

FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: January 14, 2016

Agenda Item: Unlocking Public Lands ARM Amendments

Division: Wildlife

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Min

Background

The 2015 Legislature passed SB309, establishing a program in which a private landowner who provides public access to a parcel of public land through a contractual agreement with FWP can receive a \$750 tax credit for each qualified access to state land, with a limit of \$3,000 per year. The law requires the Commission to adopt administrative rules for establishing contracts that address: a) duration of access; b) types of qualified access; and c) reasonable landowner-imposed restrictions. The law becomes effective Jan. 1, 2016, applies to tax years beginning after Dec. 31, 2015, and terminates Dec. 31, 2020. FWP intends to commence the administrative process of developing contracts with landowners upon adoption of final ARM.

Public Involvement Process & Results

After the Commission proposed the rule on Oct.8, FWP opened a public comment period which extended from Oct. 29 through Nov. 27. A total of four people submitted written comments. All comments were in support of the proposed rule, and all comments requested consideration of inserting “trapping” into the list of authorized recreational uses identified in the rule. FWP concurred with that recommendation, and has subsequently made that change to this rule proposed for adoption.

Alternatives and Analysis

Failure to adopt proposed amendments would result in inconsistency and noncompliance with SB 309.

Agency Recommendation & Rationale

FWP recommends the Commission adopt the proposed rule. To carry out the new legislation, FWP must have a method by which lawful contracts can be negotiated with landowners to allow public access to public lands through this program. The proposed rules provide a means for complying with SB 309 to implement the Unlocking Public Lands Program.

Proposed Motion

I move the Commission adopt the proposed amendments to ARM 12.2.601 State Land Access Tax Credit.