



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: December 10, 2020

Agenda Item: Administrative Rule to Ban Motorized Use on the Shields River

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

Background:

On June 18, 2020, the Commission received a rulemaking petition to ban motorized use on the Shields River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Shields River. The petition was submitted by Jeff Welch on behalf of co-petitioners Mike & Leigh McDaniel, Bob Means, Sally Epps, Nancy Etheridge, and Stuart & Victoria Schilling. The petition also included a letter in support signed by 49 persons. The petition references safety concerns with jet boats that can operate at high rates of speed within the current 10hp restriction. The petition states that motorized travel on the small stream creates the dangerous possibility of a collision between a jet boat and irrigation equipment, livestock, children swimming, floaters, and residents fishing.

Currently, the portion of the Shields River that is in Park County has a 10hp restriction on motorboats pursuant to ARM 12.11.4101. Portions of the Shields River located in Meagher County have no restrictions.

Public Involvement Process & Results:

The public comment period for this proposal ran for 29 days and ended on October 9, 2020. A telephonic public hearing was also held via Zoom on October 6, at which 8 members of the public gave comment, 1 in opposition, and 7 in support. The Commission received 3 letters from organizations representing large groups of people. Of these, 2 letters were in support and 1 in opposition to the proposal. The Commission received 51 written comments supporting the proposed rule including one comment submitted on behalf of the original petition signatories. The Commission received 134 written comments in opposition to the proposed rule. The Commission received one written comment suggesting that the 10 HP limit remain in place, but that jet boat use be prohibited.

Alternatives & Analysis:

The Commission can adopt or not adopt the rule. The Commission can also adopt the rule but with changes from the proposal based on public comment.

If the Commission doesn't adopt the rule, the river will remain as it currently is with a 10hp restriction on motorboats on the portion of the Shields River in Park County, and no restrictions on the portions of the Shields River in Meagher County.

If the Commission adopts the rule as proposed, the Shields River will be limited to non-motorized use only from the headwaters to its confluence with the Yellowstone River, and all its tributaries.

Agency Recommendation & Rationale:

While the Shields River has seen limited motorized use to date, the department recognizes that motorized use on this relatively small river carries public safety risks for accidents as described above. It also has the potential to create user conflicts between



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recreationists and with other users expecting very different types of experiences. Although motorized use additionally has the potential to facilitate public access to rivers, not every waterway in Montana is well-suited to it, and a river the size of the Shields is at the threshold of providing practical and reasonable motorized use.

Ultimately, the type of recreational use allowed on Montana's rivers is a social issue that falls within the purview of the Fish and Wildlife Commission. If the commission chooses to adopt this limitation to address potential human safety concerns and conflicts, doing so now would install this prohibition before any next levels of motorized technology become established.

Proposed Motion:

I move the Fish and Wildlife Commission **adopt** the administrative rule as proposed, banning motorized use on the Shields River from the headwaters to the confluence with the Yellowstone River and all tributaries of the Shields River.

Or

I move the Fish and Wildlife Commission **not adopt** the administrative rule banning motorized use on the Shields River from the headwaters to the confluence with the Yellowstone River and all tributaries of the Shields River.