

# ***FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** October 8, 2015

**Agenda Item:** ARM Amendments Regarding Removal of Ice Shelters on Lake Helena and Hauser Lake

**Division:** Fisheries

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 5 minutes

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## **Background**

The sunrise-sunset requirement for ice shelter removal on Hauser Lake and Lake Helena was put in place when kokanee salmon were abundant and it was a common practice to set up shelters and leave them for long periods of time which blocked access for others. Kokanee abundance is now less, the concern about blocked access is less, so the requirement is no longer necessary. To implement this proposal ARM 12.6.106 would need to be amended as recommended here. The process to amend this ARM must be initiated now in order to meet timelines for publication of this change in the 2016 Montana Fishing Regulations booklet. Specifically, we recommend amending 12.6.106(1)(vi) to state Helena Valley Regulating (rather than Equalizing) Reservoirs, for clarity, and eliminating 12.6.106(1)(b) entirely.

### 12.6.106 REMOVAL OF SHELTER

(1)(a)(i-v) *Remains the same.*

(vi) Helena Valley ~~Equalizing~~Regulating Reservoir.

~~(b) Users of fishing shelters on the following waters may not set said shelters on the ice until after sunrise and must remove said shelters in their entirety from the ice and from the area before sunset each day. This includes removal from all adjacent private and public property unless special permission is granted.~~

~~(i) Hauser Lake~~

~~(ii) Lake Helena.~~

(2) *Remains the same.*

## **Public Involvement Process & Results**

With Commission approval, notice of the proposed ARM amendments would be filed with the Secretary of State and a public comment period would take place in November. Final action would be scheduled for January, and the 2016 Montana Fishing Regulations will reflect any final adopted amendments.

## **Alternatives and Analysis**

The Commission could choose not to propose the ARM amendments, in which case the Sunrise-Sunset shelter removal requirement on Hauser Reservoir and Lake Helena would remain.

## **Agency Recommendation & Rationale**

FWP recommends that the Commission approve for public comment the proposed amendments to remove the sunrise-sunset requirement for shelters on Hauser Lake and Lake Helena as FWP feels the requirement is no longer necessary.

## **Proposed Motion**

I move that the Commission approve for public comment the proposed amendments to ARM 12.6.106 Removal of Shelter.