



# 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 Limit Tepee Lake to Manually Operated Watercraft

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 15 Min

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**Background:**

On Sept. 28, 2020, the Fish & Wildlife Commission received a rulemaking petition to limit use on Tepee Lake to manually operated watercraft. The petition was submitted by Rachel Potter on behalf of co-petitioners Kurt Borge, Michael Borge, Marguerite Kaminski, and Charles Potter, all of whom are cabin owners on Tepee Lake. The commission also received a letter in support of the petition by the Montana Loon Society. The petition states that the lake is a 43-acre, shallow and fishless lake located in the North Fork of the Flathead. The petition acknowledges that there have been no current or past motorized use on the lake, but that unless a rule is made, it is inevitable that eventually a motorboat or jet ski will be put on the lake. The petition states that this would lead to loss of a rustic and quiet lake with loons and other wildlife, loss of a precious piece of North Fork heritage, loss of secure nesting habitat for the common loon, and loss of water quality, as the lake is shallow with no perennial surface inlet or outlet. The petition describes both the human history and natural history of the lake. The petition states that as more and more people are flooding to the North Fork, it's only a matter of time before a motorboat or jet ski is put on the lake. The petition advocates for a rule to be implemented before a conflict occurs.

On Nov. 18, 2020 the petitioner presented their petition to the commission. The commission voted to initiate rule making.

**Public Involvement Process & Results:**

Public comment was collected from Dec. 11, 2020 through Jan. 8, 2021, including a public comment hearing on Jan. 5 held via Zoom. The commission received 27 written comments in support of the proposal and eight oral comments in support at the public hearing. The commission received no comments in opposition. On Feb. 12, 2021, the commission received a letter from a landowner who owns property on the lake asking the commission to postpone a decision until the landowner(s) could participate.

**Alternatives & Analysis:**

The commission may adopt the rule as proposed limiting Tepee Lake to manually operated watercraft only.

The commission may vote not to adopt the proposed rule prohibiting motorized boating on Tepee Lake, and the rules will remain the same (no restrictions on Tepee Lake).

The commission may adopt the rule as proposed but with amendments based on public comments.

**Agency Recommendation & Rationale:**



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The Fish and Wildlife Commission adopted the rule as proposed, prohibiting motorized watercraft on Tepee Lake. As there is no current motorized recreational boating activity occurring on Tepee Lake, this regulation will not reduce current opportunity. This regulation may protect wildlife habitat in the future.

**Proposed Motion:**

I move the Fish & Wildlife Commission adopt the rule as proposed to limit Tepee Lake to manually operated watercraft.