

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 9, 2013

Agenda Item: ARM Amendment for Echo Lake and Adoption for Abbott Lake and Peterson Lake

- ❖ Designate Causeway Bay on Echo Lake a No Wake Zone
- ❖ Designate Echo Lake, Abbott Lake, and Peterson Lake a No Wake Zone During High Water
- ❖ Prohibit Methods to Increase or Enhance a Boat's Wake on Echo Lake

Division: Enforcement

Action Needed: Final Determination of Proposed Administrative Rules Amendment and Adoption

Time Needed on Agenda for this Presentation: 60 minutes

Background: On November 8, 2012 the Commission considered three petitions to amend the administrative rules on Echo Lake. The petitions requested 1) designating Causeway Bay a no wake zone; 2) designating Echo Lake a no wake zone during high water; and 3) prohibiting methods to increase or enhance a boat's wake on Echo Lake. The Commission decided to initiate rulemaking and put it out for public comment based on the petitions, with revisions. One revision was to include Abbott Lake and Peterson Lake to the designation of a no wake zone during high water.

Public Involvement Process & Results: On January 17, 2013 a notice of public hearing on proposed amendment and adoption was published on the websites of the Secretary of State and Department, submitted for news release to local newspapers, and distributed to interested persons. A hearing was held on February 19, 2013 and was well attended. The public comment period ended on February 22. The Commission received hundreds of comments during the comment period and a vast majority of the comments received were opposed to rule amendments either in part or in their entirety.

Alternatives and Analysis:

No action: If the Commission does not amend and adopt the rules, all motorized boats will continue historic recreational use and the entire lake would be treated the same with no additional exceptions to individual parts of the lake, the possibility of erosion from boat wakes will remain, the Commission will not set a precedent of eliminating recreational use of wake enhancing boats on lakes, and conflicts between users of the lake will continue.

Amend rules in whole or part: If the Commission amends or adopts part of the rules or the rules in their entirety as proposed, the rules will significantly limit recreational use on the lake by motorized boats and could establish a precedent of eliminating recreational use of wake enhancing boats on other lakes throughout Montana.

Agency Recommendation & Rationale: The Department recommends amending the rules to establish a no wake zone on Echo, Abbot and Peterson Lakes when water reaches a level of 2 feet below the survey pin on the deck of the causeway bridge and not adopting the other proposed amendments.

Proposed Motion: I move the Commission amend the Echo Lake administrative rule to establish a no wake zone on Echo Lake, Abbot Lake and Peterson Lake when water reaches a level of 2 feet below the survey pin on the deck of the causeway bridge on Echo Lake and not adopt the other proposed amendments.