

WEBVTT

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00:00:08.039 --> 00:00:14.450

Kara Thompson: Welcome! It is 10 o'clock a.m, Monday, June 15th, 2026.

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00:00:14.560 --> 00:00:20.930

Kara Thompson: This is the time set for the public hearing on the proposed notice of proposed rulemaking.

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00:00:21.350 --> 00:00:28.800

Kara Thompson: for proposed amendment to motorized watercraft restrictions on the Bitterroot River in Ravalli County.

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00:00:29.340 --> 00:00:39.519

Kara Thompson: My name is Kara Thompson, and I've been designated by the Director of the Department of Fish, Wildlife and Parks to preside over and conduct this hearing.

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00:00:40.050 --> 00:00:50.280

Kara Thompson: As stated in the proposal notice, there is no in-person public attendance at this hearing, as it is being conducted via Zoom.

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00:00:50.420 --> 00:00:58.229

Kara Thompson: I would like to take a moment to introduce the staff in the room who are assisting with this hearing and listening to your comments.

7

00:00:58.530 --> 00:01:02.769

Kara Thompson: We have Ryan Dorvall and Jeff Hindoen.

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00:01:04.650 --> 00:01:12.480

Kara Thompson: If everybody is ready, I will formally open this administrative rules hearing and dispense with some required business.

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00:01:13.370 --> 00:01:22.990

Kara Thompson: The Montana Administrative Procedure Act requires me to read the Notice of Function of the Administrative Rule Review Committee.

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00:01:27.230 --> 00:01:37.640

Kara Thompson: Notice the function of the Administrative Rule Review Committee, Interim Committees, the Environmental Quality Council, and the Water Policy Interim Committee.

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00:01:38.020 --> 00:01:53.969

Kara Thompson: Under 2-4-302 and 75-1-324 MCA Administrative Rule Review is a responsibility of the legislature's interim committees and councils.

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00:01:54.350 --> 00:02:01.490

Kara Thompson: Interim committees and councils welcome public input and invite members of the public to appear before them

13

00:02:02.220 --> 00:02:09.450

Kara Thompson: or send written statements to bring to their attention any feedback on existing or proposed rules.

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00:02:10.310 --> 00:02:23.180

Kara Thompson: Contact information and meeting details for interim committees and councils can be found at committees.legmt.gov.

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00:02:26.800 --> 00:02:35.250

Kara Thompson: FWP maintains a list of interested persons who wish to receive notices of the department's rulemaking actions.

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00:02:35.520 --> 00:02:42.830

Kara Thompson: If you would like to be added to the list, you can sign up online at [https](https://committees.legmt.gov).

17

00:02:43.050 --> 00:02:58.350

Kara Thompson: colon... forward slash forward slash public dot G-O-V d-e-l-I-V-E-R-Y (gov delivery) dot com forward slash accounts

18

00:02:58.640 --> 00:03:07.770

Kara Thompson: forward slash MTFWP forward slash subscriber Forward slash new.

19

00:03:08.900 --> 00:03:16.479

Kara Thompson: The department published a notice of public hearing on this proposed rulemaking as MAR Notice Number

20

00:03:16.630 --> 00:03:27.700

Kara Thompson: 2026-80.1, and the 2026 Montana Administrative rules.

21

00:03:29.160 --> 00:03:38.420

Kara Thompson: Sorry. Montana Administrative Register. Issue number 10 on May 22nd, 2026.

22

00:03:38.620 --> 00:03:42.290

Kara Thompson: And notified all interested parties of record.

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00:03:43.220 --> 00:03:55.450

Kara Thompson: The Fish and Wildlife Commission has been authorized by the legislature under 87-1-303, Sub 2.

24

00:03:55.790 --> 00:03:57.210

Kara Thompson: MCA...

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00:03:57.350 --> 00:04:06.709

Kara Thompson: To adopt and enforce rules governing the recreational uses of all rivers and streams that are accessible to the public.

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00:04:06.900 --> 00:04:12.839

Kara Thompson: Including the regulation of boating and the operation of motor-driven boats.

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00:04:13.030 --> 00:04:25.210

Kara Thompson: The proposed amendment for which public comment is being solicited at this hearing would prohibit motorized watercraft on all tributaries, natural streams.

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00:04:25.500 --> 00:04:27.230

Kara Thompson: sloughs, and...

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00:04:27.580 --> 00:04:38.480

Kara Thompson: channels flowing into the Bitterroot River between the Woodside Bridge Fishing Access Site and the John and Nancy Owen Fishing Access Site.

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00:04:40.610 --> 00:04:44.829

Kara Thompson: The proposed rulemaking would amend ARM,

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00:04:45.070 --> 00:04:53.150

Kara Thompson: 12.11.610, found on page 3 of the proposal notice.

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00:04:55.350 --> 00:05:10.899

Kara Thompson: At this hearing, any interested person may submit oral comments. The written comment period for this proposed rulemaking remains open through 5 o'clock p.m. Wednesday, June 17th, 2026.

33

00:05:11.200 --> 00:05:21.200

Kara Thompson: Written comments must be submitted to Department of Fish, Wildlife, and Parks, P.O. Box 200701.

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00:05:21.310 --> 00:05:40.279

Kara Thompson: Helena, Montana, 59620 dash 0701, or via email to KARA.Thompson at mt.gov.

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00:05:41.660 --> 00:05:58.979

Kara Thompson: The hearing is... this hearing is being recorded and will be retained as a part of the rulemaking record. Please speak clearly and identify yourself and whom you represent at the beginning of your statement, and confine your statements to the proposed rulemaking.

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00:05:59.850 --> 00:06:09.269

Kara Thompson: The purpose of this hearing is to receive public comment on the proposed rulemaking. Comment should be kept to no longer than 3 minutes.

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00:06:09.740 --> 00:06:12.659

Kara Thompson: Please note that at the hearing, officer.

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00:06:12.960 --> 00:06:21.409

Kara Thompson: Sorry. Please note that as the hearing officer, I can ask you a question to ensure our understanding of your comments.

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00:06:21.520 --> 00:06:32.330

Kara Thompson: The purpose of the hearing is to gather your comments on the rule amendment as proposed, not to answer questions or hypotheticals for FWP.

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00:06:32.480 --> 00:06:47.119

Kara Thompson: Additionally, if you want to recommend specific changes to the language of the proposed rule amendment, it is helpful if you submit the proposed change in writing, in addition to speaking to us about it today.

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00:06:47.780 --> 00:06:53.709

Kara Thompson: As I prepare to start accepting comment, I would like to provide some helpful reminders.

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00:06:53.980 --> 00:07:02.080

Kara Thompson: The Zoom attendees can click on the Reactions icon across the bottom of the screen to find the Raise Your Hand icon.

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00:07:02.310 --> 00:07:09.389

Kara Thompson: Smartphone attendees can press the raise your hand icon located at the bottom of their screen.

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00:07:16.440 --> 00:07:29.049

Kara Thompson: Phone-in attendees should press star 9. If you would like to provide comment on the proposal at this hearing, please raise your hand at this time so that we can call on you.

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00:07:29.310 --> 00:07:43.299

Kara Thompson: Just one more thing before we get started. Following the close of the public comment period, FWP will summarize substantive comments received and respond to the comments in its next notice.

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00:07:43.460 --> 00:07:50.430

Kara Thompson: which will be published in the Montana Administrative Register as a part of the rulemaking process.

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00:07:50.800 --> 00:07:54.390

Kara Thompson: I will now open up the comment period.

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00:08:35.960 --> 00:08:40.040

Kara Thompson: We'll just give a few minutes to see if anyone would like to comment.

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00:09:39.990 --> 00:09:43.210
Kara Thompson: We have Roy Fenster?

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00:09:45.300 --> 00:09:46.419
Kara Thompson: Go ahead.

51
00:10:12.350 --> 00:10:13.170
Kara Thompson: And...

52
00:10:24.730 --> 00:10:27.069
Kara Thompson: Roy, I'm not able to hear you.

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00:10:30.140 --> 00:10:31.170
Roy Fenster: How about now?

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00:10:31.670 --> 00:10:34.230
Kara Thompson: Oh, great, there... I can hear you now. Sorry.

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00:10:34.230 --> 00:10:53.180
Roy Fenster: Sorry, we had a glitch there. Yes, my name's Roy Fenster, F-E-N-S-T-E-R. I live over in Stevensville, Montana, and I just want to make a quick comment that says that I'm in support of this closure. The trout fishery over here is a very sensitive resource. Spawning is a very important

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00:10:53.180 --> 00:10:54.610
Roy Fenster: Time for these fish.

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00:10:54.610 --> 00:11:13.080
Roy Fenster: Recently, we've noted that biologists have reported a lack of recruitment in the Bitterroot River, and feel strongly that motorized watercraft are having a negative impact on fish reproduction, and really commend the department for taking action to protect a resource

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00:11:13.080 --> 00:11:19.510
Roy Fenster: That benefits thousands of people from the, inappropriate and careless actions of just a few.

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00:11:19.510 --> 00:11:23.709
Roy Fenster: So, want to thank the department for doing that, and support this rule change.

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00:11:24.460 --> 00:11:25.750
Roy Fenster: Thank you very much.

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00:11:27.770 --> 00:11:28.909
Kara Thompson: Thank you for your comment.

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00:12:12.700 --> 00:12:17.220

Kara Thompson: I'll give a few more minutes to see if anyone else would like to comment.

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00:13:46.640 --> 00:13:51.110

Kara Thompson: We'll leave it open till, 1015 a.m.

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00:13:51.420 --> 00:13:56.600

Kara Thompson: Unless there's, other commenters, or unless I hear different?

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00:15:20.010 --> 00:15:22.050

Kara Thompson: Are there any others?

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00:15:22.550 --> 00:15:25.760

Kara Thompson: Present that wish to be heard at this time?

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00:15:34.720 --> 00:15:35.640

Ryan Dorvall: Hey, Kara?

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00:15:36.210 --> 00:15:37.030

Kara Thompson: Yes.

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00:15:37.030 --> 00:15:54.369

Ryan Dorvall: Yeah, for the record, it's Jeff Hindoien, the Deputy Director. I just wanted to make clear for anyone on the call that the written comment submission period will run past June 17th. It will run to July 17th, because of the timing on the

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00:15:54.550 --> 00:15:57.619

Ryan Dorvall: Publication of this particular rule notice, so...

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00:15:58.020 --> 00:16:04.339

Ryan Dorvall: Just wanted to get that if anyone had any questions. There'll be another notice for that effect in the Montana Administrative Registry.

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00:16:06.200 --> 00:16:07.449

Kara Thompson: Okay, thank you.

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00:16:10.390 --> 00:16:14.690

Kara Thompson: So, to July 17th, 2026, is that correct?

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00:16:15.000 --> 00:16:15.660

Ryan Dorvall: Yep.

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00:16:16.110 --> 00:16:16.830

Kara Thompson: Okay.

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00:16:20.880 --> 00:16:24.900

Kara Thompson: Are we... are we okay to go ahead and close the meeting?

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00:16:26.780 --> 00:16:27.610

Kara Thompson: Jeff?

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00:16:28.040 --> 00:16:29.900

Ryan Dorvall: She asked. Yes.

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00:16:29.900 --> 00:16:30.630

Kara Thompson: Oh!

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00:16:32.140 --> 00:16:34.949

Kara Thompson: Roy, if you would like to go ahead and

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00:16:35.660 --> 00:16:38.289

Kara Thompson: You have any... something else to say?

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00:16:38.290 --> 00:16:51.350

Roy Fenster: Well, I just had a question to clarify that for that written comment, the extended period going to July 17th, we still submit that to the same, carathompson at Montana.gov email, address, correct?

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00:16:51.540 --> 00:16:55.369

Roy Fenster: That's correct.

Okay, thank you very much.

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00:16:55.540 --> 00:16:56.400

Kara Thompson: Thank you.

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00:17:04.520 --> 00:17:15.790

Kara Thompson: Okay, as a final reminder, all written data, viewpoints, suggested changes, or arguments must be submitted so that they are received no later than 5 p.m.

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00:17:16.280 --> 00:17:18.370

Kara Thompson: And I don't... is it a Wednesday?

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00:17:18.470 --> 00:17:20.460

Kara Thompson: July 17th, sorry.

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00:17:21.480 --> 00:17:24.410

Kara Thompson: July 17th, 2026.

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00:17:27.310 --> 00:17:29.019

Kara Thompson: I'm quick looking.

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00:17:32.870 --> 00:17:35.810

Kara Thompson: It's actually... a Friday.

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00:17:36.120 --> 00:17:39.750

Kara Thompson: Friday, July 17th, 2026.

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00:17:41.350 --> 00:17:54.110

Kara Thompson: As no one else has indicated a desire to provide comment, I would like to thank everyone for participating and providing comments today. I hereby close the public hearing. Thank you.

From: [Danny McGinley](#)
To: [Thompson, Kara](#)
Subject: [EXTERNAL] Motorized watercraft
Date: Thursday, July 9, 2026 10:09:16 PM

Dear Miss Thompson:

I I write today in support of the limiting of where motorized watercraft are permitted in the state of Montana. The noise and danger associated with motorized watercraft on public waterways is significant. I believe it's unfair to subject the citizens of Montana and their guests to it. In addition, the environmental impacts associated with the motorized watercraft are not a benefit for the resource. Thanks for taking the time to read my comments.

Respectfully,

– D M

Danny McGinley
Office: [503.239.2000](tel:503.239.2000)
www.redsidecre.com [redsidecre.com]

From: [Ken Siebel](#)
To: [Thompson, Kara](#)
Subject: [EXTERNAL] Bitterroot Motorized Boat Restriction
Date: Wednesday, July 15, 2026 3:40:00 PM

Ms Thompson,

I am writing to support Montana FWP proposed rule change to restrict motorized watercraft on the Bitterroot River. Tributaries to the Bitterroot provide essential spawning and trout rearing habitat, which are critical to supporting the fishery resource and need protection from disturbances like motorized watercraft.

Thank you,
Ken Siebel

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From: [Judy Siebel](#)
To: [Thompson, Kara](#)
Subject: [EXTERNAL] Bitterroot Motor Boat Closure
Date: Wednesday, July 15, 2026 4:11:31 PM

To Ms. Thompson,

I am writing to support Montana Fish Wild and Parks proposal to close the tributaries on the Bitterroot River to modernized water crafts. This is a sensitive area for fish habitat that needs to be protected. This practice is clearly damaging and will cause considerable harm to the fish that live in the water and is a totally negative thing to do for the environment.

Sincerely, Judy Siebel

15 July 2026

Dear Montana Fish and Wildlife Commissioners,

Thank you for the opportunity to submit public comment on the proposal for rulemaking related to MAR NOTICE NO.2026-80.1.

I applaud Montana Fish, Wildlife & Parks (FWP) for submitting the amended rule to close to the use of motorized watercraft all tributaries and natural streams, sloughs, and channels of the Bitterroot River from Woodside through John and Nancy Owen Fishing Access. I am also encouraged by its continued progress into the ARM process.

To keep such twisty, narrow, shallow waterways open to motorized watercraft is a concern not only for habitat (e.g., erosion of banks) and wildlife (e.g., trout redds), but also (and perhaps especially) given the risk that motorized watercraft usage presents for responsible recreationists. One motorized watercraft user commented in the prior round of this process, that they felt safe going 15 mph in their motorized boat. This lacks consideration for the wading recreationist around a blind corner, someone setting up decoys before sunrise, or an elderly kayaker. What of motorized watercraft meeting at speed in two-way traffic that are unable to safely pass each other?

The privilege afforded to us all through Montana's Stream Access Law is an incredible opportunity to enjoy some of Montana's most beautiful places – as long as recreationists are responsible, capable of self-regulation, and consider the safety of others while respecting our collective resources. Use of motorized watercraft for recreation in these twisty, shallow, narrow channels is not in line with this ethic.

Should this rule be adopted, I urge the Commission to make the rule effective immediately upon adoption. This request is due to immediate concerns for protecting habitat, the next generation of fish populations, and especially for public safety. To willfully continue to allow motorized watercraft on these waterways for another season opens up continued risk to the public and damage to habitat and wildlife.

As a Montana resident and avid recreationist, I fully support adoption of the amended rule, for the sake of protecting wildlife, habitat, and safety of responsible members of the recreating public. Thank you.

Sincerely,

Allison Devlin

devlin.allison@gmail.com
Stevensville, MT



Ben Lamb
Policy Director, Montana Conservation Society
(406) 437-3558
B.Lamb@Montconservationsociety.org

Kara Thompson
Montana Department of Fish, Wildlife and Parks
(406) 594-8071
Kara.Thompson@Mt.Gov

Dear Ms. Thompson,

On Behalf of the Montana Conservation Society, please accept these comments in support of the adoption of MAR Notice 2026-80.1. Motorized use of tributaries, streams, sloughs and some side channels is not consistent with the conservation ethic or good, sound fisheries management. We also have significant concerns about technological advancements in motorized recreation for the future and while it may seem impossible to float a boat in some of the waters listed today, tomorrow will provide new opportunities. We also have concerns related to streambank erosion, spawning redds and other resource related degradation caused by motorized boats in small water.

We also share concerns with others about the quiet nature of recreation in those areas outside of the mainstem. The quality of experience is critical for all Montanans when fishing, kayaking, canoeing, waterfowl hunting or just enjoying nature. Preserving the pastoral nature of the streams, tributaries, sloughs and some side channels help ensure a higher quality of life for a majority of Montanans and those who visit our towns and rivers.

While we support the proposed closure, we also understand that there is some concern about how to define side channels, and which channels consist of the mainstem of the river. Some clarity on that issue would likely be worthwhile or perhaps include increased signage relative to the mainstem, and which channels are open or not. We would also encourage the commission to maintain the length of the closure and not reduce it based on potential for misuse, due to the above-mentioned reality of technological improvements moving often faster than regulations can keep up.

Thank you for your efforts on this matter. It is encouraging to see the agency respond to requests such as this which have broad support [from the hunting angling, recreational and landowner communities.

Ben Lamb
Policy Director
Montana Conservation Society
(406) 437-3558
B.Lamb@montconservationsociety.org

From: [Roy Fenster](#)
To: [Thompson, Kara](#)
Subject: [EXTERNAL] Bitterroot Motorized Watercraft ARM Comment
Date: Thursday, July 16, 2026 4:58:07 PM
Attachments: [Bitterroot Motorized Boat Closure ARM Public Comment.pdf](#)

Kara,

Attached is a PDF with my public comment statement for the proposed Bitterroot River Motorized Watercraft restrictions amendment. In addition to the attached letter, I would also like to include a video in my official public comment, which is linked here:

[Motorized boats \[youtube.com\]](#)

This link is also included in the PDF, but I want to ensure it is included. Can you please confirm when you have received this public comment submission and that it has indeed been sent to the correct contact.

Thank you,

Sincerely,

Roy Fenster

Roy Fenster - Ranch Manager: Bitterroot Springs Ranch, 108 Bell Xing E, Stevensville MT 59870
Ranch: 406-777-2115; Cell: 406-239-4572

July 16, 2026

Montana Department of Fish, Wildlife, and Parks:

I am reaching out to offer my public comment for the A.R.M. rule making process for the recent Bitterroot River Motorized Use Restriction proposal put forth by Montana Fish, Wildlife, and Parks (FWP).

As a result of its consistent and regulated flow from diversions and a headgate structure, and a substantial percentage of gravel riffles throughout its entirety, Mitchell Slough (hereafter the Mitchell) provides important spawning habitat for local fish populations. With increasing identified risks (changing runoff levels, warmer water temperatures, increasing angler pressure, etc.) to fish populations in Montana's Bitterroot Valley, sensitive habitats such as those along the Mitchell are an increasingly important fisheries resource and should be protected as such.

I would find it hard to believe anyone familiar with the Mitchell or other tributaries to the Bitterroot River ever anticipated seeing motorized boat traffic blasting down these small, twisty channels. The Mitchell, for example, is a 17.5 mile long, heavily modified irrigation purposed waterway, with flows controlled through a headgate. It is not a large or dynamic body of water. An evaluation I completed on approximately 88% of the entire length of the Mitchell in May-June of 2025 found an average depth of 14.04 inches ($\pm 0.40''$ SE). Out of 204 points sampled for depth, 76 were between 6.1 and 12 inches deep. Eight more locations were less than 6 inches deep. In other words, 41.1% of the Mitchell measured less than a foot deep when the Bitterroot River was experiencing peak spring runoff. Average width measured for the same sampling points was 28.95 feet ($\pm 1.02'$ SE). Out of 204 points measured for width, 43 points (21%) measured under 20 feet wide, with the narrowest being only 10.7 feet across. Riffle estimates found that riffle habitat type made up 47.18% of the sampled length. The entirety of this evaluation is included with this letter: Mitchell Slough Sampling Protocol and Data Summary.

To me, this clearly indicates the Mitchell is not a waterway suited for recreational motorized boating. The shallow depth and sensitive riffle habitats used for spawning are especially susceptible to damage from motorized propulsion systems, both propeller and jet driven. I have included some photos of each taken in the Mitchell for reference (Appendix 1). The current dates of October 1 through January 31 directly overlap with brown trout and native whitefish spawning seasons. I have watched motorized boat users get out of their boats to drag them through shallow sections where they have presumably grounded out on the bottom. Wakes from powered watercraft are also being cast directly into banks from only a few feet away in these narrow channels, causing unnecessary erosion.

During the February 12 Commission meeting public comment period Zach Polanski stated that his group, which uses Mark Liedtka's jet boat according to him, is one of only two users on the Mitchell, that they only operate at 15 mph, and that his group only uses the "first mile" of the Mitchell. In his written public comment for the February 12 Commission meeting, Mark Liedtka

made similar statements. Quite contradictory to those claims, Mark Liedtka made a public social media post (Appendix 2) on several Facebook hunting focused pages I am aware of with tens of thousands of combined members on December 9, 2025 headlined with “CALLING ON MORE HUNTERS TO PLEASE HUNT MITCHELL SLOUGH!!!!”. In the social media post, Mark boasts that his jet boat “goes about 25mph up the river” and that “I run up Mitchell at least 3 miles”.

Given that their narrative seems to have drastically changed following the FWP proposed regulation change announcement, it would appear to me that perhaps even the irresponsible users who take motorized craft up these narrow, shallow, twisty channels recognize that it is not appropriate and is damaging to habitat. Zach Polanski stated his group only uses the “first mile” of the Mitchell from the river. There are two branches of the Mitchell, and it is unclear which he was referring to as motorized boats have been observed on each branch and well beyond “one mile” from the confluence with the river. However, included are several photographs taken by myself along the first mile of both branches on February 26 and 27, 2026 (Appendix 3). Flow conditions and water levels on these dates are consistent with the October 1-January 31 season motorboats are currently allowed to operate on the river. Channel characteristics measured in this area are generally consistent with those seen in other reaches of the Mitchell.

Although my first and foremost concern is habitat protection, I also appreciate that Montana FWP has recognized a serious potential concern for public safety in this proposed regulation change. The Mitchell is not exclusive to any single type of recreational user. In recent years I have personally seen propeller driven boats, jet driven boats, fishermen in rafts, wading duck hunters, wading fishermen, and recreational canoeists all using the Mitchell under Montana’s Stream Access Law during the exact times of year motorized craft are currently being allowed. This is in addition to the many people who obtain permission from the numerous landowners along its length to recreate in or along the Mitchell.

I don’t anticipate that two motorboats could safely meet and pass each other in a channel that averages less than 30 feet wide. I have no idea how an elderly floater in a canoe could avoid an accident in a 20-foot-wide section when they meet a jetboat coming around a blind corner. What is a hunter standing in the middle of the channel setting out decoys in the dark or a wading fisherman supposed to do when a motorboat comes sliding around the bend? The channel characteristics of the Mitchell, and I would expect other tributaries, simply cannot support this varied mix of recreation types in a safe manner when motors are included. I expect it is only a matter of time before a serious accident will occur from operation of powered watercraft on such a small channel if allowed to continue, especially when limited visibility and blind corners are factored in. For reference, I have created a compilation of seven videos captured by trail cameras that demonstrate what motorized boat traffic on sections of the Mitchell currently looks like. This video can be seen by using this link: <https://youtu.be/i->

7Xx2xnfpk. Contradictory to the false claims made by Zach Polanski and Mark Liedtka that they are the only people who use the Mitchell, many different types of public use regularly occur. The Mitchell, like other tributaries, is a public resource. It is not Mark Liedtka and Zach Polanski's private jetboat racetrack.

During the February 12 Commission meeting public comment, discussion included the ability for the public to identify what tributaries to the Bitterroot River are specifically being included in this proposal. I offer a solution to resolve this perceived issue: restrict all motorized watercraft year-round on the Bitterroot River and tributaries upstream of the John and Nancy Owen Fishing Access Site at Stevensville. Continue to allow motorized watercraft from October 1 to January 31 on the mainstem of the Bitterroot River downstream of this point. The Bitterroot River only gets smaller, tighter, and less suited for motorized boating the further upstream one goes. This change to the proposal would simplify the regulation, use a hard, definable regulation boundary that could not possibly be confusing to the general public recreationist, and would serve to protect the valuable fishery of the upper Bitterroot River and its tributaries.

In reading public comments for this proposed rule change, I saw many comments attempt to generate alleged controversy between landowners and public access. In any given year, hundreds, and more likely thousands, of fishermen, hunters, and other users recreate on the Bitterroot River, as well as a much smaller number who access the Mitchell and other tributaries. Thankfully, the vast majority of Montana's outdoor enthusiasts are highly appreciative of Montana's natural resources, follow regulations, and are simply out to enjoy the Montana outdoors as we all do. I am very appreciative for this type of recreational user. Unfortunately though, not all recreation users share this ethic. While there are those who would like to see this proposed rule change either create or escalate the potential for conflict, the importance of this proposed regulation change is for habitat and resource protection.

The Mitchell and other tributaries are simply not waterways suitable for motorized recreation without damage to sensitive and important wildlife and fishery habitats. Resource based regulations are necessary to protect the voiceless wildlife when recreationists can't regulate themselves, and this is certainly the case here. I support Montana Fish, Wildlife, and Parks in their proposed Bitterroot River Motorized Use Restriction. Thank you for your time, dedication, and attention to this important matter.

Sincerely,

Roy Fenster

Stevensville, Montana

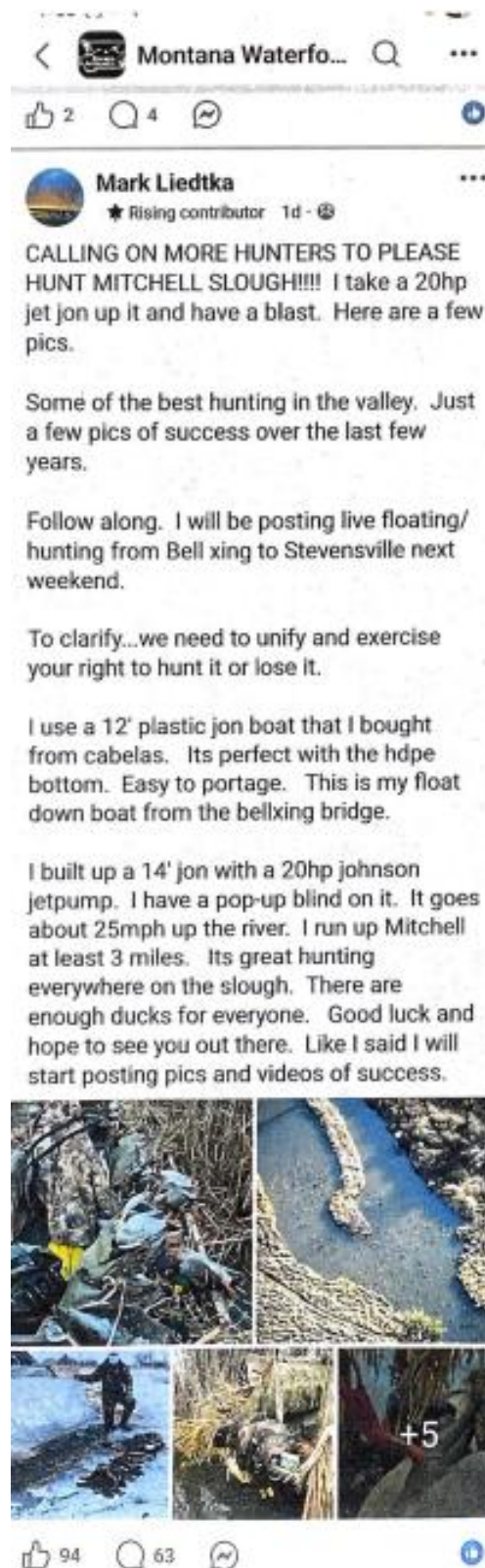
Attachments Included

APPENDIX 1: Motorized Boats on Mitchell

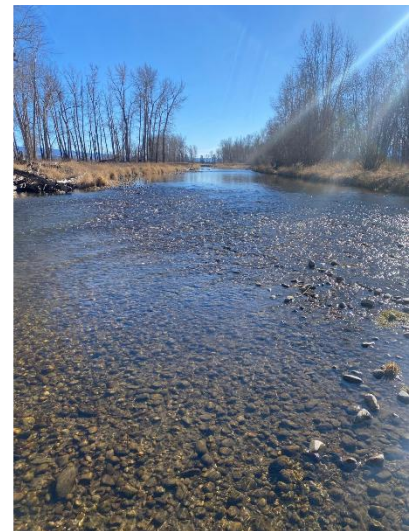
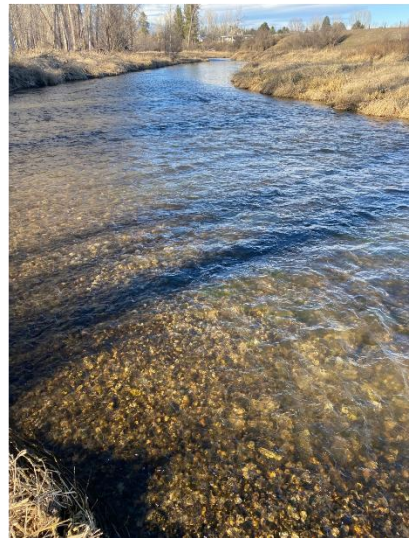
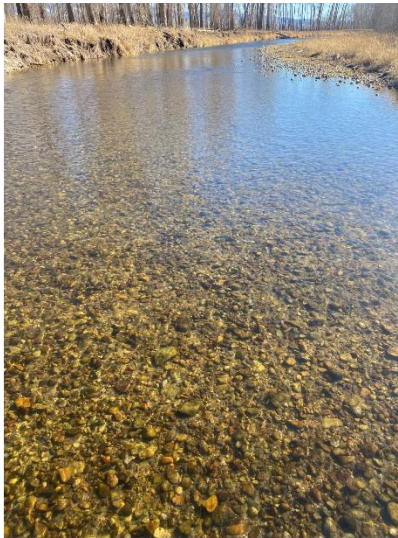
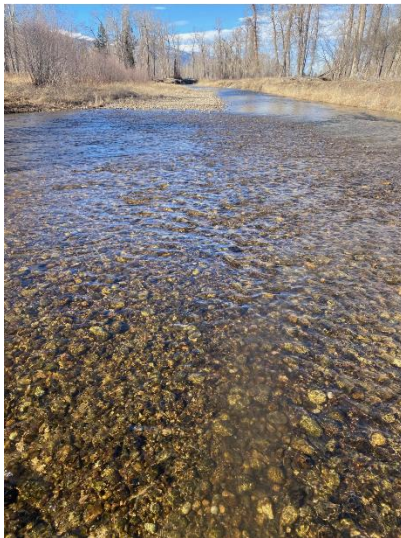




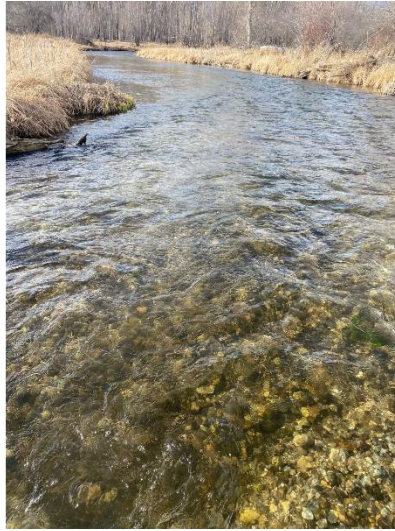
Appendix 2: Social Media Post Example



APPENDIX 3: Mitchell Channel Characteristics







MITCHELL SLOUGH SAMPLING PROTOCOL & DATA SUMMARY

RAVALLI COUNTY, MONTANA, USA
2026



Purpose

Measure channel characteristics and indicators for fish spawning habitat (average water depth, channel width, and riffle length) of the Mitchell Slough, hereafter the Mitchell, in Ravalli County, Montana, USA.

Executive Summary

The Mitchell is a heavily modified irrigation purposed waterway initially fed by diversion off the Bitterroot River through a headgate maintained by Etna Ditch Company, Inc. Landowners along the Mitchell have undertaken significant efforts to transform the waterway to create habitat for trout. As a

result of this effort, spawning habitat was created throughout this waterway since the early 1980s (Hunter 1991). Efforts include the creation of gravel bars, cabled logs, and excavation to mitigate the continuous silting-in of the Mitchell due to low gradient and controlled irrigation flows (Hunter 1991). This pilot survey aimed to measure indicators for fish spawning habitat along the Mitchell including average depth, width, and riffle length. Permission to sample along the Mitchell was secured from all requested landowners. Overall, the Mitchell was 17.52 miles long (15.41 miles were sampled, or 87.96%), with an average depth of 14.04 inches ($\pm 0.40'$ SE), average width of 28.95 feet ($\pm 1.02'$ SE), and average riffle length of 191.05 feet ($\pm 15.83'$ SE). A total of 201 riffles were counted along the sampled portions of the Mitchell, such that the Mitchell contained an estimated 7.27 miles of riffle (47.18% sampled length of Mitchell was comprised of riffles).

This report provides definitions of riffle, pool, and run, methods on measurements, and summary data on the Mitchell collected by the team during Spring (April-May) 2025. This report also includes a discussion based on the results of this data analysis describing how human disturbance on the Mitchell can cause damage to trout spawning habitat.

Definitions

Riffle

- Jowett (1993): swiftly flowing with a high proportion of its water surface broken
- Hauer et al. (2007, 2011): used for spawning; riffles and fast runs are classified as high energetic (high bottom shear stress); "...riffles had to be depth limited according to the MEM-concept (e.g. riffle depth < 0.4 m)..." [NOTE: MEM (Mesohabitat Evaluation Model); depth of 0.4 m = 1.31 feet or 15.75 inches]
- Sawyer et al. (2010), Clifford & Richards (1992): faster, convergent flow, steep water-surface slope, and moderate transport competence... over time riffles remain topographically high

Pool

- Jowett (1993): slow flowing with a smooth water surface
- Hauer et al. (2011): preferred by adult fish; moderate energetic
- Sawyer et al. (2010): slow, divergent flow, low water-surface slope, and low transport competence...over time...pools remain topographically low

Run

- Jowett (1993): intermediate between pool and riffle with a wavy water surface
- Hauer et al. (2011): moderate energetic
- "Pools, runs, and riffles are not discrete units but form a continuum for which any classification is arbitrary and consequently there will be some overlap in any subjective method of assessment" (Jowett 1993).
- "Carling and Orr (2000) reviewed over 50 studies and concluded that there are only three robust, objective methods to classify riffle-pool sequences: the control-point method (Yang, 1971); the zero-crossing method (Dury, 1970; Nordin, 1971; Sidorchuk, 1996); and the power spectral analysis (Box and Jenkins, 1976; Bloomfield, 1976). In principal, riffle-pool habitats can be determined according to the longitudinal profile, but habitat composition within a river is more complex than classifying into riffle (e.g. used for spawning, (Hauer et al., 2007)) or pool habitats (e.g. preferred by adult fish). [...] Riffles and fast runs are classified as high energetic (high bottom shear stress), run and pool as moderate energetic and backwaters and/or shallow water habitats as low energetic hydromorphological units. [...] ...uncertainties were minimized because (a) riffles had to be depth limited according to

- the MEM-concept (e.g. riffle depth <0.4 m)...” (Hauer et al. 2011). [NOTE: MEM (Mesohabitat Evaluation Model); depth of 0.4 m = 1.31 feet or 15.75 inches]
- “...systematic variations of channel width occur in conjunction with the oscillations of bed topography in the riffle-pool sequence. The channel tends to be about 15 percent wider in the riffle section, where central bars of coarse bed material divert the flow against the banks.” (Richards 1976)
 - “...vertical variations in topography along the length of a river control hydraulics and sediment transport; pools having slow, divergent flow, low water-surface slope, and low transport competence; and riffles having faster, convergent flow, steep water-surface slope, and moderate transport competence (Clifford and Richards, 1992). Riffle-pool morphology creates physical heterogeneity, promoting habitat diversity for instream species (Gorman and Karr, 1978; Brown and Brown, 1984; Palmer et al., 1997; Giller and Malmqvist, 1998; Woodsmith and Hassan, 2005). [...] ...definition of “maintenance” of riffle and pool morphology; meaning that over time riffles remain topographically high and pools remain topographically low. [...] Even though the sediment eroded off riffles will not transport far...local channel change is highly ecologically significant, because it creates diverse sedimentary deposits with local hydraulic complexity that can serve many species’ needs at different life stages (e.g. Wheaton et al., 2004b; Pasternack, 2008). [...] By definition, riffles and pools in gravel-bed rivers are significant topographic highs and lows, respectively.” (Sawyer et al. 2010)

Mitchell Channels (Figure 1)

- Main (Tucker Xing to Bell Xing E)
- East (downstream/north of Bell Xing E)
- Middle (downstream/north of Bell Xing E)
- West (downstream/north of Bell Xing E)

Methods

Literature Review

A basic literature search for definitions and methods was conducted using key words entered into scholar.google.com. Search terms included “riffle definition” (n = 33,300 results) and “measure water depth stream ditch canal measuring stick” (n = 22,800 results). For each search term, the top 20 results were reviewed and a subset was selected based on clarity of definition, sufficient methodological detail, and relevance to this current report.

Sampling

GIS

A first attempt to map the Mitchell included downloading and viewing publicly available shapefiles (.shp) from the Montana Hydrography Map (Montana State Library, MSDI Hydrography 2025, <https://msl.mt.gov/geoinfo/msdi/hydrography/>). However, upon further analysis for accuracy with satellite imagery and initial ground-truthing, the .shp file downloaded from this source (for the specific mapped waterway for the Mitchell and its channels; main, east, middle, west) was insufficient (Figure 1a, 1b). A more precise file for the Mitchell was developed by hand-tracing satellite imagery using Google Earth Pro (.kml; Google Earth Pro 2025) and converted to .shp using ArcGIS Pro (ESRI 2025; Figure 1c). Ground-truthing confirmed this increased precision. The more precise delineation of the Mitchell is demonstrated in Figure 2.

This more precise .shp file was used to develop the sampling protocol. Using ArcGIS Pro, points were placed every 100 meters (328 feet) along all channels of the Mitchell (Figure 3). The X, Y coordinates of each point (WGS84) were labelled, exported as .kml, and loaded into Google Earth Pro app for cell phone.

Sites: Channel Depth, Width, Riffle Length

Landowner permission was requested prior to sampling points along each channel of the Mitchell. At each site, depth (inches, ") was physically measured using a measuring stick for $\frac{1}{4}$, $\frac{1}{2}$, and $\frac{3}{4}$ points across the channel, providing 3 sample depths per site. Riffle length (feet, ') was measured by visual identification and in-field note of start and end, confirmed by measuring in Google Earth Pro app. Channel width (feet, ') of each sample site was measured via satellite imagery in Google Earth Pro. An example datasheet is provided in this report (Figure 4).

Analysis

Average ($\pm$ SE) channel depth, width, and riffle length was calculated for the (1) total Mitchell and (2) each channel of the Mitchell (Main, East, Middle, West).

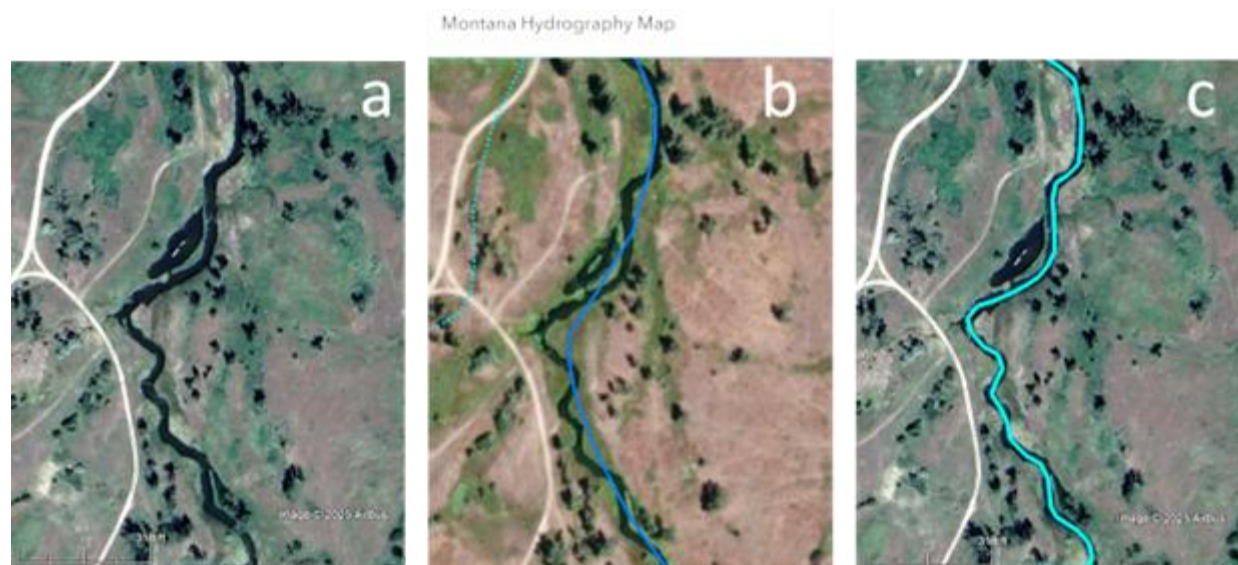


Figure 1. Maps featuring an example segment along the Mitchell East Channel, with (a) satellite imagery (Google Earth Pro), (b) .shp of the same example segment (blue line) provided by the Montana Hydrography Map from Montana State Library (source: <https://msl.mt.gov/geoinfo/msdi/hydrography/>), and (c) hand-drawn .shp (light blue line) of the same example segment (developed in ArcGIS Pro and converted to .kml for Google Earth Pro). The more precise hand-drawn .shp (c) of the entire Mitchell (see Figure 2) was used to develop the sampling points for all channels of the Mitchell (see Figure 3).

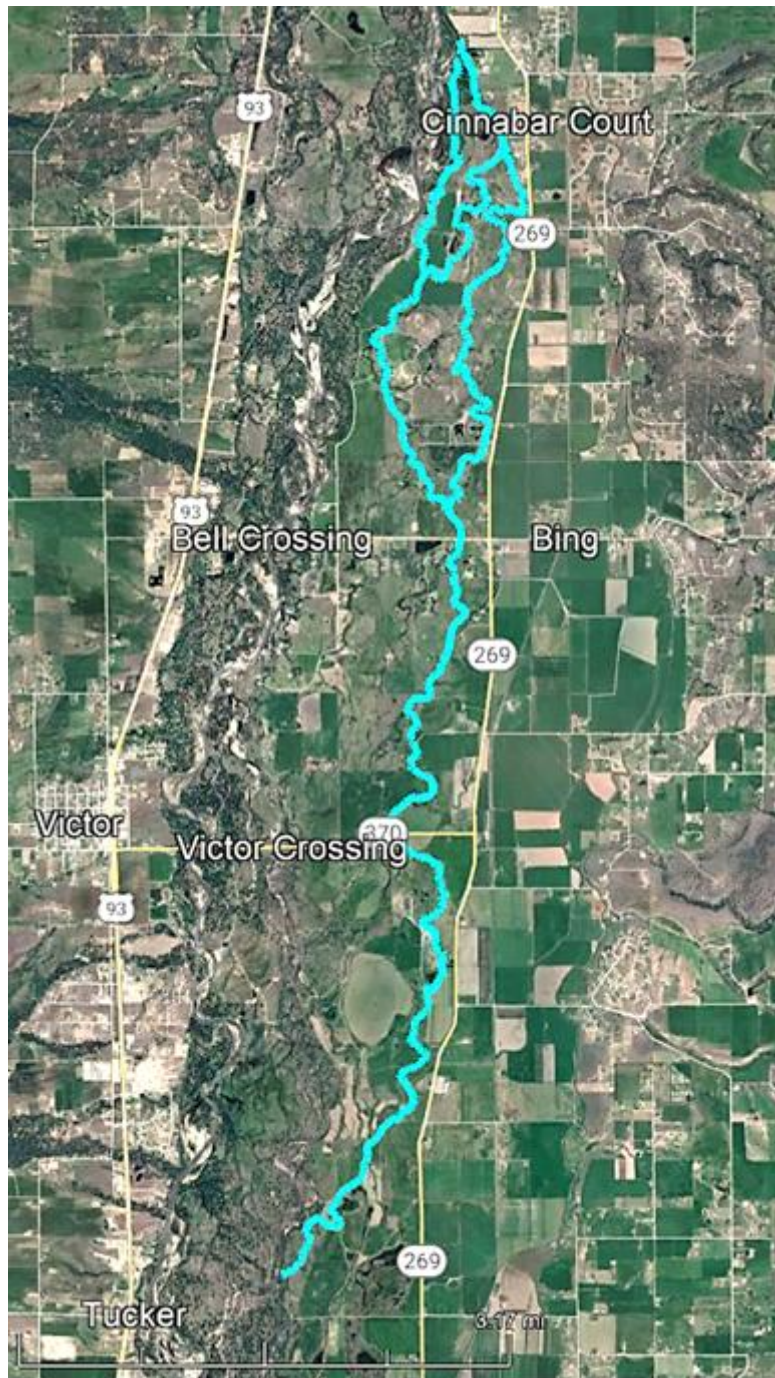


Figure 2. Screenshot of all channels of the Mitchell (light blue line), created from hand-drawn shapefile (.shp) generated in ArcGIS Pro and converted for use in Google Earth Pro (.kml). Based on the more precise .shp, the total length of the Mitchell = 17.52 miles (Main Channel = 7.18 miles; East Channel = 4.65 miles; Middle Channel = 1.70 miles; West Channel = 3.99 miles).

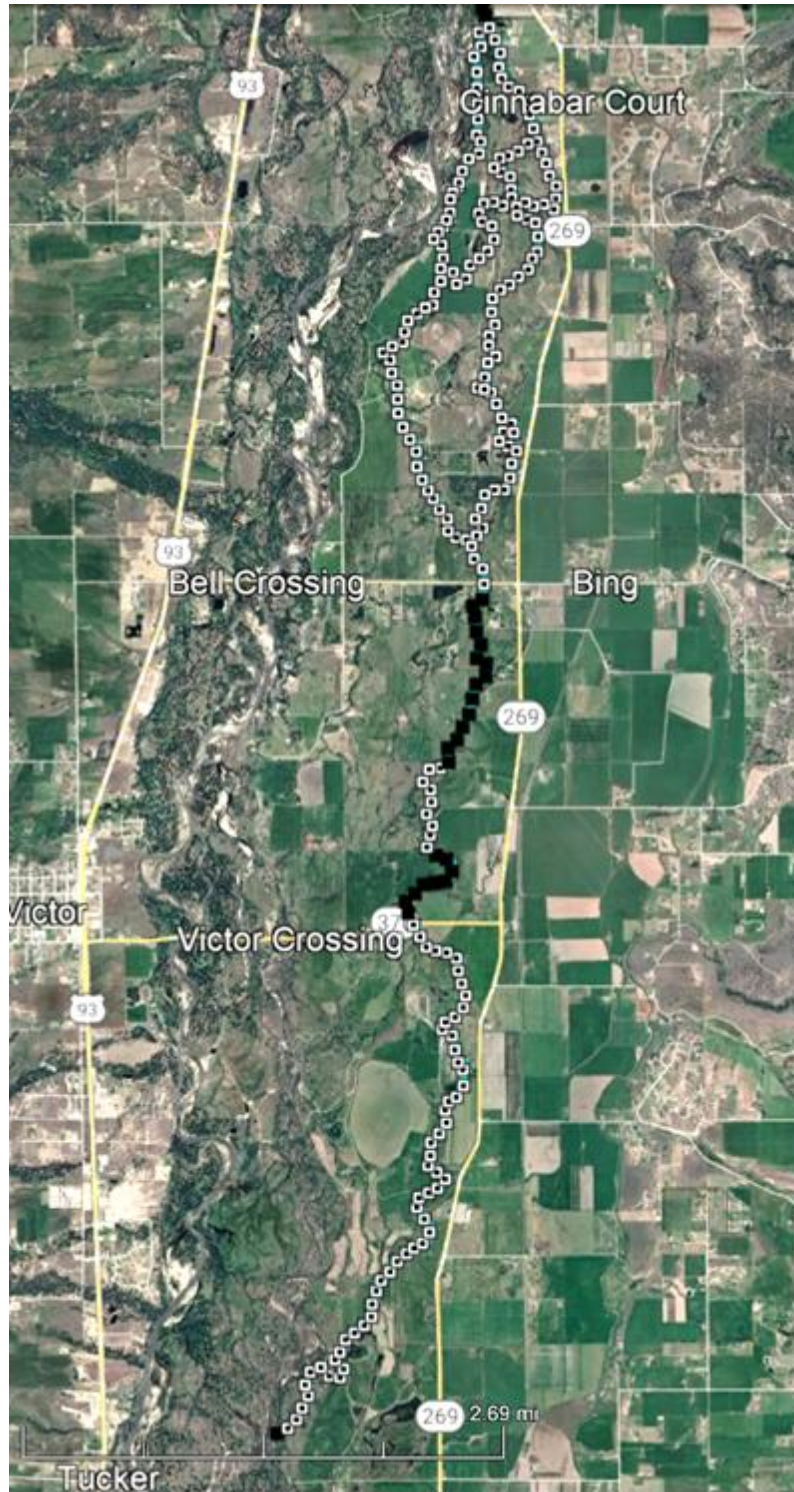
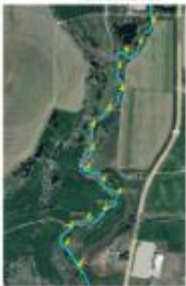


Figure 3. Map of all potential sampling points ($n = 231$ potential points total, every 100 m) along all channels of the Mitchell. Sampled points were measured along lengths of the Mitchell where landowner permission was requested and secured (white squares; $n = 204$ points, 88.70%); non-sampled points are located where landowner permission was not yet requested (black squares; $n = 27$ points, 11.69%).

MITCHELL DEPTH & RIFFLE DATA SHEET (2025)

Date							
Time start							
Time end							
Surveyor Name(s)							
Property							

Points: x01-x16



Points: x17-x33



WATER DEPTH

ID	Point Name (and file, Google Earth app)	Coordinates (WGS84 decimal degrees)		Depth (inches), please take 3 measurements across Mitchell for each point			Notes
		X	Y	1/4 way across channel	1/2 (middle of channel)	3/4 way across channel	
1							
2							
3							
4							
5							

RIFFLES

ID	Rifle length (let us know what unit you used, yards/feet/meters?)	Notes
1		
2		
3		
4		
5		

Figure 4. Example data sheet used to record depth (inches, “), width (feet, ‘), and riffle length (feet, ‘) along all sampled points in the Mitchell.

Results

Survey effort

Permission was requested from 7 of the 15 total property owners along all channels of the Mitchell. Landowner permission was granted for 100% of all requested properties (total sampled = 15.41 miles, 87.96%). As of this report, landowner permission was not yet requested for 8 property owners, such that 2.11 miles (12.04%) of the Mitchell remained to be sampled.

Once permission was received, we measured depth, width, and riffle length along 204 of the possible 231 points (88.31%). The majority of measurements were taken from 21 April – 15 May 2025 (with a final landowner subset measured on 25 June 2025).

Summary data

The Mitchell is 17.52 miles long, with an average depth of 14.04 inches ($\pm 0.40''$ SE), an average width of 28.95 feet ($\pm 1.02'$ SE), and an average riffle length of 191.05 feet ($\pm 15.83'$ SE; Table 1). Count of measured depths for the Mitchell are provided in bins of 6" (Figure 5), with the majority (75.49%; 154 out of 204 total samples) falling between 6.10-18.00" deep. A total of 181 riffles were counted along the sampled portions of the Mitchell, for a total riffle length of 7.27 miles out of the 15.41 miles sampled (47.18%).

Table 1. Summary data of measurements taken along the Mitchell (Ravalli County, MT, USA) for which property owner permission was requested and secured (n = 204 sampled points total out of 231 potential points, or 88.31% sampled). Averages ($\pm$ SE) for depth (inches, “), width (feet, ‘), and riffle length (miles, ‘) are provided for the total Mitchell and per branch (Main, East, West, Middle).

MITCHELL BRANCH	LENGTH (MILES)	LENGTH SAMPLED (MILES, %)	TOTAL RIFFLE LENGTH (MILES, % SAMPLED MILES)	AVG. DEPTH (“)	AVG. WIDTH (‘)	AVG. RIFFLE LENGTH (‘)
Total	17.52	15.41 (87.96%)	7.27 (47.18%)	14.04 (0.40)	28.95 (1.02)	191.05 (15.83)
Main	7.18	5.20 (72.42%)	2.13 (40.96%)	14.55 (0.60)	26.38 (1.48)	160.96 (35.73)
East	4.65	4.52 (97.20%)	1.98 (42.57%)	11.45 (0.61)	31.02 (2.12)	158.36 (18.28)
West	3.99	3.99 (100%)	2.21 (55.35%)	15.14 (0.85)	33.51 (1.91)	265.01 (44.93)
Mid	1.70	1.70 (100%)	0.95 (55.95%)	17.17 (1.29)	21.50 (2.14)	239.14 (55.46)

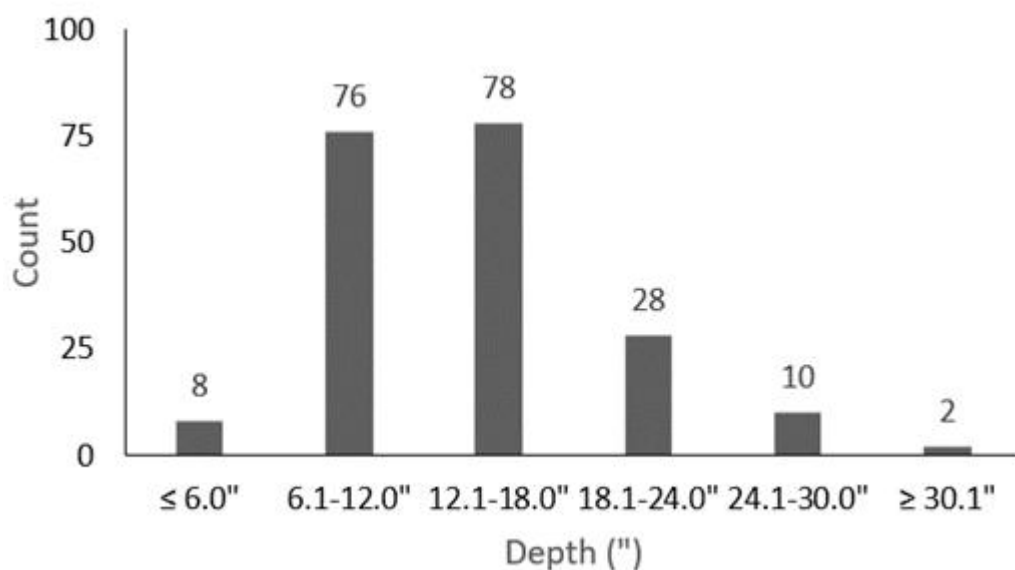


Figure 5. Count of average depth (inches) per sampled point (n = 204 total sampled points) of the Mitchell (Ravalli County, MT, USA), arranged in 6-inch bins. The majority of measured depths ranged from 6.10-12.00" (n = 76 samples, 37.62%) and 12.10-18.00" (n = 78 samples, 38.61%). In summary, 154 out of 204 total samples averaged between 6.10-18.00" in depth (75.49%).

The Mitchell had an average depth of 14.04" ($\pm$ 0.40" SE), average width of 28.95' ($\pm$ 1.02' SE), and total length of riffles of 7.27 miles (47.18% sampled length). By definition of the Mesohabitat Evaluation Model (MEM), turbid waters must exhibit a depth of < 0.4m (15.75") to qualify as a riffle (Hauer et al. 2007, 2011). The average depth of the Mitchell (14.04 $\pm$ 0.40" SE) meets the MEM requirement.

Conclusions

With its consistent shallow waters and substantial percentage of riffles throughout its entirety, the Mitchell provides important spawning habitat for local fish populations (e.g., brown trout [*Salmo trutta*]; rainbow trout [*Oncorhynchus mykiss*]). Considering increasing identified risks (changing runoff levels, warmer water temperatures, increasing angler pressure, etc.) to fish populations in Montana's Bitterroot Valley, the spawning habitat created by stewardship of private landowners along the Mitchell is an increasingly important fisheries resource and should be protected as such.

Excessive pressure from human use can disrupt spawning habitat (Mosisch & Arthington 2004; Whitfield & Becker 2014) and directly cause erosion of banks (Deleray & Cavigli 2009; Whitfield & Becker 2014). The Mitchell is recognized by Montana Fish, Wildlife and Parks as a separate waterway that is not part of the main stem of the Bitterroot River (Montana Fish, Wildlife, and Parks 2025). The Mitchell, as demonstrated in this data summary, has very different characteristics from the Bitterroot River due to its origins and character as a controlled flow irrigation diversion. Sensitive spawning areas found in the Mitchell are especially susceptible to damage from extensive public use.

Resource-based regulations that coincide with and meet the biological needs of trout in the Mitchell are necessary to prevent destruction of the resource and protect important aquatic habitat required to support fish and wildlife in perpetuity.

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Qualifications

Survey sampling protocol used for all data collection and this report were developed by Roy Fenster. Roy earned an M.Sc. degree in Animal and Range Sciences from Montana State University (2006) and a B.Sc. degree in Wildlife Biology from the University of Montana (2003). During an extensive career as a wildlife biologist, land manager, and project manager Roy has been responsible for managing projects related to private lands habitat management, oil and gas development, mining compliance, wind energy, agriculture, as well as coordinating and conducting wildlife surveys on large multi-discipline projects. These projects involve planning and conducting aerial and ground-based biological field surveys as well as writing technical reports and chapters of environmental impact statements. His experience includes wildlife surveys for greater sage-grouse, raptors, big game, black-footed ferrets, and numerous sensitive species throughout Wyoming and Montana. Roy has also worked extensively with trout habitat improvement projects and permitting on the Mitchell Slough in Montana, as well as assisting with

developing and conducting channel morphology surveys on the Tongue River in Montana for a federal environmental impact statement. He has worked on wildlife habitat and riparian restoration projects in Montana, Wyoming, and Utah; performed trapping and telemetry of greater sage-grouse in Colorado and Wyoming; and conducted research on wildlife damage and fencing in Montana.

From: [Jeff Lukas](#)
To: [Thompson, Kara](#)
Cc: [Hindoi, Jeff](#)
Subject: [EXTERNAL] Mitchell Slough Channel ARM amendment for motorized usage
Date: Friday, July 17, 2026 1:42:43 PM

Hello Kara,

I'm Jeff Lukas with Trout Unlimited and Montana Trout Unlimited and I am submitting comments on behalf of both organizations for the proposed ARM amendment regarding motorized usage on the Mitchell Slough Channel of the Bitterroot River. We appreciate the opportunity to comment on this issue.

Mitchell Slough Channel Motorized ARM Amendment Comments:

MTU/TU appreciates the opportunity to comment on FWP's proposed ARM amendment regarding motorized usage on the Mitchell Slough Channel of the Bitterroot River.

Regarding the proposed amendment, Section 2 of 12.11.610, we believe the language describing the area to be closed to motorized usage is too broad and should be restricted to the Mitchell Slough Channel specifically, including sources and tributaries connected to the channel that do not originate from the Bitterroot River.

As currently proposed, "sloughs and channels flowing into the Bitterroot River between Woodside Bridge Fishing Access Site and the John and Nancy Owen Fishing Access Site" could be interpreted to include side channels of the Bitterroot River that have flow during highwater, but do not during the motorized season of October 1 through January 31. This could lead to motorized users being prohibited from using water that is not in the area of concern that this amendment is intended to address. A map encompassing the entirety of the Mitchell Slough Channel downstream of Woodside Bridge would cover the area proposed to be restricted to motorized usage without affecting portions of the Bitterroot River itself.

Thank you for the opportunity to comment on this ARM rule amendment.

Jeff Lukas

MT Policy and Advocacy Manager, TU

(406) 546-8406

jeffrey.lukas@tu.org



P.O. BOX 7792 MISSOULA, MT 59807 (406) 529-5754
www.hellgatehuntersandanglers.org

Attn: Kara Thompson
Montana Fish, Wildlife and Parks
406-594-8071
kara.thompson@mt.gov

To Whom It May Concern:

Please accept this comment letter on behalf of Hellgate Hunters & Anglers (HHA). HHA is an all-volunteer rod and gun club based in Missoula. We represent over 500 members in western Montana.

We support the rationale behind closing Mitchell Slough and nearby Bitterroot River tributaries to motorized use, provided that such closures do not result in hunters and anglers being deprived completely of access to the areas in question and that waterfowl hunters retain the ability to run small boats on the main channel and side channels of the Bitterroot River. We commented in support of the proposed closure at the February FWP Commission meeting, but expressed our concerns with the scope, enforceability, and vague language of the proposed rule. The rule language does nothing to address the concerns that we raised, which were echoed by other organizations and individuals.

Waterfowl hunters in the Bitterroot Valley are privileged to run the river during hunting season to access areas that would otherwise remain inaccessible. However, motorized use on the Bitterroot was always intended to be limited to small craft with small, prop-driven motors that cannot run in shallow channels, so as not to overly disturb river ecosystems and adjoining landowners. There is a clear threat to spawning habitat from the overuse of motorized craft in shallow sections of tributaries. Further, motorized use in the early mornings and late evenings of the waterfowl system on such a small, defined portion of the river poses serious safety concerns to other waterfowl hunters. However, we do not believe that the A.R.M language proposed will have the intended effect of mitigating these safety and resource concerns.

As it stands, we believe that motorized use of Mitchell Slough is not prohibited under the proposed language, as it is not a tributary, natural stream, slough, or channel flowing into the Bitterroot River. Rather, Mitchell Slough in the affected area is primarily a historic side channel of the river, with a defined, maintained inlet from the mainstream Bitterroot. This has been adjudicated as a matter of law. *Bitterroot River Protective Ass'n v. Bitterroot Conservation Dist.*, 2008 MT 377, ¶ 79, 346 Mont. 507, 541, 198 P.3d 219, 240.

The fact that Mitchell Slough has slough in its name does not make it a slough under the common understanding of that term in Montana. Although Mitchell Slough is somewhat unique in its altered state and contentious history, it remains primarily within a historic channel of the Bitterroot River. In fact, there are multiple sloughs and channels throughout the proposed closure section where no indicated resource or safety concerns are noted, and where waterfowl hunters should be allowed to continue running boats with motors of 20hp or less. Further, the Bitterroot River, like most rivers in the state, is subject to constant change in its course. Side channels may become the main channel, side channels may become sloughs,



P.O. BOX 7792 MISSOULA, MT 59807 (406) 529-5754
www.hellgatehuntersandanglers.org

and sloughs may develop into side channels, etc. Mitchell Slough is less subject to avulsion, reliction, and channel migration than other portions of the proposed closure.

If the resource and safety issues that are prompting this closure are specific to Mitchell Slough and its tributaries, as indicated by FWP and adjacent landowners, the closure language should also be specific. Thankfully, a public petition process is underway to institute a closure of Mitchell Slough, limiting the closure to areas where resource, safety, and social concerns have been identified, with concise, enforceable language and a defined geographic scope. FWP staff are aware of this petition. We ask that FWP retract this promulgated rule language in recognition of a more targeted and enforceable effort.

Lastly, we request that FWP ensure more transparent processes going forward with any proposed access restrictions on navigable waters. While we recognize and appreciate the Department's ability to institute restrictions on use in order to mitigate resource and safety concerns, those concerns must be clearly identified, be supported by publicly available data, and accord with the Department's testimony at FWP Commission hearings in order to satisfy the Department's constitutional and statutory obligations to the public.

Thank you again for considering our comments.

Sincerely,

Hannah Nikonow
Board President
Hellgate Hunters & Anglers

July 17, 2026

Montana Fish, Wildlife & Parks
ATTN: Kara Thompson and Jeff Hindoien
1420 East Sixth Avenue.
P.O. Box 200701
Helena, MT 59620-0701
(406) 594-8071
kara.thompson@mt.gov
Jeff.Hindoien@mt.gov



Re: Proposed amendment to motorized watercraft restrictions on the Bitterroot River in Ravalli County

On behalf of the Montana Wildlife Federation (MWF), Montana's oldest and largest hunter and angler-based conservation group, please accept these comments regarding the proposed amendment to motorized watercraft restrictions on the Bitterroot River in Ravalli County.

We continue to be sympathetic to the stated goal of this proposal, but will refrain from taking a position until we clearly understand and can review the corresponding justifications for the stated reasoning "of safety and potential habitat damage."

We again ask that the Commission carefully consider the depth and breadth of this rulemaking proposal to ensure that the rules don't end up being too narrow (or too broad).

For example, without clearly defining and mapping the mainstem of the Bitterroot, the mentioned "sloughs, and channels" may inadvertently include unintended water bodies in this regulation. Further clarity is needed.

Conversely, limiting this rulemaking to just the area between the Woodside Crossing Fishing Access Site and the John and Nancy Owen Fishing Access Site may fail to include other tributaries to the Bitterroot that should also be considered. If this is a safety and/or resource issue, we would expect it to be a safety and/or resource issue on other, similar stretches of the river as well. This deserves further consideration and discussion.

Thank you for the considerations and the opportunity to comment.

-Kevin Farron, Conservation Director
Montana Wildlife Federation



Comment Regarding Proposed Amendment to ARM 12.11.610 (MAR Notice No. 2026-80.1)
Submitted by: Marty Tuttle, FWP Agency Legal Counsel Date: July 17, 2026

The proposed language states:

“All tributaries and natural streams, sloughs, and channels flowing into the Bitterroot River between the Woodside Bridge Fishing Access Site and the John and Nancy Owen Fishing Access Site are closed to the use of any motorized watercraft.”

This phrasing relies on broad geographic descriptors (“tributaries,” “natural streams,” “sloughs,” “channels”) without identifying the specific water bodies subject to closure. The proposed rule, as written, may create confusion, inconsistent enforcement, and potential unintentional violations.

Recommendation

To ensure clarity and defensibility, I respectfully request that the Commission consider revising subsection (2) to:

1. List specific tributaries, sloughs, and channels by name.

This approach will ensure that the public can readily determine where motorized watercraft are prohibited and will support consistent enforcement aligned with the Commission’s stated purpose of “safety and potential habitat damage” mitigation.

Thank you for considering this comment.