

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: November 17, 2016

Agenda Item: Cromwell Channel on Flathead Lake No Wake Petition (R1)

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 20 minutes

Background:

Wayne Hebert submitted a petition requesting an amendment to ARM 12.11.2205 for a no wake restriction in the Cromwell Channel located on Flathead Lake. The proposal restricts the Cromwell Channel to no wake motorized boating at its narrowest point approximately 800 feet in length. The petition states the regulation is necessary to address safety concerns, shoreline erosion and property damage, non-motorized user conflicts, and ferry and wildlife crossing conflicts. Letters of support from adjacent landowners were submitted with the petition, including a letter from the Shoreline Board Chair of the Confederated Salish and Kootenai (CSKT) Tribe.

Public Involvement Process & Results:

The public has not an opportunity to review or comment on the petition. If approved by the Commission, rulemaking processes would be initiated that would include public involvement.

Alternatives and Analysis:

The Commission is required to either deny the petition or initiate rulemaking. If the Commission denies the petition, the regulation of the water body listed in the petition will remain as it is currently. If the Commission initiates rulemaking, the process for rulemaking under the Montana Administrative Procedure Act (MAPA) will begin.

Agency Recommendation & Rationale:

The Department recommends the Commission initiate rule making to evaluate public comment on this petition based on support from the CSKT Shoreline Board.

Proposed Motion:

I move the Commission initiate rulemaking for the petition submitted by Wayne Hebert requesting to amend ARM 12.11.2205 limiting the Cromwell Channel to a no wake zone at its narrowest section approximately 800 feet in length or as buoyed.