



# ***Montana Fish, Wildlife & Parks***

## **River Recreation Management Planning Manual**



**January 1, 2007**



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### **Guidelines for Developing River Recreation Management Plans and Implementing the FWP Statewide River Recreation Rules**

**1<sup>st</sup> Edition\***  
**January 1, 2007**

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**\*Planning Manual available in hard copy or CD**

**Table of Contents**

**PREFACE** .....4  
    PURPOSE OF THE PLANNING MANUAL ..... 4  
    OVERVIEW ..... 5  
**CHAPTER ONE: THE RIVER EVALUATION AND PRIORITIZATION PROCESS**.....6  
    INTRODUCTION TO THE RIVER EVALUATION AND PRIORITIZATION PROCESS..... 6  
    THE RIVER EVALUATION FORM..... 6  
    THE DECISION TO INITIATE A PLANNING PROCESS..... 7  
    INITIATION OF THE PLANNING PROCESS..... 8  
**CHAPTER TWO: THE ANALYSIS AND DECISION-MAKING PROCESS** .....9  
    INTRODUCTION TO THE ANALYSIS AND DECISION-MAKING PROCESS ..... 9  
    STEP 1. PRE-PLANNING ..... 9  
    STEP 2. SCOPE THE ISSUES..... 12  
    STEP 3. APPOINT THE CAC..... 12  
    STEP 4. DEVELOP CAC RECOMMENDATIONS ..... 13  
    STEP 5. DEVELOP DRAFT MANAGEMENT PLAN ..... 15  
    STEP 6. EVALUATE THE EFFECTS ON THE ENVIRONMENT ..... 16  
    STEP 7. FINALIZE THE MANAGEMENT PLAN ..... 16  
    STEP 8. IMPLEMENT THE PLAN ..... 17  
    STEP 9. REVISE PLAN AND RULES ..... 18  
**CHAPTER THREE. SPECIAL ISSUES**.....19  
    RESIDENT-NONRESIDENT RESTRICTIONS ..... 19  
    RESTRICTING OR RATIONING USE ON A RIVER..... 20  
    RATIONING SYSTEMS ..... 21  
**CHAPTER FOUR. GUIDING PRINCIPLES** .....23  
    INTRODUCTION TO THE GUIDING PRINCIPLES ..... 23  
    THE GUIDING PRINCIPLES ..... 23  
**APPENDIX A. STATEWIDE RIVER RECREATION RULES**.....26  
**APPENDIX B. RIVER EVALUATION FORM**.....31  
**APPENDIX C. STAFF ASSIGNMENTS AND RESPONSIBILITIES** .....32  
**APPENDIX D. DATA COLLECTION AND ANALYSIS**.....34  
**APPENDIX E. SAMPLE CHARTER** .....36  
**APPENDIX F. SELECTION OF CITIZEN ADVISORY COMMITTEE (CAC) MEMBERS** .....37  
**APPENDIX G. WORKING WITH A CITIZEN ADVISORY COMMITTEE (CAC)** .....38  
**APPENDIX H. INTEREST BASED PROBLEM SOLVING AND COLLABORATIVE PROCESSES**.....42  
**APPENDIX I. VISION STATEMENT** .....44  
**APPENDIX J. EXAMPLES OF MANAGEMENT OBJECTIVES**.....45  
**APPENDIX K. EXAMPLES OF MANAGEMENT RECOMMENDATIONS** .....48

## PREFACE

### Purpose of the Planning Manual

Some people might ask, “Why did Montana Fish, Wildlife & Parks (FWP) develop this river recreation management planning manual?” The quickest answer to this question is that the agency’s Statewide River Recreation Rules required the development of such a manual:

ARM 12.11.455 RIVER RECREATION MANAGEMENT PLANNING MANUAL (1) Upon adoption of these rules, the Department must develop a river recreation planning manual that provides details on implementation of the analysis and decision-making framework in conjunction with MEPA and MAPA. The manual will incorporate the recommendations of the river recreation advisory council as expressed in their final report of July 10, 2003, including the guiding principles.

(2) The river recreation planning manual must provide direction to the Department on the following elements of the analysis and decision-making framework:

- (a) prioritizing river recreation planning and management needs;
- (b) collecting and analyzing data;
- (c) appointing and working with a citizen advisory committee;
- (d) incorporating the recommendations of a citizen advisory committee into a management plan; and
- (e) implementing, monitoring, and evaluating a management plan or rules.

(3) The Department and its citizen advisory committees must consider the river recreation planning manual when developing a river recreation management plan or recommending river recreation rules to the commission.

A more thorough explanation as to why the agency developed this planning manual is that a manual was needed to help managers, planners, decision-makers, FWP Commissioners, and citizen advisory committees interpret and implement the Statewide River Recreation Rules, which were adopted in 2004 to provide guidance in the management of recreation on rivers ([Appendix A](#)). This planning manual provides more details than the statewide rules, which are intentionally broad in order to allow flexibility at the field level and to accommodate the different conditions that are encountered from river to river. The statewide rules identify an Analysis and Decision-Making Process for developing and amending river recreation management plans. This planning manual offers detailed guidelines for implementing this process.

The statewide river recreation rules and this planning manual focus on river recreation management, rather than fisheries management. The rules and the planning manual recognize that protecting the resources is the number one priority and that recreation should be managed to meet this goal.

This planning manual should be considered as a work in progress and suggestions for improving it will be considered on a regular basis. Along those lines, users of this manual are encouraged to offer comments and suggestions whenever they see opportunities for improvement. While certain components of the planning process are required (e.g., the appointment of a citizen advisory committee), other parts of the process can be adapted to fit individual planning techniques and management styles. The process for developing a new plan, for example, may differ from the process used to update an existing plan. At the time this planning manual was adopted, the Department had yet to develop a river recreation management plan under the statewide river recreation rules. In the future the Department may need to revise some elements

of the Analysis and Decision-Making Process and this planning manual based on lessons learned when developing plans.

Rivers and river recreation are woven into the social, cultural, political, and economic fabric of the state. The people of Montana and its visitors place a tremendous value on river recreation opportunities and the quality of the river resources. River recreation is also vitally important to the tourism industry. It is important to manage river recreation in a way that leads to the public's enjoyment of the recreational opportunities and ensures that these opportunities are available to future generations as well.

Accomplishing this task has become more challenging over time as the number of people and types of use on rivers increases. On some rivers in the state the public is concerned about crowded conditions on and off the water, conflicts between user types, and potential impacts on the river resources. It is important to find a balance where a diverse public can enjoy their recreation and the resources are responsibly managed. The planning manual is designed to help meet this goal.

### **Overview**

*Chapter One* explains the *River Evaluation and Prioritization Process* that is used to evaluate river recreation conditions around the state and to prioritize which rivers are most in need of some form of river recreation planning and management consideration.

*Chapter Two* provides guidelines for using the *Analysis and Decision-Making Process* to develop and implement river recreation management plans. This includes guidelines on working with a citizen advisory committee, and conducting an environmental analysis and rulemaking process.

*Chapter Three* discusses special issues that may be encountered when developing or implementing river recreation management plans.

*Chapter Four* lists the guiding principles developed by the Statewide River Recreation Advisory Council. The guiding principles serve as a guide to citizen advisory committees and Department staff when developing river recreation management plans.



## CHAPTER ONE: THE RIVER EVALUATION AND PRIORITIZATION PROCESS

### Introduction to the River Evaluation and Prioritization Process

Due to limited resources, it is important for the Department to periodically evaluate existing social conditions on rivers and determine which rivers are most in need of some form of planning and management consideration. With this in mind, the Department developed a River Evaluation and Prioritization Process (Table 1).

**Table 1. The River Evaluation and Prioritization Process**

<b>River Evaluation and Prioritization Checklist</b>	
√	<u><b>ACTIONS</b></u>
<b>Step One. Complete River Evaluation Form for each FWP Region</b>	
	<ul style="list-style-type: none"> <li>• Estimate current resources allocated to river recreation management</li> </ul>
	<ul style="list-style-type: none"> <li>• Assign each river a numerical rating based on frequency of social issues</li> </ul>
	<ul style="list-style-type: none"> <li>• Describe the nature of social issues</li> </ul>
	<ul style="list-style-type: none"> <li>• Identify work that needs to occur</li> </ul>
	<ul style="list-style-type: none"> <li>• Identify additional resources needed</li> </ul>
<b>Step Two. Prioritize rivers and identify where work will occur</b>	
	<ul style="list-style-type: none"> <li>• Consider the completed River Evaluation Forms</li> </ul>
	<ul style="list-style-type: none"> <li>• Consider input from public</li> </ul>
	<ul style="list-style-type: none"> <li>• Consider input from the FWP Commission</li> </ul>
	<ul style="list-style-type: none"> <li>• Assess available Department resources</li> </ul>
	<ul style="list-style-type: none"> <li>• Assess available information and data gaps</li> </ul>
	<ul style="list-style-type: none"> <li>• Select a river and initiate the Analysis and Decision-making Process</li> </ul>

### The River Evaluation Form

The Department has developed a River Evaluation Form ([Appendix B](#)) that each region can use to evaluate existing social conditions rivers found within the region and assign a numerical score for each river based on the frequency of social issues. The form asks evaluators to provide the following river specific information:

- Name of river or river section
- Resources currently earmarked for addressing social issues
- Frequency of social issues
- Description of social issues
- Actions that need to take place over the next two years to address the social issues
- Additional resources that are needed to accomplish the work

**Definition:** “The *River Evaluation Form* is used to evaluate existing social conditions on rivers throughout the state and prioritize those rivers that are most in need of planning and management consideration.”

Note to readers: The prioritization of a particular river does not automatically mean that the Department will develop a management plan for that river. In some cases the evaluation form may identify the need for more data in order to better assess the existing social conditions. In other cases a river might have social issues that warrants planning and management consideration but there are other rivers that are of a higher priority.

### **Who completes the forms?**

The Regional Supervisor and Regional Managers (fisheries, wildlife, parks, enforcement, communication and education) should work with their staff to complete the forms. Although each division may complete the evaluation form (or multiple evaluators within each division), in the end the region should produce one evaluation form that represents the region as a whole.

### **How often should the forms be completed?**

Each region completed the evaluation form in 2004. The form asks evaluators to project needs for the coming two years. This is based in part on the budget process and the legislative cycle. Updating the information the year prior to a legislative session is important if a region wants to request money for its river recreation program.

**Tip:** The River Evaluation Form is based on existing information and does not require the collection of additional data. In some cases the evaluation form will be based on the evaluator's professional assessment of the conditions if data are not available.

### **How much and what kind of data is needed to complete the evaluation process?**

The prioritization process is intended to assess existing social conditions based on *available* information or data. For some rivers there may be data already available and in this case the data should be referenced. In other situations the region may need to base its evaluation on anecdotal information (e.g., the volume of people who have contacted the region regarding social issues, input at public meetings, personal observations in the field, etc.). The evaluation itself does not lead to the establishment of management plans. Rather, the evaluation process is a tool for helping decide where the Department needs to either acquire more information or initiate a planning process.

### **The Decision to Initiate a Planning Process**

In most cases, the Regional Supervisor decides when to initiate a planning process for a river and/or when to collect additional information. It is important for the Regional Supervisor to communicate with the division staff at FWP Headquarters before initiating a planning process. In some situations the Director or a Division Administrator may, in concurrence with the Regional Supervisor, request that the region initiate a planning process. FWP Commission may also choose to advise the Department to initiate work on a particular river. The decision should be based on the following criteria:

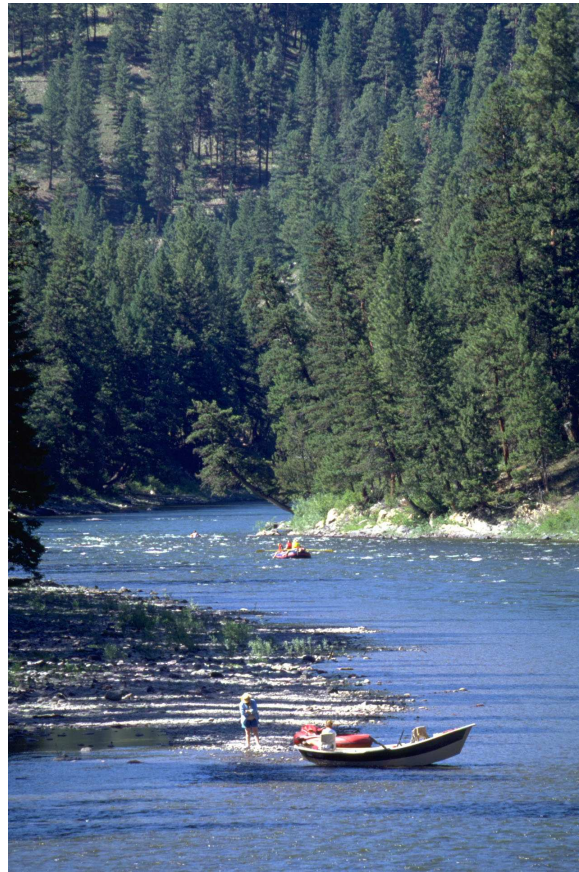
1. Results of the River Evaluation and Prioritization Process
2. Input from the public and the FWP Commission
3. Consideration of other rivers in the region and the state
4. Availability of staff and resources to develop and implement the plan

### **Opportunities for the public to influence the decision**

The public can help the Department determine which rivers are in need of planning and management consideration. The public should contact the Regional Supervisor if they have concerns about the conditions on a river. They can also contact the FWP Commissioner who represents their region. The Department may conduct a public meeting or survey for the purpose of assessing whether the public sees the need for additional recreation management on a river.

### **Initiation of the Planning Process**

After the Department has identified a priority river that is need of a management plan, the next step is to implement the Analysis and Decision-Making Process, which is the focus of the next chapter.





## **CHAPTER TWO: THE ANALYSIS AND DECISION-MAKING PROCESS**

### **Introduction to the Analysis and Decision-Making Process**

After the Department has evaluated existing social conditions on rivers and identified a priority river where a management plan is needed, the Analysis and Decision-Making Process is used to further assess existing social conditions on that river and develop a management plan that will achieve desired conditions (Table 2). The process should also be used to evaluate and update existing management plans. The Analysis and Decision-Making Process is designed to help decision-makers and managers make informed decisions that reflect the interests of the public that recreates on rivers and the interests of those who are affected by river recreation management decisions. The remainder of this chapter describes the steps that are normally associated with the process.

### **STEP 1. Pre-Planning**

Pre-planning is a critical stage in the process. Careful preparation for the planning process can help to ensure that the process proceeds in an efficient and productive manner. Pre-planning includes assigning staff to the planning process, determining the goals and scope of the planning process, assessing the availability of data, developing a timeline for the planning process, developing a Charter for a citizen advisory committee (CAC), and selecting a facilitator or contractor. Regional staff should work closely with division administrators to ensure the planning process is consistent with the overall goals and priorities of the department.

#### **Action: Assign Staff to the Planning Process**

The first action under pre-planning is the assignment of staff to the planning process. While staff assignments may vary according to the resources available and the scope of the work, the region should identify a *planning coordinator* and members of an *interdisciplinary team*. Refer to [Appendix C](#) for more detailed information on the roles and responsibilities for staff.

#### *Planning Coordinator*

The planning coordinator is responsible for overseeing the planning process from start to finish and their duties include: developing a timeline and budget for the process; coordinating the CAC; drafting the management plan; coordinating the MEPA and MAPA processes; and serving as the liaison between the advisory committee, the Department, and the FWP Commission. It is important for the planning coordinator to make sure there is communication and coordination with division administrators and staff in Helena. The planning coordinator should also work closely with the region's Information and Communication Manager to develop news releases as needed. In some cases the Department may choose to hire a contractor to perform the duties of the planning coordinator.

#### *Interdisciplinary Team*

The purpose of the interdisciplinary team (IDT) is to provide technical expertise to the planning coordinator, the CAC, and the decision-makers. The IDT plays a key role in development of the management plan and environmental analysis document. The planning coordinator is a member of the interdisciplinary team.

**Table 2. Analysis and Decision-Making Process**

<b>ANALYSIS AND DECISION-MAKING CHECKLIST</b>	
<b>Step One. Pre-Planning</b>	
	Assign Staff to the Planning Process
	Assess Availability of Data
	Establish a Timeline for Planning Process
	Develop CAC Charter
	Select a Facilitator
<b>Step Two. Scope the Issues</b>	
	Conduct Public Meetings to Identify Issues
<b>Step Three. Appoint the CAC</b>	
	Identify Diverse Interest Categories
	Select Committee Members
<b>Step Four. Develop CAC Recommendations</b>	
	Convene CAC, Review the Charter and Establish Ground Rules
	Articulate a Common Vision for the River
	Formulate Management Objectives, Specified as Indicators and Standards of Quality, that Define Acceptable Social Conditions
	Recommend a Range of Management Actions from Less Restrictive to More Restrictive
	Recommend Mechanisms and a Timetable for Monitor Indicators and Standards of Quality
	Submit CAC Recommendations to the Department and FWP Commission
<b>Step Five. Develop Draft Management Plan</b>	
	Prepare 1 <sup>st</sup> Draft and Solicit CAC Comments
	Revise Draft and Solicit Internal Comments
	Revise Draft and Solicit CAC Comments
	Complete a "Final" Draft Plan
<b>Step Six. Evaluate the Potential Effects on the Environment</b>	
	State Purpose and Need for Management Plan and Identify Issues Related to Management Plan
	Prepare Alternatives and Identify Preferred Alternative
	Describe Affected Resources
	Predict Effects of Implementing Each Alternative
<b>Step Seven. Finalize the Management Plan</b>	
	Conduct Public Hearings and Solicit Comments
	Revise Plan Based on Public Comments
	Adopt Final Management Plan. Issue Record of Decision for Environmental Analysis Document
<b>Step Eight. Implement the Plan</b>	
	Implement Management Plan
	Monitor Social and Resource Conditions
<b>Step Nine. Revise Plan</b>	

### *Regional Supervisor*

The Regional Supervisor is usually the final decision-maker for the management plan and the environmental analysis document. He/she is ultimately responsible for overseeing the project and ensuring that the process is conducted in a manner that is consistent with the Statewide River Recreation Rules and within the budgetary constraints of the Department. If someone besides the Regional Supervisor is to serve in this capacity (e.g., a Division Administrator), this person should be identified prior to the start of the planning process.

#### **Action: Assess Availability of Data**

Prior to engaging in the planning process the IDT should determine what data are available and whether it is necessary to collect additional data. This determination should occur far enough in advance to allow time for the collection of data. Refer to [Appendix D](#) for more information on the collection and analysis of data.

**Requirement!** The Statewide River Recreation Rules require the Department and the FWP Commission to consider the best available biological, social, and economic information before the Department when developing a river recreation management plan or rules.

#### **Action: Establish a Timeline for the Planning Process**

The IDT and the Regional Supervisor should establish a timeline for the planning process that begins with the pre-planning stage and ends with the completion of a management plan.. The timeline should identify key steps or tasks, when they need to be completed, and who is responsible for each item. The planning coordinator should update the timeline on a regular basis and inform members of the IDT of any changes.

#### **Action: Develop CAC Charter**

Prior to the first meeting of the CAC the Department should develop a charter for the committee. The charter should reflect the Department’s goals for the planning process and state the purpose of the committee (e.g., “to develop recommendations for a management plan on River X.”). The charter may also include a brief description of the committee’s composition and any specific issues that the Department wants the committee to consider (e.g., “concerns about boat congestion on the river.”). See [Appendix E](#) for a sample charter. The charter helps the CAC to stay focused on its assignment.

#### **Action: Select a Facilitator**

A facilitator can be critical to the success of the CAC and the planning process. As a general rule, the Department should not facilitate the meetings. There are staff members with facilitator training and in the absence of funds to hire an outside facilitator the next best alternative is to use an in-house facilitator that is not involved with the subject matter. There is a risk, however, that no matter how objective the in-house facilitator remains, the committee members or the public will view the process as biased toward the Department’s interests. The best scenario is to hire a professional facilitator/contractor that has a recreation planning background as well as experience facilitating CAC meetings.

**Tip:** Be sure to check with the Purchasing staff prior to contracting a facilitator. Depending on the amount of the contract, it may be necessary to solicit proposals from different facilitators.

## **STEP 2. Scope the Issues**

Prior to developing the management plan it is useful to conduct a public scoping process for the purpose of identifying issues, interests and concerns. Scoping is also a way of engaging the public early in the process. Scoping can also be used to identify members of the public who are interested in serving on the citizen advisory committee. In some cases the Department may want to conduct scoping prior to developing the CAC charter.

**Tip:** In addition to public scoping meetings, consider meeting with existing advisory committees, special interest groups, and other agencies.

### **Action: Conduct Public Meetings to Identify Issues**

Scoping meetings are used to identify issues, interests, and concerns. At this point in the Analysis and Decision-Making Process there is not a draft plan for the public to review. Instead the Department should explain how it determined the need for a management plan and provide an overview on the process that will be used to develop the plan and rules. Upon completion of the scoping process the planning coordinator should prepare an Issues Analysis Paper that summarizes the results of the scoping meetings.

## **STEP 3. Appoint the CAC**

The next step in the planning process is the appointment of the CAC. The role of the CAC is to make recommendations to the Department and the FWP Commission. A good source of information on CACs is a Department document titled “Working with Citizen Advisory Committees Using Interest Based Processes” (Sime and Scow, 2001). The department may choose to appoint the CAC prior to the scoping process in order to allow the members to attend the scoping meetings.

**Requirement!** The statewide rules require the Department to appoint a CAC when developing or updating river recreation management plans.

### **Action: Identify Diverse Interest Categories**

The CAC should include representatives from the various interest categories that recreate on the river or are affected by river recreation or management decisions. Failure to include representatives from the various interests could jeopardize the credibility of the committee and its recommendations. The interest categories often include anglers, boaters, hunters, outfitters, residents, nonresidents, landowners, tourism, shop owners, etc. Within each category it may be beneficial to identify variations of interests (e.g., wade anglers, bank anglers, and float anglers).

**Tip:** Interest categories are different than special interest groups (e.g., a paddling club or an outfitters’ association). In general, the best approach is to appoint a person to represent an interest category, versus appointing a person to represent a special interest group.

### **Action: Select Committee Members**

The method used to select committee members is very important in terms of ensuring that the committee and its recommendations are credible. [Appendix F](#) describes two methods for selecting committee members and determining the size of the committee. It is important that the selection process is transparent to the public and every effort should be made to appoint a committee that is representative of the various diverse interest categories.

#### **STEP 4. Develop CAC Recommendations**

The purpose of the CAC is to develop recommendations for managing recreation on a particular river. This typically means the development of recommendations, which are outlined in a river recreation management plan. Throughout the planning process, the Department should provide the committee feedback as to whether its recommendations are technically feasible, legal, affordable, measurable, enforceable, and reasonable to administer. The CAC makes its recommendations to the Regional Supervisor, and if rules are involved, to the FWP Commission. There are numerous nuances involved in working with a CAC and the Department should work with a qualified facilitator with planning expertise to maximize the role of the committee. [Appendix G](#) provides additional information on working with a citizen advisory committee and the Department's role in the process.

The CAC should follow well-established principles set forth in contemporary planning frameworks such as Limits of Acceptable Change (LAC), the Visitor Experience and Resource Protection Program (VERP), Visitor Impact Management (VIM), and the Recreation Opportunity Spectrum (ROS) as part of developing their recommendations. In summary, these planning frameworks suggest that before management recommendations are discussed it is critical that the CAC complete the following tasks first and foremost: (1) articulate a common vision for the river or sections of the river if needed; (2) formulate management objectives, specified as key indicators and standards of quality, that define acceptable social conditions, and (3) assess current conditions against these indicators and standards in an effort to identify social conditions that are acceptable and unacceptable.

When completing these tasks, the CAC should take into account information concerning existing social conditions on the river, and other available information that leads to an understanding of the types of recreation that occur on the river and the impacts recreation may have on natural resources, the local economy, landowners, and other affected parties.

**Tip:** To improve the productiveness of the CAC, the Department can prepare Information Packets for the CAC that includes relevant data, rules, sample management plans, etc.

#### **Action: Convene the CAC, Review the Charter and Establish Ground Rules**

Typically one of the first assignments of the CAC is to review its Charter and establish a set of ground rules. It is useful for the Department to review the charter with the committee to ensure that everyone has a clear understanding on what is expected of the committee. At this time the Department should also explain that the role of the committee is to develop recommendations, clarifying that the final decision lies with the Department and/or the FWP Commission.

**Tip:** Some committee members may disagree with the charter. While it is appropriate for the committee to ask *for clarification on the charter and to discuss* the process used to address the charter, the charter is the foundation for the committee's recommendations and is not negotiable.

Ground rules govern the process used by the committee to discuss issues and develop recommendations. The ground rules also state how the committee will make decisions. Once the ground rules are agreed upon it is important to have a record of them available throughout the process.

Note to readers: When establishing the ground rules it is likely that the committee will discuss “consensus-based decision-making” vs. voting or some other form of decision-making. The Statewide River Recreation Rules are silent on this issue. They do not dictate how the committee must make its decisions. [Appendix H](#) offers information on interest-based problem solving, a proven technique that helps people work through differences.

**Action: Articulate a Common Vision for the River**

At the very beginning, the CAC should develop a vision statement that articulates the committee’s collective vision for the type of recreation experience (and setting) that is desired for the river (or sections of the river if needed). The vision statement should represent the interests of the committee members. Once agreed upon, the vision statement represents “common ground” that the committee can refer to when discussing complex issues. See [Appendix I](#) for an example of a vision statement that was developed for the Arkansas Headwaters Recreation Area.

**Action: Formulate Management Objectives that Define Acceptable Social Conditions for the River**

Once a vision statement is developed, the CAC should formulate management objectives that can be expressed as indicators and standards of quality. Contemporary planning frameworks (e.g., LAC, VERP, VIM, ROS) are built on the foundation of identifying key indicators and standards of quality, which define acceptable social conditions. Indicators are measurable variables that can be used to determine whether or not the vision for a recreation resource is being realized. Standards specify the desirable or acceptable condition of indicator variables. When indicator variable(s) do not meet the standards which have been set, a problem exists (e.g., social conditions are considered unacceptable) and prescriptive management action is required to bring the indicator(s) back into compliance with standards. [Appendix J](#) provides examples of management objectives, specified as indicators and standards of quality.

**Action: Recommend a Range of Management Actions from Less Restrictive to More Restrictive**

After identifying appropriate indicators and standards of quality, the CAC should recommend a range of management actions that would be taken if standards were exceeded. In accordance with the Statewide River Recreation Rules, the management actions should range from less-restrictive to more-restrictive and the Department would attempt to implement less-restrictive actions before proceeding to more-restrictive actions. Similarly, the management actions taken should correspond to the severity of the undesired or unacceptable social conditions. [Appendix K](#) provides examples of management recommendations for the sample indicators and standards presented in Appendix J.

**Action: Recommend Mechanisms and a Timetable for Monitoring Indicators and Standards of Quality**

The CAC’s recommendations should consider how the Department would monitor and evaluate social conditions on the river over time to assess whether or not desired conditions are within standard or not. It may not be feasible for the Department to conduct extensive monitoring due to

staff and budget constraints. The CAC should keep this in mind when developing their recommendations for monitoring indicators and standards.

Additionally, the CAC should also establish a timeline for periodically evaluating the management plan to assess whether or not revisions are needed in the future. Ideally, management plans should be reviewed every 5-10 years.

**Action: Submit CAC Recommendations to the Department and FWP Commission**

The CAC should present its final recommendations to the Department and the FWP Commission.

**Tip:** The CAC should appoint a spokesperson(s) to present the committee's recommendations to the commission, as opposed to the Department presenting the recommendations to the FWP Commission. This provides an opportunity for the Commissioners to hear first hand from the committee and ask any questions that arise.

**STEP 5. Develop Draft Management Plan**

This planning manual distinguishes between steps four and five in order to articulate each step of the planning process. In reality these steps are intertwined. The Department should work closely with the CAC as it develops its recommendations. The CAC's job is to provide broad advice and general direction to the Department. The Department's job is to translate the CAC's vision and direction into a management plan that the Department is able to implement. The Department should involve the CAC when developing the management plan. It is an iterative process where the Department serves as the chief author and the committee's role is to review and provide input on the document. This process repeats itself until the draft management plan and draft rules are consistent with the recommendations of the committee and are acceptable to the Department in terms of its ability to administer the plan and the rules. At that point the Department can present the draft plan to the public for comments. The Department should reconvene the CAC if after public review there are substantive disagreements or changes from the recommendations of the CAC.

**Tip:** Management plans come in all shapes and sizes and a plan that works for one set of conditions or river may not work for another set of conditions or another river.

**Action: Prepare 1<sup>st</sup> Draft and Solicit CAC Comments**

The planning coordinator serves as the chief author of the management plan. This person prepares a rough draft and distributes it to the members of the advisory committee for review and editing.

**Action: Revise Draft and Solicit Internal Comments**

Based on the edits provided by the CAC, the planning coordinator revises the draft management plan and circulates the document to the IDT, Regional Supervisor, division staff in Helena, and other key staff for review and editing.

**Tip:** Consider updating the FWP Commission during this stage of the planning process.

**Action: Revise Draft and Solicit CAC Comments**

The planning coordinator prepares another draft based on internal review and editing. The draft is then sent back to the CAC for review and editing.

**Action: Complete a “Final” Draft Plan**

The planning coordinator prepares a “final” draft management plan.

**STEP 6. Evaluate the Effects on the Environment**

The statewide river recreation rules require the Department to comply with the Montana Environmental Policy Act (MEPA) when developing a management plan for a river. MEPA requires state agencies to prepare an environmental analysis (review) when the agency intends to take specific actions that may impact people and the environment. In this case, the environmental analysis is on the potential physical, biological, economic, and social effects the plan might have on the human environment. It is important to understand that development of the plan itself is not a management action. The plan provides, however, direction or guidance for managing recreation on a river and the Department can assess predicted impacts associated with implementation of the plan.

Staff should consult with the FWP legal unit prior to the management planning process. The legal unit can help to outline the MEPA steps and provide guidance on the development of an environmental analysis document. Complying with MEPA when developing a management plan is not a formidable task but it does require critical thinking to prepare the environmental analysis. Another source of information on complying with MEPA is a document titled “Guide to the Montana Environmental Policy Act,” produced by the Environmental Quality Council (updated 2004).

Using the best available information, the Department should examine the potential biological, social, and economic impacts of those recommended management actions that would be considered for implementation should any selected indicator variables be found “out of standard”. The planning coordinator should prepare a document that documents the result of this evaluation.

**STEP 7. Finalize the Management Plan**

Finalizing the management plan involves three steps: 1) public involvement to solicit input on the proposed plan and the environmental analysis document; 2) revision of the plan based on public comments; and 3) adoption of the plan and issuance of a Record of Decision for the environmental analysis document.

**Action: Conduct Public Involvement**

The Department should schedule public meetings and solicit comments on the draft management plan and its associated environmental analysis document. Similar to the requirements under the Montana Administrative Procedures Act, staff should prepare responses to comments.

**Tip:** It is important to check back with the CAC when making changes to the proposed management plan, particularly if the changes are inconsistent with the recommendations made by the committee.



**Action: Revise the Management Plan**

The Department may need to revise the draft management plan based on the public’s comments. It is important to check back with the CAC if there are substantive changes that are inconsistent with the recommendations made by the committee. Ideally the CAC will support the final management plan, recognizing that in the end the plan is a blend of input from the CAC, the public, and the Department.

**Action: Adopt Management Plan and Issue Record of Decision**

Typically it is the Regional Supervisor who adopts the management plan and issues a Record of Decision for the environmental analysis document. These steps are concurrent.

**STEP 8. Implement the Plan**

The next step is implementation of the plan. While seemingly obvious, this step does require some advanced planning to ensure that the plan is implemented smoothly, accurately, and in a timely fashion. It is important to identify ahead of time the administrative duties associated with implementing the plan. Similarly, the Department needs to plan ahead regarding the monitoring of river conditions and the plan itself.

**Action: Monitor Social Conditions**

Using the recommended mechanisms and timetable for monitoring, the Department should periodically evaluate the acceptability of social conditions on the river by assessing whether or not the key indicators specified in the plan are “out of standard”.

In some cases indicators may be “out of standard” during the planning process or become so immediately after completion of the management plan. In the very early phases of plan implementation, the Department, in concert with the CAC, should come to agreement about whether or not this is the case. It is likely that discussion in this area would have already taken place during the planning process itself.

At any point in time, if any indicators are out of standard, the Department would implement specific management recommendations outlined within the plan. Ultimately, less restrictive management actions are easiest for the Department to implement and the statewide river rules require that these are considered first. More restrictive management recommendations would likely require the establishment of river specific rules. In such instances, the FWP Commission would need to adopt administrative rules through a formal rulemaking process, which is guided by the Montana Administrative Procedures Act (MAPA). The MAPA process results in administrative rules of Montana, which are permanent rules that are in effect until changed or repealed. The FWP Commission adopts administrative rules through a formal rulemaking process that includes a public comment period and public hearings. “About Rules” was developed by the Department Legal Unit and it identifies the important steps of an administrative rulemaking process (2001). Staff should consult these resources prior to initiating rulemaking.

**Tip:** It is important to check with the legal unit regarding the timeline for rulemaking. MAPA has specific requirements that must be met.

**STEP 9. Revise Plan and Rules**

Typically management plans have a “shelf life” of no longer than ten years. After that amount of time there are usually enough changes on the ground to warrant revising the plan and its associated rules. The Department may want to evaluate the plan sooner (e.g., after five years), to determine whether the plan is achieving the desired conditions. Minor changes can be addressed without going through the entire Analysis and Decision-Making Process but changes of any significance require starting the process from the beginning.



## **CHAPTER THREE. SPECIAL ISSUES**

Chapter three identifies some of the special issues or topics that the Department may encounter when developing a river recreation management plan or rules for a river. These are issues that are particularly contentious and/or complex.

### **Resident-Nonresident Restrictions**

The Statewide River Recreation Rules provide guidance on resident-nonresident restrictions (special restrictions on use that distinguish between residents of Montana and nonresidents). The statewide rules offer the following guidance and direction:

- Planning and management of Montana’s river systems should provide for and conserve a full variety of recreation experiences and assure that river recreation historically enjoyed by people in Montana is recognized.
- Nonresidents are an important part of the state’s tourism economy and rivers are an attraction to visitors. Nonresidents should have reasonable and equitable opportunities compared to other recreational users to enjoy Montana’s resources. “Reasonable and equitable” as applied to nonresidents means recreation use that fairly considers the interest of all types of recreational users, and is not intended to mean that each type of recreational user must have the exact same share of use in terms of the timing, amount, and location of use.
- Management plans and rules may not differentiate based solely on the residency of the river user unless the commission determines that the best available data indicate that the amount of use by residents or nonresidents is a primary contributor to an identified problem.

### **Discussion**

The Statewide River Recreation Rules attempt to find a balance where the river recreation historically enjoyed by people in Montana is recognized and nonresidents have reasonable and equitable opportunities to enjoy Montana’s resources. Furthermore, the rules make it clear that the FWP Commission may only differentiate solely on the residency of the river user if the best available data indicated that the amount of use by residents or nonresidents is a primary contributor to an identified problem. This means that arbitrary and capricious discrimination against residents or nonresidents is not permissible. This is why it is important to acquire an accurate understanding of the conditions on a river so that decision-makers can make informed decisions when considering restrictions based on residency.

Note to readers: The rule says, “Management plans and rules may not differentiate based solely on the residency of the river user unless the commission determines that the best available data indicate that the amount of use by residents or nonresidents is a primary contributor to an identified problem.” The words “primary contributor” does not mean that the amount of use must be the majority of the use on the river. For example, the amount of use by nonresidents can be less than the amount of use by residents and still be a primary contributor to an identified

problem. This is why it is important to accurately define the problem and then assess whether a sector of use is a primary contributor to that problem.

### **Restricting or Rationing Use on a River**

The Statewide River Recreation Rules provide guidance should it become necessary to restrict or ration use on a river:

- The commission shall make the final decision on whether to restrict or ration use and the adoption of rules for doing so.
- When determining how a river should be managed, the commission shall consider management methods in the following order:
  - ◆ nonrestrictive management methods;
  - ◆ restrictive management methods; and
  - ◆ rationing methods.
- Under conditions or circumstances identified by the commission, the commission may implement rationing management methods before or simultaneously with restriction management methods or implement restrictive management methods before or simultaneously with nonrestrictive management methods.

**Definition:** *Restrict* means to regulate when and where the public or river service providers can recreate on a river, or the types of recreation that are allowed.

**Definition:** *Ration* means to regulate use intensity by limiting the amount of use on a river. Rationing requires users to obtain a permit to recreate on a river or requires river service providers to obtain authorization to conduct business on a river. To qualify as a rationing system, the supply of permits or the amount of authorized use must be limited.

### **Discussion**

The statewide river recreation rules do not provide a definition for non-restrictive management methods. Instead, the reader must assume that these are methods that do not restrict or ration river use. The Department should work with a CAC to identify methods for managing use without restricting or rationing use. An example might be the development of signs at fishing access sites that inform the public about river etiquette or peak use periods. Another example would be to ask the public to voluntarily reduce the size of their group on a river, such as is done on the Smith River. Education and voluntary efforts should be a major component of non-restrictive management actions.

Readers should note that while the rules state that the FWP Commission shall consider less-restrictive management actions before more-restrictive management actions, there could be circumstances (conditions on a river) that warrant the implementation of more-restrictive actions either before or simultaneously with less restrictive actions. This language was adopted so that the Commission could address serious problems on a river if less-restrictive actions would have little or no effect. This is not, however, a way around first considering the less-restrictive management options.

## **Rationing Systems**

The Statewide River Recreation Rules offer the following guidance if it becomes necessary to implement rationing on a river:

If rationing is proposed and it becomes necessary to allocate opportunities to use or conduct business on a river, the Department, working with the citizen advisory committee, shall recommend an allocation system to the commission. The Department may consider all types of allocation systems including fixed systems, non-fixed systems, and variations of these two types.

A challenge to implementing rationing systems often revolves around the method used to allocate permits. Should it be a lottery? First-come-first-serve? Waiting list? All of these approaches have their downsides. A lottery, for example, might not appeal to people if the demand for permits greatly exceeds the supply. The odds of drawing a permit may be slim. The first-come-first-serve approach favors those people who are able to plan far in advance for a trip and this might not appeal to those who are unable to make plans in advance. The waiting list approach might not be favorable if the length of time it takes to obtain a permit becomes exceedingly long. If it becomes necessary to ration use on a river, the Department must work closely with a CAC to develop recommendations for an allocation system that best fits the characteristics and conditions on a particular river. Implementation of an allocation system would require FWP Commission action.

### **Fixed Allocation vs. Non-fixed Allocation**

The statewide rules allow the Department to consider all types of allocation systems, including fixed and non-fixed systems. "Fixed allocation" means members of a rationed user group (or groups) do not compete equally for limited opportunities to use a river. It is sometime referred to as a "split allocation system." "Non-fixed allocation" means 100% of the available use opportunity is allocated to individual river users or parties of river users and not to river service providers.

The most common type of rationing system that has been implemented for rivers in this country is a fixed allocation system where typically the non-guided river users receive one portion of the permits and outfitters (river service providers) receive the other portion of the permits. At the time this Planning Manual was written, the Smith River is the only river in Montana where river use is rationed for both the public and river service providers. The Department allocates permits to the public via a drawing. The Department also allocates permits to river service providers. The Smith River is an example of fixed allocation.

Under the non-fixed system, all of the permits are allocated to the public. The public can then choose whether or not to hire a river service provider. Although the non-fixed allocation system is largely untried when it comes to river settings, this type of system has been successful for Minnesota's Boundary Waters Canoe Area Wilderness (BWCAW), the most heavily used wilderness area in the country. BWCAW permits are allocated to the general public at large, and as many as 80 different outfitting business complete to meet the needs of those members of the public who draw permits and would like to be outfitted and/or guided.

One of the main “selling points” of the non-fixed allocation system is that it eliminates the need for an outfitter allocation system (e.g., all of the available permits would go to the general public). This eliminates concerns that some people have about creating a property right when an agency allocates a permit to an outfitter. Critics of this system argue that the outfitters would have a difficult time maintaining a viable business if they are not allocated permits (e.g., they would lose their ability to book clients and schedule trips in advance). Supporters of this system argue that a consistent percentage of the general public who draw permits each year would likely seek the services of an outfitter. Hence, there would be a consistent demand for outfitter services from year to year. Under such a scenario, outfitter businesses would have to operate like other competitive service-oriented businesses that compete to meet the needs of those members of the public who are seeking the kind of services they provide.

The Statewide River Recreation Rules do not endorse one system over the other. Decision-makers should consider the interests of the public that recreates on a particular river and try to design an allocation system that reflects those interests.



## CHAPTER FOUR. GUIDING PRINCIPLES

### Introduction to the Guiding Principles

When developing their recommendations for the Statewide River Recreation Rules, the River Recreation Advisory Council members established a set of guiding principles that state their common ground. The guiding principles reflect a wide variety of interests and values and should be used by citizen advisory committees to evaluate recommendations and ideas. The Department should present a copy of the guiding principles to each citizen advisory committee and provide time for review and discussion. The Department should also examine draft management plans and rules to ensure they are consistent with the guiding principles.

**Tip:** It is important to remember that the guiding principles are to be considered as a whole, rather than picking and choosing individual principles and disregarding others.

### The Guiding Principles

(Numbers do not indicate rank or priority.)

1. As a headwaters state, the quality of the river resource should be protected as the first and foremost priority and unlimited recreational or economic growth must not compromise long-term conservation.
2. The demand on the resource will continue to grow and the best approach is a balance between quality of experience and unlimited quantity of experience. On any river or stream, there may be a time and a need for management intervention in order to maintain the quality of the river resource.
3. Planning and management of Montana's river systems should provide for and conserve a full variety of recreation experiences and assure that river recreation historically enjoyed by people in Montana is recognized.
4. River management should be based on sufficient and credible physical, biological, social, and economic data, and management must meet the needs of stakeholders through reasonable balance and equitable distribution of opportunity.
5. Montana's rivers and fisheries are a public resource and a public responsibility.
6. Water and water rights are the lifeblood of Montana agriculture and there is a legal management framework in place related to water and water rights in the state. Although water is taken from rivers for a variety of uses that result in reduced flows, return flow and recharging of the aquifers from proven water management practices can benefit the sustainability of the waterways and fisheries.
7. The stewardship of the state's waterways should be encouraged through public investment.
8. Because Montana's rivers are a public responsibility, users should share the cost of access and statewide management.

9. Current law provides the public the right to recreate on streams from legal access, although the Fish, Wildlife & Parks Commission may regulate, limit or restrict types of use and these regulations, limits and restrictions may change over time.
10. Anglers and other river users bring economic benefits to communities; there are also potential costs of river recreation to local governments.
11. Any allocation of recreational use of a river does not guarantee a person or business any right to continue to have an allocation in the future, whether the use is for private purposes or part of a commercial venture.
12. The concept of “best management practices” and the principle of “multiple use” can result in multiple benefits.
13. Some Montana residents have been impacted in their traditional uses and it is important to protect Montana citizens’ current and future privilege to use and enjoy the State’s river resources.
14. Non-residents should have reasonable and equitable opportunities to enjoy Montana’s resources. It should be noted that nonresidents bring revenue into the State. (“Reasonable and equitable” means recreational use that fairly considers the interests of all types of recreational users, and is not intended to mean that each type of recreational user must have the exact same share of use.)
15. It is important to protect and provide public access to Montana’s rivers and streams, and it is important to observe, prevent, and mitigate use impacts on private property. It should be noted that individual landowners have the right to grant access across and through their property.
16. It is important to protect historical and cultural features related to river resources.
17. Traditional agricultural use and operations contribute significantly to elements in Montana culture and environment including availability of recreation opportunities; viewsheds and open space; wildlife and aquatic habitat; and support of the State’s many small communities.
18. Riparian and upland areas along Montana’s rivers are primarily private and managed for agriculture. Management practices related to these lands are important to river and water conservation and farmers and ranchers should be full and integral partners in developing river plans and management strategies.
19. Angling and non-angling commercial river-service providers are an important industry in Montana and should be regulated. There are differences in management considerations between commercial service providers and private users.
20. Consistent processes and strategies among managing agencies facilitate protection of the river resource and equity for users.



21. Commercial river-service providers should have opportunities to compete for the business of paying customers and viable and diverse types of commercial services should be encouraged through management processes.
22. State government can play an important role in assisting recreation users in locating desired and viable commercial services.
23. Commercial providers have a responsibility to pay for their use of public access but they should not bear the entire financial burden.
24. Public/private partnerships are critical to successful management of Montana's river resources.
25. River management solutions must be technically and socially feasible, legal, affordable, measurable, enforceable, and reasonable to administer.



## APPENDIX A. STATEWIDE RIVER RECREATION RULES

### **Administrative Rules for River Recreation Management**

#### ARM 12.11.401 RIVER RECREATION USE: DEFINITIONS

- (1) "Allocation" means distributing limited use opportunities when a rationing system is in place.
- (2) "Fixed allocation" means members of a rationed user group or groups do not compete equally for limited opportunities to use a river.
- (3) "Management plan" means a plan developed using the processes described in this subchapter for management of recreational use on a river or group of rivers.
- (4) "Non-fixed allocation" means 100% of the available use opportunity is allocated to individual river users or parties of river users and not to river service providers.
- (5) "Ration" means to regulate use intensity by limiting the amount of use on a river. Rationing requires users to obtain a permit to recreate on a river or requires river service providers to obtain authorization to conduct business on a river. Limitation on the use of a river may apply to one or more user groups and may not necessarily apply to all user groups. To qualify as a rationing strategy, the supply of permits or the amount of authorized use by river service providers must be limited.
- (6) "Restrict" means to regulate when and where the public or river service providers can recreate on a river, or the types of recreation that are allowed.
- (7) "River service provider" means a business or person that, for monetary or other consideration, provides services on publicly accessible rivers in Montana. This includes angling outfitters licensed by the state of Montana and non-angling river service providers that are not licensed by the state of Montana.
- (8) "River user" is someone who uses a river and is not acting as a river service provider.
- (9) "River use day" is equivalent to one person recreating on a river for all or part of one day.
- (10) "Rule" or "rules" mean regulations pertaining to river recreation adopted through the Montana Administrative Procedure Act (MAPA).

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.405 POLICY STATEMENT CONCERNING RIVER RECREATION RULES (1) These rules apply to the process of developing, adopting, amending, or repealing management plans or rules that address river recreation. These rules do not apply to fishing seasons, limits, or regulations that the commission will continue to adopt as biennial or annual rules under MAPA's exceptions.

(2) The purpose of these rules is to provide guidance to the commission, the department, and department-appointed citizen advisory committees in the management of recreation on rivers. These rules seek to promote management of river recreation that provides a full variety of quality recreation for a diverse public and protects natural resources in rivers and on adjacent uplands. These rules also provide guidance for addressing social conflict on rivers.

(3) The general premise of these rules is that the public prefers to recreate on rivers without controls on their recreational experience, other than regulations that are necessary for managing aquatic resources, such as fishing regulations. Educating the public about river recreation issues can lead to modified behavior on rivers and the department can use education as a nonregulatory method to address social problems on rivers. The department should develop strategies for providing river information to all sectors of the recreating public.

(4) The demand on the natural resources and the social experience will continue to grow, and the best approach is a balance between quality of experience and unrestricted use of a limited resource. On any river or stream, there may be a time and a need for management intervention in order to maintain the quality of the river resources and the quality of the recreational experience. The quality of the river resource should be protected as the first and foremost priority.

(5) Further, the general premise of these rules is that if it becomes necessary to manage use on a river, the public prefers that less-restrictive management intervention be tried before proceeding to more-restrictive management intervention, and that rationing of use is the most restrictive form of management intervention.

(6) Individuals appointed to serve on a citizen advisory committee, river users, and those affected by river recreation shall be given an opportunity to be full and integral partners in the development of proposed management plans or rules. Participation of all interested parties is vital when developing management plans.

- (7) Planning and management of Montana's river systems should provide for and conserve a full variety of recreation experiences and assure that river recreation historically enjoyed by people in Montana is recognized.
- (8) Nonresidents are an important part of the state's tourism economy and rivers are an attraction to visitors. Nonresidents should have reasonable and equitable opportunities compared to other recreational users to enjoy Montana's resources. "Reasonable and equitable" as applied to nonresidents means recreational use that fairly considers the interests of all types of recreational users, and is not intended to mean that each type of recreational user must have the exact same share of use in terms of the timing, amount, and location of use.
- (9) River service providers are an important industry in Montana and should be regulated. There are differences in management considerations between river service providers and private (nonguided) users. Management plans need to provide opportunities for river service providers to compete for the business of paying customers. Management processes should encourage viable and diverse types of commercial services.
- (10) Partnerships with other agencies that lead to improved management of the river resources and better services to the public are encouraged.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.410 RIVER RECREATION MANAGEMENT PLANS AND RULES GENERALLY (1) The highest priority of a management plan is providing protection for the following resources:

- (a) the quality of the fisheries;
- (b) wildlife;
- (c) water;
- (d) riparian habitat; and
- (e) other natural resources in or along the river.
- (2) Management plans or rules must not allow unlimited recreation to compromise long-term conservation.
- (3) Management plans and rules must maintain a balance between quality of experience and unlimited quantity of experience.
- (4) Management plans and rules must be:
  - (a) technically and socially feasible;
  - (b) legal;
  - (c) affordable;
  - (d) measurable;
  - (e) enforceable; and
  - (f) reasonable to administer.
- (5) Management plans must identify the potential or existing impact of recreation on natural resources and provide mitigating actions that could be taken to address concerns.
- (6) When possible, the development of management plans must be coordinated with the planning processes of state, tribal, and federal agencies having jurisdiction over a river or the reach of a river.
- (7) Management plans and rules may not differentiate based solely on the residency of the river user unless the commission determines the best available data indicate that the amount of use by residents or nonresidents is a primary contributor to an identified problem.
- (8) Nothing in this subchapter shall prevent the department, with the concurrence of the commission, from amending or repealing a management plan and the commission from amending or repealing rules as needed.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.415 RIVER RECREATION MANAGEMENT PLANS AND RULES: DEPARTMENT RESPONSIBILITIES (1) The department, using existing information, shall evaluate the social and biological conditions on rivers and identify those rivers where further analysis and planning may be needed in order to prevent or resolve social conflicts.

- (2) The department shall implement Title 75, chapter 1, MCA, the Montana Environmental Policy Act (MEPA) when developing a management plan or when proposing rules for a specific river.
- (3) When developing a river recreation management plan for a specific river, the department shall conduct an analysis and decision-making process that complies with MEPA and includes collection and analysis of data, appointment of a citizen advisory committee, development of alternatives, and public review and comment.

- (4) The department shall develop management plans and recommend rules to the commission based on the following:
- (a) the values and input of the public;
  - (b) best available biological information;
  - (c) best available social information;
  - (d) best available economic information;
  - (e) recommendations of the citizen advisory committee;
  - (f) input and advice from the commission; and
  - (g) MEPA analysis.
- (5) Following the adoption of a management plan or rules, the department to the best of its ability shall assess the effectiveness of management actions considering the information and analysis developed in (4) of this rule. Based on the assessment, the department, with the concurrence of the commission, may amend or repeal a management plan and the commission may amend or repeal rules as needed.
- (6) The department shall include other state, tribal, and federal agencies having jurisdiction over a river or the reach of a river when developing management plans and rules.

AUTH: 87-1-301, 87-1-303, MCA  
IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.420 RIVER RECREATION MANAGEMENT PLANS AND RULES: COMMISSION RESPONSIBILITIES

- (1) When concurring in a management plan or when adopting, amending, or repealing rules for a river, the commission shall consider the following:
- (a) recommendations of the citizen advisory committee;
  - (b) public input;
  - (c) the best available biological information before the department;
  - (d) the best available social information before the department;
  - (e) the best available economic information before the department;
  - (f) the department's MEPA analysis; and
  - (g) any existing river management plan for the river.
- (2) There is not a requisite amount of information that the commission shall consider before it is able to make a river recreation management decision.
- (3) The commission shall adopt river recreation rules according to MAPA.
- (4) Nothing in this subchapter shall prevent the commission from making timely river recreation decisions necessary to address emergency biological conditions, such as drought, or issues of public safety.

AUTH: 87-1-301, 87-1-303, MCA  
IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.425 CREATION OF CITIZEN ADVISORY COMMITTEES

- (1) The department shall establish a citizen advisory committee when developing a river recreation management plan or when recommending river recreation rules to the commission. The department shall also establish a citizen advisory committee to consider changes to river recreation management plans or to consider amendments to river recreation rules if the proposed changes or amendments are anticipated to be of significant enough interest to the public to benefit from the participation of a citizen advisory committee.
- (2) Members of the citizen advisory committee serve by appointment of the director. In considering appointments the director, through a public process, shall:
- (a) identify interests and stakeholders that will be affected by the proposed management plan or regulation; and
  - (b) appoint members to the committee that represent the identified interests, stakeholders, and perspectives, both locally and statewide.

AUTH: 87-1-301, 87-1-303, MCA  
IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.430 RIVER RECREATION MANAGEMENT PLANS AND RULES: CITIZEN ADVISORY COMMITTEE RESPONSIBILITIES

- (1) The purpose of the citizen advisory committee is to advise the department

and the commission on the management of recreation on a river, including the development of river recreation management plans and river recreation rules to address social conflicts;

(2) The citizen advisory committee responsibilities are the following:

- (a) represent the interests of those affected by river recreation management;
  - (b) articulate a vision for the river and set goals and objectives in quantitative and qualitative terms that are intended to achieve the vision;
  - (c) assess river recreation information and existing social and biological conditions on the river;
  - (d) identify desired or acceptable social and biological conditions for the river;
  - (e) identify undesired or unacceptable social and biological conditions for the river that would trigger management actions in order to achieve desired or acceptable social and biological conditions;
  - (f) recommend a range of management actions from less restrictive to more restrictive that should be taken based on the severity of the undesired or unacceptable social and biological conditions;
  - (g) recommend mechanisms and a timetable for monitoring and evaluating river recreation management plans and river recreation rules; and
  - (h) submit final recommendations to the department and the commission.
- (3) The department shall provide comments to the citizen advisory committee as to whether its recommendations are technically feasible, legal, affordable, measurable, enforceable, and reasonable to administer.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.435 RESTRICTING OR RATIONING RIVER USE (1) The commission shall make the final decision on whether or not to restrict or ration river use and the adoption of rules for doing so.

(2) When determining how a river should be managed, the commission shall consider management methods in the following order:

- (a) nonrestrictive management methods;
- (b) restrictive management methods; and
- (c) rationing methods.

(3) Under conditions or circumstances identified by the commission, the commission may implement rationing management methods before or simultaneously with restriction management methods or implement restrictive management methods before or simultaneously with nonrestrictive management methods.

(4) When developing a management plan or recommending rules to the commission:

- (a) the department shall work with a citizen advisory committee to identify the problems and the social conditions that would trigger restrictions or rationing of use; and
- (b) the management plan or rule recommendations must describe how restricting or rationing use would address a particular problem.

(5) If rationing is proposed and it becomes necessary to allocate opportunities to use or conduct business on a river, the department, working with the citizen advisory committee, shall recommend an allocation system to the commission. The Department may consider all types of allocation systems including fixed systems, nonfixed systems, and variations of these two types.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.440 FIXED ALLOCATION (1) If a fixed allocation system is proposed for a river, the department and the commission shall seek input from a citizen advisory committee and the general public regarding the following:

- (a) the amount of use that would be allocated to each user group; and
- (b) the methods used to distribute the use.

(2) If use is allocated to river service providers, the department and the commission shall seek input from a citizen advisory committee, river service providers, and the general public regarding the following:

- (a) the method used to determine which individual river service providers would be allocated use; and
- (b) the amount of use they would receive.

(3) If a fixed allocation system is adopted for a river, the commission may change the amount of use allocated to a service provider and no property right attaches to that use.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.445 NONFIXED ALLOCATION (1) If nonfixed allocation is proposed for a river, the department and the commission shall seek input from a citizen advisory committee and the general public regarding the following:

- (a) overall amount of use that would be allocated to individual river users or parties of river users; and
  - (b) the methods used to distribute the opportunities to use the river.
- (2) When river allocation is nonfixed:
- (a) service providers and their employees may not apply for opportunities to use the river for any reason other than to use the river as a private user; and
  - (b) the commission may consider exceptions for a nonfixed allocation that allows a river service provider to submit an application form on behalf of a known client as long as that client is present at the time of use.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.450 TRANSFERRABILITY OF RIVER USE DAYS (1) The sale or transfer of a licensed or nonlicensed river service provider business and the transfer of river use days shall comply with 37-47-310(4), MCA, and shall not be prohibited as long as all legal requirements are fulfilled.

- (2) Use of any transferred river use days is subject to change pursuant to rules adopted by the commission.
- (3) No property right attaches to the transferred river use days.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

ARM 12.11.455 RIVER RECREATION MANAGEMENT PLANNING MANUAL (1) Upon adoption of these rules, the department must develop a river recreation planning manual that provides details on implementation of the analysis and decision-making framework in conjunction with MEPA and MAPA. The manual will incorporate the recommendations of the river recreation advisory council as expressed in their final report of July 10, 2003, including the guiding principles.

- (2) The river recreation planning manual must provide direction to the department on the following elements of the analysis and decision-making framework:
- (a) prioritizing river recreation planning and management needs;
  - (b) collecting and analyzing data;
  - (c) appointing and working with a citizen advisory committee;
  - (d) incorporating the recommendations of a citizen advisory committee into a management plan; and
  - (e) implementing, monitoring, and evaluating a management plan or rules.
- (3) The department and its citizen advisory committees must consider the river recreation planning manual when developing a river recreation management plan or recommending river recreation rules to the commission.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-201, 87-1-301, 87-1-303, MCA

By: Dan Walker

Dan Walker,  
Chairman, Fish, Wildlife and  
Parks Commission

By: Robert N. Lane

Robert N. Lane  
Rule Reviewer

Certified to the Secretary of State October 25, 2004

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

**APPENDIX B. RIVER EVALUATION FORM**

Name of River  (If necessary you can break a particular river into sections)	Please give estimates of resources currently used each year by your region to address socially driven recreation issues, problems and/or conflicts on this river		Using the definitions provided below, which number do you believe most accurately describes this river.*  (CIRCLE ONLY ONE)	Please provide information that describes why you placed this particular river into either the 1, 2, 3, 4, or 5 category (from the previous column)  In doing so, please list and briefly describe the nature of the socially driven recreation issues, problems, and/or conflicts that are currently occurring on this particular river.	What do you think FWP needs to do IN THE NEXT TWO YEARS to address the socially driven recreation issues, problems, and/or conflicts you listed and described for this particular river?  A = Nothing (no action needed) B = Conduct public meetings to begin identifying issues, problems and/or conflicts C = Gather more data in an effort to better understand issues, problems, and/or conflicts D = Establish a citizen advisory group to begin a river management planning process  (CIRCLE ALL THAT APPLY)	Excluding resource you already have, what ADDITIONAL resources do you think your region will need to do this work OVER THE NEXT TWO YEARS?			
	Estimate of:  FTE's (per year)	Estimate of:  Operation \$ (per year)				Low End Estimate of:  FTE's (per year)	High End Estimate of:  FTE's (per year)	Low End Estimate of:  Operation \$ (per year)	High End Estimate of:  Operation \$ (per year)
Madison (Above Ennis Lake)	.10  [ ] √ if none	\$500  [ ] √ if none	1 2 3 4 5	River use creating conflicts between boats, floaters and wade anglers, and among wade anglers. Also conflicts between commercial/non-commercial users and among regular and situational commercial users.	A B C D  Other: Public meeting in next two years will depend on level of interest expressed by the public.	.05  [ ] √ if none	.10  [ ] √ if none	-----  [ ] √ if none	\$20,000  [ ] √ if none
Madison (Below Ennis Lake)	.10  [ ] √ if none	\$500  [ ] √ if none	1 2 3 4 5	Receives a tremendous amount of use by pleasure floaters that cause congestion at access sites. Grey Cliff to I-90 also has limited access. Challenges to working with cooperating agencies.	A B C D  Other Coordinating with other agencies.	[√] √ if none	[ ] √ if none	[ ] √ if none	[ ] √ if none

1 = Socially driven recreation issues, problems and/or conflicts are *extremely infrequent* and *extremely insignificant* in nature.

2 = Socially driven recreation issues, problems and/or conflicts are *infrequent* and *insignificant* in nature (e.g., issues, problems and/or conflicts are just beginning to be noticed, but they are relatively insignificant).

3 = Socially driven recreation issues, problems and/or conflicts are starting to become *frequent*, however their *significance is unknown* (e.g., neither insignificant or significant).

4 = Socially driven recreation issues, problems and/or conflicts are *frequent* and *significant* in nature.

**Return to Top**

**Return to Main Document**

## APPENDIX C. STAFF ASSIGNMENTS AND RESPONSIBILITIES

### *Planning coordinator*

The planning coordinator is responsible for overseeing the planning process from start to finish and their duties include:

- Developing a timeline and budget for the process
- Assembling the interdisciplinary team that will assist with the planning process
- Assembling existing data, plans, rules, policies, or other relevant information
- Coordinating the appointment of a citizen advisory committee
- Arranging the services of a facilitator
- Working with the interdisciplinary team and regional supervisor to establish the charter for the advisory committee
- Coordinating meetings of the advisory committee, meeting logistics, etc.
- Serving as the liaison between the advisory committee, the Department, and the commission (when applicable)
- Assisting the advisory committee with the development of its recommendations
- Serving as the chief author of the management plan and related rules
- Coordinating MEPA and MAPA processes

Needless to say, the planning coordinator has a considerable amount of responsibility for the planning process and therefore this person needs to allocate adequate time to this effort. The amount of time required will depend on the scope of the planning effort. At a minimum, this person should anticipate devoting half their time for six months to complete this effort. More realistically the process could require 9-12 months to complete. It is up to the Regional Supervisor to decide whether this person should be someone from the region, a planner located in the Helena headquarters, or a contractor from outside the agency. If a contractor is hired it is particularly important that this person become familiar with the requirements set forth in the statewide river recreation rules.

### *Interdisciplinary Team*

The purpose of the Interdisciplinary Team (IDT) is to provide technical expertise to the planning coordinator, the citizen advisory committee (CAC), and the decision-makers. The IDT plays a key role in development of the management plan and environmental analysis. The IDT should include representatives from the various divisions of the agency that have management responsibilities or other duties pertaining to river recreation. Ideally members of the team should attend meetings of the CAC in order to field technical questions and to assist the project leader with interpretation of the committee's work. If time constraints prohibit all members of the team from attending meetings, it is recommended that at least one team member serve in this capacity. The PC serves as the chief author of the management plan and the IDT contributes technical sections and edits draft documents. Serving on the IDT requires less time than serving as the planning coordinator. The duration of the time commitment is similar to the PC but the team members should not have to allocate more than eight hours of each month to the project.

### *Regional Supervisor*

The Regional Supervisor is the final decision-maker for finalizing the river recreation management plan, as well as implementing the plan. He/she is also responsible for assigning



staff positions and appointing members of the CAC. If the management plan calls for FWP Commission action, the Regional Supervisor is the liaison between the region, the Director's Office, and the Commission. The Regional Supervisor should attend the first meeting of the CAC to clarify the committee's purpose and answer any broad questions about the process. The Regional Supervisor may also want to attend and/or conduct public hearings if the planning coordinator is not assigned this task. The Regional Supervisor is ultimately responsible for overseeing the project and ensuring that the process is conducted in a manner that is consistent with the Statewide River Recreation Rules and within the budgetary constraints of the Department.

*Media relations*

The PC should work closely with the region's Information Officer to develop news releases as needed. Typically this means notifying the public prior to the start of the planning process and periodically updating them throughout the process, including announcing public comment periods and public hearings. The planning coordinator and Information Officer should also work with the Department's web site coordinator to post information on the planning process.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## APPENDIX D. DATA COLLECTION AND ANALYSIS

### *The role of data in the planning process*

The Statewide River Recreation Rules state that “the Department shall develop a management plan for a river based on the values and input of the public, best available biological information, best available social information, best available economic information, recommendations of the citizen advisory committee, input and advice from the commission, and the results of an environmental analysis.” Information, or “data”, can inform decision-makers and help them to make educated decisions. Data can help people to understand the existing conditions on a river and people’s values and interests. Data by itself, however, is just information. It is still necessary to interpret the information and make decisions.

### *Determining data needs*

Identifying the data needs for a planning process is a little like “which comes first, the chicken or the egg?” It is difficult to anticipate all of the information that might be useful for a management planning process. Similarly, it is cost prohibitive and impractical to gather excessive amounts of information that might not be needed. On the other hand, it can be difficult to collect data once a planning process is underway. For example, it can take six months or more to implement a survey, assess the data, and compile the results. For some types of information it is best to establish trends, which can mean multiple years of data collection.

It is possible to anticipate some basic data needs ahead of time. One type of data that is often valuable to a planning process is use data: how much use is occurring; types of use; who is using the river; when the use is occurring; and where the use is occurring. The Department’s angling pressure surveys can be used to estimate the amount of angling pressure on a particular river. If it is a river where multiple types of river use occurs, such as whitewater rafting or other non-angling types of use, more specialized surveys may be needed.

Another type of data that is equally useful is information on people’s perceptions or satisfaction with their river recreational experience.

### *Data Collection*

The Department’s Responsive Management Unit can help with data collection and analysis or help to identify outside resources when needed. Rather than delving into the complicated field of data analysis, this planning manual offers the following guidelines when collecting data:

**Definition:** For the purposes of this manual, *data* is a collective term that refers to all types of information that pertains to river recreation. This includes but is not limited to:

- use data (timing, location, amount, types of use, etc.)
- demographic data (residency, income, age, etc.)
- opinion data (user satisfaction, interests, concerns, etc.)
- biological data (fish populations, hooking mortality, drought, etc.)
- economic data (tourism related to rivers, contribution of outfitting to local economy, etc.)

**Tip:** There are budgetary and staffing constraints to consider when designing and implementing surveys. The Department does not always have the luxury of gathering all of the data that people request. Take time to explain to people that the Department has carefully assessed the information needs in order to allocate resources in a responsible manner while still obtaining the important pieces of information

- Carefully think about the type of information that will assist the planning process. A “shotgun approach”, collecting all the possible types of information, can be a waste of resources. It is sometimes better to focus on specific information needs, acquiring more in-depth knowledge about fewer variables.
- It is important to design a survey that is statistically credible and unbiased. It also helps to design surveys that are consistent with surveys conducted on other rivers in an effort to be able to compare results from river to river
- A concise summary report in layperson’s terms is useful for citizen advisory committees, decision-makers, and others who want to use the information without having to read large volumes of technical information. It is also easier to disseminate an executive summary or report compared to a full-length report that includes all of the details.
- Even the most statistically credible data can be subject to outside criticism from people who are skeptical of the Department or have a particular agenda they want to accomplish. The best approach is to explain the steps taken to ensure that the data is unbiased and accept the fact that some people may not agree with the outcome of the survey.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## **APPENDIX E. SAMPLE CHARTER**

The charter below was established for the River Recreation Advisory Council (RRAC), the citizen advisory committee that developed recommendations for the statewide river recreation rules.

### **THE RRAC CHARTER**

The purpose of the River Recreation Advisory Council is to advise the Montana Department of Fish, Wildlife & Parks and the FW&P Commission on critical issues and questions regarding river recreation management in Montana.

The Council consists of a diverse group of citizens representing the interests of resident and nonresident anglers and boaters, commercial outfitters, tourism, landowners, the legislature, and the FW&P Commission.

The Commission has asked the Council to develop collaborative recommendations for a framework, principles, and policies that the Department, working with other agencies, can consistently use for managing river recreation statewide.

The framework, principles and policies should address the impacts recreation has on the river recreation experience, fish and wildlife, public facilities, and private landowners, and should be flexible enough to accommodate the unique characteristics of each river.

The Commission has also asked the Council to recommend tools and strategies acceptable for managing recreation use on the State's rivers and streams.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## [APPENDIX F. SELECTION OF CITIZEN ADVISORY COMMITTEE \(CAC\) MEMBERS](#)

The methods used to select members of the CAC can influence the credibility of the committee's recommendations. Below are some methods to consider and some advice on the size of the committee.

### *Alternative 1*

One alternative is for the Department to generate a list of candidates and appoint committee members without any input from the public. The advantage to this approach is that the Department has more control of the composition of the group and can select individuals to represent each of the diverse interest categories. The downside to this approach is that the public might view a Department-generated committee as being biased toward the interests of the Department. This is particularly true if someone does not like the committee's recommendations.

### *Alternative 2*

Another alternative is to invite the public to nominate individuals to serve on the committee. The Department can either select committee members from the list of nominees or ask the public to select the committee members. The advantage of this approach is that the Department is less likely to be accused of creating a committee that is biased towards the Department's interests. A disadvantage of this approach is that the Department has less control over the process and sometimes it is difficult to ensure that a committee is balanced in terms of representation of the diverse interest categories, presence of special interest groups, geographic makeup, etc. To address this concern, consider developing an application form that asks nominees to identify which interest categories they are qualified to represent.

### *Size of the Committee*

A common question has to do with the overall size of the committee and the number of people representing various interest categories. Should there be the same number of people representing each interest category? Should the committee include more representatives from the interest categories that are most affected by river recreation management decisions? If special interest groups are at the table, should there be a representative from each group? In theory, the easiest approach would be to appoint the same number of representatives from each interest category. In practice this can be impractical if there are a large number of interest categories. It could result in such a large committee that it is difficult to conduct efficient meetings. For these reasons it is recommended that the Department not emphasize the number of people representing each category and instead focus on making sure that no matter what the numbers are, each interest shall be fairly represented and have a legitimate voice at the table. Generally speaking, aim for a committee of 6 to 12 people.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## APPENDIX G. WORKING WITH A CITIZEN ADVISORY COMMITTEE (CAC)

### *Charter and Ground Rules*

#### *Charter*

Typically one of the first assignments of the CAC is to review its Charter and establish a set of ground rules. As mentioned previously, the Department establishes the charter ahead of time and it states the purpose of the committee. It is useful to review the charter with the committee to ensure that everyone has a clear understanding on what is expected of the committee. At this time the Department should also explain that the role of the committee is to develop recommendations, clarifying that the final decision lies with the Department and/or the FWP Commission.

**Tip:** Some committee members may disagree with the charter. While it is appropriate for the committee to ask for clarification on the charter and to discuss the process used to address the charter, the charter is the foundation for the committee's recommendations and is not negotiable.

#### *Ground Rules*

Ground rules govern the process used by the committee to discuss issues and develop recommendations. The ground rules also determine how the committee will make decisions. By establishing its own ground rules the committee begins to develop ownership in the process and ultimately in its final product. The Department and the facilitator can provide suggestions or examples of ground rules that have proved helpful in other processes. It is important for the committee members to discuss and agree upon the ground rules though. Particularly important is how the committee will make decisions and recommendations. Should all decisions require 100% consensus? Should the committee vote on decisions and recommendations? If consensus is the goal, what happens if the committee can't reach consensus? Should the committee issue a minority report? These are questions are likely to emerge in the discussion on ground rules. Ideally the committee will settle on a decision-making process that results in recommendations that every committee member can agree upon or agree not to disagree if they can't outright support the recommendation. To encourage this type of decision-making rule the Department or the facilitator can advise the committee that its recommendations will carry more weight with the FWP Commission, Regional Supervisor, Director, and the public if the entire committee endorses them (however grudgingly). Conversely, recommendations that represent only a portion of the committee are likely to generate concerns about whether the recommendations truly represent the interest of the public at large. There is also the concern that dissenting committee members will undermine the product after the committee has finished its work. The facilitator may need to step in if the committee cannot agree on a decision-making rule and suggest alternatives or a compromise. Once the ground rules are agreed upon it is important to make a record of them and have them available at all times for later on in the process.

#### *Meeting logistics*

The Department should spend time up front thinking about the logistics for the process. This includes thinking about how many times the committee will meet, location of the meetings, travel reimbursement, meals, etc.

### *How many times should the committee meet?*

One answer to this question is, “As many times as necessary to finish its work.” While this has merits in terms of allowing the committee enough time to adequately work through complex issues, in reality the Department might have a timeline that it needs to follow or a budget limitation that prohibits more than X number of meetings. One alternative is to tentatively identify the maximum number of meetings that can take place and inform the committee that it should make every attempt to meet that agenda. If the deadline nears and the committee is not finished with its work, the Department can discuss the option to hold one or two more meetings to complete the process. It is easy to fall into the trap, however, of continuously scheduling “one more meeting.” In a consensus-based process involving complex issues it often seems like more time is needed to get it “perfect.” In reality, it may not be possible to dot every i and cross every t. Another problem with extending the timeline is that not all committee members can devote additional time to the process. Some people may lose interest. For these reasons the Department should place reasonable expectations on the committee

**Tip:** Advisory committee meetings are open to the general public. The ground rules should address the role of the general public at the meetings, such as whether or not the public will be invited to submit comments at the meeting, and if so, when and how.

### *Location of the Meetings*

The committee should meet in a location other than a Department facility. This creates a neutral setting for the meetings. It is important to choose a facility that allows the committee to meet with minimal outside distractions (e.g., a hotel conference room). Be sure to check on the availability and arrangement of chairs and tables. Be prepared to bring flipchart easels if they are not already present in the room. The facilitator should provide guidance on arrangement of the room.

### *Meals and Travel Reimbursement*

A CAC is not paid for its work and yet it serves an important role in the planning process. One way of compensating committee members for their work is to provide meals during the meetings and to reimburse travel expenses. It is important for committee members to keep track of their expenses in order to be reimbursed.

### *The Department's role at the meetings*

Prior to the start of the process the Department should decide what role it will play in the meetings. Should the Department sit at the table and participate on an equal basis with the rest of the committee members? Should the Department remove itself from the discussions altogether or participate only when asked for technical information? If the Department is not on an equal basis at the table, is there a risk that the process will get sidetracked or result in recommendations that are illegal or recommendations that the Department is unable to administer?

### *Department Representative*

One alternative is for the Department to have a representative at the table whose main role is to clarify issues, rules, sideboards, etc. Typically this person is the planning coordinator. Working ahead of time with the facilitator the Department representative can ask the facilitator to look to the staff member for input on key issues but at the same time the facilitator should make sure that

the staff member does not overstep their duties and begin to express their own opinions or interests. Remember, the reason for having a CAC is to solicit recommendations from the committee. The Department may not agree with the committee's recommendations and values but it is critically important to listen to their input and allow them the opportunity to develop their recommendations independent of the Department's influence. On the flipside, the CAC members may not have the professional expertise or experience that staff can offer. It is helpful to have staff members on hand that can answer technical questions, provide data when requested, or clarify legal questions or rules. This is the rule of the IDT. It can be frustrating for staff to sit on the sidelines and not contribute to the dialogue. Holding a debriefing session after the meetings can help provide staff an opportunity to assess the committee's work and add their own input. Staff can also play a key role in the development of rules or management plans after the committee has submitted its recommendations. Staff members present at the meetings can collectively help to ensure that the committee's recommendations are interpreted accurately at a later date.

*Should the decision-maker be at the table?*

Either way, there are advantages and disadvantages to having the decision-maker (e.g., Regional Supervisor, Director, or FWP Commissioner) at the table. An advantage to having the decision-maker present is that this person can hear the committee's recommendations first hand. Another advantage is that the committee can speak directly with the person who will be making the decision and in some cases inquire as to what the decision-making sideboards will be. One disadvantage to having the decision-maker at the table is that the committee may tend to look to the decision-maker every time it hits a stumbling block or controversial topic. "Would you support this recommendation?"

**Tip:** If the decision-maker is at the table it is advisable that this person be on an equal basis with the rest of the committee and the facilitator should ensure that the decision-maker does not overstep their role.

*Presenting Information to the committee*

Prior to the committee assembling it may be useful to prepare an information packet that includes applicable rules and laws, use data, survey data, samples of management plans, ....At the first meeting the Department can provide an overview on the information packet and ask if there is any other information that people are interested in. The Department can then prepare additional information packets and distribute them to the committee members prior to the next meeting.

***CAC Responsibilities***

As stated previously, the purpose of the CAC is to advise the Department and the FWP Commission on the management of recreation on a river, including the development of river recreation management plans and management recommendations to address socially driven river recreation issues, problems, or conflicts. CAC responsibilities are as follows:

- (a) represent the interests of those affected by river recreation management;
- (b) assess river recreation information and existing social conditions on the river;
- (c) articulate a vision for the river;



- (d) keeping in mind the desired vision for the river, formulate management objectives, specified as key indicators and standards of quality, that define acceptable social conditions for the river;
- (e) identify undesired or unacceptable social conditions for the river that would trigger management actions;
- (f) recommend a range of management actions from less restrictive to more restrictive that should be taken based on the severity of the undesired or unacceptable social conditions;
- (g) recommend mechanisms and a timetable for monitoring social conditions on the river; and
- (h) submit final recommendations to the Department and the FWP Commission.

The Department should provide comments to the CAC as to whether its recommendations are technically feasible, legal, affordable, measurable, enforceable, and reasonable to administer.

***Developing final recommendations and presenting them to the FWP Commission***

While there is not a single method for developing the committee's final recommendations and presenting them to the FWP Commission, past experiences have provides some insight on items to pay special attention to. It is important that the final recommendations are drafted and agreed upon by the committee prior to the committee dissolving. The committee should hold a final meeting at which it officially endorses the document that will be presented to the Commission.

The presentation to the Commission should involve representatives from the committee, if not the entire committee. The Commission may have questions about the recommendations and hearing the answer from the entire committee, versus one or two representatives, has its merits. The Department might be asked to introduce the committee members and deliver opening remarks but a committee member(s) should present the CAC recommendations.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## APPENDIX H. INTEREST BASED PROBLEM SOLVING AND COLLABORATIVE PROCESSES

“Interest-Based” problem solving is a process that helps people deal with their differences. In this process, issues are discussed and decided on their merit rather than personal position, values, emotions, opinions, and biases. Interest-based problem solving is hard on the issues, soft on people. It enables involved parties to be fair while protecting against those who would take advantage of fairness. While every issue is different, the basic elements do not change.

### *I. “Interest-Based” Problem-Solving - Principles and Process*

1. Separate the person from the defined problem. What specific, substantive, concrete questions have to be answered in this process?
2. Identify the important interests of those at the table. Concentrate on and address interests, not positions.
3. Create and explore solutions for mutual gain – making sure the proposed solution addresses the identified “interests” of all the parties.
4. Evaluate proposed solutions and come to agreement based on what the group defines as fair standards and objective criteria rather than opinion, personal values, and bias.

### *II. Interest-Based Goals*

The overriding goal of an interest-based process is a good outcome. A good outcome involves the following elements:

- Identification and understanding of the “interests” of the parties involved (e.g., “It is in my interest to stay in business and have my business remain economically viable”; “It is in my interest to build relationships with my kids and grandkids doing what we love to do – fish”).
- “Options” that achieve mutual gain (possible solutions created by the group that address and honor the interests of the parties involved.)
- The “legitimacy” of the process and the agreements. Legitimate outcomes are those considered fair and equitable by the parties involved because they were determined based on agreed upon guiding principles and objective criteria. Examples of guiding principles include: “We recognize that on any river or stream, there may be a time and a need for management intervention in order to maintain the quality of the river resource”; or “We believe because Montana’s rivers are a public responsibility, users should share the cost of access and statewide management.” Examples of objective criteria include precedent; recognized and established protocols; equitable distribution; market value; scientific data or facts, etc.
- Productive, collaborative “communication” (facilitated by agreed-upon ground rules including how the group will come to agreement or decision).
- “Relationships” among involved parties facilitated by collaborative discussion. Interest-based processes result in good solutions and healthy working relationships that remain intact or end up better than before the process.
- “Durability” of the outcome (based on realistic ability to implement; short and long term desired results; measurability; continued relationship building among the parties involved).

- Demonstrated “commitment” and support of the parties to implementation of the agreements.

**Note: The better each element is handled by the parties involved, the stronger the outcome.**

### *III. Promoting Collaborative Discussion*

At the beginning of the process, River-specific advisory committees shall establish their own set of “ground rules” to facilitate and support a cooperative and collaborative discussion climate for productive group problem solving. In addition to communication climate, ground rules should explain/define how the group will come to agreement or decision. Examples of “ground rules” include the following:

- Practice serious listening – Listen actively and listen honorably.
- Be open and honest – Every idea is worth acknowledging and considering.
- Challenge ideas, not individuals - addressing issues not personalities.
- Don’t agree if you can’t support it after the process. If you can’t agree, offer alternatives. If you are in the majority, offer alternatives that may help the minority member “come into” the proposed solution.
- Encourage an environment of trust by being trustworthy.
- Work for 100% agreement. Those recommendations that have 100% agreement will go forward. Participants pledge to work hard to find consensus and not use the decision ground rule as an opportunity to stall recommendations from going forward. When agreement cannot be reached, a discussion of the particular issue will go forward without a recommendation. The group will strive to have as few of those as possible in order to make their product useful to the Commission.

### *IV. Thoughts to Consider as the Process Begins*

- A focus on what you want, without regard for the legitimate interests of the other side, leaves you unprepared to respond constructively to their concerns and ideas.
- A single position on an issue, even with some fallbacks, gets in the way of engaging in real problem solving with the other side or prevents you from considering a broad and rich universe of possible solutions – one or more of which might be better than your position.
- If you think, “position”, there is only one way to satisfy it. If you think interests, there are generally several creative ways to satisfy it.

Everyone at the table has a personal stake in mutual understanding of “interests” because it means a better chance of having “your” interest fully examined and addressed in the solution.

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## **APPENDIX I. VISION STATEMENT**

### **Vision Statement for the Arkansas Headwaters Recreation Area**

The Arkansas Headwaters Recreation Area shall be managed to emphasize its natural resources, resource sustainability, resource sustainability and the standards for public land health, recognizing and respecting private property, while embracing numerous recreational, educational and commercial activities. Such management will require balancing the many uses that preserve the existing natural settings and conditions as well as recognizing existing agriculture, rural and urban conditions throughout the river corridor. Maintaining these expectations and settings for visitors and residents alike will require individualized management through different sections of the river, in recognition varying natural and manmade influences. Where conflict over goals and objectives occurs, balance and compromise should be found that recognizes the value of authorized recreational activities without diminishing the standards for public land health or the water resources.

Source: Management Plan for the Arkansas Headwaters Recreation Area, Colorado

**RETURN TO TOP**

**RETURN TO MAIN DOCUMENT**

## APPENDIX J. EXAMPLES OF MANAGEMENT OBJECTIVES

### **Management Objectives, Specified as Key Indicators and Standards of Quality, that Define Acceptable Social Conditions**

It is recommended that the CAC follow well established principles set forth in contemporary planning frameworks such as Limits of Acceptable Change--LAC (Stankey et. al., 1984; Stankey et. al., 1985; Stankey and McCool, 1984), the Visitor Experience and Resource Protection Program--VERP (Hof and Lime, 1997; USDI National Park Service, 1997a; USDI National Park Service, 1997b), Visitor Impact Management--VIM (Graefe et. al., 1990), and the Recreation Opportunity Spectrum--ROS (Brown et. al., 1978; Brown et. al. 1979; Clark and Stankey 1979) as part of developing their recommendations<sup>1</sup>. In summary, these planning frameworks suggest that before management recommendations are discussed it is critical that the CAC complete the following tasks first and foremost: (1) articulate a common vision for the river or sections of the river if needed; (2) formulate management objectives, specified as key

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<sup>1</sup> Stankey, G. H., S. F. McCool, and G. C. Stokes. 1984. Limits of acceptable change: A new framework for managing the Bob Marshall Wilderness Complex. *Western Wildlands* 10(3):33-37.

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Hof, M. and D. W. Lime. 1997. Visitor experience and resource protection framework in the National Park System: Rationale, current status, and future direction. In *Proceedings—Limits of acceptable change and related planning processes: Progress and future directions*; May 20-22, 1997, University of Montana; compilers McCool, S. F., and D. N. Cole, 29-33. General Technical Report INT-GTR-371. Ogden, UT: USDA Forest Service, Intermountain Research Station.

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indicators and standards of quality, that define acceptable social conditions, and (3) assess current conditions against these indicators and standards in an effort to identify social conditions that are acceptable and unacceptable.

Once a vision statement is developed, the CAC should formulate management objectives which can be expressed a indicators and standards of quality. Contemporary planning frameworks (e.g., LAC, VERP, VIM, ROS) are built on the foundation of identifying key indicators and standards of quality, which define acceptable social conditions. Indicators are measurable variables, which can be used to determine whether or not the vision for a recreation resource is being realized. Standards specify the desirable or acceptable condition of indicator variables. When indicator variable(s) do not meet the standards which have been set, a problem exists (e.g., social conditions are considered unacceptable) and prescriptive management action is required to bring the indicator(s) back into compliance with standards.

Below are two examples of management objectives (specified as indicators and standards of quality).

Example 1

**MANAGEMENT OBJECTIVE:** To minimize the amount of time boating parties spend waiting to launch boats at river fishing access sites (FASs) during the peak use float season (June 15 to July 15).

**INDICATOR:** The percentage of boating parties who report spending more than 10 minutes waiting to access the boat ramp to launch their boat(s) at river FASs during the peak use float season.

**STANDARD:** No more than 20% of boating parties report having to wait longer than 10 minutes to access the boat ramp and launch their boat(s) during the peak use float season.

Example 2

**MANAGEMENT OBJECTIVE:** To provide opportunity for wade-anglers on the river to experience solitude during the fall use season (September thru October).

**INDICATOR:** The percentage of individual wade anglers who report seeing more than two boats float by them per hour during the fall use fishing season.

**STANDARD:** No more than 25% of individual wade anglers report seeing more than two boats float by them per hour during the peak use fishing season.

Note to reader: The examples used above are just that...examples. They are intentionally simplified in order to convey the basic principles of formulating management objectives, which are specified as key indicator and standards of quality.

### **CHARACTERISITICS OF “GOOD” STANDARDS\***

- 1) *Quantitative.* Express standards as numbers, if possible. So, if “frequency of encounters” is the indicator, a good standard is “an average of no more than three groups per day.” A poor threshold would be “a low number of encounters per day.”
- 2) *Time- or space-bounded.* Think in terms of “how much, how often,” like “per day,” “per hour,” “at one time,” etc.
- 3) *Expressed as a probability.* Try to include some degree of tolerance in your standard; that is, few absolutes, but some quantified level for a reasonable percent of the time. For example, “no more than three encounters with other boaters per five river miles per day for 75% of the peak season.” This sets a 75% probability that conditions will be at or above the standard.
- 4) *Impact-oriented.* Standards should set levels that focus directly on the impact that affect the goal or objective of the vision, not the management action used to keep impacts from violating the threshold. So, “No more than ten encounters with others per day” works, and “A maximum of twenty groups per day” would not, because it focuses on total use, not frequency of use.
- 5) *Realistic.* Reflect conditions that are realistically attainable. Trying to achieve very low impacts of a particular user group, to the point of elimination when previous use existed, is unreasonable.
- 6) *Base standards on inventory data.* Current conditions may offer a “reality check” for 5 above and “clarify the nature and extent of management activity needed to achieve standards.”\*\*

\* From “Studies in Outdoor Recreation,” R. E. Manning, 1999

\*\* From “The LAC System for Wilderness Planning.” Stankey, Cole, Lucas, Petersen, Frissell, 1985

[Return to Top](#)

[Return to Main Document](#)

## APPENDIX K. EXAMPLES OF MANAGEMENT RECOMMENDATIONS

After identifying appropriate indicators and standards of quality, the CAC should recommend a range of management actions that would be taken if standards are exceeded. In accordance with the Statewide River Recreation Rules, the management actions should range from less-restrictive to more-restrictive and the Department would attempt to implement less-restrictive actions before proceeding to more-restrictive actions. Similarly, the management actions taken should correspond to the severity of the undesired or unacceptable social conditions. Below are some examples of management recommendations for the sample indicators and standards presented in Appendix J.

### Example 1

**MANAGEMENT OBJECTIVE:** To minimize the amount of time boating parties spend waiting to launch boats at river fishing access sites (FASs) during the peak use float season (June 15 to July 15).

**INDICATOR:** The percentage of boating parties who report spending more than 10 minutes waiting to access the boat ramp to launch their boat(s) at river FASs during the peak use float season.

**STANDARD:** No more than 20% of boating parties report having to wait longer than 10 minutes to access the boat ramp and launch their boat(s) during the peak use float season.

**Less Restrictive Management Action:** Post signs reminding people to rig their boats before entering the ramp area.

**More Restrictive Management Action:** Establish carrying capacity for a section of the river.

### Example 2

**MANAGEMENT OBJECTIVE:** To provide opportunity for wade-anglers on the river to experience solitude during the fall use season (September thru October).

**INDICATOR:** The percentage of individual wade anglers who report seeing more than two boats float by them per hour during the fall use fishing season.

**STANDARD:** No more than 25% of individual wade anglers report seeing more than two boats float by them per hour during the peak use fishing season.

**Less Restrictive Management Action:** Post signs at FASs asking boaters to voluntarily use other locations on weekends during the fall.

**More restrictive Management Action:** Require boater pass to use the river during the fall.



Note to reader: The examples used above are just that...examples. They are intentionally simplified in order to convey the basic principles of formulating management objectives, specifying key indicators and standards of quality, and identifying a range of management actions that might be considered for implementation if a particular indicator is found to be “out of standard”.

[Return to Top](#)

[Return to Main Document](#)