office, the department will implement the conservation strategies for grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout specified in the "Montana DNRC Forested State Trust Lands Habitat Conservation Plan Final EIS/HCP," except when those conservation strategies conflict with ARM 36.11.432(1)(d), (e), and (f).

AUTH: 77-5-204, MCA  
IMP: 77-5-116, 77-5-204, 77-5-206, 77-5-207, MCA

REASONABLE NECESSITY: The adoption of New Rule I is reasonably necessary because on August 21, 2014, a federal district court judge ruled that management of the "Stillwater Core" area of the Stillwater and Coal Creek State Forests under the Montana DNRC Forested State Trust Lands Habitat Conservation Plan (HCP) did not comply with Section 10 of the federal Endangered Species Act. New Rule I ensures that the "Stillwater Core" area will be managed in a manner that is consistent with this federal court ruling. Additionally, adoption of New Rule I will allow DNRC to apply the conservation strategies to forested state trust lands that were acquired since the adoption of the Montana DNRC Forested State Trust Lands

Habitat Conservation. New Rule I will thereby provide DNRC the opportunity to consistently manage for these species on all forested lands in the three respective land offices.

4. Concerned persons may submit their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or e-mailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), and must be received no later than 5:00 p.m. on February 26, 2015.

5. Sonya Germann, Chief, DNRC Forest Management Bureau, Trust Land Management Division, has been designated to preside over and conduct the public hearing.

6. An electronic copy of this notice of public hearing is available through the department's web site at <http://www.dnrc.mt.gov>. The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered.

7. 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 that the person wishes to receive notices regarding conservation districts and resource development, forestry, oil and gas conservation, trust land management, water resources, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be sent or delivered to Sonya Germann, 2705 Spurgin Road, Missoula, MT 59804-3199; telephone (406) 542-4306; fax (406) 542-4217; or emailed to [sgermann@mt.gov](mailto:sgermann@mt.gov), or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled.

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

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

/s/ Mark Phares  
MARK PHARES  
Rule Reviewer

Certified to the Secretary of State on January 20, 2015.