

## ***FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** June 12, 2014

**Agenda Item:** Whitefish River Proposed Amendment

**Division:** Enforcement

**Action Needed:** Final Adoption

**Time Needed on Agenda for this Presentation:** 30 Minutes

**Background:** In February 2014, the FW Commission initiated rule making on the Whitefish City Council's proposed amendment restricting the Whitefish River to electric motors or manually powered vessels from the BNSF train trestle to the JP Bridge. The Whitefish River has had a no-wake restriction in place for this section of the river since 1989. The Whitefish City Council feels this regulation is necessary to address concerns of resource damage, safety and social desires to create a unique opportunity for non-motorized users on the Whitefish River. Non-motorized use is on the rise, mainly in the form of stand-up paddle boards.

**Public Involvement Process & Results:** FWP's public comment period ran from March 13-April 18. The proposal received significant coverage in all forms of media. The main issues in the public comment were resource damage/protection, public safety, historic use and recreational opportunity. FWP received 41 comments at the public hearing held at Whitefish City Hall on April 10 (35 support and 6 against). FWP received 168 written comments (69 support and 99 against). The Whitefish City Council received public comment as well and voted unanimously in favor of the proposed amendment in early April.

### **Alternatives and Analysis:**

**No Action:** PRO - Allows motorized users to still operate vessels in this area at no wake.

CON – Petitioners don't feel the no action alternative addresses their concern.

**Implement Petitioners proposal.** PRO – Petitioners concerns are addressed. CON- restricts historic recreational use by motorized vessels.

**Agency Recommendation & Rationale** FWP recommends a compromise. FWP feels the current no-wake rule limits resource damage, provides safety to users, maintains historic recreation use by motorized vessels and provides a good alternative for non-motorized and small vessels. However, given the split in public comment and support for the proposed restriction, FWP feels a seasonal closure from July 5 –September 30 is a better alternative than a year round restriction. This addresses public comment by allowing anglers the opportunity to fish in the spring, residents can boat up stream to watch the fireworks on July 4<sup>th</sup>, waterfowl hunters can motor back upstream in the fall while at the same time providing the warm summer months for non-motorized/ electric motor use when the majority of people engage in these activities. There are 3 small spots in this stretch of the river where maintaining up steam travel and a no-wake is difficult. FWP recommends adding "or minimum operating speed necessary to progress up stream" to the no wake to address this problem. This language is in place on the Swan River.

### **Proposed Motion:**

I move the Commission amend the proposal notice and extend the public comment to consider the amendments limiting the Whitefish River to electric motors or manually powered watercraft from the trestle to the JP Bridge from July 5-September 30 and amend the current no-wake

restriction in ARM 12.11.645 to include “or minimum operating speed necessary to progress up stream”.