



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: Feb. 16, 2024

Agenda Item: Contractual Public Elk Hunting Access Agreements Administrative Rules of Montana

Action Needed: Decision to adopt final rules

Time Needed on Agenda for this Presentation: 15 minutes

Background: At its October 2023 meeting, the commission authorized FWP to file an administrative rule notice with the Montana secretary of state for the Contractual Public Elk Hunting Access Agreements (EHA), currently governed by Administrative Rules of Montana (ARM) 12.9.901-12.9.911. The proposed changes remove outdated and unnecessary language and update the rules to reflect current practices and statutory requirements, including House Bill 596, which was passed by the 2023 Legislature. As proposed, repetitive statutory language and informational language that is better suited to inclusion in a department policy would be removed in accordance with the Governor's Red Tape Relief Project.

Public Involvement Process & Results: Rulemaking was initiated by publishing a proposal notice in the Montana Administrative Register (MAR) on Nov. 3, 2023. The public involvement process is defined by the Montana secretary of state under the Montana Administrative Procedures Act (MAPA) for ARM. In accordance with the laws, a public comment period was open between Nov. 3 and Dec. 4, 2023. FWP held an online public hearing on Dec. 1, 2023, and accepted both written and oral comments on the rules as proposed. At least two weeks prior to the commission's Feb. 16 meeting, the department will post on its website, all comments in their original form, any edits the department proposes to the rules in response to comments received, and a draft rule adoption notice that includes summary responses to the comments received.

Analysis & Alternatives:

Alternative A: Adopt as final the proposed EHA ARM rules as reflected in the draft rule adoption notice to remove outdated and unnecessary language and update the rules to reflect current practices and statutory requirements.

Alternative B: Decide not to adopt the proposed EHA ARM rules. FWP would continue to operate under the current rules that do not reflect current practices and statutory requirements.

Agency Recommendation & Rationale: FWP recommends the commission adopt as final the proposed EHA ARM rules as reflected in the draft rule adoption notice to remove outdated and unnecessary language and ensure the ARMs are consistent with current practices and statutory requirements.

Proposed Motion: I move the Fish and Wildlife Commission adopt as final the proposed EHA ARM rules as reflected in the draft rule adoption notice.

