

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of) NOTICE OF ADOPTION OF
temporary emergency rules closing) TEMPORARY EMERGENCY RULES
the Tiber Reservoir and Canyon Ferry)
Reservoir)

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) has determined the following reasons justify the adoption of a temporary emergency rule:

(a) On November 30, 2016, Governor Bullock issued Executive Order No. 18-2016 proclaiming an invasive species emergency.

(b) The executive order states invasive aquatic species comprise a grave threat to the waters and economic resources within the State of Montana, and such introduced species are best controlled when experts take management measures quickly after their introduction is discovered.

(c) In the executive order, Governor Bullock developed an incident management organization to manage the State of Montana's response to this invasive species emergency.

(d) The incident management organization has requested an immediate temporary emergency closure for Tiber Reservoir and Canyon Ferry Reservoir in order to limit the launch or removal of any boat, dock, or other structure that could potentially transport invasive aquatic mussels.

(e) Therefore, as this situation constitutes an imminent peril to public welfare, the department adopts the following temporary emergency rule. The emergency rule will be sent as a press release to newspapers throughout the state. Also, signs informing the public of the closure will be posted at access points. The rule will be sent to interested parties, and published as a temporary emergency rule in Issue No. 24 of the 2016 Montana Administrative Register.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of the notice. If you require an accommodation, contact the department no later than 5:00 p.m. on January 6, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The temporary emergency rule is effective December 1, 2016 when this rule notice is filed with the Secretary of State.

4. The text of the temporary emergency rules provide as follows:

RULE I TIBER RESERVOIR TEMPORARY EMERGENCY CLOSURE

(1) The Tiber Reservoir is closed:

- (a) in its entirety;
 - (b) to the launch or removal of any boat, dock or other structure that could potentially transport invasive aquatic mussels.
- (2) No boat, dock, or other structure should be removed from the immediate area without contacting the Mussel Incident Hotline at (406) 444-2440 or musselresponse@mt.gov.
- (3) This rule is effective until ice over, but not for a period longer than 120 days. Signs restricting use of the Tiber Reservoir will be removed when the rule is no longer effective. Status of the closure will be updated on the department's web site at fwp.mt.gov.

AUTH: 80-7-1007, MCA
IMP: 80-7-1007, 80-7-1013, MCA

RULE II CANYON FERRY RESERVOIR TEMPORARY EMERGENCY CLOSURE (1) The Canyon Ferry Reservoir is closed:

- (a) in its entirety;
 - (b) to the launch or removal of any boat, dock or other structure that could potentially transport invasive aquatic mussels.
- (2) No boat, dock, or other structure should be removed from the immediate area without contacting the Mussel Incident Hotline at (406) 444-2440 or musselresponse@mt.gov.
- (3) This rule is effective until ice over, but not for a period longer than 120 days. Signs restricting use of the Canyon Ferry Reservoir will be removed when the rule is no longer effective. Status of the closure will be updated on the department's web site at fwp.mt.gov.

AUTH: 80-7-1007, MCA
IMP: 80-7-1007, 80-7-1013, MCA

5. The rationale for the temporary emergency rule is as set forth in paragraph 1.

6. Concerned persons are encouraged to submit their comments to the department. They should submit their comments along with their names and addresses to Bruce Rich, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, MT 59620-0701 or e-mail fwpfish@mt.gov. Any comments must be received no later than January 20, 2017.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may

be made by completing the request form at any rules hearing held by the department.

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

/s/ Paul Sihler

Paul Sihler

Acting Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Dockter

Rebecca Dockter

Rule Reviewer

Certified to the Secretary of State December 1, 2016.