

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)	NOTICE OF ADOPTION,
RULE I [12.11.504], amendment of)	AMENDMENT, AND REPEAL
ARM 12.11.2308, 12.11.3201, and)	
12.11.3215, and repeal of ARM)	
12.11.1001, 12.11.2401, and)	
12.11.3601 regarding no wake zones)	
surrounding commercial marinas)	

TO: All Concerned Persons

1. On February 9, 2012 the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-374 on the proposed adoption, amendment, and repeal of the above-stated rules at page 253 of the 2012 Montana Administrative Register, Issue Number 3.

2. The commission has adopted NEW RULE I [12.11.504], amended ARM 12.11.2308, 12.11.3201, and 12.11.3215, and repealed ARM 12.11.1001, 12.11.2401, and 12.11.3601 as proposed.

3. The commission has thoroughly considered the comments and testimony received. Five written comments were received during the comment period. A summary of the comments received and the commission's responses are as follows:

Comment 1: Two people were in full support of the proposal.

Response 1: The commission appreciates the interest and participation in this rulemaking process.

Comment 2: Two people stated concerns that if rule goes into effect that recreational opportunities will be diminished because of the proximity of a marina to where they live.

Response 2: Marinas are not required to have established no wake zones. The no wake rule will only be in effect if a marina chooses to post signs or buoys for a no wake zone.

Comment 3: One person asked for a clear definition of "no wake" and asked who would be responsible for the signs. This person wanted the state to be responsible for consistency.

Response 3: "No wake" is defined in ARM 12.11.101 as "a speed whereby there is no 'white' water in the track or path of the vessel or in created waves immediate to the vessel". The Department of Fish, Wildlife and Parks will assist the marina

owners with the purchasing of buoys if needed, but the marinas will be responsible for the maintenance of the buoys.

/s/ Bob Ream
Bob Ream, Chairman
Fish, Wildlife and Parks Commission

/s/ John F. Lynch
John F. Lynch
Rule Reviewer

Certified to the Secretary of State April 16, 2012