



MONTANA FISH AND WILDLIFE COMMISSION FWP PROPOSAL & INFORMATION SHEET

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Meeting Date: February 12, 2026

Agenda Item: Amend and Repeal Fisheries Administrative Rules

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 minutes

Background: The Governor's Office 2021 Red Tape Initiative prompted a review of Montana Fish, Wildlife & Parks' Administrative Rules of Montana (ARM) for areas of redundant or outdated rules. The review resulted in FWP identifying several rules that were no longer relevant or could be condensed. Those are as follows:

1. Amendments:
 - a. ARM 12.7.701 – To update scientific names of fish species that can be planted;
 - b. ARM 12.7.801, 12.7.805, and 12.7.807 – To prevent contests from being scheduled on additional holidays;
 - c. ARM 12.7.1201 to 12.7.1208 – To combine the application process for the River Restoration Program along with the applications for the Future Fisheries Program to reduce duplication of regulations; and
 - d. ARM 12.7.1401 – To update decision making criteria.
2. Repeal:
 - a. ARM 12.7.601 and 12.7.602 – To repeal outdated fish planting policies.

Public Involvement Process & Results: The Montana Secretary of State (SOS) defines and implements the ARM development and amendment process, including associated steps and timeline. This identifies opportunities for public participation in the form of both a public hearing and the submission of written comments. This agenda item involves the request for commission approval for the filing of a formal rule proposal notice with the SOS to initiate the MAPA rulemaking process. The administrative rule proposal notice would then be published in the Montana Administrative Register (MAR) and posted on the FWP website and would include information on the timeline and methods for submission of written comment and the public hearing date. At the conclusion of that MAPA comment and hearing process, FWP will provide the commission with the public comments received along with a draft MAPA notice proposing the final adoption of the administrative rule for its review, consideration, and action at a future commission meeting.

Alternatives & Analysis: The commission may choose:

Alternative A: The commission may approve FWP's proposal to initiate rulemaking to amend and repeal the ARMs as proposed.

Alternative B: The commission may deny FWP's proposal, and FWP would not proceed with initiating the MAPA process to amend and repeal the ARMs as proposed.

Agency Recommendation & Rationale: FWP recommends the commission approve the proposal to initiate rulemaking to address the 2021 Red Tape Initiative.

Proposed Motion: I move that Fish and Wildlife Commission approve the request to initiate rulemaking to amend and repeal the ARMs as presented by FWP.



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