

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2011

Agenda Item: Fennon Slough Administrative Rule

Division: Enforcement

Action Needed: Approval of Final Rule/Action

Time Needed on Agenda for this Presentation: 15 minutes

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Background

Kerr Dam regulates the upper 10 feet of Flathead Lake and subsequently backs water 22 miles up the Flathead River at full pool. Those 22 miles of river are abutted by private residences and agricultural lands. The lower river is abutted by seven major sloughs and several minor sloughs. The sloughs are old river oxbows and range from 600-800 wide. Fennon Slough is 215 acres, is the first slough upstream of Flathead Lake and Sportsmans Bridge FAS, and supports warm and coldwater fish as well as waterfowl. The river is popular for motorized and nonmotorized boating, waterskiing, fishing, bird watching, and waterfowl hunting. Surveys show boating use has quadrupled in the last 16 years.

Landowners submitted a petition requesting the Commission adopt a rule establishing a no wake boating status and buoy maze for Fennon Slough.

Public Involvement Process & Results

The Region 1 Citizen Advisory Committee recommended that the Commission consider proposing the no-wake portion of the petition. The Commission approved proposing adoption of restrictions on Fennon Slough at the Jan. 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. An environmental analysis was published on the department's website. Public notice was given in print, radio and television media. A public meeting was held in Kalispell on Feb. 22. Fifty eight people attended, twenty one people provided verbal comment and seven provided written comment. Forty-eight people submitted written comment.

Alternatives and Analysis

- 1) Do not adopt the proposed rule. Higher speed boating will continue. Accelerated bank erosion and landowner discontent will continue.
- 2) Adopt the proposed rule. Bank erosion would be reduced.

Agency Recommendation & Rationale

The department does not have a recommendation.

Proposed Motion

I move the commission adopt the proposed rule language for Fennon Slough.

OR

I move the commission does not adopt the proposed rule language for Fennon Slough.