

BEFORE THE DEPARTMENT OF COMMERCE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 8.101.302 and the repeal of) PROPOSED AMENDMENT AND
ARM 8.101.202 and 8.101.203) REPEAL
pertaining to the submission and)
review of applications for funding)
under the Coal Board)

TO: All Concerned Persons

1. On April 11, 2024, at 10:00 a.m., the Department of Commerce will hold a public hearing via Zoom to consider the proposed amendment and repeal of the above-stated rules. Interested parties may access the remote conferencing platform in the following ways:

a. Video: https://mt-gov.zoom.us/webinar/register/WN_Uq3_IINwQYSM-s-xjgCdRQ

2. The Department of Commerce 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 Commerce no later than 5:00 p.m., April 9, 2024, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD (406) 841-2702; facsimile (406) 841-2771; or e-mail to docadmimistrativerules@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

8.101.302 APPLICATION FORM (LIF 1-75) (1) The purpose of the application form is to evaluate applicants for coal impact assistance and to establish priorities among those who may qualify for grants. Items to be considered include, but are not limited to, a description of the proposed project, proposed budget, projected completion date, the project's relationship to coal development, the applicant's budget, documentation of past and current local financial effort, and current or on-going planning efforts related to the orderly management of the existing or contemplated growth or decline of coal impacts, ~~and documentation of citizen participation.~~

(2) Applications will be evaluated based on the five criteria listed in ARM 8.101.301, ~~and must include documentation of a completed environmental review process.~~ The application shall be considered by the Coal Board during the next scheduled quarterly meeting after receipt of the completed application, and either be approved, denied, or tabled pending submittal of additional information to the Coal Board. The application form is available online.

(3) and (4) remain the same.

(5) Coal impact grant funds used for the preparation of plans, studies, analyses, or necessary research for the preparation of a preliminary engineering report must meet the requirements of the most current Coal Board application. ~~This application is available Uniform Application for Montana Public Facility Projects. Coal impact grant funds used for the preparation of a preliminary architectural report must meet the requirements described in the Coal Impact Grant Application. This application is available online at <http://comdev.mt.gov/Boards/Coal> <https://comdev.mt.gov/Programs-and-Boards/Montana-Coal-Board/Planning-and-Project-Grants>.~~

AUTH: 90-6-205, MCA

IMP: 90-6-208, MCA

REASON: It is reasonably necessary to amend this rule with the passage of House Bill 795 (HB 795) in the 68th Legislative session. The Coal Board is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, MCA, when authorizing grants in certain circumstances set by statute. The department has updated the Coal Board application to reflect the changes to the program.

4. The department proposes to repeal the following rules:

8.101.202 INCORPORATION BY REFERENCE OF RULES FOR IMPLEMENTING MEPA

AUTH: 90-6-205, MCA

IMP: 75-1-201, 75-1-202, MCA

REASON: It is reasonably necessary to amend this rule with the passage of House Bill 795 (HB 795) in the 68th Legislative session. The Coal Board is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, MCA, when authorizing grants in certain circumstances set by statute. The department has updated the Coal Board application to reflect the changes to the program.

8.101.203 CATEGORICAL EXCLUSIONS FROM ENVIRONMENTAL REVIEW PROCESS

AUTH: 90-6-205, MCA

IMP: 75-1-201, MCA

REASON: It is reasonably necessary to amend this rule with the passage of House Bill 795 (HB 795) in the 68th Legislative session. The Coal Board is exempt from the provisions of Title 75, chapter 1, parts 1 and 2, MCA, when authorizing grants in certain circumstances set by statute. The department has updated the Coal Board application to reflect the changes to the program.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Commerce, Community MT Division, 301 South Park Avenue, P.O. Box 200523, Helena, Montana, 59620-0523; by facsimile to (406) 841-2771, or e-mail to docadministrativerules@mt.gov, and must be received no later than 5:00 p.m., April 19, 2024.

6. The Office of Legal Affairs has been designated to preside over and conduct this hearing.

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 may 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. Written requests may be mailed or delivered to the Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501, by fax to (406) 841-2701, by e-mail to docadministrativerules@mt.gov, or by completing a request form at any rules hearing held by the department.

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

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

MONTANA COAL BOARD
Pat Lorello, Chair

/s/ John Semmens
John Semmens
Rule Reviewer

/s/ Mandy Rambo
Mandy Rambo
Deputy Director
Department of Commerce

Certified to the Secretary of State on March 12, 2024.