

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I and the amendment of ARM 12.11.3201 and 12.11.3205 pertaining to No Wake Zones on Canyon Ferry Reservoir) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT)))

TO: All Concerned Persons

1. On November 29, 2018, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a public hearing at the Fish, Wildlife and Parks Headquarters Building, 1420 East 6th Avenue, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Fish, Wildlife and Parks (department) will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on November 16, 2018 to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I CANYON FERRY RESERVOIR - BROADWATER COUNTY

(1) In Broadwater County, Canyon Ferry Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), within 300 feet of docks or as buoyed in the following areas:

(a) White Earth.

(2) Silos Campground is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), from shoreline to 300 feet from shoreline between Gass Bay and Seaman's Bay, or as marked by buoys.

(3) Refer to ARM 12.11.3201 for the portion of Canyon Ferry Reservoir located in Lewis and Clark County.

AUTH: 87-1-303, MCA

IMP: 87-1-303, MCA

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

12.11.3201 CANYON FERRY RESERVOIR - LEWIS AND CLARK COUNTY

(1) In Lewis and Clark County, Canyon Ferry Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), within 300 feet of docks or as buoyed or described otherwise below, in the following areas:

(a) Chinaman's Bay;

~~(a) Cave Bay;~~

(b) Little Hellgate Bay, 300 feet southwest from the boat ramp, and extending north to the opposite shore;

(c) Magpie Bay; and

(d) Shannon Boat Launch.

~~(d) Carp Bay; and~~

~~(e) Canyon Ferry Dam to Riverside boatramp.~~

(2) Court Sheriff Bay is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), from the mouth of the bay or as buoyed. The mouth of Court Sheriff Bay is identified as the area from the tip of the narrow peninsula that extends southeast from Canyon Ferry Village to the shore directly east.

(3) Kayley Bay is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), approximately 500 yards from the mouth of the stream entering the lake and extending southwest to the point of the bay that narrows at the peninsula at Tranquility Drive on the north side of the bay, to the opposite shore southeast, or as buoyed.

(2) remains the same but is renumbered (4).

(5) Refer to [NEW RULE I] for the portion of Canyon Ferry Reservoir located in Broadwater County.

AUTH: ~~23-4-106~~, 87-1-303, MCA

IMP: ~~23-4-106~~, 87-1-303, MCA

12.11.3205 HAUSER RESERVOIR (1) Hauser Reservoir is located in Lewis and Clark County.

(2) Hauser Reservoir is limited to a controlled no wake speed, as defined in ARM 12.11.101(1), in the following areas:

(a) through (e) remain the same.

(f) York Bridge fishing access site within 300 feet of the boat ramp and dock area or as buoyed; ~~and~~

(g) White Sandy Recreation Area within 300 feet of docks and swim area or as buoyed-; and

(h) Canyon Ferry Dam to Riverside boat ramp.

AUTH: ~~23-4-106~~, 87-1-303, MCA

IMP: ~~23-4-106~~, 87-1-303, MCA

REASON: Boating on Canyon Ferry has been steadily increasing over the years and shows no signs of slowing down. Canyon Ferry is a large body of water and boats are able to spread out and avoid each other. However, the public boat ramps and campgrounds are chokepoints where boaters converge creating potential safety issues. All commercial marinas around the lake have no-wake zones in place and several public boat ramps do as well.

This proposal seeks to proactively address safety issues near busy boat ramps and maintain consistent regulations at each major public boat launch by adding no wake zones to areas of heavy congestion. The department has taken complaints at many of the sites regarding high speed boating and has documented accidents at the Silos campground. The department believes that restricting these congested areas will increase safety for all users and decrease conflict. Additionally, several changes are proposed to the existing rules to clarify them and ensure that wake zones are organized under the correct rule for that body of water. The department does not expect the proposal will adversely affect wildlife, fishing, or recreation opportunities on Canyon Ferry Reservoir, and has received support of the recommended changes from the Bureau of Reclamation.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Department of Fish, Wildlife and Parks Enforcement Division, Attn: Phil Kilbreath, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail pkilbreath@mt.gov, and must be received no later than December 7, 2018.

6. Kaedy Gangstad or another person appointed by the department has been designated to preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the commission has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State October 23, 2018.