

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF PUBLIC HEARING ON  
RULE I pertaining to recreational use ) PROPOSED ADOPTION  
on the Boulder River )

TO: All Concerned Persons

1. On February 15, 2022, at 1:30 p.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via the ZOOM meeting platform to consider the proposed adoption of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone: 1 206 337 9723  
Meeting ID: 873 6209 1322  
Password: 549389

2. The commission 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 of Fish, Wildlife and Parks (FWP), no later than 5:00 p.m. on January 28, 2022, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

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

NEW RULE I BOULDER RIVER (1) The Boulder River and its tributaries are closed to all motorized watercraft, as defined in 23-2-502, MCA, except:

(a) motorized watercraft 10 horsepower or less are permitted from the Natural Bridge Falls to the Yellowstone River from April 1 to September 30.

AUTH: 87-1-303, MCA  
IMP: 87-1-303, MCA

REASON: In September of 2020, the Fish and Wildlife Commission received a petition requesting the Boulder River and its tributaries be closed to motorized use. The commission considered the petition during their meeting on October 22, 2020. The commission denied the petition and directed the Department of Fish, Wildlife and Parks to create a citizens advisory committee to evaluate boating use on the Boulder River. The department recruited and selected a five-person citizens advisory committee representing diverse interests and backgrounds. The committee evaluated several alternatives including no action, a full motorized ban, allocated days for motorized use, horsepower restrictions, seasonal restrictions, and

motorized restrictions on specific reaches of the river. The committee's final recommendation proposed closing the Boulder River and its tributaries to motorized vessels, except motorized vessels powered by machinery of 10 horsepower or less are permitted from April 1 through September 30 from the confluence with the Yellowstone River to the Natural Bridge. The commission is proposing the committee's recommendation.

4. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to Phil Kilbreath, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail [pkilbreath@mt.gov](mailto:pkilbreath@mt.gov), and must be received no later than February 18, 2022.

5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. 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 a 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: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

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

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

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

/s/ Lesley Robinson  
Lesley Robinson  
Chair  
Fish and Wildlife Commission

Certified to the Secretary of State January 4, 2022.