



MONTANA FISH AND WILDLIFE COMMISSION FWP PROPOSAL & INFORMATION SHEET

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Meeting Date: October 15, 2026

Agenda Item: Decision to Approve Final Adoption of Bitterroot River Motorized Watercraft Closure

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 minutes

Background: In recent years, numerous landowners along the Mitchell Slough channel of the Bitterroot River have contacted Montana Fish, Wildlife & Parks (FWP) regarding public jet boating. At its March 2026 meeting, the Commission took action to advance a proposed amendment to the current motorized watercraft restrictions on the Bitterroot River into the formal Montana Administrative Procedure Act (“MAPA”) rulemaking process. That proposed amendment contemplated a specific motorized watercraft restriction for a portion of the Bitterroot River between Woodside Crossing Fishing Access Site (“FAS”) and John and Nancy Owen FAS.

Public Involvement Process & Results: The Montana Secretary of State administers the Administrative Rules of Montana (“ARM”) development process under the Montana Administrative Procedure Act (“MAPA”), including process steps and timelines. This includes opportunities for public participation in the form of both a public hearing and the submission of written comments. The formal notice of the MAPA public hearing on this proposed rule amendment was published in the Montana Administrative Register (“MAR”) on May 22, 2026, and a public hearing was held on June 15, 2026, at 10:00 a.m. *See Notice of Proposed Rulemaking*, MAR Notice No. 2026-80.1. In addition to the public hearing opportunity, FWP solicited and accepted written comments on the proposed rule amendment through July 17, 2026. *See Supplemental Notice of Proposed Rulemaking*, MAR Notice No. 2026-80.2.

FWP has compiled the public comments received through the MAPA process and is providing them to the Commission for its consideration. Of the 11 comments received on the proposed rule during the MAPA process (one oral comment, 10 written comments), seven comments expressed support for adopting the proposed rule, three comments did not clearly take a position, and one comment requested that the Commission not adopt the proposed amendment. Six comments also requested that the language of the proposed amendment describing the geographic scope of the restriction be revised.

Based on that public comment, FWP has prepared a *Notice of Adoption* for the Commission’s consideration that narrows the original geographic scope language to reflect a motorized watercraft use restriction that, if adopted, would apply only to the Mitchell Slough channel and its tributaries.

This MAPA rulemaking process has already involved a separate written comment and public hearing process. No additional written comments on this matter will be solicited by the Commission prior to its October 15, 2026, meeting.

Alternatives & Analysis: As this matter involves a MAPA rulemaking process, the Commission can choose among the following options:



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Alternative A: No action – the Commission can choose not to amend the current motorized watercraft restriction on the Bitterroot River. The status quo would remain in place, which allows the public to use motorized watercraft powered by 20 horsepower or less from October 1 through January 31 between the headwaters of the Bitterroot River and its confluence with the Clark Fork River. ARM 12.11.610.

Alternative B: Approve a *Notice of Adoption* that amends the current motorized watercraft restriction on the Bitterroot River to prohibit the use of motorized watercraft year-round on the Mitchell Slough channel, including its east, west, and middle sub-channels and all connected tributaries.

Alternative C: Approve a *Notice of Adoption* that amends the current motorized watercraft restriction on the Bitterroot River to prohibit the use of motorized watercraft year-round in the broader geographic area described in the original *Notice of Proposed Rulemaking*, MAR Notice No. 2026-80.1.

Agency Recommendation & Rationale: The Commission has been given authority by the Legislature to adopt and enforce rules governing the recreational use of public rivers and streams. See Mont. Code Ann. § 87-1-303(2). Any rules adopted by the Commission under that statutory authority:

must be adopted in the interest of public health, public safety, public welfare, and protection of property and public resources in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the operation of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized boats[.]

The Commission has considered and adopted similar restrictions for motorized watercraft on other Montana rivers within the past five years. See, e.g., ARM 12.11.633 (Shields River – 2021); ARM 12.11.619 (Boulder River – 2022); ARM 12.11.5206 (Bull River – 2025).

Multiple comments received during the MAPA process raised concerns that the use of motorized watercraft on the Mitchell Slough channel of the Bitterroot River negatively affects fish, wildlife, and associated habitat. Multiple commenters also raised concerns that the use of motorized watercraft on Mitchell Slough is dangerous for other recreational users. At the same time, comments received also indicated that both the main and side channels of the Bitterroot River are used by waterfowl hunters and that maintaining public access for waterfowl hunting in these areas is important. Based on those comments, FWP has prepared a *Notice of Adoption* clarifying the proposed application of the motorized watercraft use restriction to only the Mitchell Slough channels and connected tributaries.

Proposed Motion: I move the Montana Fish and Wildlife Commission approve the final adoption of an amendment to ARM 12.11.610 to prohibit the use of motorized watercraft year-round on the Mitchell Slough channel, including its east, west, and middle sub-channels and all connected tributaries.