

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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 12.5.706 and the repeal of ARM) PROPOSED AMENDMENT AND
12.5.707 pertaining to the removal of) REPEAL
Tiber Reservoir from the list of)
Identified Bodies of Water Confirmed)
or Suspected for Aquatic Invasive)
Mussels)

TO: All Concerned Persons

1. On March 21, 2022, at 1:30 p.m., the Department of Fish, Wildlife and Parks (department) will hold a telephonic public hearing via the ZOOM meeting platform to consider the proposed amendment and repeal of the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone: 12133388477
Meeting ID: 849 6840 8715
Passcode: 401343

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on March 11, 2022, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail jesssnyder@mt.gov.

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

12.5.706 IDENTIFIED AREAS THREATENED WITH AQUATIC INVASIVE SPECIES AND APPLICABLE QUARANTINE MEASURES WITHIN INVASIVE SPECIES MANAGEMENT AREA (1) ~~Because of the known existence of aquatic invasive mussels in the areas defined in ARM 12.5.707, †~~The department has identified all other areas of the State of Montana as an invasive species management area because of the threat of infestation of aquatic invasive mussels species.

(2) through (7) remain the same.

AUTH: 80-7-1007, 80-7-1008, 80-7-1011, 80-7-1012, 87-1-201, MCA
IMP: 80-7-1007, 80-7-1008, 80-7-1010, 80-7-1011, 80-7-1015, MCA

4. The department proposes to repeal the following rule:

12.5.707 IDENTIFIED BODIES OF WATER CONFIRMED OR SUSPECTED FOR AQUATIC INVASIVE MUSSELS

AUTH: 80-7-1007, 80-7-1008, 80-7-1010, 87-1-201, MCA

IMP: 80-7-1008, 80-7-1010, 80-7-1011, MCA

REASON: In 2017, the detection of invasive mussel larvae resulted in adopting quarantine requirements for invasive mussels for Canyon Ferry and Tiber Reservoirs in ARM 12.5.707. Following regional guidelines for invasive mussel detection, intensive early detection monitoring was conducted over the past five years. In 2020, following three years of no invasive mussel detection, regional guidelines allowed for the removal of the mandatory exit inspection requirements for Canyon Ferry Reservoir. Testing of Tiber Reservoir has resulted in no invasive mussel detections for five years, and the department is proposing the mandatory exit inspection requirements for Tiber Reservoir be removed. Since there are currently no bodies of water confirmed or suspected for aquatic invasive mussels, the department is proposing ARM 12.5.707 be repealed.

The statewide quarantine measures to prevent the spread of invasive species outlined in ARM 12.5.706 will remain in place. However, ARM 12.5.706 will need to be amended to strike the language, "known existence of aquatic invasive mussels," due to the delisting of Canyon Ferry and Tiber Reservoirs.

5. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to: Tom Woolf, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail Thomas.Woolf@mt.gov, and must be received no later than March 25, 2022.

6. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

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 a 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 emailed to jesssnyder@mt.gov.

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 and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Kevin Rechkoff
Kevin Rechkoff
Rule Reviewer

/s/ Dustin Temple
Dustin Temple
Deputy Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State February 15, 2022.