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

In the matter of the amendment of ARM 12.11.501, 12.11.2204 and the adoption of NEW RULE I and II regarding recreational use on Echo Lake, Abbott Lake, and Peterson Lake	))))))	NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT AND ADOPTION

TO: All Concerned Persons

1. On February 19, 2013, at 7:00 p.m., the Fish, Wildlife and Parks Commission (commission) will hold a public hearing at the Hampton Inn, 1140 Hwy 2 West, Kalispell, Montana, to consider the proposed amendment and adoption of the above-stated rules.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than January 31, 2013, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) Abbott Lake [NEW RULE I]
(1) through (19) remain the same but are renumbered (2) through (20).
(21) Brush Lake 12.11.5303
(20) through (38) remain the same but are renumbered (22) through (40).
(41) Flathead River 12.11.2206
(39) through (62) remain the same but are renumbered (42) through (65).
(66) Kilbrennan Lake 12.11.3423
(63) through (86) remain the same but are renumbered (67) through (90).
(91) Peterson Lake [NEW RULE II]
(87) through (113) remain the same but are renumbered (92) through (118).

AUTH: 23-1106, 87-1-301, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

Reasonable Necessity: ARM 12.11.501 lists bodies of water with specific regulations and references the rule pertaining to the bodies of water. The

commission adopted regulations on Brush Lake, Flathead River, and Kilbrennan Lake on May 26, 2011. These bodies of water were inadvertently not included in ARM 12.11.501. The commission is proposing amending ARM 12.11.501 to include Brush Lake, Flathead River, and Kilbrennan Lake from 2011 along with Abbott Lake (NEW RULE I) and Peterson Lake (NEW RULE II).

12.11.2204 ECHO LAKE (1) Echo Lake is located in Flathead County.

(2) Echo Lake is limited to a controlled no wake speed pursuant to ARM 12.11.115 except for the following areas:

(a) the upper three islands in the southwest corner of section 5, approximately 1/4 mile southeast of the entrance of Blackies Bay; and

(b) the narrow corridor that serves as the entrance and exit to Blackies Bay located in the northwest corner of Echo Lake.~~; and~~

~~(c) the narrow corridor that serves as the entrance and exit to Causeway Bay located in the northeast corner of Echo Lake.~~

(3) All watercraft within Causeway Bay are limited to a controlled no wake speed as defined in ARM 12.11.101.

(4) All watercraft are limited to a controlled no wake speed as defined in ARM 12.11.101 when Echo Lake is at flood stage. Flood stage is determined when the surface of the water is 5 feet or less from the survey pin located on the deck of the Causeway Bridge.

(5) All watercraft are prohibited from using any method to increase or enhance the watercraft's wake. Methods include but are not limited to water sacks, ballast or submersible wings, and disproportionate distribution of passenger weight.

AUTH: 23-1-106, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

Reasonable Necessity: The commission received three petitions requesting recreational use changes on Echo Lake. The commission is proposing amendments as requested in the petitions.

4. The rules as proposed to be adopted provide as follows:

NEW RULE I ABBOTT LAKE (1) Abbott Lake is located in Flathead County.

(2) Abbott Lake is limited to a controlled no wake speed pursuant to ARM 12.11.115.

(3) All watercraft are limited to a controlled no wake speed as defined in ARM 12.11.101 when Echo Lake is at flood stage as defined in ARM 12.11.2204.

AUTH: 23-1-106, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

NEW RULE II PETERSON LAKE (1) Peterson Lake is located in Flathead County.

(2) Peterson Lake is limited to a controlled no wake speed pursuant to ARM 12.11.115.

(3) All watercraft are limited to a controlled no wake speed as defined in ARM 12.11.101 when Echo Lake is at flood stage as defined in ARM 12.11.2201.

AUTH: 23-1-106, 87-1-303, MCA
IMP: 23-1-106, 87-1-303, MCA

Reasonable Necessity: In the summer of 2011 the commission adopted an emergency rule prohibiting wake speeds on Echo Lake due to flooding. At that time, the use on Abbot Lake and Peterson Lake increased and became congested and unsafe. The commission is proposing rules prohibiting wake speeds on Abbot Lake and Peterson Lake when Echo Lake is at flood stage to address these safety concerns.

5. Concerned persons may present their data, views, or arguments either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Martha Abbrescia, Fish, Wildlife and Parks, 490 North Meridian Road, Kalispell, MT, 59901; fax 406-247-0349; e-mail mabbrescia@mt.gov, and must be received no later than February 22, 2013.

6. Jim Satterfield or another hearing officer appointed by the department has been designated to preside over and conduct the hearings.

7. The Department of Fish, Wildlife and Parks maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the commission or department. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive the notices and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1712 9th Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the commission or department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Bob Ream	/s/ Rebecca Jakes Dockter
Bob Ream, Chairman	Rebecca Jakes Dockter
Fish, Wildlife and Parks Commission	Rule Reviewer

Certified to the Secretary of State January 7, 2013