

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I and the amendment of ARM 12.11.501 pertaining to limiting Tepee Lake to manually operated watercraft) NOTICE OF ADOPTION AND AMENDMENT)

TO: All Concerned Persons

1. On December 11, 2020, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-537 pertaining to the public hearing on the proposed adoption and amendment of the above-stated rules at page 2226 of the 2020 Montana Administrative Register, Issue Number 23.

2. The commission has adopted the above-stated rule as proposed, but with the following changes from the original proposal in order for the language to be consistent with other administrative rules with a restriction on motorized use, new matter underlined, deleted matter interlined:

NEW RULE I (12.11.2225) TEPEE LAKE (1) Tepee Lake is located in Flathead County.

(2) Tepee Lake is closed to use for any motor-propelled watercraft ~~limited to manually operated watercraft.~~

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

3. The commission has amended the above-stated rule as proposed, but with the following changes in order to correct the numbering as the list of water bodies has changed since this rule was proposed, new matter underlined, deleted matter interlined:

12.11.501 LIST OF WATER BODIES The following is a list of specific regulations on bodies of water with the reference where the rules regarding those bodies of water are located:

(1) through (109) remain as proposed.

~~(110) Tepee Lake~~ [NEW RULE I]

~~(112) Tepee Lake~~ ARM 12.11.2225

(110) through (120) remain as proposed but are renumbered (113) through (123).

AUTH: 87-1-301, 87-1-303, MCA
IMP: 87-1-303, MCA

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT #1: All comments received by the commission on the proposed rulemaking were in support. Comments referenced protection and preservation of the shallow and narrow lake, protection of species including the Common Loon, the lake's serenity and natural beauty, the potential for stirring up silt and mud, the safety of recreationists, the wear and traffic on Tepee Lake road, the abundance of motorized opportunities on other nearby waterbodies, and the fact that currently no motorized use occurs on the lake.

RESPONSE #1: The commission appreciates the participation and support in this rulemaking process.

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

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

Certified to the Secretary of State April 6, 2021.