

## ***Resolution of the Flathead Reservation Water Management Board***

### ***#frwmb 05 (2023): Notice and Comment Policy for the Adoption of Board and Office of the Engineer Procedures***

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**Date of Original Approval:** December \_\_\_\_, 2023

**Purpose:** Provide a timeline for notice to the public of proposed Board or Office Procedures; Provide a mechanism for the public to submit comments to Board or Office Procedures; Provide provision for the review of public comments regarding Board or Office Procedures; and Provide a mechanism for retaining public comments, data, views submitted to the Board.

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#### **Authority Granted**

The Board shall have the power to promulgate procedures, prescribe forms, develop additional materials and implement amendments thereto as may be necessary and proper to exercise its jurisdiction and carry out its assigned functions under this Compact and the Ordinance. Compact, art. IV.I.5.a

The Engineer shall exercise the duties set forth in the Compact and Ordinance, which include but are not limited to: (1) the administration of water rights on the Reservation, and the enforcement of the terms of this Ordinance and the conditions of all Appropriation Rights, determinations, orders, regulations, plans, policies, guidelines, and other actions taken by the Engineer or the Board, pursuant to the Compact and the Ordinance. Ordinance, § 1-2-110(1).

While the Board has the authority to promulgate procedures, and the Engineer has the duty to enforce such procedures and policies, the Compact and Ordinance are silent as to specific notice and comment requirements.

#### **Notice and Comment Procedures**

##### **1. Notice**

- a. Prior to the adoption of any Board or Office Procedure, the Board shall give written notice of its proposed action. The notice must include a statement of either the terms or substance of the intended action, the reasonable necessity for the proposed action, and the time when, place where, and manner in which the public may present their views on the proposed action.
- b. The notice must be published on the FRWMB website under the Meetings and Notices Tab, along with a copy of the Board or Office Procedure being adopted. The notice must also be sent to the Department of Natural Resources & Conservation and the Confederated Salish and Kootenai Tribes for dissemination on the respective platforms.

##### **2. Public Comment**

- a. Prior to the adoption of any Board or Office Procedure, the Board shall afford the public no less than 15 days from the date listed on the published notice to submit data, views, or

comments in writing. The public shall submit such data, views, or comments to the Board by sending an e-mail communication to [contact@frwmb.gov](mailto:contact@frwmb.gov) or mailing a hard copy to: P.O. Box 37, Ronan, MT 59864. Any public comment submitted via mail shall be **postmarked** within the 15 days provided for public comment.

3. Review of Public Comment

- a. The Board and/or Office shall review any data, views, or comments submitted by the public prior to the Board meeting intending to adopt the Procedure. Any discussion during the Board meeting adopting the Procedure shall state whether public comment was received.

4. Retention of Public Comment

- a. Any data, views, or comments submitted by the public shall be kept with the Office's records pertaining to the Procedure being adopted.

**Resolution Certification**

Resolution #frwmb 04 is hereby adopted by the Flathead Reservation Water Management Board on **December \_\_\_\_\_, 2023**, with \_\_\_\_\_ members voting in favor and \_\_\_\_\_ members voting in opposition. This Resolution will be hereby serve to guide and govern the Board and OE operations.

\_\_\_\_\_  
Board Chair, Clayton Matt

Date: \_\_\_\_\_

\_\_\_\_\_  
Board Vice Chair, Roger A. Noble

Date: \_\_\_\_\_

\_\_\_\_\_  
Water Engineer Acknowledgement

Date: \_\_\_\_\_