



PUBLIC USE RULES

This document shows a subset of the current public use rules for department-owned land, as related to the existing deviations and proposed deviations for Fish and Wildlife Commission consideration at their August 16, 2024, meeting.

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CONSOLIDATED PUBLIC USE RULES

NEW RULE V FEE COMPLIANCE AND CLOSURE (ARM 12.12.105)

- (1) If in effect, fee requirements for public use sites shall be posted by the department on site.
- (2) Regulations relating to establishment of fees for recreational use of lands owned and controlled by the State of Montana, acting by and through the commission or department will not be considered or processed as subject to the Montana Administrative Procedure Act.
- (3) While in a public use site payment is required for day use, camping, group use, or any other required fee.
- (4) When a public use site is closed, a person may not enter or remain in the site.
- (5) Wildlife management areas specifically managed as big game winter range, or portions of, are closed to all public entry from December 1 at 11:59PM through May 15 at noon each year unless otherwise approved by the commission and posted by the department.
- (6) Wildlife management areas not managed specifically for big game winter range are open for public entry year-round unless otherwise posted by the department.
- (7) The department may make special regulations for limited entry to closed wildlife management areas access roads or parking areas before noon on May 15 for the purpose of managing vehicles, parking, public safety, and resource impacts. The regulations shall be posted by the department where in effect.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA
IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE VI PROPERTY DISTURBANCE (ARM 12.12.106)

- (1) While in a public use site it is prohibited to:
 - (a) damage, destroy or possess any natural features, developed features, or vegetation;
 - (b) damage, destroy, possess, or permit the disturbance or removal of topsoil or subsoil, nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof;
 - (c) gather or cut firewood for offsite use, except where otherwise authorized by the department;
 - (d) design, develop, construct, place, or occupy any unauthorized structure, roads, trails, signs, or landscape features;
 - (e) place or leave a geocache or other object without written permission from the department; or
 - (f) use a mineral or metal detector, magnetometer, or other metal detecting device at public use sites without written permission from the department.
- (2) Unauthorized structures are subject to removal or impoundment.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA
IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE VII DESIGNATED AND DISPERSED CAMPING SITES (ARM 12.12.107)

- (1) Unless otherwise posted by the department, within a public use site it is prohibited to:
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 - (a) camp in any area, except those specifically designated or marked for that purpose;
 - (b) camp, leave camping equipment, or otherwise attempt to occupy a campsite that is reserved or occupied by another person or group;
 - (c) leave a camping unit or other vehicle, equipment, or personal items in a campsite overnight without a person present;
 - (d) camp at one or more campsites in a public use area for a period of longer than 7 nights during any consecutive 30-day period, beginning with the first night occupied unless otherwise posted by the department;
 - (e) exceed the designated occupancy limit of a campsite; or
 - (f) travel more than 50 yards with a motorized vehicle from a designated road in areas designated for dispersed camping.
- (2) Unless otherwise posted by the department, within a public use site, it is required to:
 - (a) comply with the terms of a special use permit; and
 - (b) vacate a campsite by the posted check-out time.
- (3) Campsites shall be vacated by 1:00 p.m. on the day of departure.
- (4) Camping facilities shall be vacated by 12:00 p.m. on the day departure.
- (5) Boat-in campsites shall be solely for the use of the individuals traveling by watercraft as their primary mode of transportation to the site.
- (6) The maximum limit for a single occupancy campsite shall be eight people, one camping unit, and two additional tents unless otherwise authorized by the department.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA
IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

CONSOLIDATED PUBLIC USE RULES

NEW RULE IX FOOD STORAGE (ARM 12.12.109)

(1) In public use sites where food storage rules apply and are posted by the department, it is prohibited to fail to comply with the food storage rules. The following acts are prohibited annually from March 1 to December 1 on all public use sites where food storage rules apply:

(a) possessing or storing any food for human or animal consumption, refuse, or items that may have remnants or smell like food or refuse (including personal hygiene products, beverages, unburned food or garbage residue from fire pits or stoves, or empty food or beverage containers but excluding water or water containers, hay, or hay cubes without additives), unless these items are:

(i) attended by a person who is awake, alert, and within one hundred feet and line-of-sight of the items;

(ii) suspended at least ten feet off the ground and at least four feet from any supporting tree or pole;

(iii) stored in a container or using a method listed in the most current interagency Grizzly Bear Committee Certified Bear-Resistant Products list or that has been approved under the IGBC's courtesy inspection program (non-commercial products made for personal use may be inspected and approved under that program). This includes electric fences that are installed properly and meet the design and minimum electrical output specifications on that list, and are tested for proper operation at least every twenty-four hours with a voltmeter; or

(iv) stored in a closed vehicle, trailer, building, or facility constructed of solid, non-pliable material that, when secured, has no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows must be closed). Horse or livestock trailers may not have any openings greater than ten inches in two dimensions and must have any food, refuse, or animal carcasses stored more than three feet from any opening.

(b) possessing or storing any bird, fish, or other animal carcass or parts thereof (including livestock carcasses) that have not been prepared for human or animal consumption, unless these items are:

(i) being field dressed, transported, or prepared for eating;

(ii) stored in accordance with department-approved storage methods and at least one hundred yards from any known occupied camping area; or

(iii) possessed more than one quarter mile (straight-line distance) from any known occupied camping area and more than two hundred yards from any established trail or road.

(c) camping within one hundred yards of any known bird, fish, or other animal carcass or parts thereof (including livestock carcasses) stored in accordance with Montana Fish, Wildlife and Parks approved storage methods; or one quarter mile of any known bird, fish, or other animal carcass or parts thereof (including livestock

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carcasses) not stored in accordance with Montana Fish, Wildlife and Parks approved storage methods.

(3) The following persons are exempt from this rule:

(a) persons with special authorization from the department that specifically exempts them from the effect of this rule; and

(b) any federal, state, or tribal employee placing baits for research or management purposes as part of their official duties.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE XI DOMESTIC ANIMALS (ARM 12.12.111)

(1) Except as otherwise posted by the department, domestic animals within a developed area must be physically restrained or on a leash no greater than eight feet in length at all times.

(2) The owner, handler, or person who brought a domestic animal into a public use site is responsible for that animal and is prohibited from;

(a) allowing a domestic animal to dig, disturb or otherwise damage a developed area;

(b) allowing a domestic animal to be in an area or facility where it is posted by the department that domestic animals are prohibited (excluding service animals);

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(c) violating any public use site-specific posted domestic animal rules;

(d) failing to remove and properly dispose of any waste produced by the domestic animal in a developed area; or

(e) allowing a domestic animal to bite, chase, harass, or create a nuisance, annoyance, or danger to visitors, wildlife, and other animals.

(3) Written authorization by the department is required prior to conducting organized dog training or field trials on public use sites.

(4) In addition to any other penalty in this part, individuals in possession of such animals may be expelled from the site.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

CONSOLIDATED PUBLIC USE RULES

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE XII LIVESTOCK (ARM 12.12.112)

- (1) The department may close trails and other parts of public use sites to the use of horses, llamas, or similar animals.
- (2) Unless otherwise posted by the department and except where specifically permitted or authorized by a lease, license, or other written agreement with the department, a person may not range, graze, water, or allow cattle or other livestock in public use sites.
- (3) A person is required to clean up animal feces, feed, or bedding materials in the developed area of a public use site.
- (4) Horses, llamas, or similar animals must be corralled or tethered when not in use.
- (5) Proof of certified, weed-free feed is required on all department lands.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE XIII WEAPONS (ARM 12.12.113)

- (1) The possession, display, carrying, discharge, or use of a weapon in public use sites must be in compliance with Titles 23, 45, and 87, MCA.
- (2) Public use sites, or portions thereof, may be closed to the discharge of weapons as defined 45-2-101, MCA, when the director determines there is an undue hazard to human safety, or to protect property and public resources. The closure does not apply to lawful discharges in cases of self-defense.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE XIV HUNTING AND TRAPPING (ARM 12.12.114)

- (1) When open to public use, wildlife management areas and fishing access sites are open to all commission established hunting and trapping seasons unless otherwise prohibited and posted. The commission authorizes the department to issue specific restrictions on hunting and trapping at a wildlife management area or fishing access site.
- (2) State parks are open to all commission established hunting seasons unless prohibited by the board. The board authorizes the department to issue specific restrictions on hunting at a state park where hunting is allowed.
- (3) While hunting in a public use site it is prohibited to hunt within a posted safety zone.
- (4) Where hunting is legally allowed, temporary hunting blinds, tree stands, goose pits, and similar structures are allowed and must be removed at the end of the season.
- (5) Trapping is prohibited in state parks unless authorized by the board. The board authorizes the department to issue specific restrictions on trapping at a state park where trapping is allowed.
- (6) Written authorization by the department is required prior to trapping on department lands.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

NEW RULE XV MOTORIZED AND NON-MOTORIZED VEHICLES (ARM 12.12.115)

- (1) The rules in this chapter apply to all motorized and non-motorized vehicles. The following are prohibited in public use sites:
 - (a) operating a motorized or non-motorized vehicle in violation of posted traffic rules, such as speed limits, yield or stop signs, and directional signage;
 - (b) operating a motorized or non-motorized vehicle off of authorized routes;
 - (c) driving or operating a vehicle on any road, trail, or area which is specifically posted against such use;
 - (d) driving or operating a vehicle beyond or around a barrier or structure intended to physically prevent such use;
 - (e) operating a snowmobile except in designated areas; or
 - (f) operating non-motorized vehicles in violation of posted restrictions.
- (2) Unless otherwise posted by the department the maximum speed limit within a developed area is fifteen miles per hour, and the maximum speed limit elsewhere in a public use site is twenty-five miles per hour.

AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA

IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA