

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: February 13, 2019

Agenda Item: Administrative Rule Amendments Pertaining to Recreation on the Helena
Valley Regulating Reservoir

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 min

Background:

The Helena Valley Regulating Reservoir and lands surrounding the reservoir are owned by the Bureau of Reclamation. In 1969, the Fish and Wildlife Commission signed a memorandum of understanding with the Bureau of Reclamation permitting the commission to assume the responsibilities for the administration and development of the lands and facilities at the reservoir for wildlife and recreation purposes. The Helena Valley Irrigation District is responsible for the operation and management of the irrigation water supply works pursuant to a separate agreement. The MOU between the commission and Bureau of Reclamation is due for renewal in February 2019, and department staff have been working with staff from the Bureau of Reclamation and the representatives from the Helena Valley Irrigation District regarding provisions of the MOU that would need to be addressed. The recommended amendments remove redundant language regarding the use of the lands surrounding the reservoir found in the public use administrative rules (ARM 12.8.201 et seq.) and would provide rule language regarding the surface water of the reservoir. Staff from the Bureau of Reclamation and representatives of the Helena Valley Regulating Reservoir have had the opportunity to review and agree with the recommended amendments.

Public Involvement Process & Results:

The public had an opportunity to provide public comment from Nov. 2 through Dec. 7, 2018, including a public hearing held on Nov. 26 in Helena. FWP received a single public comment from the Helena Audubon Society representing its membership, which was in favor of the rule as proposed.

Alternatives and Analysis:

The commission may vote to adopt the rule amendments as proposed or choose not to adopt the proposed rule amendments. Not adopting the amendments will result in no changes to the current administrative rule of the Helena Valley Regulating Reservoir and the redundant language regarding the use of the land surrounding the reservoir found in the public use rules will remain and would not provide recommended language regarding the use of the surface water of the reservoir.

Agency Recommendation & Rationale:

FWP recommends the commission adopt the rule amendments as proposed.

Proposed Motion:

I move the Fish and Wildlife Commission adopt the amendments to ARM 12.11.3210 pertaining to recreating on the Helena Valley Regulating Reservoir