ENVIRONMENTAL QUALITY COUNCIL

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ENVIRONMENTAL QUALITY COUNCIL 2017-18

May 30, 2018

Exhibit 7

May 29, 2018

To: Environmental Quality Council Members
From: Erin Bills, Legal Staff
Re: Legislative Administrative Rule Review Supplemental Report[1]

MAR NOTICE NUMBER: 12-485

AGENCY/BOARD: Fish and Wildlife Commission

RULE CLASSIFICATION: Substantive

SUBJECT: Wake Restrictions on the Missouri River

NOTICE DESCRIPTION: Notice of Proposed Amendment

SUMMARY OF RULE: The Fish and Wildlife Commission originally proposed an amendment to the ARM 12.11.630 regarding motorized water craft use and to establish a seasonal 200 foot no wake zone on the western shoreline between the Warden Bridge and the Burlington Northern Railway Bridge No. 119.4 on the Missouri River. The purpose of the proposed rule is to protect private and public property rights. The Fish and Wildlife Commission originally proposed this rule amendment on November 9, 2017, and it was approved by the commission on April 19, 2018. However, the adoption notice could not comply with Montana Administrative Procedure Act (MAPA). Section 2-4-305(7), MCA, requires an adoption notice to be published within six months of the original notice. In order to comply with MAPA, the commission is again publishing the same notice of the proposed amendment.

NOTES: Public comment will be accepted until June 8, 2018. No public hearing is contemplated.

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[1]Pursuant 75-1-324, MCA, the Environmental Quality Council (EQC) is responsible for reviewing administrative rules within its jurisdiction. Staff for the EQC has prepared this report for informational purposes only. This report does not represent any action or opinion of the EQC and does not preclude additional action that may be taken by the EQC pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8525

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MAR NOTICE NUMBER: 12-486

AGENCY/BOARD: Department of Fish, Wildlife, and Parks

RULE CLASSIFICATION: Emergency

SUBJECT: Adoption of an Emergency Rule Closing Fishing Access Sites in Missoula County

NOTICE DESCRIPTION: Notice of Adoption of an Emergency Rule

SUMMARY OF RULE: The Department of Fish, Wildlife, and Parks issued an emergency rule closing the following fishing access sites in Missoula County: Sha-Ron, Kelly Island, Kona Bridge, Harper's Bridge, Deep Creek, and Council Grove State Park due to high water. The emergency rule went into effect May 10, 2018, and has not been rescinded as of May 25, 2018.

NOTES: Public comment will be accepted until June 22, 2018.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8537

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MAR NOTICE NUMBER: 12-487

AGENCY/BOARD: Department of Fish, Wildlife, and Parks

RULE CLASSIFICATION: Emergency

SUBJECT: Adoption of an Emergency Rule Closing a Section of the Clark Fork River

NOTICE DESCRIPTION: Notice of Adoption of an Emergency Rule

SUMMARY OF RULE: The Department of Fish, Wildlife, and Parks issued an emergency rule closing a section of the Clark Fork River from the Reserve Street Bridge to the Kona Bridge in Missoula County due to high water. The emergency rule went into effect May 14, 2018, and had not been rescinded as of May 25, 2018.

NOTES: Public comment will be accepted until June 22, 2018.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8560

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MAR NOTICE NUMBER: 12-488

AGENCY/BOARD: Department of Fish, Wildlife, and Parks

RULE CLASSIFICATION: Emergency

SUBJECT: Adoption of an Emergency Rule Closing the Medicine River Fishing Access Site in Cascade County

NOTICE DESCRIPTION: Notice of Adoption of an Emergency Rule

SUMMARY OF RULE: The Department of Fish, Wildlife, and Parks issued an emergency rule closing the Medicine River fishing access site due to high water. The emergency rule went into effect May 16, 2018, and had not been rescinded as of May 25, 2018.

NOTES: Public comment will be accepted until July 8, 2018.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://mtrules.org/gateway/ShowNoticeFile.asp?TID=8557.

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