



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: February 22, 2023

Agenda Item: Church Slough Work Group Recommendation

Action Needed: Administrative Rule Action

Time Needed on Agenda for this Presentation: 20 minutes

Background: On Oct. 5, 2021, the commission received a rulemaking petition to limit motorized boating on Church Slough to a no-wake speed for the entire year. The petition was submitted by Ben and Maureen Lauden, Melanie Cross, and Andy Hurst. The petition states the reasons for the request are: 1) protection of public health and safety; 2) prevention of shoreline degradation and disruption of river bottom; 3) improvement of wildlife and fish habitat; 4) reduction of the noise level for other uses of the water and residents; and 5) reduction of the amount of chemical toxins released in the water. The commission directed the department to create a citizens work group to analyze potential boating regulations on Church Slough.

The department recruited an 11-member work group representing a variety of different perspectives and backgrounds. This work group met on Aug. 2 and Aug. 18, 2022 to discuss possible boating restrictions. The work group ultimately voted to recommend the commission adopt a 200-foot no-wake zone in Church Slough, prohibiting wake surfing or wake boarding in the slough, and requiring personal watercraft to operate at a minimum operational speed, or no-wake speed.

Public Involvement Process & Results: Public comment has not been collected on this proposal. If the commission opts to initiate rulemaking, the public will have the opportunity to provide comments both at this meeting and after the proposed rule language is published with the Montana Secretary of State.

Alternatives & Analysis: The commission may initiate rulemaking on the citizens work group recommendation, initiate rulemaking on language developed by the commission, or not initiate rulemaking.

If the commission chooses not to initiate rulemaking on the citizens work group recommendation, the current regulations on Church Slough will remain in effect including the season boating closure from March 1 to April 10.

If the commission chooses to initiate rulemaking on an alternate or modified proposal, public comment will be collected during the rulemaking process.

Agency Assessment: The department does not have any documented boating accidents or other data pointing to an existing recreational boating safety issue on Church Slough. The department has not identified any natural resource damage occurring as a result of recreational boating in Church Slough. The proposed regulations are inconsistent with statewide boating regulations and will be difficult to enforce.

Proposed Motion (commission decision space): Commission may deny the petition or initiate rule-making as presented or with adjustments; may also instruct department to conduct additional scoping