

# Clearwater Lakes Boating Regulations

## Background

The Clearwater River drainage has a variety of lakes that provide recreational opportunities in settings that range from remote with little developed access to highly developed and easily accessible (see map on page 2). Recreation such as boating, waterskiing, fishing, canoeing, kayaking, swimming, and camping are all popular lake-based activities, and boating regulations have been used to maintain multiple high-quality recreational opportunities within the drainage, minimize natural resource impacts and address safety concerns.

The majority of the lakes in the Clearwater drainage are less than 35 acres in size, where State boating regulations limit motorized use to no-wake<sup>1</sup> speeds. In addition, five Clearwater lakes (Colt, Elsin, Hidden, Spook and Summit) limit motorized use to electric motors only, and three (Dinah, Harpers and Morrell) prohibit use of any motors. The remaining 11 Clearwater lakes are 35 acres or larger in size, and include a range of boating regulations based on the specific characteristics of each lake and its associated setting. Those lakes and current regulations are listed in Table 1.

Table 1. Current boating regulations for larger lakes in the Clearwater drainage.

Lake	Acreage	Current State of Montana Boating Regulations*
Alva	298	Boats pulling, taking off with, and landing water skiers will travel in a general counterclockwise
Blanchard	57	Closed to motorboats over 10 hp.
Clearwater	104	Manually powered or electric motors only.
Elbow	71	None
Big Sky	94	None
Inez	288	Boats pulling, taking off with and landing water skiers will travel in a general counterclockwise
Marshall	80	None
Placid	1,211	None
Rainy	82	Manually powered or electric motors only
Salmon	631	No-wake speed for the portion known as Legendary Lodge Narrows near the south end of the lake and for the area south of Salmon Cove Point (Eagle's Nest) to the lake's outlet.
Seeley	1,031	Boats pulling, taking off with, and landing water skiers will travel in a general counterclockwise direction. No wake speed in the northern most portion of the lake from where Deer Creek flows into the west side of the lake, following a straight line across the lake to where Rice Creek flows into the east side of the lake and continuing north to shore, as marked.

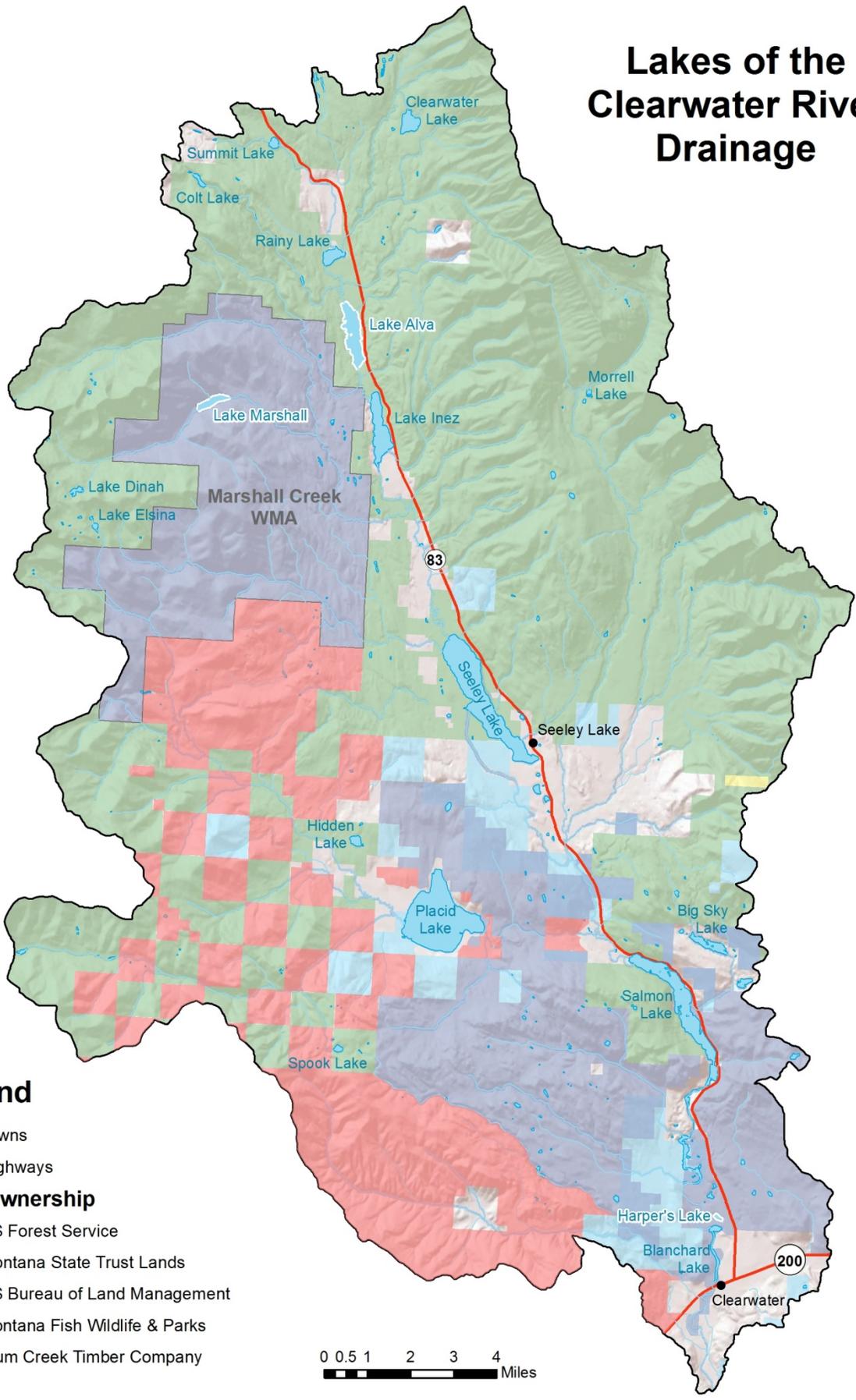
**\*NOTE: In addition to these specific regulations, all lakes greater than 35 acres within the western fishing district are limited to no-wake speed from the shoreline to 200 feet from the shoreline.**

## Potential Boating Regulation Changes

Evolving recreational use patterns combined with public concern regarding boating regulations, as well as changes in land ownership, have prompted Montana Fish, Wildlife & Parks (FWP) to consider changes to existing boating regulations on three lakes in the Clearwater River drainage. Those lakes include Lake Alva, Harpers Lake, and Lake Marshall (highlighted in white borders on the map on page 2). The lake settings, rationale for proposing regulation changes, and proposed regulation changes are provided for each of these lakes.

<sup>1</sup> "No-wake speed" is defined 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.

# Lakes of the Clearwater River Drainage



## Legend

- Towns
- Highways
- Land Ownership**
- US Forest Service
- Montana State Trust Lands
- US Bureau of Land Management
- Montana Fish Wildlife & Parks
- Plum Creek Timber Company

0 0.5 1 2 3 4 Miles

## Lake Alva

Lake Alva, Lake Inez, Placid Lake, Salmon Lake, and Seeley Lake all have developed public recreation sites (managed by US Forest Service or FWP) that provide campgrounds, recreation facilities and boat ramps, making them popular lakes for motorboat use, including personal watercraft. All these lakes (except Alva) have privately owned land along their shorelines. In some cases, private ownership accounts for the majority of land surrounding these lakes. Many of the private property owners have invested money in their homes, boats, personal watercraft, etc. and prefer the developed recreational opportunities, motorized boat activity and associated settings.

The lack of privately developed shoreline, combined with a public recreation site and boat ramp for motorized boat access makes Lake Alva unique when compared to Inez, Placid, Salmon and Seeley. Historically, Lake Alva has been popular with recreationists seeking a less developed and quieter setting with non-motorized boats (e.g., canoes and kayaks) and slower-paced motorized boats (e.g., small-horsepower fishing boats). In the past few years, public comment received by FWP has suggested that larger, faster and louder motorboat use is becoming more common on Lake Alva, prompting concerns that increases in motorized use could degrade the traditional setting of the lake and associated recreational experience.

Lake Alva is also unique within the Clearwater Chain-of-Lakes because common loons nest on an island in the center of the lake, rather than using more secluded bays that loons select on other medium to large lakes where faster boating occurs. This exposes loon nests and young chicks to more disturbance and wave action. Close human presence and wave action during nesting have been shown to lower common loon nesting success. In addition, fast moving craft can separate loon chicks from parents, resulting in susceptibility to predation or injury from motorboats, including personal watercraft. Common loon nesting and rearing success could improve under a no-wake regulation.

Changing the boating regulations for Lake Alva to no-wake speed would provide a one-of-a-kind opportunity in the Chain-of-Lakes to enjoy quieter motorized and non-motorized recreation on a medium-sized lake, preserve the traditional setting and recreational experiences enjoyed by many recreationists, and likely improve common loon nesting and rearing success. The following unique characteristics are found at Lake Alva, compared to other lakes in the Clearwater drainage:

- Relatively small size, where diverse boating opportunities may not be able to be separated in time or space.
- Potential for a low-speed boating experience for both motorized and non-motorized boaters with the accessibility of a boat launch.
- Relatively undeveloped shoreline with no private land ownership (which minimizes potential impacts to private landowner investments, such as docks and boats).
- Nesting of common loons on an island in the center of the lake that exposes nests and chicks to wave disturbance, human presence and boat collisions, all of which can have negative impacts on nesting and rearing success.

FWP anticipates there would be impacts to motorized boaters who currently operate boats at wake speeds on Lake Alva and would no longer be able to do so under the proposed regulations (Table 2). Opportunities would continue to be available for boating at wake speeds on Inez, Placid, Salmon, and Seeley Lakes as well as lakes in the nearby Swan drainage. The proposed regulations on Lake Alva would provide a unique opportunity for boaters who seek a slow-speed motorized opportunity with the accessibility of a boat launch.

Table 2. Current and proposed boating regulations for Lake Alva.

	<b>Current Boating Regulations</b>	<b>Proposed Boating Regulations</b>
<b>Lake Alva</b>	Boats pulling, taking off with and landing water skiers will travel in a general counterclockwise direction.	No-wake speed.

### Harpers Lake

Harpers Lake is a small lake (15 acres) located within FWP’s Harpers Lake Fishing Access Site (FAS). The lake is stocked with hatchery rainbow trout with the intention of harvest by anglers. As a result, the lake is a popular fishing destination and frequented by anglers in small boats and float tubes as well as bank anglers. Because of the gravel beach at the parking area, the lake is also heavily used by people wading and swimming, and people commonly walk/hike around the lake’s shoreline. Under the current regulations the lake is closed to all motorboats, which includes the use of electric motors (Table 3). With the popularity of the lake with anglers and the accessibility provided at the FAS for those with small boats, FWP staff has received comments from the public requesting that electric motors be allowed on the lake.

Changing the boating regulations to electric motors would increase the accessibility to fish within the lake and likely increase harvest opportunity. The use of electric motors would likely be compatible with other recreational users and anglers due to the relatively slow speed and low noise levels associated with electric motors.

Table 3. Current and proposed boating regulations for Harpers Lake.

	<b>Current Boating Regulations</b>	<b>Proposed Boating Regulations</b>
<b>Harpers Lake</b>	Closed to all motorboats.	Manually operated or electric motors only.

### Lake Marshall

The 24,200-acre Marshall Creek Wildlife Management Area (WMA) was acquired by FWP in July 2011 as part of the Montana Legacy Project, where over 310,000 acres of industrial forestland were permanently conserved for fish, wildlife, sustainable timber production, and public access. Lake Marshall is located in the northwest portion of the Marshall Creek WMA and managed within the context of the Marshall Creek WMA Management Plan.

As described in the Management Plan, “Management of the Marshall Creek WMA will be for the enhancement and protection of native fish and wildlife populations, the habitat that supports them, and for the provision of public recreational access.” Furthermore, the management plan states, “Public access will be provided to the extent that such access is compatible with vegetation, fish and wildlife goals.” The management plan also specifically addresses boating on Lake Marshall: “Consistent with past and current use-patterns, use of non-motorized watercraft will be emphasized on Lake Marshall.”

Currently, access into Lake Marshall is primitive, with no developed facilities or boat launch, and primarily caters to carry-in launching of non-motorized boats. Existing boating regulations allow for use of any motorized watercraft on Lake Marshall (Table 4), which is inconsistent with the management direction for the WMA and other similar-sized lakes and settings in the northern portion of the Clearwater drainage such as Clearwater Lake and Rainy Lake.

Changing the boating regulations to manually powered or electric-motors only would be more compatible with the WMA management objectives and still provide an opportunity for boaters and anglers who prefer to use a motor on Lake Marshall. Allowing the use of electric motors would likely be compatible with WMA management goals as well as other recreational users and anglers due to the relatively slow speed and low-noise levels associated with electric motors. This regulation would be consistent with boating regulations Clearwater and Rainy Lakes, which are nearby and of similar size.

Table 4. Current and proposed boating regulations for Lake Marshall.

	<b>Current Boating Regulations</b>	<b>Proposed Boating Regulations</b>
<b>Lake Marshall</b>	None	Manually operated or electric motors only.

### Conclusion

The intent of the proposed boating regulations for these three lakes is to provide for diverse, high-quality lake-based recreational opportunities in the Clearwater River drainage. The unique settings, characteristics, and recreational opportunities of each lake were considered and are reflected in the proposals in an attempt to provide a balance between varied boating opportunities. The rationale for these proposals is based on information and concerns voiced by the public, and input from FWP staff. Ultimately, public input obtained through this rule-making process will be used to evaluate and make decisions on these proposed regulations.

### Common loon references

Hammond, C. A. H. 2009. Conservation Plan for the Common Loon in Montana. Montana Department of Fish, Wildlife and Parks, Kalispell, MT. *Available electronically at:*

<http://fwp.mt.gov/fishAndWildlife/management/commonLoon/default.html>

Kelly, Lynn M., 1992, The Effects of Human Disturbance on Common Loon Productivity in NW MT. MS Thesis, Montana State University, Bozeman. *Available electronically at:*

<http://fwp.mt.gov/fishAndWildlife/fishAndWildlifeLibrarySearchReport.html?id=30860&source=mWild>