

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

**Meeting Date:** August 8, 2013

**Agenda Item:** Proposed boating regulations changes for Lake Alva and Harpers and Marshall lakes

**Division:** Enforcement

**Action Needed:** Extend public comment for Lake Alva alternatives

**Time Needed on Agenda for this Presentation:** 15 minutes

### **Background**

Based on public comment, FWP seeks to extend comment and propose an alternative regulation for Lake Alva in the Clearwater River drainage. Last November, the commission approved proposing administrative rule amendments for Lake Alva, Harpers Lake and Marshall Lake. A public hearing was held on June 5, and public comment was received from May 9 through June 14. Public comment supports the original proposal for Harpers Lake and Marshall Lake. For Lake Alva, 55 percent support and 35 percent disapprove of the "no-wake" proposal; 10 percent favored more restrictive regulations than no-wake. Substantive comments were given for and against the proposal. A large number of people will be affected. Allowing public comment on an alternative regulation may mitigate the impact on users affected by the no-wake proposal and preserve the intended benefit.

#### **Lake Alva**

- Original Proposal: No-wake rule. Current rule requires watercraft to pull water skiers in a counterclockwise direction (ARM 12.11.3901). Alva has no private in-holdings with docks and boats, but it does have a public boat ramp. Current boating use is a mix of motorized and nonmotorized watercraft. People have expressed concern that motorboat use is increasing on this lake and degrading the recreation experience for those seeking a quieter, slower-paced experience. There is also a concern about potential impacts on nesting loons. A no-wake rule would help to address these concerns.
- Alternative Regulation: Wake allowed from Aug. 1 through Labor Day. This would partition the summer boating season into wake and no-wake periods to reduce conflict. No-wake through July 31 would benefit loon nesting and rearing.

#### **Harpers Lake**

- Proposal: Manually operated or electric motors only. The lake is currently closed to any motor-propelled watercraft (ARM 12.11.3940). This change would maintain the nature of boating use on the lake but make it easier for anglers to gain access to trout. This proposal was well supported but process requires final action at the same time as Lake Alva.

#### **Marshall Lake**

- Proposal: Manually operated or electric motors only. The lake is within the Marshall Creek Wildlife Management Area. This rule is consistent with WMA management objectives and current use of the lake. Process requires that final action at the same time as Lake Alva.

### **Public Involvement Process & Results**

Results to date were summarized above. If recommendation is approved, FWP would start a two-week public comment period on the alternative regulation for Lake Alva.

### **Alternatives and Analysis**

Adopt the rule change as proposed. This would preclude the possibility to scope for a greater public benefit. No action would ignore the public support for the original proposals.

### **Agency Recommendation & Rationale**

FWP recommends that the commission extend public comment for consideration of the alternative regulation for Lake Alva.

### **Proposed Motion**

I move that the commission extend comment and propose an alternative regulation for Lake Alva.