

# ***FISH & WILDLIFE COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** March 12, 2015

**Agenda Item:** Blackfoot River Corridor Administrative Rules

**Division:** Fisheries

**Action Needed:** Proposed

**Time Needed on Agenda for this Presentation:** 15 minutes

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## **Background**

The Blackfoot River Recreation Corridor Agreement has been in existence since 1976 when landowners along the Blackfoot River entered into an informal agreement with FWP and others agencies to manage recreation on a stretch of the Blackfoot now referred to as "the Corridor". Landowners wished to continue their agricultural way of life and maintain the natural state of the river, while still allowing for the tradition of reasonable public use on private land (access). The original agreement created "a public travel zone along the river bank between parking areas where people can walk, fish, picnic, or carry river craft." This was defined as 50 feet above the ordinary high water mark. The agreement was in place before the Montana Stream Access Law. The agreement stayed in place and was unaltered until 1995.

The agreement has had four reviews, revisions, and renewals since 1995. Most recently, many exclusions to the original "50 foot travel zone" have been included (see Map 1 in package). These exclusion areas are signed so that the public does not come above the ordinary high water mark in these areas. Another important addition over the years is float-in campsites in the corridor that are designated and maintained by FWP. And there are three privately owned, public access sites provided by landowners through the Corridor Agreement (See Map 1; Six Stall, Three Stall, and Roundup). If landowners opt out of the Corridor Agreement, it is stated that they may also remove those access sites from public use.

## **Public Involvement Process & Results**

The agreement is up for renewal again this year and the landowners want to see it renewed with the caveat that the rules are established and are enforceable and the public is made aware of and given the opportunity to comment.

## **Alternatives and Analysis**

1. The Commission proposes recreational use rules for the Blackfoot River Corridor in accordance with the agreement established by landowners allowing the public to comment on the proposed rules.
2. The Commission does not propose rules and FWP does not sign the agreement and forgoes allowance of public use on private lands. Public use would be managed under the current Stream Access Law.

## **Agency Recommendation & Rationale**

FWP recommends Alternative 1. This would satisfy landowners and the majority of the public. The agreement and proposed rules allow for more effective management of the Blackfoot River Recreation Corridor.

## **Proposed Motion**

I move that the Commission propose administrative rules in accordance with the Blackfoot River Recreation Corridor Agreement.