

Recreational Boating Safety Program



Phil Kilbreath Boating Law Administrator

Law Enforcement Division

Partnership with the US Coast Guard

- Federal Boat Safety Act of 1971 – Response to rising boating accidents
- Mandated a state and federal partnership for boating safety – temporary funding mechanism
- Granted US Coast Guard authority mandate boat manufacturing and safety standards
- Recreational Boating Safety and Facilities act of 1980 (Biaggi act) transferred a portion of federal motorboat fuel tax to fund boating safety.
- Aquatic Resources Trust Fund established in 1984 created “umbrella” with two accounts: RBS program and Sport Fish Restoration Act.
- Both programs are funded by users – no general revenue funds



Montana's RBS program meets federal requirements:

- Boating Law Administrator
- Law Enforcement Program
- Accident investigation and reporting
- Boating Under the Influence enforcement
- Boater Education Program
- Numbering and registration
- Marine Event Permitting



Montana's RBS objectives

1.) Reduce boating accidents

- Professional marine law enforcement/regulation
- Promote safe boating through education and outreach

2.) Maintain boating opportunities for all users

- Adopting fair and equitable regulations

3.) Advocate for Montana RBS interests at national level through participation in national boating policy advisory organizations such as NASBLA, WSBAA, and IBWS.



Authority to regulate boating

- Title 23 Chapter 2 Part 5 contains statutes regulating boating in Montana and mirrors federal requirements
- Title 23 Grants limited rule making authority to the department for required equipment and defining vessels.
- MCA 87-1-301 grants the commission authority to make rules governing the use of waters under the jurisdiction of the department



MCA 87-3-303

- (2) Except as provided in [87-1-301](#)(6), the commission may adopt and enforce rules governing recreational uses of all public fishing reservoirs, public lakes, rivers, and streams that are legally accessible to the public or on reservoirs and lakes that it operates under agreement with or in conjunction with a federal or state agency or private owner. These rules 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, waterskiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes, rivers, and streams or at designated areas along the shore of the reservoirs, lakes, rivers, and streams. Areas regulated pursuant to the authority contained in this section must be areas that are legally accessible to the public. These rules are subject to review and approval by the department of public health and human services with regard to issues of public health and sanitation before becoming effective. Copies of the rules must show that endorsement.



Fish and Wildlife Commission rules pertaining to boating

- No Wake Zones
- Horsepower restrictions
- Motorized boating closures
- Western fishing district standard wake restrictions



Petitions

- Department recommends rule change for management purposes
 - Example: Canyon Ferry No-wake zones around public boat ramps
- MAPA allows any citizen to petition to the commission for a administrative rule change.
 - Commission frequently receives petitions to change boating regulations
 - Petitions received have been exclusively in favor of restricting motorized boating
 - Most cite safety issues but are really a social issue between user groups



Example: Shields River

- Boaters constructed mini jet boats that complied with existing 10 hp restriction and used them to recreate on the Shields
- Group of landowners/resource users petitioned the commission to close the Shields river to all motorized boating citing safety concerns
- Department provided information regarding boating accident statistics and biological impacts of motorized boating on Shields
- Public comment collected and commission voted to close the Shields to motorized boating



Boating accidents in Montana

- Average of approximately 30 - 40 reportable accidents annually
- Average of 7 fatalities annually and approximately 8 injuries
- 70% of fatal accidents result from non-motorized boating activities in rafts, canoes, kayaks, and drift boats. This is often higher on high runoff years.
- Motorized boating fatalities result from collisions with other boats or fixed objects/shoreline and often involve alcohol.
 - Motorized vs non-motorized collisions very rare and none to date on a river



Trends in Boating in Montana

- Recreational boating in all forms is increasing across the state



Non-motorized boating explosion

- Exploded in popularity across the western United States
- Low barrier/cost to entry
- Nonmotorized boats are not required to be registered making estimating the number impossible.
- Pre COVID-19 survey estimated that half million non-motorized boats used by Montana residents alone.



Wake Sports

- Wake sports have become very popular in Montana
- Variety of different vessel types used for wake sports
- Challenges for Aquatic Invasive Species prevention
- Wake Sports have created more user conflicts than other motorized water sports
- Difficult to regulate as there is no definition of a wake boat, and most boats can be used for wake sports.



New Technology

- New boating technology is emerging with increased frequency
- Can be challenging to “fit” new technology into existing regulatory structure
- New technology can also provide new opportunities for access making regulatory decisions more complicated.
 - Example – Shields river and motorized kayaks



Questions

