



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: Oct. 19, 2023

Agenda Item: Work groups recommendations for Half Moon Slough boating regulations

Action Needed: Decision to initiate rule drafting

Time Needed on Agenda for this Presentation: 5 minutes

Background: On Aug. 4, 2022, the department received a petition requesting the creation of a no wake zone and placement of no wake buoys in Half Moon Slough on the lower Flathead River in Flathead County. Half Moon Slough currently does not have any boating regulations in place. At the Oct. 20, 2022, meeting, the commission voted to defer rulemaking while the department assembled a citizen working group to analyze the petition and make recommendations on potential regulations on Half Moon Slough. On Feb. 15, 2023, the department convened a 10-person working group to discuss the petition. The work group unanimously agreed on the recommendation that Half Moon Slough be designated as a no wake zone and that a seasonal boating closure be enacted from March 1 through April 15.

Public Involvement Process & Results: Public comment has not been collected on the working group's recommendation. The commission will take public comment at the Oct. 19 meeting. If the commission invites the petitioner to draft rules and present those at a future meeting, the commission could subsequently direct the petitioner, with the department's assistance, to file the rules with the secretary of state pursuant to the Montana Administrative Procedures Act.

Analysis & Alternatives:

Alternative A: Invite the petitioner to draft rules and present those to the commission at a future meeting. The department would be available to administratively assist the petitioner with the rule drafting process.

Alternative B: Deny the petition. The current rules would remain in place and there would be no new rules establishing a no wake zone or seasonal boating closure.

Agency Recommendation & Rationale: The department considered the petition and the working group's recommendations from the standpoint of public safety and natural resource impacts. The department has not documented any boating accidents or other data pointing to an existing recreational boating safety issue on Half Moon Slough. Nor has the department identified any natural resource damage occurring because of recreational boating on Half Moon Slough. Given the absence of documented boating safety concerns and no evidence suggesting natural resource damage, the agency recommends that the commission deny the petition.

Proposed Motion: I move the Fish and Wildlife Commission deny the petition for a no wake zone and seasonal boating closure for Half Moon Slough.

Alternative (not department recommended) Motion: I move the Fish and Wildlife Commission grant the petition to initiate rulemaking and instruct the petitioner, with the administrative assistance of the department, to draft rule language to present to the commission.