



ADMINISTRATIVE RULES OF MONTANA



17.24.1146 DESIGNATION OF LANDS UNSUITABLE: HEARINGS ON PETITION

- (1) Within 10 months after receipt of a complete petition, the department shall hold a public hearing in the locality of the area covered by the petition. If all petitioners and intervenors agree, the hearing need not be held. The department may subpoena witnesses as necessary. The department shall allow cross-examination of expert witnesses, but other witnesses must not be cross-examined. The department shall make a verbatim transcript of the hearing.
- (2)
 - (a) The department shall give notice of the date, time, and location of the hearing to:
 - (i) local, state, and federal agencies which may have an interest in the decision on the petition;
 - (ii) the petitioner and the intervenors; and
 - (iii) any person with an ownership or other interest known to the department in the area covered by the petition.
 - (b) Notice of the hearing must be sent by certified mail and postmarked not less than 30 days before the scheduled date of the hearing.
- (3) The department shall notify the general public of the date, time, and location of the hearing by placing a newspaper advertisement once a week for 2 consecutive weeks in the locale of the area covered by the petition and once during the week prior to the scheduled date of the public hearing. The consecutive weekly advertisement must begin between 4 and 5 weeks before the scheduled date of the public hearing.
- (4) The department may consolidate in a single hearing the hearings required for each of several petitions which relate to areas in the same locale.
- (5) In the event that all petitioners and intervenors stipulate agreement prior to the hearing, the petition may be withdrawn from consideration.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-227, MCA

History: NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2024 MAR p. 260, Eff. 2/10/24.