



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: August 17, 2023

Agenda Item: Contractual Public Elk Hunting Access Agreements (EHA) Administrative Rule (ARM) Update

Action Needed: Approval to initiate rulemaking

Time Needed on Agenda for this Presentation: 5 minutes

Background: FWP is proposing a comprehensive rule update to Contractual Public Elk Hunting Access Agreement (EHA) administrative rules (12.9.901, ARM, through 12.9.911, ARM) to remove outdated and unnecessary language and update the rules with current practices and statutory requirements, including HB 596 adopted by the 2023 Legislature.

Public Involvement Process & Results: FWP scoped and took input on potential rule changes with the Private Land/Public Wildlife Advisory Committee in 2022. The Montana Secretary of State defines and implements the ARM development and amendment process going forward, including process steps and timeline. This includes opportunities for public participation. If the commission approves the department's proposal to initiate rulemaking, the next step would be for the commission to consider proposed language from the department. This step would occur at the October 2023 commission meeting and include opportunity for the public to comment on the proposed language to the commission.

Alternatives & Analysis:

Alternative A: Allow FWP to initiate rulemaking to propose a comprehensive update to administrative rules for EHAs to remove outdated and unnecessary language and update the rules with current practices and statutory requirements.

Alternative B: Do not allow FWP to initiate rulemaking and leave outdated and unnecessary language and rules that don't reflect current practices or statutory requirements for EHAs.

Agency Recommendation & Rationale: FWP recommends the commission allow the department to initiate rulemaking as proposed in Alternative A so that outdated and unnecessary language is removed and rules are consistent with current practices and statutory requirements.

Proposed Motion: I move the Fish and Wildlife Commission approve initiation of rulemaking for Contractual Public Elk Hunting Access Agreements.