

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 19, 2012

Agenda Item: Smith River State Park & River Corridor Biennial Rule – Outfitter Launch Administration Rule Amendment

Division: Parks

Action Needed:

Approval of Tentative Rule Approval of Final Rule/Action

Endorse Course of Action None - information only

Time Needed on Agenda for this Presentation: 20 minutes

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Background: The Fish, Wildlife and Parks Commission is considering a change that would place on hold a maximum of 9 launches per week May through July, for launches not already reserved by an outfitter, and allow authorized Smith River outfitters to reschedule their launches no less than 29 days in advance of an available date. Then, within the 28 day period, unscheduled launch dates would become available to the public via the Smith River Reservation System.

The proposed rule change is intended to provide outfitters flexibility to accommodate client needs and changing river conditions. The rule change would not result in an increase in the number of allocated outfitted launches.

The Commission instructed the department to solicit comments on the proposed outfitter rule change.

Public Involvement Process & Results: The department conducted a 29-day comment period and 52 people submitted comments. A majority (47 support, 4 opposed) supported the proposed rule change with 1 person not supporting any of the alternatives.

Alternatives and Analysis:

Alternative A: No Change.

Alternative B: (proposed by agency) Hold launches during May and July with Time-Limited Movement. Adopt rule as proposed at November 10 Commission meeting with the following amendments: 1) Include the month of June to hold any occupied outfitter launches from the lottery drawing. 2) Modify language in section VIII, subsection J, page 9 to clarify the number of outfitter launches allowed per day. 3) Update Appendix A. Authorized Smith River Commercial Outfitters, page 11 to reflect the business sale and transfer of 3 launches of The Complete Fly Fisher to Montana Fly Fishing Connection.

Alternative C: Extended Time Limitation Post-Drawing to Freely Move Launches.

Agency Recommendation & Rationale: The department recommends the Commission adopt **Alternative B**. *Rationale:* This alternative strikes a reasonable balance between the expressed concerns of outfitters and the issue of increasing private floater opportunities and reflects the majority of public comments. It provides outfitters greater flexibility and time to freely move launches while also affording them with more reliable predictability as to potential future conditions. It provides the opportunity for the public to acquire unoccupied outfitter launches 28 days prior to a specific date.

Proposed Motion: “I move that the Commission adopt the final Smith River State Park & River Corridor Biennial Rule proposed by the department, including the aforementioned amendments to the tentative rule (Alternative B).”