



MONTANA FISH AND WILDLIFE COMMISSION FWP PROPOSAL & INFORMATION SHEET

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Meeting Date: February 13, 2025

Agenda Item: Administrative Rulemaking Petition – Motorized Watercraft -- Bull River

Action Needed: Decision to Initiate MAPA Rulemaking Process or Decision to Deny Petition

Time Needed on Agenda for this Presentation: 15 minutes

Background: On September 27, 2024, the Commission received a citizen petition requesting that the Commission adopt an administrative regulation prohibiting motorized watercraft on the Bull River from its headwaters to its confluence with the Clark Fork River in Sanders County. Under § 2-4-315, MCA, an interested person may petition an agency to request the promulgation, amendment, or repeal of an administrative rule.

Public Involvement Process & Results: Written public comments will be accepted through January 28, 2025, and the Commission will take public comments at its February 13, 2025, meeting during consideration of this agenda item.

Analysis & Alternatives: Under this provision of the Montana Administrative Procedure Act (MAPA), the Commission can either deny the petition or initiate a MAPA rulemaking process involving the solicitation of public comment and a hearing on a proposed rule, followed by consideration of the adoption (or non-adoption) of the proposed rule. Under § 2-4-315, MCA, a decision to deny the petition or to initiate rulemaking proceedings must be in writing and based on record evidence.

Alternative A: Approve the petition for rulemaking and initiate the MAPA rulemaking process for the proposed adoption of a motorized watercraft restriction on the Bull River.

Alternative B: Deny the petition for rulemaking. The current status quo would remain in place, which allows for the use of motorized watercraft on the Clark Fork River and its tributaries from the mouth of Fish Creek (near Tarkio) to the Montana/Idaho border. ARM 12.11.620.

Agency Recommendation & Rationale: The Commission has been given authority by the Legislature to adopt and enforce rules governing the recreational use of public rivers and streams. Any rules adopted by the Commission under that statutory authority [§ 87-1-303(2), MCA]:

“ . . . must be adopted in the interest of public health, public safety, public welfare, and protection of property and public resources in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the operation of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized boats . . . ”

The Commission has, within the past 5 years, received similar petitions to restrict motorized watercraft on both the Shields River and Boulder River. Both petitions were advanced by the Commission into the MAPA rulemaking process, and at the conclusion of those processes, the Commission took action to adopt certain motorized watercraft restrictions on those waterbodies. See ARM 12.11.633 (Shields River – 2021); ARM 12.11.619 (Boulder River – 2022).



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Department staff anticipates advocacy both in favor of and in opposition to the regulation proposed in the petition. Staff are presently gathering information regarding the potential impacts of the proposed regulation relative to public safety and public resources and will be providing that information to the Commission as either a posted *Supplement* to this *Proposal and Information Sheet* or to the Commission at its February 13, 2025, meeting as part of its consideration of this agenda item.

Proposed Motions: Alternative A: Based on the petition's contents and the information presented to the Commission, I move that the Fish and Wildlife Commission initiate administrative rulemaking on the petition to adopt a motorized watercraft restriction on the Bull River from its headwaters to its confluence with the Clark Fork River.

Alternative B: Based on the petition's contents and the information presented to the Commission, I move that the Fish and Wildlife Commission deny the rulemaking petition.