

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2017

Agenda Item: Cromwell Channel on Flathead Lake No Wake Administrative Rule

Division: Enforcement

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

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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: FWP's public comment period for this proposal ran for 29 days and ended on February 17. A public hearing was also held at the FWP Region 1 meeting room on February 13, at which 2 members of the public attended and gave comment. A total of 10 comments were received regarding this proposed rule, 2 comments were in favor, and 8 were opposed. Of the two comments in favor, one was from the petitioner and included the 13 letters in support that were originally submitted with the petition.

Alternatives and Analysis: The Commission can adopt or not adopt the rule. If the Commission doesn't adopt the rule, the area will remain as it currently is without a no wake zone. If the Commission adopts the rule as proposed, the Cromwell Channel will be limited to a no wake zone approximately 800 feet or as marked by buoys.

Agency Recommendation & Rationale: The Department recommends the Commission adopt the administrative rule. This short no wake zone lies within the exterior boundaries of the Flathead Indian Reservation. FWP deferred to the Confederated Salish and Kootenai Tribes professional staff on this rule. The CSKT staff has reviewed this proposal and supports this proposed rule.

Proposed Motion: I move the Fish and Wildlife Commission adopt the administrative rule limiting the Cromwell Channel to a no wake zone at its narrowest section approximately 800 feet in length or as buoyed. Buoys would be placed at the expense of the petitioners and maintained by the petitioners.