



Montana Board of Oil and Gas Conservation
2535 St. Johns Ave.
Billings, MT 59102
Via email to mtogpub@mt.gov

March 14, 2018

Re: Hydraulic Fracturing Rulemaking

To the Members of the Montana Board of Oil and Gas Conservation:

On behalf of Montana Environmental Information Center, Natural Resources Defense Council, Bonnie and Jack Martinell, Dr. David Lehnherr, David Katz, Anne Moses, Dr. Mary Anne Mercer, and Dr. Willis Weight, I write to request that the Board promptly commence the formal rulemaking process to amend its hydraulic fracturing regulations, including specifically the regulations addressing public disclosure of hydraulic fracturing fluid chemical information. The Board initiated a process to amend its hydraulic fracturing regulations in Fall 2017 pursuant to direction provided by the Montana Legislature in SB 299. At the Board's February 14, 2018 business meeting, a discussion ensued between the Board and members of the public in attendance concerning whether the Board should initiate the formal rulemaking process or instead continue informal deliberations and gathering public input. At this time, we believe it is appropriate and essential that the Board move expeditiously to begin the formal rulemaking process so the public may benefit from appropriately amended regulations without undue delay. While we appreciate the opportunities the Board has afforded for public input before its rulemaking subcommittee begins drafting proposed regulatory amendments, at this time we believe all stakeholders have had adequate opportunities to express their views on the appropriate content of the proposed amendments.

In addition, in order to facilitate meaningful public participation in the Board's rulemaking process and satisfy Montana's open meeting laws, see MCA §§ 2-3-201 – 2-3-203; see also Mont. Const. art. II, § 9, we request that the Board establish and publicize a timeline for the rulemaking process that includes the schedule and agendas for its rulemaking subcommittee meetings. In order to ensure that we, and other interested members of the public, are afforded an opportunity to submit comments and supporting materials in time for the subcommittee and the Board as a whole to consider them, it is essential that the public know in advance when the subcommittee and the larger Board will be convening to consider issues related to the rulemaking process.

Should you have any questions concerning these requests, please contact me at the number or email address below.

Sincerely,



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