



STATE PARKS AND RECREATION BOARD FWP PROPOSAL & INFORMATION SHEET

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Meeting Date: May 20, 2024

Agenda Item: Administrative Rulemaking – Existing ARM Correction and New Commercial Use ARM

Action Needed: Approval to Initiate Rulemaking

Time Needed on Agenda: 15 Minutes

Background: FWP is proposing to (1) amend ARM 12.3.650 to correct an unintentional error in a date, and (2) adopt a pair of new rules incorporating the commercial outfitter provisions currently contained in the 2022-24 biennial rule for the Smith River State Park and River Corridor. The Montana State Parks and Recreation Board (board) undertook a formal Montana Administrative Procedure Act (MAPA) rulemaking process in 2023 for the Smith River private permit system. In adopting those rules, the department inadvertently included a June 15 date in ARM 12.3.650(6) as the end of the peak season, when that date should have been July 15 to correspond with the biennial rule provisions.

In addition to correcting that date, FWP is proposing to adopt a pair of new rules to incorporate the commercial outfitter provisions currently in Section IX of the biennial rule into ARM. This is in the way that the private float trips provisions in Section VII of the biennial rule were incorporated into ARM 12.3.650 last year. The only additional language being proposed in the new rules includes a provision allowing for the reallocation of any revoked or abandoned commercial launches among the existing pool of commercial permit holders in the same way they are presently used for commercial use permits on the Bitterroot River.

Public Involvement Process: If the board approves the department's request to initiate the rulemaking process, the next step will be for the board to review and consider approval of the language proposed by the department. Public comment would be taken as part of that step. The department would anticipate having the board review a proposed *Notice of Public Hearing on Proposed Amendment and Proposed Rules* in early June. Additionally, the public may provide comment at the May 20 board meeting.

Alternatives & Analysis:

Alternative A: No Action – The current ARM 12.3.650 would contain an erroneous date for the end of the peak floating season, and the commercial outfitter provisions in the biennial rule would not contain a formal method for reallocating any revoked or abandoned commercial launches.

Alternative B: Proposed Action – Allow FWP to initiate rulemaking to correct the erroneous date in ARM 12.3.650(6) and adopt new rules incorporating the current commercial outfitter provisions into ARM in the same way it was done with the private permit provisions last year when ARM 12.3.650 was adopted.

Agency Recommendation & Rationale: FWP recommends Alternative B to ensure rules are accurate.

Proposed Motion: I move the Montana State Parks and Recreation Board approve the initiation of rulemaking by FWP as requested.