



MONTANA FISH AND WILDLIFE COMMISSION FWP PROPOSAL & INFORMATION SHEET

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Meeting Date: June 12, 2026

Agenda Item: Adoption of Amendments of Fisheries Administrative Rules

12.7.1, 12.7.7, 12.7.8, 12.7.12, 12.7.14 to address Red Tape Initiative

Repeal: 12.7.6 (fish planting policy) to address Red Tape Initiative

Adopt: 12.7.6 to replace fish planting policy with rules implementing HB74, private pond licensing.

Action Needed: Decision to Adopt Final Rules

Time Needed on Agenda for this Presentation: 10 minutes

Background: The 2023 Red Tape Initiative prompted a review of Department's administrative rules for areas of redundant or outdated rules. The review resulted in several areas of policy that were no longer relevant or could be condensed. The passage of HB74 required the Department to enact licensing rules for planting fish in private ponds. Items relevant to the commission are:

Amendments: 12.7.7 to update scientific names of fish species that can be planted, 12.7.8 is proposed to prevent contests from being scheduled on additional holidays, 12.7.12 are proposed to be amended to combine the application process for the River Restoration Program along with the applications for the Future Fisheries Program to reduce duplication of regulations, 12.7.14 is being amended to update decision making criteria.

Repeal: 12.7.6 to repeal outdated fish planting policies

Adopt: 12.7.6 Replace fish planting rules with Pond Licensing rules enacting HB74.

At its February 2026 meeting, the commission authorized the department to file the Montana Administrative Procedures Act (MAPA) proposed rulemaking notice with the Montana Secretary of State (SOS) initiating the process to proposed adoption, amendment and repeal of Fisheries Administrative Rules. The Notice was published by the SOS in the Montana Administrative Register (MAR) on March 6, 2026.

Public Involvement Process and Results: Public involvement was administered under the SOS's MAPA procedures. A public comment period was open between March 6 and April 6, 2026. FWP held an online public hearing on March 30, 2026, and accepted both written and oral comments on the rules as proposed. The Department will post the comments received, any edits to the proposed rules in response to the comments received, and a draft rule adoption notice that includes summary responses to the comments.

Alternatives and Analysis:

Alternative A: Adopt the proposed new, amended and repeal of administrative rules as reflected in the draft adoption notice. The commission would have updated their portions of the Fisheries Administrative rules completing their Red Tape Initiative project, and adopted rules to comply with HB 74 private ponds legislation from the 2025 session.



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Alternative B: The commission may deny the department's draft adoption, and the department would not proceed with updating the rules in the commission's jurisdiction, leaving private pond rules incomplete and out of compliance with HB 74.

Agency Rationale and Recommendation: The department recommends the commission approve the adoption notice to address the Red Tape Initiative and enact HB74.

Proposed Motion: I move that Fish and Wildlife Commission adopt as final the proposed adoption notice to amend, repeal, and adopt ARM rules as presented by the department.