

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 14, 2011

Agenda Item: Flathead River Administrative Rule

Division: Enforcement

Action Needed: Approval of Final Rule/Action

Time Needed on Agenda for this Presentation: 5 minutes

◆-----◆

Background

The United States Forest Service has adopted regulations restricting motorboat usage on portions of the North Fork, Middle Fork, and South Fork of the Flathead River. These restrictions are posted in the Montana Boating Regulations, but Department of Fish, Wildlife and Parks Wardens cannot enforce the rules. The department is recommending the Commission adopt the Forest Service's restrictions so wardens can enforce the restrictions and assist the public with complaints.

The Commission approved proposing adoption of restrictions on the Flathead River consistent with the U.S. Forest Service's restrictions at the Jan. 13, 2011 meeting.

Public Involvement Process & Results

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. Public notice was given in print, radio and television media. A public meeting was held in Kalispell on February 22 and in Troy on February 23. No public comment was received at those meetings on this proposal. Seven written comments were received in favor of the proposal. No comment was received in opposition.

Alternatives and Analysis

If the commission does not approve the restrictions, the department's wardens will not be able to address the public's complaints and concerns.

Agency Recommendation & Rationale

The department is recommending the commission adopt the restrictions on the Flathead River.

Proposed Motion

I move the commission adopt the restrictions on the North Fork, Middle Fork and South Fork of the Flathead River consistent with the United States Forest Service's restrictions.