

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the proposal of ARM ) NOTICE OF PROPOSED  
32.3.433 designated surveillance ) AMENDMENT  
area )  
) NO PUBLIC HEARING  
) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on June 8, 2020, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

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

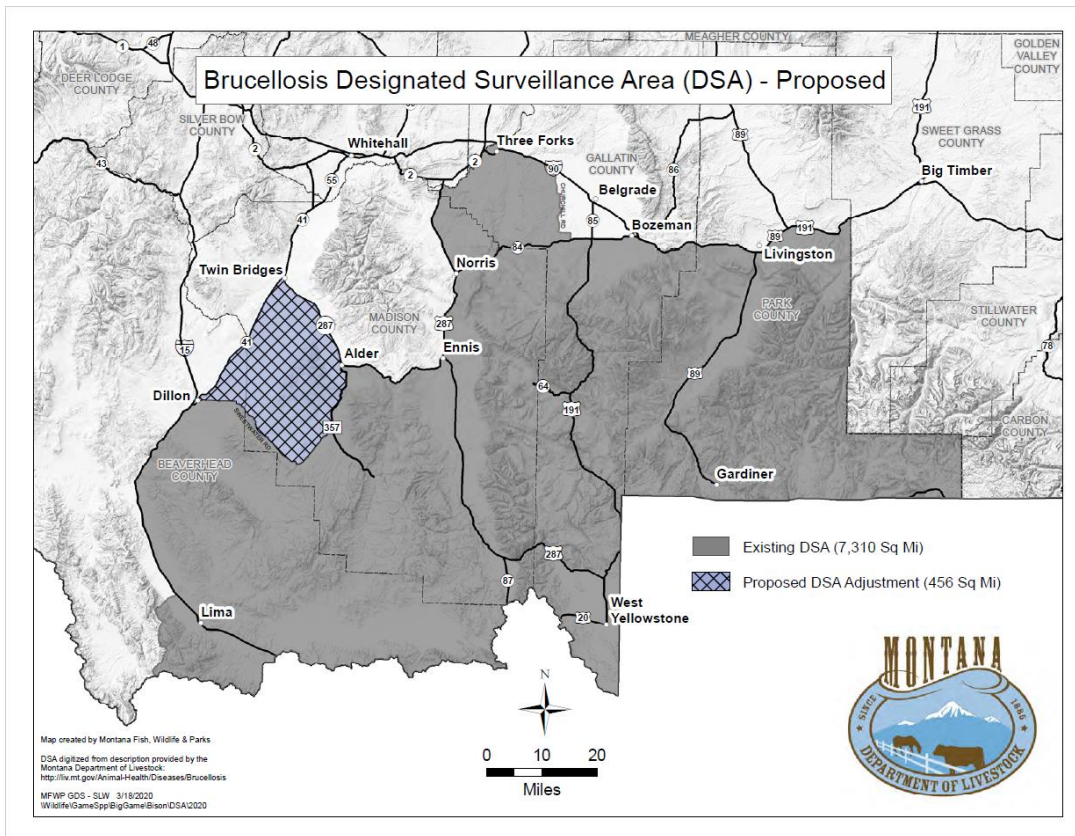
32.3.433 DESIGNATED SURVEILLANCE AREA (1) through (1)(b) remain the same.

(c) Madison County – east of Highway 287 from its northern crossing of the Gallatin-Madison County line to Ennis, then south of State Highway 287 from Ennis to Alder, then west of Highway 287 to Twin Bridges, then east of Montana Highway 41 east of State Rd. 357 (Upper Ruby Road) to Sweetwater Road, then south of ~~Sweetwater Road~~ to the Madison-Beaverhead County line; and

(d) Beaverhead County – from Madison-Beaverhead County line, east of Montana Highway 41 south of ~~Sweetwater Road~~ to ~~East Bench Road~~ near Dillon, then south of ~~East Canal Bench Road~~ to ~~White Lane~~, then south of ~~White Lane~~ to ~~Blacktail Road~~, then south of ~~Blacktail Road~~ to Highway 91, then west of Highway 91 to ~~Interstate 15 business loop~~, then south of ~~Interstate 15 business loop~~ to Interstate 15, then east of Interstate 15, to Big Sheep Creek Road at Dell, then east of Big Sheep Creek Road to Deadwood Gulch Road (BLM Road 1869), then east of Deadwood Gulch Road to Forest Road 8273, then east of Forest Road 8273 to Forest Road 1033, then east of Forest Road 1033 to the West Fork of Little Sheep Creek, then east of the West Fork of Little Sheep Creek to the headwaters north of Round Timber Spring to the Montana/Idaho border.

(2) A map of the designated surveillance area follows:

[The following map shows the proposed boundary addition. Our prior map without the proposed addition is being stricken.]



AUTH: 81-2-102, 81-2-103, 81-2-104, MCA  
IMP: 81-2-101, 81-2-102, 81-2-103, 81-2-104, MCA

Reason: Following the discovery of brucellosis exposed elk in the Ruby Mountains, the department proposes a Designated Surveillance Area (DSA) boundary change to include cattle and domestic bison that could be exposed in the area into the program and its livestock surveillance and identification requirements.

Due to the potential of livestock exposure to *Brucella abortus*, to help protect Montana livestock producers and its trading partners, and to maintain the marketability of Montana's livestock, inclusion of this area through a DSA boundary change is necessary.

The department also proposes to correct the road name in southern Beaverhead County for clarity.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., June 18, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., June 18, 2020.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the businesses who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Those directly affected has been determined to be 7, based on 71 producers in the area

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 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 the contact person in 4 above 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, do not apply.

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

BY: /s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Officer  
Board of Livestock  
Department of Livestock

BY: /s/ Cinda Young-Eichenfels  
Cinda Young-Eichenfels  
Rule Reviewer

Certified to the Secretary of State May 5, 2020.