

PUBLIC USE RULES COMPARISON

This document shows the proposed consolidated public use rules and, for purposes of comparison, the current rules that the consolidated rules would replace (public use rules for all department lands, public use rules for state parks, and portions of the seasonal rules for wildlife management areas).




CONSOLIDATED PUBLIC USE RULES Proposed consolidated rules that would consolidate and replace the general ARMs, State Parks ARMs, and <u>portions</u> of the WMA seasonal rules.		
		
GENERAL PUBLIC USE RULES Rules that apply to all department lands.	STATE PARK PUBLIC USE RULES Rules that apply to state parks.	WMA PUBLIC USE RULES Seasonal rules that apply to WMAs.

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CONSOLIDATED PUBLIC USE RULES	GENERAL PUBLIC USE RULES	STATE PARK PUBLIC USE RULES	WMA PUBLIC USE RULES
GENERAL POLICY			
<p>NEW RULE I (ARM 12.12.101) GENERAL POLICY (1) The following regulations shall govern the use of all lands under the control, administration, and jurisdiction of the Montana Department of Fish Wildlife and Parks.</p> <p>(2) Regulations governing each specific area will be posted by the department on site and available on the FWP website and at FWP regional offices</p> <p>(3) Lands controlled or administered by the department may be used for recreation or other purposes as set forth in these or other applicable rules or as otherwise provided by law.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>12.8.201 GENERAL POLICY</p> <p>(1) The following regulations shall govern the use of all lands or waters under the control, administration, and jurisdiction of the Montana Department of Fish, Wildlife and Parks. These areas are hereinafter referred to as "designated recreation areas". Regulations governing each specific area will be posted in that area. Lands and waters controlled or administered by the department may be used for recreational or other purposes subject to the prohibitions as set forth in these or other applicable rules, or otherwise provided by law.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 318, Eff. 3/30/79.</p>	<p>N/A</p>	<p>The following regulations shall govern the use of all lands and waters under the control, administration and jurisdiction of the Montana Department of Fish, Wildlife and Parks known as Wildlife Management Areas (WMAs), Wildlife Habitat Protection Areas (WHPAs), and Fisheries Conservation Areas (FCAs). For the purpose of these rules, the three property types are hereinafter referred to as wildlife management areas or WMAs, unless more specifically identified. The Purpose of these rules is to protect fish and wildlife habitat; wildlife presence on WMAs and public use of the WMAs; including but not limited to fishing, trapping and hunting opportunities. All other uses are secondary and must be in accord with the primary goals and objectives of the wildlife management areas.</p> <p>RULE 24. SECONDARY RECREATIONAL ACTIVITIES</p> <p>1. Secondary recreational uses of wildlife management areas may be allowed by Regional Wildlife Manager if such use does not conflict with the primary purpose of the WMA.</p>

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DEFINITIONS			
<p>NEW RULE II (ARM 12.12.102) DEFINITIONS (1) "Board" means the State Parks and Recreation Board established in 2-15-3406, MCA. (2) "Camping" means to occupy a camping unit for temporary residence or sleeping purposes. (3) "Campsite" means any area officially authorized to allow camping including designated, numbered, and dispersed camping sites. (4) "Camping facility" means a lodging structure for overnight sleeping purposes such as cabins, tipis, or yurts. (5) "Camping party" means any individual or group occupying a campsite. (6) "Camping unit" means one sleeping device or shelter, a tent, motor home, camping bus, truck-mounted camping shell, pull-type camper, or other device designed and commonly used for sleeping. (7) "Commission" means the Fish and Wildlife Commission established in 2-15-3402, MCA. (8) "Day Use" means the hours of the half hour before official sunrise to the half hour after official sunset. (9) "Department" means the Montana Department of Fish, Wildlife, and Parks.</p>	<p>N/A</p>	<p>12.8.801 DEFINITIONS (1) "Board" means the Montana State Parks and Recreation Board. (2) "Department" means the Montana Department of Fish, Wildlife and Parks. (3) "Director" means the director of the Montana Department of Fish, Wildlife and Parks. (4) "Division Administrator" means the administrator of the State Parks Division of the Montana Department of Fish, Wildlife and Parks. (5) "State park" means any land under the administration of the State Parks Division of the Montana Department of Fish, Wildlife and Parks. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>(specific to food storage) 1. Attended: At least one adult person (attendee) is physically present within 100 feet of, and can visually observe attractants at all times. Attended camp policy does not apply when campers are asleep or do not have visual contact with and physical control of the attractants. During nighttime hours, control is defined by having the attractant within arm's reach or secured in an agency approved container or manner. 2. Attractant: Any item potentially attracting and/or rewarding a bear. This shall include: A. food as defined below B. food leftovers (bones, scraps, grease) C. garbage from humans D. livestock foods (except baled or cubed hay without additives) E. pet foods F. wildlife carcasses G. livestock carcasses 3. Food: Any nourishing substance, which includes human food or drink (canned, solid or liquid), livestock feed (except baled or cubed hay without additives), pet food, toothpaste, soap, birdseed, and hummingbird food. 4. Attendee: An adult (14 years of age or older) in control of attractants.</p>

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<p>(10) “Developed area” means all or a part of a public use site that includes man-made features that are designed to facilitate recreational activities. These MAR Notice No. 12-603 features include parking areas, bathroom facilities, designated camping spaces, picnic facilities, established roads and trails, planted and maintained lawn or grass areas, boat launch facilities, dock facilities, interpretive facilities, and other improvements.</p> <p>(11) “Director” means the Director of the Montana Department of Fish, Wildlife, and Parks.</p> <p>(12) “Dispersed camping” means camping that occurs in areas that are not highly developed or individually signed and/or numbered.</p> <p>(13) “Domestic animals” means dogs, cats, or other animals commonly owned as pets.</p> <p>(14) “Livestock” means horses, cattle, sheep, goats, llamas, donkeys, and other animals commonly used for riding, packing or agricultural purposes.</p> <p>(15) “Motorized Vehicle” means a ‘motor vehicle’ as defined in 61-1-101, MCA, and includes motorcycles, snowmobiles, off-highway vehicles, trailers, and motorhomes.</p>			<p>5. Bear-resistant container: A securable container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than one-quarter (1/4) inch, that would allow a bear to gain entry by biting or pulling with its claws.</p> <p>6. Bear-resistant manner: The storage of any attractant or foods in one of the following ways: A. Secured in a hard-sided camper, vehicle trunk, cab or trailer cab; B. Secured in a hard-sided dwelling or storage building; C. Suspended at least 10 feet up (from the bottom of the suspended item) and 4 feet out from any upright support, i.e. tree, pole; D. Stored in an agency approved bear-resistant container; E. Stored within an approved and operating electric fence. (see Definition #12 for details); F. Stored in any combination of these methods; or G. Stored by methods other than those described in Section #6, a-f, that shall be approved in writing by the FWP Regional Supervisor.</p> <p>7. Contained fire stove: a metal stove that completely encloses the fire.</p>

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<p>(16) “Non-Motorized vehicle” means any wheeled or tracked device not considered a motorized vehicle.</p> <p>(17) “Occupancy” means the pre-determined maximum number of camping units and/or individuals that may occupy a campsite or camping facility based on size, location and other site attributes.</p> <p>(18) “Occupy” means the use of a campsite or camping facility for the purposes of camping, by a person or party who has paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system.</p> <p>(19) “Primary occupant” means the person that a campsite or camping facility is registered to and who must be an occupant.</p> <p>(20) “Public use sites” means fishing access sites, wildlife management areas, wildlife habitat protection areas, state parks, state parks affiliated lands, fisheries conservation areas, or any other lands managed by the department for public use.</p> <p>(21) “Special use permit” means a permit used to authorize special events, noncommercial activities, organized groups, and other special uses occurring at public use sites.</p>			<p>8. Daytime: 1/2-hour before sunrise until 1/2-hour after sunset.</p> <p>9. Nighttime: 1/2-hour after sunset until 1/2-hour before sunrise.</p> <p>10. Livestock: Cattle, sheep or a domesticated pack or riding animal, such as mule, horse, llama, or goat.</p> <p>11. Wildlife carcass: The body, or any parts thereof, of any deceased wild animal, bird, or fish. A. The fence will be set up as a “tight wire” fence. The wire will be tight and under tension, not loose or sagging and posts will be firmly installed.</p> <p>B. Minimum fence height: 40 inches to top wire</p> <p>C. Maximum spacing between posts: 8 feet.</p> <p>D. Wire conductors: Minimum of 4 hot wires, evenly spaced with no more than a 10 inch spacing between wires. Bottom hot wire must be within 10 inches of the ground. Top hot wire must be within 1 inch of the top of each post or attached to the highest connector on fabricated posts. All wire must be smooth metal fence wire of at least 16-gauge or poly wire of 9 or more steel strands. The minimum length ground rod is 2 feet, of which a minimum of 23” is driven into the ground.</p> <p>E. Fence charger (minimum): (1) stored energy of 0.7 joules; (2) tested peak</p>

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<p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			<p>output of 5000 volts; (3) 40 shocks per minute. User must be able to test electrical output in the field. F. The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground. G. Minimum distance between fence and items enclosed by electric fence: 3 feet. 12. Approved electric fence will meet, as a minimum: A. The fence will be set up as a “tight wire” fence. The wire will be tight and under tension, not loose or sagging and posts will be firmly installed. B. Minimum fence height: 40 inches to top wire C. Maximum spacing between posts: 8 feet. D. Wire conductors: Minimum of 4 hot wires, evenly spaced with no more than a 10 inch spacing between wires. Bottom hot wire must be within 10 inches of the ground. Top hot wire must be within 1 inch of the top of each post or attached to the highest connector on fabricated posts. All wire must be smooth metal fence wire of at least 16-gauge or poly wire of 9 or more steel strands. The minimum length ground rod is 2 feet, of which a minimum of 23” is driven into the ground.</p>

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			<p>E. Fence charger (minimum): (1) stored energy of 0.7 joules; (2) tested peak output of 5000 volts; (3) 40 shocks per minute. User must be able to test electrical output in the field.</p> <p>F. The charger must be made inaccessible to disturbance from a bear. The charger may be stored within the interior of the fence or located a minimum of 10 feet above ground.</p> <p>G. Minimum distance between fence and items enclosed by electric fence: 3 feet.</p>
POSTED RULES			
<p>NEW RULE III (ARM 12.12.103) RULES POSTED BY THE DEPARTMENT (1) The department will post site-specific rules for a public use site on location, online and at FWP regional offices.</p> <p>(2) While in a public use site a person is required to comply with the rules set out in this chapter, or site-specific rules posted by the department.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	N/A	N/A	N/A
PROHIBITED CONDUCT			
<p>NEW RULE IV (ARM 12.12.104) PROHIBITED CONDUCT (1) The following conduct is prohibited in public use sites:</p> <p>(a) arguing with, threatening, harassing, or intimidating another visitor or</p>	<p>12.8.208 DISORDERLY CONDUCT</p> <p>(1) Disorderly conduct, such as, but not limited to, quarreling, challenging to fight or fighting; using threatening, profane or abusive language; drunkenness; rendering vehicular or pedestrian traffic impassable; indecent exposure; public</p>	<p>12.8.821 DISTURBANCES</p> <p>(1) The following are prohibited in state parks:</p> <p>(a) creating excessive noise, causing excessive noise to be created, or otherwise conducting oneself in a manner that disturbs others;</p>	N/A

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<p>otherwise interfering with the lawful use by another;</p> <p>(b) threatening, resisting, intimidating, arguing with, or intentionally interfering with any official, employee, or agent of the department engaged in the performance of his or her official duties or on account of the performance of his or her official duties;</p> <p>(c) failing to comply with a lawful order issued by a department official, employee, or agent acting pursuant to these rules or law;</p> <p>(d) creating a safety hazard;</p> <p>(e) operating sound-emitting electronic devices, such as speakers, radios, televisions, or other equipment at a volume which projects sound in a manner that disturbs others; or</p> <p>(f) operating generators where prohibited or during public use site quiet hours between 10:00 pm and 7:00 am.</p> <p>(2) In addition to any other penalty posted by the department, individuals violating this rule may be expelled immediately from the public use site.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>urination; operation of a motor vehicle in a manner as to create a nuisance or any annoyance or danger to others; loud or noisy behavior; is prohibited.</p> <p>(2) Quiet hours shall be maintained in all recreation areas as posted. Portable generators may not be operated during these hours.</p> <p>(3) It is prohibited to forcibly assault, oppose, impede, resist, intimidate or interfere with any official, employee or agent of the department engaged in the performance of his or her official duties or on account of the performance of his or her official duties.</p> <p>(4) Failure to comply with a lawful order issued by a department employee acting pursuant to these rules shall be considered as interference with that employee while engaged in the performance of their official duties.</p> <p>(5) In addition to any other penalty provided, the participants may be expelled from the area.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, 87-1-303, MCA; Eff. 12/31/72; AMD, Eff. 6/5/76; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1986 MAR p. 952, Eff. 5/30/86; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>(b) operating sound-emitting electronic devices, including but not limited to speakers, radios, televisions, or other such equipment, at a volume which projects sound beyond the person's immediate vicinity in a manner that disturbs other visitors;</p> <p>(c) operating generators during state park quiet hours between 10:00 p.m. and 7:00 a.m.;</p> <p>(d) arguing with, threatening, harassing, or intimidating another visitor;</p> <p>(e) creating a safety hazard to oneself or others; and</p> <p>(f) blocking traffic or otherwise impeding access to or from a state park.</p> <p>(2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in ARM 12.8.823.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
FEE COMPLIANCE AND CLOSURE			
<p>NEW RULE V (ARM 12.12.105) FEE COMPLIANCE AND CLOSURE (1) If in</p>	<p>12.8.209 RESTRICTED AREAS AND NIGHT CLOSURES</p>	<p>12.8.820 RESTRICTED AREAS AND NIGHT CLOSURES</p>	<p>RULE 1. WINTER CLOSURES</p>

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<p>effect, fee requirements for public use sites shall be posted by the department on site.</p> <p>(2) Regulations relating to establishment of fees for recreational use of lands owned and controlled by the State of Montana, acting by and through the commission or department will not be considered or processed as subject to the Montana Administrative Procedure Act.</p> <p>(3) While in a public use site payment is required for day use, camping, group use, or any other required fee.</p> <p>(4) When a public use site is closed, a person may not enter or remain in the site.</p> <p>(5) Wildlife management areas specifically managed as big game winter range, or portions of, are closed to all public entry from December 1 at 11:59PM through May 15 at noon each year unless otherwise approved by the commission and posted by the department.</p> <p>(6) Wildlife management areas not managed specifically for big game winter range are open for public entry year-round unless otherwise posted by the department.</p> <p>(7) The department may make special regulations for limited entry to closed wildlife management areas access roads</p>	<p>(1) No person may enter upon any portion of any area that is posted as restricted to public passage.</p> <p>(2) Designated recreation areas as posted will be closed nightly, except for emergency ingress and egress.</p> <p>(3) Checkout time for campers using fee areas is 4:00 p.m. the following day unless otherwise posted.</p> <p>(4) Designated recreation areas where camping is not allowed are open from sunrise to sundown unless otherwise posted.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, Eff. 6/5/76; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1983 MAR p. 655, Eff. 6/17/83; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>(1) Entering any restricted area of a state park is prohibited.</p> <p>(2) State parks may post opening and closing hours.</p> <p>(3) State parks where camping is not allowed are open from sunrise to sunset unless otherwise authorized.</p> <p>(4) The division administrator may close portions of a state park to the possession or consumption of alcoholic beverages for purposes of public health or safety.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>1. WMAs, or portions of, which are specifically managed as big game winter range are closed to all public entry from DECEMBER 1 AT 11:59PM UNTIL MAY 15 AT NOON each year. Open dates may change from time to time due to weather or other unforeseen events. A. Mt. Jumbo WMA opens May 1 at NOON. B. Blackfoot-Clearwater WMA closes November 10 at 11:59 pm (only that portion within deer/elk hunting district 282). C. Calf Creek WMA opens April 15 at NOON. D. Mt. Silcox WMA opens April 1 at NOON. E. Roundhorn WMA opens May 1 at NOON. F. Beckman WMA opens April 1 at NOON and closes January 1 at 11:59pm. G. Marias River WMA opens April 1 at NOON and closes January 14 at 11:59pm. H. Mt. Haggin WMA: A portion of Mt. Haggin is open to cross-country snowmobile use from December 2 to May 15. See Beaverhead-Deer Lodge National Forest travel map for details. I. Swan Valley WMA: Open to public use year-round.</p> <p><i>EXCEPTIONS to Rule 1. Sec.1</i></p> <p>2. WMAs not managed specifically for big game winter range (such as waterfowl, fisheries, and wetlands) are open for</p>

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<p>or parking areas before noon on May 15 for the purpose of managing vehicles, parking, public safety, and resource impacts. The regulations shall be posted by the department where in effect. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			<p>public entry year-round unless subject to site restrictions which are posted on site. A. North Shore WMA: Closed to all public use from the last day in February at 11:59 pm to July 15th at NOON to protect habitat for waterfowl migration and nesting. B. Zelezny Access to Flathead Lake WHPAs: Day use only. Closed at 9:00 PM. No overnight parking. C. Foys Bend FCA: Closed to all public use from the end of waterfowl hunting season to start of spring turkey season.</p>
PROPERTY DISTURBANCE			
<p>NEW RULE VI (ARM 12.12.106) PROPERTY DISTURBANCE (1) While in a public use site it is prohibited to: (a) damage, destroy or possess any natural features, developed features, or vegetation; (b) damage, destroy, possess, or permit the disturbance or removal of topsoil or subsoil, nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof; (c) gather or cut firewood for offsite use, except where otherwise authorized by the department; (d) design, develop, construct, place, or occupy any unauthorized structure, roads, trails, signs, or landscape features;</p>	<p>12.8.207 <u>PROPERTY DISTURBANCE</u> (1) No person may destroy, deface, injure, remove, or otherwise damage any natural or improved property or willfully or negligently cut, destroy, or mutilate any tree, shrub, or plant, or any geological, historical, or archaeological feature, not including flowers, berries, cones, or fallen dead wood. (2) No person may disturb or remove the topsoil cover or permit the disturbance or removal of topsoil cover. This prohibits digging for worms, burying of garbage, and allowing pets to dig holes. (3) Gathering or cutting firewood for off site use is prohibited without prior written approval of the director or his agent. (4) No person may design, construct, place or use any structure (including, but not limited to roads, trails, signs, or landscape features) within a designated recreation area, (including leased</p>	<p>12.8.802 <u>PROPERTY DISTURBANCE</u> (1) The following are prohibited in state parks: (a) possessing, destroying, injuring, defacing, removing, digging, or disturbing from its natural state: (i) trees, shrubs, plants, or grasses, not including flowers, fruits, nuts, berries, cones, or fallen wood gathered by hand for personal use; (ii) topsoil, subsoil, or permitting the disturbance or removal of topsoil or subsoil; (iii) living or dead wildlife or fish, or the parts or products thereof, including antlers or nests, unless otherwise authorized; (iv) nonfossilized and fossilized paleontological specimens, cultural or archeological resources, or the parts thereof; (v) a mineral resource, rock or cave formation, or the parts thereof;</p>	<p>RULE 20. REMOVAL OF NATURAL RESOURCES 1. Removal of topsoil, gravel, minerals, cultural or archeological artifacts, and fossils is prohibited. RULE 23. ANTLER COLLECTING 1. Antler collecting is prohibited on all wildlife management areas when these areas are closed to public use. (MCA 87-1-102(2)(f)). RULE 11. FIREWOOD 1. Cutting standing trees and shrubs is prohibited, unless specifically authorized by FWP advertisement, sign posting or permits.</p>

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<p>(e) place or leave a geocache or other object without written permission from the department; or</p> <p>(f) use a mineral or metal detector, magnetometer, or other metal detecting device at public use sites without written permission from the department.</p> <p>(2) Unauthorized structures are subject to removal or impoundment.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>lands) without prior approval of the director or his agent. Unauthorized structures are subject to removal or impoundment.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, Eff. 6/5/76; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1983 MAR p. 655, Eff. 6/17/83; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>(b) introducing wildlife, fish, or plants, including their reproductive bodies, into a state park ecosystem;</p> <p>(c) gathering or cutting firewood for off-site use, except where otherwise authorized;</p> <p>(d) tossing, throwing, or rolling rocks or other items inside caves or caverns, into valleys, canyons, or caverns, down hillsides or mountainsides;</p> <p>(e) designing, constructing, placing, or using any structure, including but not limited to roads, trails, signs, or landscape features, except where otherwise authorized. Unauthorized structures are subject to removal or impoundment;</p> <p>(f) possessing, destroying, injuring, defacing, removing, digging, or disturbing infrastructure, including but not limited to buildings, signs, or gates; and</p> <p>(g) using a mineral or metal detector, magnetometer, or other metal detecting device, except where otherwise authorized.</p> <p>(2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in ARM 12.8.823.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>2. Downed wood for onsite use as firewood is permitted where fires are allowed.</p> <p>3. Gathering firewood for offsite use is prohibited, unless specifically authorized by FWP advertisement, sign posting or permits. A. Marshall Creek WMA: Personal use firewood collection permits may be obtained by contacting R2 (Missoula) office.</p>
DESIGNATED AND DISPERSED CAMPING			
<p>NEW RULE VII (ARM 12.12.107)</p> <p>DESIGNATED AND DISPERSED CAMPING SITES (1) Unless otherwise posted by the</p>	<p>12.8.205 <u>CAMPING, DAY AND GROUP USE</u></p> <p>(1) Camping at one or more campsites in any one designated recreation area for a period longer than 14 days during any 30-day period is</p>	<p>12.8.803 <u>CAMPING AND LODGING</u></p> <p>(1) For purposes of this rule, the following definitions apply:</p>	<p>RULE 5. CAMPING</p> <p>1. Dispersed camping is allowed unless posted otherwise. Vehicles shall be no more than 50 yards from an open road.</p>

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<p>department, within a public use site it is prohibited to: MAR Notice No. 12-603 (a) camp in any area, except those specifically designated or marked for that purpose; (b) camp, leave camping equipment, or otherwise attempt to occupy a campsite that is reserved or occupied by another person or group; (c) leave a camping unit or other vehicle, equipment, or personal items in a campsite overnight without a person present; (d) camp at one or more campsites in a public use area for a period of longer than 7 nights during any consecutive 30-day period, beginning with the first night occupied unless otherwise posted by the department; (e) exceed the designated occupancy limit of a campsite; or (f) travel more than 50 yards with a motorized vehicle from a designated road in areas designated for dispersed camping. (2) Unless otherwise posted by the department, within a public use site, it is required to: (a) comply with the terms of a special use permit; and (b) vacate a campsite by the posted check-out time.</p>	<p>prohibited unless otherwise posted. In areas so posted, said occupancy will be limited to 7 days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year. (2) No person may set up camp in areas other than designated campgrounds, or in any department-administered shelter building unless the shelter is posted as a camp shelter. (3) No person may leave a set-up camp, or trailer, camper, other vehicle, or equipment unattended for more than 48 hours unless the area is otherwise posted. Such vehicles and equipment may be impounded and will not be returned to the owner or possessor until the costs of towing and impoundment are reimbursed to the department. (4) No group of more than 30 persons may use a designated recreation area except with prior permission by the director or his agent. Groups may be assessed user fees and may be required to surrender a deposit to defray additional or unusual department expenses caused by their use of recreation areas. History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, Eff. 6/5/76; AMD, 1978 MAR p. 386, Eff. 3/25/78; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1983 MAR p. 655, Eff. 6/17/83; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>(a) "camping" means the use of a camping unit for temporary residence or sleeping purposes; (b) "camping facility" means a lodging structure for overnight sleeping purposes such as cabins, tipis, or yurts; (c) "camping party" means any individual, family group, or non-family group occupying a campsite; (d) "camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck-mounted camping shell, pull-type camper, or other device designed and commonly used for sleeping; (e) "campsite" means an area within a state park specifically designated or marked for camping; (f) "dispersed camping" means camping that occurs in areas that are not highly developed and/or individually signed or numbered; (g) "occupancy" means the pre-determined maximum number of camping units and/or individuals that may occupy a campsite or camping facility based on size, location, and other site attributes; (h) "occupy" means the use of a campsite or camping facility for the purposes of camping, by a person or party who has paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system; and (i) "primary occupant" means the person that a campsite or camping facility is registered to and who must be an occupant. (2) The following are prohibited in state parks:</p>	<p>2. Camping is limited to 16 days in any 30-day period. A. Region 1: No camping or overnight stays except as follows: Camping or overnight stay is allowed on North Swan Valley WMA/FCA, Ninepipe WMA during hunting season, and Cedar Island, Bird Island, and Goose Island WHPAs on Flathead Lake. Human waste must be packed off of the Flathead Lake Island WHPAs. B. Region 3: No camping or overnight stays on Lake Helena WMA and Canyon Creek WMAs. C. Region 4: Beartooth WMA: Camping allowed only in designated camping areas. No D. Region 5: No camping or overnight stays on Yellowstone WMA. E. Region 6: No camping or overnight stays except as follows: Camping limited to 7 days within a 30-day period on Fresno, Lost River, and Fox Lake WMAs. Daily occupancy is required. F. Region 7: Camping limited to 7 days within a 30-day period. Daily occupancy is required. <i>EXCEPTIONS to Rule 5. Sec. 2.</i> overnight camping in the Whitetail Prairie addition. Campers must register at check station site. Camps may not be left unattended for more than 48 hours.</p>

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<p>(3) Campsites shall be vacated by 1:00 p.m. on the day of departure.</p> <p>(4) Camping facilities shall be vacated by 12:00 p.m. on the day departure.</p> <p>(5) Boat-in campsites shall be solely for the use of the individuals traveling by watercraft as their primary mode of transportation to the site.</p> <p>(6) The maximum limit for a single occupancy campsite shall be eight people, one camping unit, and two additional tents unless otherwise authorized by the department.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>(a) camping in any state park area, except those areas specifically designated or marked for that purpose;</p> <p>(b) utilizing a designated campsite, facility, or area for any purpose other than camping;</p> <p>(c) camping, leaving camping equipment, or otherwise attempting to occupy a campsite that has been reserved or occupied by another person or group;</p> <p>(d) leaving a camping unit or other vehicle, equipment, or personal items in a campsite overnight without a person present;</p> <p>(e) camping at one or more campsites in a state park for a period longer than 14 nights during any consecutive 30-day period, beginning with the first night occupied;</p> <p>(i) before Memorial Day and after Labor Day, extension of the 14-night limit may be allowed if a campsite is available;</p> <p>(ii) any extension must be approved by park staff prior to check out time;</p> <p>(iii) extensions may not exceed 7 nights;</p> <p>(f) exceeding established occupancy limits.</p> <p>(3) Park managers may allow individuals without a camping reservation to register for a campsite to be occupied that day and one additional campsite at the same time for another camping party, provided he or she has all the required information for registration.</p> <p>(4) Selected state park campsites or facilities may be reserved through the reservation system.</p> <p>(a) When making a reservation, one person may register for one or more sites by paying the</p>	

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		<p>multiple campsite fee(s) and providing the required information regarding the occupants of the other sites.</p> <p>(b) Reservations may only be made within the established reservation window.</p> <p>(c) Reservations may be canceled by the department when necessary to protect campers or for resource protection.</p> <p>(5) Campsites shall be vacated by 1:00 p.m. on the day of departure.</p> <p>(6) Camping facilities shall be vacated by 12:00 p.m. on the day of departure.</p> <p>(7) Proof of disability shall be required, upon arrival, for any party reserving or occupying a campsite specifically designated for ADA use. ADA campsites that remain vacant after 7:00 p.m. may be rented to a non-ADA visitor by park staff only for that night.</p> <p>(8) Boat-in campsites shall be solely for the use of individuals traveling by watercraft as their primary mode of transportation to the site.</p> <p>(9) Park managers may establish an overflow camping area, with occupancy limits and terms and conditions for use, to accommodate a demand for camping that exceeds designated campsite capacity.</p> <p>(10) Park managers may allow emergency camping only when all designated campsites are full. Individuals using emergency areas must pay the applicable campsite fee and must vacate the site by 1:00 p.m.</p> <p>(11) The maximum limits for a single occupancy campsite shall be eight people, one camping unit,</p>	

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		<p>and two additional tents, unless otherwise authorized.</p> <p>(12) Individuals hiking, bicycling, or traveling by similar modes of nonmotorized transportation and utilizing a shared bike-in campsite(s) must each pay the applicable campsite fee.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
FIRES AND FIREWORKS			
<p>NEW RULE VIII (ARM 12.12.108) FIRES AND FIREWORKS (1) Unless otherwise posted by the department in a public use site a person may not:</p> <p>(a) light or maintain a fire at state parks or fishing access sites except in a designated fire ring;</p> <p>(b) light or maintain a fire outside of a designated fire ring in a public use site where it is posted by the department that fires are limited to fire rings;</p> <p>(c) violate an authorized county or state fire restriction order;</p> <p>(d) light or maintain a fire or burning material, that causes damage or threatens to cause damage to property or recreation site resources, creates litter, or otherwise creates a public safety hazard;</p> <p>(e) causes damage to property or resources, or otherwise creates a public safety hazard;</p>	<p>12.8.206 FIRES</p> <p>(1) No person may build or maintain a fire in any designated recreation area, except in established fireplaces and fire rings maintained for such purposes, or in portable camp stoves unless otherwise posted.</p> <p>(2) No person may leave a fire unattended or leave a campsite area without completely extinguishing all fires prior to departure.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 381, Eff. 3/30/79; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>12.8.805 FIRES</p> <p>(1) The following are prohibited in state parks:</p> <p>(a) lighting or maintaining a fire, except in fire rings or other designated areas;</p> <p>(b) lighting or maintaining a fire in a manner that causes damage or threatens to cause damage to property or park resources, or otherwise creates a public safety hazard;</p> <p>(c) leaving a fire unattended;</p> <p>(d) throwing or discarding lighted or smoldering material in a manner that threatens or causes damage to park property or park resources, or otherwise creates a public safety hazard;</p> <p>(e) departing a campsite without completely extinguishing a campfire; and</p> <p>(f) possessing, lighting, or discharging any fireworks, rockets, or other type of explosives.</p> <p>(2) During dry periods or periods of high fire danger, the park manager may close all or a portion of a state park to lighting or maintaining fires.</p>	<p>RULE 14. FIREWORKS AND EXPLODING TARGETS</p> <p>1. Discharge of fireworks and the use of exploding targets is prohibited.</p>

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<p>(f) departs a campsite or day use area without completely extinguishing a fire; or (g) light, or discharge any fireworks, rockets, or other type of explosives including exploding targets. (2) Smoking in a public use site is allowed in outdoor areas unless prohibitions are posted by the department. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
FOOD STORAGE			
<p>NEW RULE IX (ARM 12.12.109) FOOD STORAGE (1) In public use sites where food storage rules apply and are posted by the department, it is prohibited to fail to comply with the food storage rules. The following acts are prohibited annually from March 1 to December 1 on all public use sites where food storage rules apply: (a) possessing or storing any food for human or animal consumption, refuse, or items that may have remnants or smell like food or refuse (including personal hygiene products, beverages, unburned food or garbage residue from fire pits or stoves, or empty food or beverage containers but excluding water or water containers, hay, or hay cubes</p>	<p>N/A</p>	<p>12.8.806 FOOD STORAGE (1) In those state parks where it is required, food, food storage equipment, food preparation equipment, garbage, and other wildlife attractants must be secured in a hard-sided vehicle or camper, secured in a designated storage locker, or secured in an Interagency Grizzly Bear Committee (IGBC) approved bear resistant container, device, or system, at night or when attractants are not immediately attended. (a) In a dispersed camping area where a designated storage locker or hanging device is not provided, items must be suspended at least ten feet vertically above the ground (from the bottom of the suspended item) and four feet horizontally from a tree trunk or other upright support, or secured in an IGBC approved bear resistant container, device, or system.</p>	<p>FOOD STORAGE ORDER IT IS REQUIRED THAT IN DESIGNATED FWP WILDLIFE MANAGEMENT AREAS: 1. Human, pet and livestock food (except baled or cubed hay without additives), garbage, and all other attractants shall be stored in an approved bear resistant manner or container when camp is unattended. (see definition of attended below) or during nighttime hours. 2. Wildlife carcasses, birds, fish or other animal parts that are within ¼ mile of any camp or sleeping area shall be stored in an approved bear-resistant manner or container when unattended. A. Leftover food or food waste products may be placed in an appropriate, sealed container and packed out with garbage.</p>

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<p>without additives), unless these items are:</p> <p>(i) attended by a person who is awake, alert, and within one hundred feet and line-of-sight of the items;</p> <p>(ii) suspended at least ten feet off the ground and at least four feet from any supporting tree or pole;</p> <p>(iii) stored in a container or using a method listed in the most current interagency Grizzly Bear Committee Certified Bear-Resistant Products list or that has been approved under the IGBC’s courtesy inspection program (non-commercial products made for personal use may be inspected and approved under that program). This includes electric fences that are installed properly and meet the design and minimum electrical output specifications on that list, and are tested for proper operation at least every twenty-four hours with a voltmeter; or</p> <p>(iv) stored in a closed vehicle, trailer, building, or facility constructed of solid, non-pliable material that, when secured, has no openings, hinges, lids, or coverings that would allow a bear to gain entry by breaking, bending, tearing, biting, or pulling with its claws (any windows must be closed). Horse or livestock trailers may not have any openings greater than ten inches in two</p>		<p>(b) In a dispersed camping area, stock feed, except baled or cubed hay without additives, must be properly secured as with any other food item, or within an IGBC approved portable electric fence.</p> <p>(c) During the period of December 1 through March 15, these food storage regulations are not in effect, unless specifically posted based on known wildlife activity.</p> <p>(2) The following is prohibited:</p> <p>(a) disposal or burning of trash in fire rings;</p> <p>(b) intentionally feeding or attracting wildlife; and</p> <p>(c) creation or use of a hanging device in designated campgrounds.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>B. Leftover food or other attractants may be burned in a contained stove fire.</p> <p>C. Attractants may be placed into a suitable container (i.e. tin can) to prevent leaching into the ground and burned over an open campfire. Any remaining attractants unconsumed by burning shall be placed with other garbage and packed out.</p> <p>If a wildlife carcass is within an attended camp during daytime hours it may be on the ground.</p> <p>3. Attractants (such as food leftovers or bacon grease) shall not be buried, discarded, or burned in an open campfire.</p> <p>4. The responsible party for any dead pack animal or livestock shall report the death and location of any livestock to a FWP employee within 24 hours of discovery. The responsible party will be required to dispose of the carcass as directed by the regional wildlife manager.</p> <p>In some very remote areas, it may not be possible to meet the 24-hour requirement. In these special cases, the responsible party shall report to a FWP employee the discovery of any dead livestock within 48 hours.</p> <p>5. Bear-resistant containers must meet the following criteria: a securable</p>

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<p>dimensions and must have any food, refuse, or animal carcasses stored more than three feet from any opening.</p> <p>(b) possessing or storing any bird, fish, or other animal carcass or parts thereof (including livestock carcasses) that have not been prepared for human or animal consumption, unless these items are:</p> <p>(i) being field dressed, transported, or prepared for eating;</p> <p>(ii) stored in accordance with department-approved storage methods and at least one hundred yards from any known occupied camping area; or</p> <p>(iii) possessed more than one quarter mile (straight-line distance) from any known occupied camping area and more than two hundred yards from any established trail or road.</p> <p>(c) camping within one hundred yards of any known bird, fish, or other animal carcass or parts thereof (including livestock carcasses) stored in accordance with Montana Fish, Wildlife and Parks approved storage methods; or one quarter mile of any known bird, fish, or other animal carcass or parts thereof (including livestock carcasses) not stored in accordance with Montana Fish, Wildlife and Parks approved storage methods.</p> <p>MAR Notice No. 12-603</p>			<p>container constructed of solid material capable of withstanding 200 foot-pounds of energy applied by direct impact. The container, when secured and under stress, will not have any openings greater than 1/4 inch, that would allow a bear to gain entry by biting or pulling with its claws.</p> <p>Testing and approval programs are available through the US Forest Service. Other bear-resistant containers developed for personal use may be inspected for approval by the local FWP game warden or WMA Area Manager or their designated representative(s). 8</p> <p>RULE 16. FOOD STORAGE</p> <p>1. Bear resistant food storage required on following WMAs per Food Storage Order (attached) Region 1: All WMAs Region 2: All WMAs Region 3: Mt. Haggin Bear Creek Canyon Creek Wall Creek Blacktail Robb/Ledford Gallatin Fleecer Mountain Dome Mountain Region 4: Blackleaf Ear Mountain Marias River Sun River Region 5: Silver Run Haymaker</p>

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<p>(3) The following persons are exempt from this rule:</p> <p>(a) persons with special authorization from the department that specifically exempts them from the effect of this rule; and</p> <p>(b) any federal, state, or tribal employee placing baits for research or management purposes as part of their official duties.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			
<p>SANITATION AND WASTE DISPOSAL</p>			
<p>NEW RULE X (ARM 12.12.110)</p> <p>SANITATION AND WASTE DISPOSAL (1)</p> <p>Unless otherwise posted by the department in a public use site a person may not:</p> <p>(a) deposit household or commercial garbage or trash at a public use site brought in from another property;</p> <p>(b) dispose or dump sewage or wastewater from trailers, campers, boats, or portable toilets anywhere except in designated facilities;</p> <p>(c) dispose, refuse or fish remains, in a latrine or other bathroom facilities;</p> <p>(d) dispose of human bodily waste in developed areas, except at a designated restroom, latrine, or other facility intended for such purpose;</p>	<p><u>12.8.210</u> SANITATION AND LITTER WASTE DISPOSAL</p> <p>(1) No person may dump dead fish or animals or parts thereof, human excrement, refuse, rubbish, or wash water (except in receptacles provided for this purpose) nor pollute or litter in any other manner a public recreational area. Sewage wastes from self-contained trailers, campers, or other portable toilets shall be disposed of only in posted sanitary trailer dump stations. Wash water may be disposed of in sealed vault latrines.</p> <p>(2) No household or commercial garbage or trash brought in as such from other property shall be disposed of in any designated public recreation area.</p> <p>(3) The use of glass bottles and containers is not permitted at swimming beaches, or areas or portions of areas posted to exclude them.</p>	<p><u>12.8.807</u> SANITATION AND WASTE DISPOSAL</p> <p>(1) The following are prohibited:</p> <p>(a) depositing garbage or other refuse, except in receptacles provided for this purpose;</p> <p>(b) depositing household or commercial garbage or trash in a state park brought in from another property;</p> <p>(c) disposing or dumping of sewage or waste water from trailers, campers, boats, or other portable toilets anywhere except in designated facilities;</p> <p>(d) depositing refuse or fish remains, in a latrine or other bathroom facilities;</p> <p>(e) disposing of human bodily waste in developed areas, except at a designated restroom, latrine, or other facility designated for such purpose;</p>	<p>RULE 22. LITTERING</p> <p>1. Littering is prohibited. This includes the dumping of sewage wastes from trailers, campers, or portable toilets.</p> <p>RULE 18. ANIMAL CARCASSES</p> <p>1. Dumping of animal carcasses is prohibited. This does not include boned-out BIG game animal remains legally taken on site.</p> <p>A. For FWP bear management purposes, carcasses may be placed on WMAs by authorized FWP personnel and the area will be signed that animal carcasses are present.</p>

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<p>(e) in undeveloped areas, dispose of human bodily waste within 100 feet of a water source, campsite or trail unless otherwise posted by the department;</p> <p>(f) where required, dispose of human waste or toilet paper anywhere but in a department-approved human waste carry-out system; or</p> <p>(g) dispose or burn trash in fire rings such as aluminum cans, glass bottles, steel cans, diapers, and all other trash.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>(4) In addition to any other penalty provided for violation, the participants may be expelled from the area.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, 87-1-303, MCA; Eff. 12/31/72; AMD, 6/5/76; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1986 MAR p. 952, Eff. 5/30/86; AMD, 1988 MAR p. 498, Eff. 3/11/88</p>	<p>(f) in undeveloped areas, disposal of human bodily waste within 100 feet of a water source, campsite, or trail unless otherwise posted; and</p> <p>(g) using glass bottles or glass containers within a swimming area, beach, or areas otherwise posted to exclude them.</p> <p>(2) The park manager may establish procedures for the disposal, containment, or carryout of human bodily waste.</p> <p>(3) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in ARM 12.8.823.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
<p>DOMESTIC ANIMALS</p>			
<p>NEW RULE XI (ARM 12.12.111)</p> <p>DOMESTIC ANIMALS (1) Except as otherwise posted by the department, domestic animals within a developed area must be physically restrained or on a leash no greater than eight feet in length at all times.</p> <p>(2) The owner, handler, or person who brought a domestic animal into a public use site is responsible for that animal and is prohibited from;</p> <p>(a) allowing a domestic animal to dig, disturb or otherwise damage a developed area;</p> <p>(b) allowing a domestic animal to be in an area or facility where it is posted by</p>	<p>12.8.203 CONTROL OF ANIMALS</p> <p>(1) No person may permit an animal to run at large in a designated public recreation area. Persons in possession of animals must restrain them and keep them under control in a manner which does not cause or permit a nuisance, annoyance, or danger to others. From April 1 through September 15 of each year unless otherwise posted, the animal must be physically restrained or on a leash under ten feet in length in hand or anchored at all times.</p> <p>(2) Animals are not permitted in swimming beaches, sanitary facilities or areas or portions of areas posted to exclude them. Persons in possession of animals who permit said animals to create a nuisance or an annoyance to others or</p>	<p>12.8.808 CONTROL OF ANIMALS</p> <p>(1) Domestic animals are prohibited from running at large in state parks. Except where otherwise provided, domestic animals must be physically restrained or on a leash no greater than eight feet in length at all times. In state parks where hunting is allowed, dogs may be used for hunting in accordance with applicable laws and regulations and any conditions which may be established by the park manager.</p> <p>(2) Domestic animals are prohibited from digging or otherwise disturbing or damaging the natural or cultural features of state parks.</p> <p>(3) Domestic animals are prohibited in all areas posted to exclude them, as well as park buildings, swimming beaches, and designated ski trails</p>	<p>RULE 8. ANIMAL CONTROL</p> <p>1. Persons in possession of pets and domestic animals shall restrain them and keep them under control in a manner that does not cause or permit a nuisance or danger to persons, property or wildlife. This shall not preclude using dogs for hunting during legally open hunting seasons. A. On the Kootenai Falls WMA all dogs must be physically restrained at all times by a leash held by the person responsible for the animal. This is necessary due to the presence of bighorn sheep.</p> <p>B. North Shore WMA, Otter Island FCA, Osprey View FCA, and Foys Bend FCA:</p>

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<p>the department that domestic animals are prohibited (excluding service animals); MAR Notice No. 12-603 (c) violating any public use site-specific posted domestic animal rules; (d) failing to remove and properly dispose of any waste produced by the domestic animal in a developed area; or (e) allowing a domestic animal to bite, chase, harass, or create a nuisance, annoyance, or danger to visitors, wildlife, and other animals. (3) Written authorization by the department is required prior to conducting organized dog training or field trials on public use sites. (4) In addition to any other penalty in this part, individuals in possession of such animals may be expelled from the site. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>who do not restrain animals properly may be expelled from the area in addition to being subject to any other penalty provided. (3) Persons bringing or allowing animals in designated recreation areas shall be responsible for proper removal and disposal of any waste produced by these animals. (4) Ranging, grazing, watering or allowing livestock in designated recreation areas is prohibited except where specifically permitted or when authorized by lease, license or other written agreement with the department. (5) Unauthorized animals including livestock may be impounded and will not be returned to the owner or possessor until the costs of capture and holding the animal are reimbursed to the department. History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, Eff. 6/5/76; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>during ski season, unless otherwise provided. This prohibition does not apply to service animals. (4) Domestic animals are prohibited from biting, chasing, harassing, or creating a nuisance, annoyance, or danger to visitors, park wildlife, and other animals. In addition to any other penalty provided in this part, individuals in possession of such animals may be expelled from the state park. (5) Individuals bringing domestic animals in state parks shall be responsible for proper removal and disposal of any waste produced by the animal. (6) Ranging, grazing, watering, or allowing livestock in state parks is prohibited except where specifically permitted or when authorized by a lease, license, or other written agreement with the department. (7) Unauthorized animals including livestock may be impounded and will not be returned to the owner until the costs of capture and holding the animal are reimbursed to the department. Appeal from an impoundment may be heard pursuant to ARM 12.8.824. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>Pets must remain on leash at all times except during upland and migratory bird hunting seasons. C. Otter Island FCA and Foys Bend FCA: Closed to domestic pack or riding stock. D. Canyon Ferry WMA: Pets must remain on leash March 1 to June 30. <i>EXCEPTIONS to Rule 8. Sec. 1. 4</i> E. Lake Helena, Ninepipe and Pablo WMAs: Pets must remain on leash April 1 to August 31. 2. All domesticated pack or riding stock, not in use, must be tethered or corralled. 3. Animal owners shall be aware that activities such as trapping, hunting and fishing are occurring on WMAs during legally authorized seasons and shall be responsible for taking precautions. RULE 9. DOG TRAINING 1. Organized dog training, field trials and hunt tests are prohibited on all wildlife management areas except as authorized by regional wildlife manager or by the regional fisheries manager for FCAs.</p>
LIVESTOCK			
<p>NEW RULE XII (ARM 12.12.112) LIVESTOCK (1) The department may close trails and other parts of public use sites to the use of horses, llamas, or similar animals.</p>	<p>N/A</p>	<p><u>12.8.809 HORSES AND PACK ANIMALS</u> (1) Riding or leading horses, llamas, or similar animals is prohibited: (a) on trails in any state park that are posted to exclude such activity;</p>	<p>RULE 7. WEED FREE FEED 1. Only pelletized feed or certified weed seed free hay, straw or whole grains and cube products are authorized for use on wildlife management areas. Each bale or container of forage shall have attached a</p>

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<p>(2) Unless otherwise posted by the department and except where specifically permitted or authorized by a lease, license, or other written agreement with the department, a person may not range, graze, water, or allow cattle or other livestock in public use sites.</p> <p>(3) A person is required to clean up animal feces, feed, or bedding materials in the developed area of a public use site.</p> <p>(4) Horses, llamas, or similar animals must be corralled or tethered when not in use.</p> <p>(5) Proof of certified, weed-free feed is required on all department lands.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>(b) off trail in any state park area, except where specifically authorized; and</p> <p>(c) in any campgrounds, except designated horse or pack-oriented camping areas.</p> <p>(2) The park manager may open or close trails to such use. The decision to open or close a trail shall include an evaluation of factors including, but not limited to, conflict with other park users, public safety, and damage to park resources and/or facilities. Trails designated open for such use may be temporarily closed by the park manager due to emergency health, safety, or resource protection considerations.</p> <p>(3) Any person bringing a horse, llama, or similar animal into a state park area shall clean up animal feces, feed, or bedding materials in parking lots, at trail heads, and other central locations used by park visitors.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>tag or label or be marked with authorized colored twine referencing the written certification.</p>
WEAPONS			
<p>NEW RULE XIII (ARM 12.12.113)</p> <p>WEAPONS (1) The possession, display, carrying, discharge, or use of a weapon in public use sites must be in compliance with Titles 23, 45, and 87, MCA.</p> <p>(2) Public use sites, or portions thereof, may be closed to the discharge of weapons as defined 45-2-101, MCA, when the director determines there is an undue hazard to human safety, or to protect property and public resources.</p>	<p>12.8.202 WEAPONS AND FIREWORKS</p> <p>(1) No person may discharge any firearm, fireworks, explosives, air or gas weapon, or arrow from a bow, on or over either land or water, from April 1 to the opening date of archery season each year, unless the designated area is otherwise posted. Areas, or portions of areas, may be closed to shooting when the director determines there is undue hazard to human life or property. In addition to any other penalties provided for</p>	<p>12.8.810 WEAPONS</p> <p>(1) Discharge of any weapon as defined in 45-2-101, MCA, including, but not limited to, firearms, explosives, air or gas weapons, paintball guns, arrows from a bow, spears, or spear guns on or over either land or water is prohibited in state parks, except where a designated area is otherwise provided. Areas may be opened to shooting when the regional park manager determines there is not undue hazard to human life or property.</p>	<p>RULE 13. WEAPONS</p> <p>1. Weapons discharge only allowed for lawful hunting purposes or target shooting at shooting ranges authorized by FWP. For the purposes of these rules, weapons are defined as instruments that discharge a high velocity projectile, used for hunting, self-protection, and recreation, including but not limited to firearms and bow and arrow.</p>

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<p>The closure does not apply to lawful discharges in cases of self-defense. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>violation, the participant may be expelled from the area. History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1986 MAR p. 952, Eff. 5/30/86; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>(2) The possession, display, carrying, discharge, or use of a firearm in a state park must be in compliance with Title 45, chapter 8, part 3, MCA. (3) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in ARM 12.8.823. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>2. Discharge of paint ball guns is prohibited. A. Mount Jumbo WMA is restricted to archery-only hunting. RULE 17. SAFETY ZONES 1. Safety Zones (no shooting zones) designated for the protection of people and property are in force as posted.</p>
<p>HUNTING AND TRAPPING</p>			
<p>NEW RULE XIV (ARM 12.12.114) HUNTING AND TRAPPING (1) When open to public use, wildlife management areas and fishing access sites are open to all commission established hunting and trapping seasons unless otherwise prohibited and posted. The commission authorizes the department to issue specific restrictions on hunting and trapping at a wildlife management area or fishing access site. (2) State parks are open to all commission established hunting seasons unless prohibited by the board. The board authorizes the department to issue specific restrictions on hunting at a state park where hunting is allowed. (3) While hunting in a public use site it is prohibited to hunt within a posted safety zone. (4) Where hunting is legally allowed, temporary hunting blinds, tree stands,</p>	<p>N/A</p>	<p>12.8.811 HUNTING AND TRAPPING (1) Hunting and trapping are prohibited in state parks unless authorized by the board. (2) Authorized hunting within a state park shall conform to all Montana hunting laws, rules, and regulations. (3) Hunting is prohibited within 200 yards of visitor centers, administrative buildings, parking lots, maintenance buildings, picnic shelters, playgrounds, campgrounds, tipis, yurts, cabins, residential housing, or other similar facilities. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>RULE 2. HUNTING & TRAPPING SEASONS 1. WMAs are open to all Commission established hunting seasons unless closed under Rule 1 or specifically closed or restricted as noted in Hunting Regulations. Closure or restriction notices shall be posted at entrance points and parking areas. 2. WMAs are open to trapping unless closed under Rule 1 or specifically allowed, closed, or restricted as noted in trapping regulations. Trapping on WMAs will be allowed by written permission only. Permission to trap on WMAs may require special restrictions or regulations in addition to what is written in the SPECIAL REGULATIONS. Contact the area biologist, WMA manager or appropriate regional office. 3. Commission authorizes the Department to issue WMA specific restrictions. A. Otter Island FCA: Trapping</p>

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<p>goose pits, and similar structures are allowed and must be removed at the end of the season.</p> <p>(5) Trapping is prohibited in state parks unless authorized by the board. The board authorizes the department to issue specific restrictions on trapping at a state park where trapping is allowed.</p> <p>(6) Written authorization by the department is required prior to trapping on department lands.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p> <p>IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			<p>is limited to water sets only during the legal trapping season.</p> <p>B. Foy's Bend FCA: Special hunting restrictions posted on site.</p> <p>RULE 19. HUNTING BLINDS, TREE STANDS, GOOSE PITS</p> <p>1. Hunting blinds, tree stands and goose pits left overnight does not guarantee exclusive use.</p> <p>2. Hunting blinds, tree stands and goose pits must be removed at season closure.</p> <p>3. Permanent blinds, tree stands and goose pits are prohibited. A. Otter Island, Foy's Bend, and Osprey View FCAs: Hunting blinds and tree stands must be removed daily.</p>
MOTORIZED AND NONMOTORIZED VEHICLES			
<p>NEW RULE XV (ARM 12.12.115) MOTORIZED AND NON-MOTORIZED VEHICLES (1) The rules in this chapter apply to all motorized and non-motorized vehicles. The following are prohibited in public use sites:</p> <p>(a) operating a motorized or non-motorized vehicle in violation of posted traffic rules, such as speed limits, yield or stop signs, and directional signage;</p> <p>(b) operating a motorized or non-motorized vehicle off of authorized routes;</p> <p>(c) driving or operating a vehicle on any road, trail, or area which is specifically posted against such use;</p>	<p>12.8.204 VEHICLES</p> <p>(1) This section applies to all vehicles, including, but not limited to: automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles and trailers, campers, bicycles or any other such equipment.</p> <p>(2) No vehicle may be driven at a speed greater than the posted speed.</p> <p>(3) No wheeled motor vehicle may be driven off authorized roadways, except onto parking areas provided.</p> <p>(4) No person may operate a vehicle on any road, trail, or area which is specifically posted against such use.</p> <p>(5) No motor vehicle may be operated in a public recreation area that fails to comply with the Title</p>	<p>12.8.815 USE OF NONMOTORIZED VEHICLES</p> <p>(1) Whenever used in this subchapter, nonmotorized vehicle shall mean any wheeled, operator-propelled equipment that transports the operator on land, including cycles, in-line skates and skateboards, or similar devices, but not wheelchairs or other medically prescribed devices utilized by individuals with disabilities.</p> <p>(2) The following is prohibited:</p> <p>(a) operation of nonmotorized vehicles on trails in any state park, that are posted to exclude such activity. The regional park manager may open or close trails to such use. This decision shall include an evaluation of factors including, but not limited to, the degree of conflict with other park users, public</p>	<p>RULE 4. VEHICLE USE</p> <p>1. Properly licensed vehicles are allowed only on designated open roads. Snowmobiles are allowed on groomed trails. A. Yellowstone WMA: Vehicles, bicycles, snowmobiles, horses and pack animals are only allowed on roads designated as "open".</p> <p>B. Marshall Creek WMA: Snowmobiling will be allowed throughout the WMA, but is restricted to designated open roads April 1 – November 30.</p> <p>C. Fish Creek WMA: Snowmobiling is not allowed within the winter closure area during the closed period. Snowmobiling is allowed throughout the remainder of the</p>

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<p>(d) driving or operating a vehicle beyond or around a barrier or structure intended to physically prevent such use;</p> <p>(e) operating a snowmobile except in designated areas; or</p> <p>(f) operating non-motorized vehicles in violation of posted restrictions.</p> <p>(2) Unless otherwise posted by the department the maximum speed limit within a developed area is fifteen miles per hour, and the maximum speed limit elsewhere in a public use site is twenty-five miles per hour.</p> <p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>61, MCA, Motor Vehicle Codes as they relate to driver licensing, vehicle equipment, vehicle registration and traffic regulation.</p> <p>(6) In addition to any other penalty provided for violation, the participant may be expelled from the area.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, 87-1-303, MCA; Eff. 12/31/72; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1986 MAR p. 952, Eff. 5/30/86; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>	<p>safety, and damage to park resources and/or facilities related to nonmotorized vehicles;</p> <p>(b) operation of nonmotorized vehicles off trail or off road in any state park, except where authorized by the regional park manager and posted to specifically or conditionally permit such activity; and</p> <p>(c) operation of nonmotorized vehicles upon docks, piers, curbs, steps, or other structures not specifically installed to accommodate such equipment.</p> <p>(3) Individuals operating nonmotorized vehicles in state park areas shall:</p> <p>(a) obey regulatory signs, including those permanently or temporarily erected, that govern the timing, location, speed, type and/or manner of operation, designed to promote visitor health and safety;</p> <p>(b) restrict speed and manner of operation to reasonable and prudent practices relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety, and the safety of all other park visitors;</p> <p>(c) yield the right of way to pedestrians and animals;</p> <p>(d) slow down, make presence known well in advance, and use courtesy and caution when approaching or overtaking other people or animals;</p> <p>(e) not disturb or harass wildlife, people, or animals; and</p> <p>(f) display adequate lighting during hours of darkness.</p>	<p>WMA, but is restricted to designated open roads April 1-November 30.</p> <p>D. Zelezny Access to Flathead Lake WHPAs: Parking limited to three vehicles in designated parking spaces as posted. No boat trailer parking.</p> <p><i>EXCEPTIONS to Rule 4. Sec. 1.</i></p> <p>2. Off road travel with any motor/engine powered wheeled vehicle is prohibited.</p> <p>3. If an entire WMA is closed to vehicle use, this rule shall be posted on a sign at all access points to the WMA.</p>

CONSOLIDATED PUBLIC USE RULES	GENERAL PUBLIC USE RULES	STATE PARK PUBLIC USE RULES	WMA PUBLIC USE RULES
		History: 23-1-106 , 23-1-111 , MCA; IMP, 23-1-106 , 23-1-111 , MCA; <u>NEW</u> , 2016 MAR p. 825, Eff. 5/7/16.	
PARKING			
<p>NEW RULE XVI (ARM 12.12.116) PARKING (1) The department may designate and sign individual parking spaces or groups of parking spaces for vehicle parking, boat trailer parking, day use parking, and registered camper parking at public use sites. Parking outside of these designated, signed parking spaces is prohibited.</p> <p>(2) It is prohibited to park a vehicle in any public use site in violation of the posted parking rules.</p> <p>(3) Vehicles parked in any public use site in violation of (1) and posing an immediate and significant public safety concern may be towed.</p> <p>(4) If the operator is not with the vehicle at the time of the violation, the registered owner of the motor vehicle is personally responsible for the costs. A defense that the motor vehicle was driven into a public use site by another person is not allowed unless it is shown that at the time, the motor vehicle was being used without the consent of the registered owner.</p>	N/A	<p><u>12.8.813</u> PARKING</p> <p>(1) Parking of any motor vehicle in a state park, except either in a designated parking area, or in another area with the permission of the park manager, is prohibited. If the operator is not with the vehicle at the time of the violation, the registered owner of the motor vehicle is personally responsible. A defense that the motor vehicle was driven into a state park by another person is not allowed unless it is shown that at the time, the motor vehicle was being used without the consent of the registered owner.</p> <p>(2) The park manager may designate and sign individual parking spaces or groups of parking spaces for specific uses such as, but not limited to, boat trailer parking, day use parking, and registered camper parking. Use of such parking spaces for other than the specified use is prohibited.</p> <p>(3) Upon finding a vehicle in violation of this rule, the authorized personnel shall take its license plate or vehicle identification number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a notice of the parking violation.</p>	N/A

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<p>AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>(4) The notice of parking violation shall contain the following: (a) a statement that the notice represents a determination that a violation of this rule has been committed by the owner or user of the vehicle and that the determination shall be final unless contested as provided by this article; (b) a statement of the monetary penalty established for the parking violation, including that the violation may subject the owner to additional administrative fees if not paid within ten working days of the date of issuance of the citation; and (c) a statement of the options provided herein for responding to the notice including appeal and the procedures necessary to exercise these options. (5) For any person found to be in violation of (1), the fines shall be as follows: (a) for each improper parking violation, the penalty shall be \$25.00; and (b) for parking in a designated handicap parking space, the penalty shall be \$100.00. (6) In addition to any fines imposed under (4), any vehicle found to be in violation of (1) may be towed at the owner's or operator's expense. (7) The provisions of ARM 12.8.823 do not apply to this rule. (8) Appeal of a parking violation may be heard pursuant to ARM 12.8.824. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	

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UNMANNED VEHICLES			
<p>NEW RULE XVII (ARM 12.12.117) UNMANNED VEHICLES (1) Unless permitted by the department, it is prohibited to launch or operate an unmanned terrestrial, aerial, or aquatic vehicle from or on a public use site. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	N/A	<p>12.8.816 UNMANNED AIRCRAFT SYSTEMS AND MODEL AIRCRAFT (1) Launching or operating an unmanned aircraft system, drone, or model aircraft from a state park is prohibited unless: (a) use is authorized by a commercial use or special use permit; or (b) use occurs within an area specifically designated for such use by the park manager. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	<p>RULE 25. USE OF DRONES OR OTHER REMOTELY CONTROLLED VEHICLES 1. The use of aerial, terrestrial, or aquatic remotely controlled vehicles is prohibited on all wildlife management areas unless for educational or other public benefit. Such exceptions require authorization by the Regional Wildlife Manager (WMA) or Fisheries Manager (FCA).</p>
ABANDONED PROPERTY			
<p>NEW RULE XVIII (ARM 12.12.118) ABANDONED PROPERTY (1) Property, other than vehicles, left unattended for more than 48 hours may be impounded, except where otherwise posted by the department. (2) Unattended property that interferes with public safety, orderly management of the public use site or presents a significant threat to department resources may be impounded immediately. (3) Unattended property impounded pursuant to this rule shall be deemed abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60-day period shall begin at the time the property is placed in the department's custody.</p>	N/A	<p>12.8.814 ABANDONED PROPERTY (1) Property left unattended for more than 48 hours may be impounded, except where otherwise posted. Vehicles found abandoned are subject to 61-12-401, MCA. Unattended property that interferes with visitor safety, orderly management of the park, or presents a threat to park resources may be impounded immediately. (2) Unattended property impounded pursuant to this rule shall be deemed abandoned unless claimed by the owner or an authorized representative thereof within 60 days. The 60-day period shall begin when the rightful owner of the property has been notified, if the owner can be identified, or from the time the property was placed in the agency's custody, if the owner cannot be identified. (3) Property left unclaimed pursuant to (2) will be turned over to the department's property</p>	N/A

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<p>(4) Property left unclaimed pursuant to (3) will be disposed of in accordance with Montana Operations Manual surplus property policy authorized by 18-6-101, MCA. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>division. The department will then turn the abandoned property over to the Department of Administration to be processed as surplus state property. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
DAY USE, GROUP USE, SPECIAL USE			
<p>NEW RULE XIX (ARM 12.12.119) DAY USE, GROUP USE, AND SPECIAL USE PERMIT (1) Special Use permits must be obtained when required. (2) A special use permit and payment of required fees is required for: (a) organized groups or gatherings with 30 or more people at a state park or fishing access site, and 10 or more people at a wildlife management area, fisheries conservation area, or wildlife habitat protection area; (b) special events such as weddings and reunions; or (c) reservable facilities such as shelters, pavilions, amphitheatres, meeting rooms, or other facilities or areas. (3) A special use permit may be required for: (a) organized groups or gatherings with fewer than 30 people; or (b) special uses or activities based on type of use or site-specific conditions.</p>	N/A	<p><u>12.8.804 DAY USE, GROUP USE, AND SPECIAL USE PERMIT</u> (1) A special use permit is required for special events, noncommercial activities, or groups with more than 30 persons. (2) A special use permit may be required for groups of 30 or fewer people based on management or resource protection objectives for a site, special rules or regulations, or other determining factors. (3) Reservable facilities such as shelters, pavilions, amphitheatres, meeting rooms, or other park facilities or areas may be reserved, subject to availability and approval by staff. (a) Reservations must be made within the established reservation window. (b) Reservations may be denied or canceled by the park manager to address public safety or resource protection concerns. (c) When using a reservable facility, the confirmed reservation will serve as the special use permit.</p>	<p>RULE 3. GROUP USE 1. Groups of 10 or more persons are required to obtain a Group Use Permit from the WMA manager or regional office responsible for the WMA to be used; must follow group use instructions; shall be assessed user fees and shall be required to surrender a deposit to defray costs caused by their use of the WMA. 2. A group of 10 or more persons may be allowed to use a WMA if group activities and purpose do not conflict with objectives and management purposes of the WMA. 3. If group use is part of or for a commercial use, a commercial use permit must be obtained. See Rule 10.</p>

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<p>(4) The availability of a special use permit depends on factors such as:</p> <ul style="list-style-type: none"> (a) management purposes for the site; (b) department capacity to manage the event or activity; (c) impacts on the cultural, heritage, natural, wildlife, and recreational resources; (d) impacts on interpretive, visitor service, other program activities, or with the administrative activities of the department; or (e) impacts on the general public at the site. <p>(5) Facilities such as shelters, pavilions, amphitheaters, meeting rooms, or other similar facilities or areas may be reserved, subject to availability and approval by staff.</p> <ul style="list-style-type: none"> (a) Reservations must be made within the established reservation window. (b) Reservations may be denied or canceled by the site manager to address public safety or resource protection concerns. (c) When using a reservable facility, the confirmed reservation will serve as the special use permit. (d) If not reserved, facilities are available on a first-come, first-served basis. <p>(6) All recipients of a special use permit and people associated with the</p>		<p>(d) If not reserved, facilities are available on a first-come, first-served basis.</p> <p>(4) All participants of events and activities authorized by a reservation and/or special use permit must comply with the terms and conditions of the reservation or permit.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	

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<p>permitted activity must comply with the terms and conditions of the permit. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			
<p>SOLICITING AND PUBLIC ASSEMBLY</p>			
<p>NEW RULE XX (ARM 12.12.120) SOLICITING AND PUBLIC ASSEMBLY (1) Soliciting or demanding gifts, money, goods, or services is prohibited at public use sites, except pursuant to the terms and conditions of a special use permit, commercial use permit, or other contract issued by the department for such activity. (2) Public assembly, including demonstrations, picketing, speechmaking, marching, holding vigils or services, dissemination or sharing of other information, and similar forms of conduct that involve the communication or expression of views or grievances, or are reasonably likely to attract a crowd or onlookers, are allowed at public use sites when a permit has been issued. (3) The department may place stipulations on the permitted activity, such as stipulations to protect public health and safety, protection of site resources, and to ensure the activity is consistent with the purpose of the site.</p>	<p>N/A</p>	<p>12.8.818 SOLICITING AND PUBLIC ASSEMBLY (1) Soliciting or demanding gifts, money, goods, or services is prohibited in state parks, except pursuant to the terms and conditions of a special use permit or commercial use permit, or other contract issued for such activity. (2) Public assembly of one or more individuals, including demonstrations, picketing, speechmaking, marching, holding vigils or religious services, and similar forms of conduct that involve the communication or expression of views or grievances or are reasonably likely to attract a crowd or onlookers are allowed in state parks when a permit has been issued. An application for a permit may be submitted on forms as may be provided by the department or in any written form so long as the permit application sets forth the following: (a) the name or organization name, address, and phone number of the applicant; (b) the date, time, duration, nature, and place of the proposed event, including a description or schedule of events and activities; (c) an estimate of the number of people expected to attend, including the basis for the estimate;</p>	<p>N/A</p>

CONSOLIDATED PUBLIC USE RULES	GENERAL PUBLIC USE RULES	STATE PARK PUBLIC USE RULES	WMA PUBLIC USE RULES
<p>(4) An application for a permit must be submitted on a form provided by the department.</p> <p>(5) Areas within public use sites may be designated for permitted public assembly activities provided that activities would not:</p> <p>(a) cause injury or damage to cultural, heritage, natural, wildlife, and recreational resources;</p> <p>(b) interfere with the management purposes for the site;</p> <p>(c) unreasonably impair the atmosphere of peace and tranquility maintained in natural, historic, or commemorative zones;</p> <p>(d) unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the department;</p> <p>(e) substantially impair the operation of public use facilities or services of concessioners, holders of commercial use authorizations, or contractors;</p> <p>(f) present a clear and present danger to the public health and safety; or</p> <p>(g) be otherwise incompatible with the nature and traditional use of the particular site involved.</p> <p>(6) The department must issue a permit or a written denial within ten days of receiving a complete and fully executed</p>		<p>(d) special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;</p> <p>(e) special facilities including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;</p> <p>(f) crowd control to be provided by the event sponsor;</p> <p>(g) designation of a responsible individual with whom officials may coordinate event activities, plans, and preparations; and</p> <p>(h) whether there is any reason to believe that there will be an attempt to disrupt, protest, or prevent the event.</p> <p>(3) Areas within state parks may be designated for permitted public assembly activities provided that activities would not:</p> <p>(a) cause injury or damage to park resources;</p> <p>(b) unreasonably impair the atmosphere of peace and tranquility maintained in natural, historic, or commemorative zones;</p> <p>(c) unreasonably interfere with interpretive, visitor service, or other program activities, or with the administrative activities of the department;</p> <p>(d) substantially impair the operation of public use facilities or services of concessioners, holders of commercial use authorizations, or contractors;</p> <p>(e) present a clear and present danger to the public health and safety; or</p>	

CONSOLIDATED PUBLIC USE RULES	GENERAL PUBLIC USE RULES	STATE PARK PUBLIC USE RULES	WMA PUBLIC USE RULES
<p>application. A permit will be issued unless:</p> <p>(a) a prior permit application has been or will be granted for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;</p> <p>(b) it reasonably appears that the event will present a clear and present danger to public health or safety;</p> <p>(c) the event is of such nature or duration that it cannot reasonably be accommodated in that site, considering things such as damage to site resources or facilities, impairment of a protected area’s atmosphere of peace and tranquility, interference with program activities, or impairment of public use facilities;</p> <p>(d) the location applied for has not been designated as available under (3); or</p> <p>(e) the activity would constitute a violation of an applicable law or regulation.</p> <p>(7) The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of resources, and the use of the site for the purposes of which it was established. It may also contain reasonable limitations of the equipment</p>		<p>(f) otherwise be incompatible with the nature and traditional use of the particular state park involved.</p> <p>(4) The department must issue a permit or a written denial within ten days of receiving a complete and fully executed application. A permit will be issued unless:</p> <p>(a) a prior permit application has been or will be granted for a permit for the same time and place, and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular area;</p> <p>(b) it reasonably appears that the event will present a clear and present danger to public health or safety;</p> <p>(c) the event is of such nature or duration that it cannot reasonably be accommodated in that particular state park, considering such things as damage to park resources or facilities, impairment of a protected area's atmosphere of peace and tranquility, interference with program activities or impairment of public use facilities;</p> <p>(d) the location applied for has not been designated as available under (3); or</p> <p>(e) the activity would constitute a violation of an applicable law or regulation.</p> <p>(5) The permit may contain conditions reasonably consistent with the requirements of public health and safety, protection of park resources, and the use of the park area for the purposes for which it was established. It may also contain reasonable limitations of the equipment used and the time and area within which the event is allowed.</p>	

CONSOLIDATED PUBLIC USE RULES	GENERAL PUBLIC USE RULES	STATE PARK PUBLIC USE RULES	WMA PUBLIC USE RULES
<p>used and the time and area within which the event is allowed. MAR Notice No. 12-603 (8) Violation of these regulations or the terms of the permit are prohibited and may lead to permit revocation in addition to other applicable penalties. (9) Revocation of a permit or order to cease will be made in writing, with the reasons clearly set forth. In emergency situations, verbal revocation or order to cease may take place, followed by written confirmation within 72 hours. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>(6) Violation of these regulations or the terms of the permit are prohibited and may lead to permit revocation in addition to other applicable penalties. (7) Revocation of a permit or order to cease will be made in writing, with the reasons clearly set forth. In emergency situations, verbal revocation or order to cease may take place, followed by written confirmation within 72 hours. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
EMERGENCY CLOSURES			
<p>NEW RULE XXI (ARM 12.12.121) EMERGENCY CLOSURES (1) The commission and board authorize the department to adopt temporary emergency rules to close a public use site or portions thereof to public use as provided in (NEW RULE XXII – ARM 12.12.122). (2) Public use of the public use site means any public occupation of the land. (3) The commission and board authorize the department to reopen designated recreation areas closed by temporary</p>	<p>12.8.217 DEPARTMENT'S AUTHORITY TO CLOSE DESIGNATED RECREATION AREAS DUE TO EMERGENCY (1) The commission authorizes the department to adopt temporary emergency rules to close designated recreation areas or portions thereof to public use as provided in ARM 12.8.218. (2) Public use of the designated recreation area means any public occupation of the land. (3) The commission authorizes the department to reopen designated recreation areas closed by temporary emergency rule as provided in ARM 12.8.218.</p>	<p>N/A</p>	<p>N/A</p>

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<p>emergency rules as provided in (NEW RULE XXII – ARM 12.12.122). AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>History: 23-1-106, 87-1-303, MCA; IMP, 2-4-303, 23-1-106, 87-1-303, MCA; NEW, 2009 MAR p. 2146, Eff. 11/13/09.</p>		
EMERGENCY CLOSURE CRITERIA			
<p>NEW RULE XXII (ARM 12.12.122) EMERGENCY CLOSURE CRITERIA (1) The department may, pursuant to (NEW RULE XXI – ARM 12.12.121), adopt temporary emergency rules under the following criteria: (a) the department receives written request for closure of a public use site from the interagency fire management team or similar authority that provides the description of where to implement the fire closure; (b) the department determines that firefighting efforts on or near the public use site create imminent peril to the public health, safety, or welfare; or (c) the department determines that dangerous conditions exist on or near the public use site that create imminent peril to public health, safety, or welfare. (2) The department may reopen the public use site by repealing a temporary emergency rule when it determines that firefighting efforts or dangerous conditions on or near the area have subsided and imminent peril to the</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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<p>public health, safety, and welfare no longer exists. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>			
<p>NOTIFICATION OF EMERGENCY CLOSURES</p>			
<p>NEW RULE XXIII (ARM 12.12.123) NOTIFICATION OF EMERGENCY CLOSURE AREAS (1) Prior to, or simultaneously with, the effective date of the closure of a public use site, the department shall: (a) notify the commission or board; (b) post notice of the closure on the agency website; (c) post notice of the closure within and near the affected area; and (d) send press releases regarding the closure to newspapers and media outlets having general distribution in the affected area. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>	<p>12.8.219 NOTIFICATION OF EMERGENCY DESIGNATED RECREATION CLOSURE AREAS (1) Prior to or simultaneously with the effective date of the closure the department shall: (a) notify the commission; (b) post notice of the closure on the agency web site; (c) post notice of the closure within and near the affected area; and (d) send press releases regarding the closure to newspapers and media outlets having general distribution in the affected area. History: 23-1-106, 87-1-303, MCA; IMP, 2-4-303, 23-1-106, 87-1-303, MCA; NEW, 2009 MAR p. 2146, Eff. 11/13/09.</p>		
<p>PENALTIES AND APPEAL</p>			
<p>NEW RULE XXIV (ARM 12.12.140) PENALTIES AND APPEAL (1) Except where otherwise specified, a violation of these rules is a misdemeanor pursuant to 87-6-102, MCA or 23-1-106, MCA.</p>		<p>12.8.824 APPEALS (1) Appeal pursuant to this subchapter shall be filed within 30 days of receiving the notice of violation or of being expelled. Appeals shall be submitted to the director, in writing, along with</p>	

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<p>(2) Individuals violating these rules may also be expelled immediately from a public use site for up to 48 hours. Failure to comply with the expulsion may constitute criminal trespass. AUTH: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA IMP: 23-1-102, 23-1-106, 23-1-111, 87-1-301, 87-1-303, 87-1-201, MCA</p>		<p>the violation being appealed, and the basis for that appeal. (2) Appeals to the director shall be addressed to: Montana Fish, Wildlife and Parks, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701. (3) Upon receipt of an appeal meeting the requirements of (1), the director shall respond to the appeal within 60 days. The director may deny the appeal, in whole or in part, or uphold the appeal, in whole or in part. (4) Anyone wishing to appeal the decision of the director must notify the board within ten days of receiving the decision of the director. (5) Appeals to the board shall be addressed to: Montana State Parks and Recreation Board, 1420 East Sixth Avenue, P.O. Box 200701, Helena, MT 59620-0701. (6) Upon receipt of an appeal, the board shall respond to the appeal within 60 days. The board may deny the appeal, in whole or in part, or uphold the appeal, in whole or in part, or may return the decision to the director for further clarification or consideration. History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	
BOATING AND SWIMMING			
N/A	<p>12.8.212 BOATING AND SWIMMING (1) No boats may be launched from any boat trailer, car, truck, or other conveyance except at an established launching area, if such a facility is provided. Boats, boat trailers, trucks, or other</p>	N/A	<p>RULE 6. WATERCRAFT 1. All wildlife management area waters are open to watercraft unless an exception is posted to close the area or restrict the size of watercraft,</p>

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	<p>conveyance may not be kept at a designated area unless the owner or possessor thereof is authorized to use the area under the provisions of these rules.</p> <p>(2) Swimming areas when designated are limited by white and orange buoys. No person may swim beyond a designated swimming area where posted. No person may disturb, deface, remove, or relocate such buoys.</p> <p>(3) No power boat may be operated or beached within a designated swimming area, nor shall it be operated with its motor in operation so that any portion of such boat approaches closer than 50 feet to any swimmer in the water. The term "swimmer" as used herein shall not mean any water skier, then engaged in waterskiing and using said boat as a use of towing power. This regulation is applicable only in water areas which are within 100 feet of the nearest shoreline and shall not apply to emergency or life-saving situations.</p> <p>(4) No operator of a power boat may tow any water skier so that such water skier is caused to approach within 50 feet of any swimmer in the water. No water skier, while afloat on his water skis, may approach any swimmer in the water within 50 feet or water ski within the bounds of any designated swimming area.</p> <p>(5) No person may leave a boat or other water craft unattended while moored or attached to a public boat dock nor shall public boat docks be used for any other purpose than loading and</p>		<p>horsepower of engine or season of use. Closure or restriction notice shall be posted at entrance points and parking areas.</p>

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	<p>unloading of boats or other water craft unless otherwise posted.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-102, 87-1-303, MCA; Eff. 12/31/72; AMD, 1978 MAR p. 386, Eff. 3/25/78; AMD, 1979 MAR p. 318, Eff. 3/30/79; AMD, 1986 MAR p. 952, Eff. 5/30/86; AMD, 1988 MAR p. 498, Eff. 3/11/88.</p>		
GOLDEN YEAR'S PASS			
N/A	<p><u>12.8.301</u> MONTANA STATE GOLDEN YEAR'S PASS</p> <p>(1) Use of pass by someone other than the recipient:</p> <p>(a) The Montana State Golden Year's Pass may be used only by the person to whom the pass is issued.</p> <p>(b) Any person who camps overnight in a state administered fee camping recreation area, state park, or fishing access site after having entered in a vehicle bearing a Montana Golden Years Pass shall obtain an overnight camping permit if the recipient of the Golden Years Pass is not a passenger or driver of that vehicle.</p> <p>(2) Replacement of pass and additional purchase:</p> <p>(a) Any person who has been issued a Montana State Golden Years Pass for display on a vehicle which is subsequently sold or disposed of, or where the decal is otherwise required to be replaced, may be issued a substitute decal upon surrendering the remainder of the original decal to the department or its authorized representative.</p> <p>History: 23-1-106, 87-1-303, MCA; IMP, 23-1-105, MCA; NEW, 1977 MAR p. 535, Eff. 9/24/77; AMD,</p>	N/A	N/A

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	1980 MAR p. 2901, Eff. 11/15/80; <u>AMD</u> , 1991 MAR p. 1388, Eff. 9/27/91.		
GEOCACHING			
Addressed elsewhere	N/A	<p><u>12.8.817</u> GEOCACHING</p> <p>(1) Placement of any geocache in a state park requires a permit approved by the park manager.</p> <p>(a) The permit will be valid for three years and may be reissued upon expiration.</p> <p>(b) The park manager may limit the number of permits issued based upon natural resource protection and social conflict concerns or other determining factors.</p> <p>(c) Geocaches involving commercial activities or special events are subject to additional review and permitting requirements and may require a fee.</p> <p>(2) The park manager or designee may designate facilities and areas where geocaches will be allowed and/or prohibited.</p> <p>(3) Geocaches may not contain the following items:</p> <p>(a) alcohol;</p> <p>(b) medications;</p> <p>(c) illegal drugs or drug paraphernalia;</p> <p>(d) weapons;</p> <p>(e) hazardous materials;</p> <p>(f) food items;</p> <p>(g) personal hygiene products;</p> <p>(h) money in excess of five U.S. dollars; and</p> <p>(i) socially inappropriate or offensive materials.</p> <p>(4) Unauthorized geocaches will be removed and treated as abandoned property, pursuant to ARM 12.8.814.</p>	N/A

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		History: 23-1-106 , 23-1-111 , MCA; IMP , 23-1-106 , 23-1-111 , MCA; NEW , 2016 MAR p. 825, Eff. 5/7/16.	
SMOKING			
Addressed elsewhere	N/A	<p><u>12.8.819 SMOKING</u></p> <p>(1) Smoking is prohibited:</p> <p>(a) in areas where smoking has been posted as prohibited to protect park resources or reduce fire risk;</p> <p>(b) during park-sponsored special events or programs within a state park such as guided hikes and outdoor interpretive programs; and</p> <p>(c) in any other area so designated by the park manager.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; NEW, 2016 MAR p. 825, Eff. 5/7/16.</p>	N/A
INTERFERENCE WITH AGENCY FUNCTION			
Addressed elsewhere		<p><u>12.8.822 INTERFERENCE WITH AGENCY FUNCTIONS</u></p> <p>(1) The following are prohibited in state parks:</p> <p>(a) threatening, resisting, intimidating, arguing with, or intentionally interfering with any official, employee, or agent of the department engaged in the performance of his or her official duties or on account of the performance of his or her official duties;</p> <p>(b) failing to comply with a lawful order issued by a department official, employee, or agent acting pursuant to these rules;</p> <p>(c) knowingly giving a false report or false information to a department official, employee, or agent:</p>	

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		<p>(i) on an application for a permit; (ii) for the purpose of misleading a department official, employee, or agent in the conduct of official duties; or (iii) that causes a response by the department to a fictitious event.</p> <p>(2) In addition to any other penalty provided, individuals violating this rule may be expelled immediately from the state park, as provided in ARM 12.8.823.</p> <p>History: 23-1-106, 23-1-111, MCA; IMP, 23-1-106, 23-1-111, MCA; <u>NEW</u>, 2016 MAR p. 825, Eff. 5/7/16.</p>	