

# **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** April 25, 2019

**Agenda Item:** Administrative rule proposal pertaining to amendments to current no-wake zones and adoption of new no-wake zones on Canyon Ferry Reservoir

**Division:** Enforcement

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 15 minutes

## **Background**

Canyon Ferry Reservoir is a large impoundment of the Missouri River near Helena that sees a large volume of recreational boating and camping during the summer months. All commercial marinas around the lake have no-wake zones in place and several public boat ramps do as well. In an effort to proactively address safety and maintain consistent regulations at all major public boat launches, FWP proposed administrative rule amendments to create no-wake zones to areas of heavy usage, which include Shannon Boat Launch, Court Sheriff Bay, Chinamen's Bay, Kayley Bay, Hellgate Bay, Silos campground area, and White Earth Bay. Several changes were proposed to the existing ARM rules for the purpose of clarity and to ensure that wake zones are organized and listed correctly in rule.

FWP received comments on the first proposal requesting the commission adopt a 200-foot no-wake zone around the north end of the lake in front of all cabin sites, similar to the rule in place in the western fishing district requiring that all lakes over 35 acres have a mandatory no-wake zone around their shorelines. This rule in the western fishing district has been successful, and FWP felt this idea was worth considering and collecting additional public comment on for Canyon Ferry. On Feb. 13, 2019, FWP brought an alternative proposal before the commission that would establish a 200-foot no-wake zone on the north end of the lake starting at Kayley Bay and moving around the lake to Crittenden Bay. After taking public comment on the alternate proposal, FWP recommends the original proposal be adopted by the commission.

## **Public Involvement Process & Results**

The public has had an opportunity to comment on both proposals. We received 16 written comments on the first proposal, along with five oral comments at a public hearing. A two-week extension of comment was held for the public to consider the second proposal, in which 28 comments were received. Comments were received both in support of no-wake regulations and in opposition to new no-wake regulations.

## **Alternatives and Analysis**

The commission may adopt the department's first proposal published on Nov. 2, 2018, establishing no-wake zones around the areas of heavy usage listed in the background above.

The commission may adopt the department's alternative proposal published on March 15, 2019, establishing a 200-foot no-wake zone on the north end of the lake from Kayley Bay to Crittenden Bay.

The commission may adopt parts of either or both proposals.

Finally, the commission may choose not to adopt either proposal, in which case the regulations on Canyon Ferry Reservoir will remain the same.

### **Agency Recommendation & Rationale**

The department feels that either one of the proposals will increase the safety of the boating public on the lake.

The FWP boating program is committed to responsive waterway management. The department recommends starting with the least restrictive regulations and evaluating the need to add more restrictive regulations if they are needed. Therefore, FWP recommends the commission adopt the first proposal presented in October, establishing no-wake zones around the areas of heavy usage listed. This would represent a positive step in addressing safety issues on Canyon Ferry Reservoir and is in line with the comments received.

With this recommendation comes a commitment from the enforcement division to monitor and evaluate the regulations on Canyon Ferry, and to bring further changes to the commission to address any future issues on the reservoir.

### **Proposed Motion**

I move that the Fish and Wildlife Commission adopt and amend the administrative rules pertaining to no-wake zones on Canyon Ferry Reservoir as first proposed at the Oct. 17, 2018, commission meeting and published on Nov. 2, 2019.