



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: April 1, 2021

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

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 Min

Background:

On Aug. 31, 2020, the Fish & Wildlife Commission received a rulemaking petition to ban motorized use on the Boulder River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Boulder River. The petition was submitted by Tom Patterson on behalf of co-petitioners Kristi Patterson, Dan Rostad, Stuart and Dava Stenberg, Brian and Mary Ann Finnan, and Keith and Marie Engle. The petition also included a letter in support signed by 47 persons. On October 22, 2020 the commission voted to initiate rule making for the petition.

Public Involvement Process & Results:

Public comment was collected from Nov. 6, 2020, through Dec. 4, 2020, including a public comment hearing via Zoom on Nov. 30. During the public comment period, two letters were received from organizations representing large groups of people. Of these two letters, one supported the proposal and one opposed it. The commission received 58 written comments (including letter) opposing the proposed rule change. The commission received 34 written comments (including letter) supporting the proposed rule change. The commission received one written comment suggesting the commission explore other options such as a wake zone restriction or horsepower limit. The commission received one comment suggesting that motorized boating be prohibited from the Boulder Forks Junction to the Yellowstone River, but be allowed above the East Boulder Bridge to facilitate public access (limited access in that stretch).

Alternatives & Analysis:

The commission may adopt the rule as proposed, which would ban motorized boating on the Boulder River from the headwaters to its confluence with the Yellowstone River and all tributaries of the Boulder River.

The commission may vote not to adopt this proposal, in which case the rules would remain as they are currently (no motorized restrictions on the Boulder River).

The commission may by motion, adopt the proposal with amendments based on the public comment received.



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Agency Recommendation & Rationale:

FWP recognizes that there are opposing advocacies for and against this proposed rule. The Boulder River has very limited public access with only two Fishing Access Sites (20 miles apart) making motorized boating a potentially viable means to gain access to portions of the river when conditions allow. Additionally, not all motorized boating uses traditional jets boats; emerging technologies such as electric kayaks, could provide access to portions of the Boulder River currently inaccessible. The department has documented very little actual motorized use on the Boulder River, and most historical boating use has been non-motorized. The only documented accidents have been non-motorized. Biologically motorized traffic on the river will have a negligible impact on the resource. Ultimately, the type of recreational use allowed on Montana's rivers is a social issue that falls within the purview of the Fish & Wildlife Commission

Proposed Motion:

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

Or

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