



# MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** April 19, 2022

**Agenda Item:** Contractual Elk Public Access Agreement (454) Permit Biennial Rule

**Action Needed:** Final

**Time Needed on Agenda for this Presentation:** 5 minutes

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**Background:**

87-2-513, MCA allows the department to issue, with approval from the commission, at no cost to a landowner who provides free public elk hunting on the landowner's property, an either-sex or antlerless elk license, permit, or combination of the two as required in that hunting district for the landowner or the landowner's designee to hunt on the landowner's property. In July of 2002, the department and commission adopted administrative rules outlining the eligibility and selection process for the permits; however, the administrative rules did not provide a date-specific deadline for submittal of applications.

To clarify the application window and other details of the application process, the department is recommending the commission adopt a biennial rule that will supersede ARM 12.9.908 and will provide a date-specific deadline requiring all applications be postmarked on or before May 15 for landowners to receive elk permits in exchange for public access. Any applications postmarked after May 15 will not be considered. This timeline will allow landowners to know the results of the annual elk permit drawing before they apply and also will provide the department with enough time to evaluate the applications for completeness and submit them to the commission for consideration at their June meeting.

A biennial rule will provide the department and commission the opportunity to evaluate the effectiveness of the deadline with the flexibility to adapt to any concerns.

**Public Involvement Process & Results:**

The public has not had the opportunity to provide comment on the recommended rule language; however, this rule language is being brought before the commission for public review, comment and for commission deliberation.

**Alternatives & Analysis:**

The commission could opt to not adopt the recommended biennial rule and landowners would be able to submit applications at various times, making it difficult for the department to make one public presentation to the commission regarding applications that have been received and are eligible for commission approval.

**Proposed Motion:**

I move the commission adopt the biennial rule requiring all completed applications for contractual elk public access permits be postmarked on or before May 15, and any applications postmarked after May 15 will not be eligible for approval by the commission.