BEFORE THE DEPARTMENT OF FISH WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of a New Rule pertaining to motorized use on the Boulder River	))))	RULEMAKING PETITION

TO: All Concerned Persons

1. Petitioners are: Tom and Kristi Patterson, 2197 Main Boulder Road, McLeod, Montana 59052; Dan Rostad, 432 Old Boulder Road, Big Timber, Montana 59011; Stuart and Dava Stenberg, 1750 Main Boulder Road, McLeod, Montana 59052; Brian and Mary Ann Finnan, 500 West Boulder Road, McLeod, Montana 59052; Keith and Marie Engle, 2083 Main Boulder Road, McLeod, Montana 59052

2. Petitioners own land adjacent to the Boulder River and its tributaries and use the river for agricultural and recreational purposes.

3. Recent technological advancements in inboard and outboard motor technology have resulted in use of the Boulder River for motorized jetboating.

4. The boats travel at high rates of speed and can operate when stream flows are very low. The Boulder River is a small river with many blind turns and narrow channels.

5. Petitioner's children, livestock and irrigation equipment extensively use the Boulder River. Motorized boats moving up and down the river at high speed create a public health hazard for both the boaters and the other users on the river.

6. Motorized travel on the Boulder and its tributaries creates the dangerous possibility of collision between a jet boat and irrigation equipment, livestock, children swimming, floating on inner tubes and rafts, and residents fishing.

7. In light of technological advancements in motorized watercraft and the safety concerns they create, a complete non-motorized restriction on the Boulder River and its tributaries from the respective headwaters to the mouth of the river at Big Timber is requested to protect public safety.

ADOPTION:

The rule proposed to be adopted would provide as follows:

The main stem of the Boulder River from headwaters to the confluence with the Yellowstone River and all tributaries of the Boulder River shall be closed to motorized use for the purposes of public safety.

8. Persons known to the petitioner to have an interest in the proposed agency action are listed in the attached letter.

9. Petitioners request a hearing or oral presentation for expression of petitioners' views.

Tom Patterson on behalf of co-petitioners

August 31, 2020

Cc: Dan Rostad
Stuart and Dava Stenberg
Brian and Mary Ann Finnan
Keith and Marie Engle

August 31, 2020

Montana Fish and Wildlife Commission
c/o Shawna Pieske, Commission Secretary
Montana Fish, Wildlife & Parks
P. O. Box 200701
Helena, Montana 59620-0701

Dear Commissioners:

As residents of the Boulder Valley, we want to bring to the Department's attention our concern regarding the use of jet boats on the Boulder River and request that the Department enact a motorized ban on the Boulder River and its tributaries.

Most of the 47 persons undersigned own land directly adjacent to the river. As landowners, parents, ranchers and irrigators we find this use unacceptable on the Boulder River. Upriver travel is a threat to safety, equipment and habitat. Floating, tubing, angling and swimming are popular activities in the river. Livestock drink from the river in several locations and there are irrigation structures at various points along the river. The sharp bends and natural obstacles in the river mean that the river channel is very narrow in many places and the chance of a collision incident is high.

Other rivers are more appropriate for this type of motorized use than the Boulder River. We encourage the Department to act on this issue by restricting all motorized use on the Boulder River and its tributaries.

Respectfully,

Bill Brownlee
Rochelle Brownlee
Karen Carson
Mimi Cremer
Paula Curtin
Keith Engle
Marie Engle
Brian Finnan
Mary Ann Finnan
Mitch Goeddel
Julie Haas
Wally Haas
Roger Hammersmark
Vivian Heaney
William Heaney

Mike Hennesey
Phyllis Kemph
Dawn Kovac
Bobby Meadows
Sally Meadows
Tom McGuane
Tom Merritt
Audrey O'Connell
John O'Connell
Julie Packard
Kristi Patterson
Tom Patterson
Paula Rau
Cyd Rodriguez
Mike Rodriguez
Betty Roe
Chip Roe
Melanie Roe
Cherylann Sabraw
Ronald Sabraw
Jerry Sauther
Dava Stenberg
Stuart Stenberg
Dan Vollum
George Wanlass
Cindy Webber
Ed Webber
Robb Webber
Arianna Whitman
Bill Whitman
Donna Wolfe
Gideon Wolfe

CC: Tim Aldrich
Pat Byorth
Richard Stuker
Logan Brower
Shane Colton
Mark Deleray
Martha Williams