BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of ARM New Rule I relating to the Eurasian Watermilfoil Management Area	)))	AMENDED NOTICE ON PROPOSED ADOPTION AND EXTENSION OF COMMENT PERIOD

TO: All Concerned Persons

1. On April 26, 2012, the Department of Agriculture published MAR Notice No. 4-14-208 pertaining to the public hearing on the proposed adoption of the above-stated rule at page 802 of the 2012 Montana Administrative Register, Issue Number 8.

2. The Department of Agriculture 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 Department of Agriculture no later than 5:00 p.m. on, May 28, 2012 to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Department of Agriculture, 302 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; phone: (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. Roosevelt County was inadvertently left off the original notice.

4. The New Rule is being amended as follows, new matter underlined, deleted matter interlined:

<u>NEW RULE I EURASIAN WATERMILFOIL MANAGEMENT AREAS</u> (1) The Upper Missouri River Eurasian Watermilfoil Management Area is created covering Beaverhead, Madison, Jefferson, Lewis & Clark, Broadwater, and Gallatin Counties. The Lower Missouri River Eurasian Watermilfoil Management Area is created covering Valley, Phillips, McCone, Richland, Garfield, <u>Roosevelt,</u> and Petroleum Counties.

REASON: The purpose of the management area is to prevent the spread of Eurasian watermilfoil. Eurasian watermilfoil is a state listed noxious weed. The plant is an extremely aggressive, non-native aquatic weed that poses a serious threat to Montana's rivers, lakes, and irrigation infrastructure. Eurasian watermilfoil's environmental effects include the reduction of water quality, displacement of native plant communities, decreased sport fish populations through lower predation success and reduced spawning, and increased habitat for undesirable species, such as mosquitoes, that may spread diseases to humans and parasites that cause swimmer's itch. The economic impacts include reduced recreational value through the loss of angling, boating, swimming, water skiing and near shore recreation, reduced profitability of agricultural production by clogging ditches, canals, farm ponds, and irrigation equipment, decreased property values and increased costs for electrical generation and municipal water supplies.

The limited number of infested acres permits feasible and cost effective containment. The primary means by which Eurasian watermilfoil can be spread is through plant fragments entrained on watercraft and boat trailers. The high recreational use and movement of watercraft from these water bodies to the rest of Montana combined with the significant impacts of this noxious weed creates a significant risk to Montana. The management areas will help prevent the spread of Eurasian watermilfoil through the education of boaters and inspection of watercraft and trailers leaving the infested water bodies.

5. Concerned persons may submit their written data, views, or arguments to: Cort Jensen at the Montana Department of Agriculture, 302 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; telephone (406) 444-3144; fax: (406) 444-5409; or e-mail: agr@mt.gov, and must be received no later than 5:00 p.m. on May 31, 2012.

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Ron de Yong
Ron de Yong
Director
Department of Agriculture

Certified to the Secretary of State May 14, 2012.