



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: Dec. 14, 2023

Agenda Item: Consolidated public use rules for lands administered by FWP

Action Needed: Decision to adopt final rules

Time Needed on Agenda for this Presentation: 15 minutes

Background: At its August 2023 meeting, the commission authorized FWP to file an administrative rule notice with the Montana secretary of state for consolidated public use rules for all department lands (state parks, fishing access sites, wildlife management areas, wildlife habitat protection areas, and fisheries conservation areas). The consolidated rules would replace three existing sets of public use rules that apply to different site types. The purpose of the consolidated rules is to consistently manage public uses across all lands while protecting fish and wildlife habitats as well as improving customer service and understanding of expectations for public use. As proposed, the rules would allow the department to continue managing different types of lands according to the purpose of each site type. The proposed rules would also address unnecessary duplication and inconsistencies found in the existing individual rules.

Public Involvement Process & Results: Rulemaking was initiated by publishing a proposal notice in the Montana Administrative Register (MAR) on Sept. 8, 2023. The public involvement process is defined by the Montana Secretary of State under the Montana Administrative Procedures Act (MAPA) for Administrative Rules of Montana (ARM). In accordance with the laws, a public comment period was open between Sept. 8 and Oct. 10, 2023. FWP held an online public hearing on Oct. 2, 2023, and accepted both written and oral comments on the rules as proposed. Two weeks in advance of the Dec. 14 commission meeting, the department will post on the commission's website all comments in their original form, the 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 consolidated set of public use rules, with no edits, for all FWP land types to improve consistency and customer service.

Alternative B: Adopt as final the proposed consolidated set of public use rules, with edits drafted by FWP in response to public comments received as reflected in the draft rule adoption notice, for all FWP land types to improve consistency and customer service.

Alternative C: Decide not to adopt the proposed consolidated public use rules. FWP would continue to operate under three different sets of public use rules.

Agency Recommendation & Rationale: FWP recommends the commission adopt as final the proposed consolidated set of public use rules, with edits proposed by FWP in response to public comments received, for all FWP land types to improve consistency and customer service.

Proposed Motion: I move the Fish and Wildlife Commission adopt as final the proposed consolidated set of public use rules, with the edits proposed by FWP in response to public comments received as reflected in the draft rule adoption notice, for all land types administered by FWP.

Alternative Motion: I move the Fish and Wildlife Commission amend the proposed consolidated set of public use rules as follows (insert changes here); along with the edits proposed by FWP in response to public comments received as reflected in the draft rule adoption notice, for all land types administered by FWP.