

Policy of the Fish and Wildlife Commission Petitions for Rulemaking from the Public

Purpose: The purpose of this policy is to give the public and interested persons guidance on how to submit petitions to the Fish and Wildlife Commission for rulemaking, as provided in Mont. Code Ann. § 2-4-315 and Admin. R. Mont. 12.11.117. It will govern any rulemaking petitions submitted to the Commission by the public unless controlled by other more specific rules or statutes.

This policy is intended to apply to all documents or other materials submitted to the Commission as part of a petition for rulemaking. It does not apply to communication, correspondence, or comments made to the Commission as part of a public comment made on a Commission proposal or action item as part of the Commission's regular public meeting process.

Any questions about submitting material to the Commission which are not addressed by this policy should be directed to the Board/Commission Executive Support at the contact information below.

The Commission encourages electronic submission of rulemaking petitions because it assists in a more timely dissemination of information to the public and Commission members.

Process for Submitting Rulemaking Petitions to the Commission:

1. All supporting documentation regarding the petition must be submitted no later than 3 weeks (21 calendar days) before the scheduled Commission meeting. All submissions must be made by sending the materials to the Board/Commission Executive Support; *materials should not be sent directly to Commission members.*
2. Materials should be submitted utilizing the following computer software formats:
 - Microsoft Word, 6.0 or later
 - Microsoft Excel, 6.0 or later
 - Microsoft Power Point, 6.0 or later
 - Adobe Acrobat PDF (searchable)
 - JPEG, MP4, or ZLC
3. Materials should be submitted to the Commission via the Board/Commission Executive Support at the e-mail address provided below. It is the responsibility of the petitioner to ensure receipt by the Board/Commission Executive Support. If materials are too large to attach to an email, the State of Montana's EPass File Share system, also called the file transfer service (FTS), should be used. Prior to submitting large attachments via FTS, please call or email the Board/Commission Executive Support to arrange for the transfer of materials or for directions/questions on using the FTS.
4. If electronic submission is impossible or impractical, a hard copy may be mailed or delivered to the Board/Commission Executive Support at the address below.

5. The Board/Commission Executive Support will ensure that information submitted to the Commission is distributed to the Commission members, personnel, and posted to the Commission website in a timely manner. The Board/Commission Executive Support will post copies of documents submitted to the Commission on the Commission's website (<https://fwp.mt.gov/aboutfwp/commission>) 2 weeks (14 calendar days) prior to each regularly scheduled meeting and at least 48 hours before any special meeting.
6. In addition to these requirements, a petition must comply with the provisions of Admin. R. Mont. 12.11.117, including:
 - The petition must be on a form provided by FWP or the sample form 3 found in the Administrative Rules of Montana, Title 1, chapter 3, Model Rules;
 - The petition should clearly specify whether it is seeking repeal, amendment, or adoption of a rule.
7. Mont. Code Ann. § 2-4-315 requires that within 60 days of receiving a petition, the Commission may either deny the petition or initiate rulemaking on it. If the Commission denies the petition, it must do so in writing based on record evidence and include the reasons for the denial. However, the Commission does not meet every month and therefore there may be more than 60 days between the time the Board/Commission Executive Support receives the petition and the next scheduled commission meeting unless the petitioner indicates otherwise in the petition, the Commission will assume that the petitioner consents to extend the 60 deadline for a Commission decision on the petition until the Commissions next regularly scheduled meeting. If the petitioner requests a special meeting to consider the petition within the 60 day statutory deadline, the Commission will attempt to schedule such a meeting as soon as possible, given the schedules of the individual Commissioners.

The Board/Commission Executive Support may be contacted at:

FWP Director's Office/ Board/Commission Executive Support
Email: fwpgen@mt.gov
Phone: (406) 444-7826
1420 E. 6th Ave.
Helena, MT 59620