



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: Dec. 14, 2023

Agenda Item: Rulemaking Petition to Abolish the Brinkman Game Preserve

Action Needed: Decision whether to repeal the Administrative Rule establishing the Brinkman Game Preserve

Time Needed on Agenda for this Presentation: 10 minutes

Background: At its June 2023 meeting, the Commission authorized FWP to file an administrative rule notice with the Montana Secretary of State (SOS) to repeal ARM 12.9.202, which established the Brinkman Game Preserve.

Public Involvement Process & Results: Rulemaking was initiated by publishing a proposal notice in the Montana Administrative Register (MAR) on July 7, 2023. The public involvement process was executed by the Montana SOS under the Montana Administrative Procedures Act (MAPA) for Administrative Rules of Montana (ARM). A public comment period was open between July 7 and August 7, 2023. FWP held an online public hearing on August 4, 2023, and accepted written and oral comments on the rules as proposed. Two weeks in advance of the December 14 commission meeting, the department will post on the Commission's website all comments in their original form, and a draft rule adoption notice that includes summary responses to the comments received.

Analysis & Alternatives:

Alternative A: Adopt as final the proposed repeal of the rule establishing the Brinkman Game Preserve.

Alternative B: Decide not to adopt the proposed repeal of the rule establishing the Brinkman Game Preserve.

Agency Recommendation & Rationale: Because the Petition and subsequent rulemaking process are actions independent from the Department, the Department is not putting forth a recommendation.

Proposed Motion: I move the Fish and Wildlife repeal rule 12.9.202, abolishing the Brinkman Game Preserve.

Alternative Motion: I move the Fish and Wildlife Commission to reject the proposed repeal of rule 12.9.202, keeping the Brinkman Game Preserve in place.