



STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: Aug. 22, 2023

Agenda Item: Smith River bonus point system administrative rulemaking initiation

Action Needed: Decision to file administrative rule notice with Montana secretary of state

Time Needed on Agenda: 15 minutes

Background: At its June 2023 meeting, the board authorized FWP to draft rules to establish a Smith River bonus point system pursuant to House Bill No. 846 enacted by the 2023 Legislature to inform the board's decision whether to initiate the administrative rulemaking process for this purpose. The bill requires the rules to be adopted for residents and nonresidents. The bill also limits the number of Smith River permits that nonresidents may buy to not more than 10 percent of available permits.

Public Involvement Process: Public comment was taken during the consideration of HB 846 in the 2023 Legislature and at the June 2023 board meeting. At its August meeting, the board will consider public comments prior to deciding whether to initiate rulemaking using the language drafted by the department. If the board decides to initiate rulemaking, the ensuing process and timeline is defined by the Montana secretary of state under the Montana Administrative Procedures Act (MAPA) for Administrative Rules of Montana (ARM). This includes the requirement that the department conduct a public hearing and solicit comments on behalf of the board. The administrative rule notice would be posted on the FWP website and would include information on the timeline and the public hearing date. The department would provide a summary of the public comments (in addition to the comments in their original form) for the board to consider when making a final decision (expected late October or early November).

Alternatives & Analysis:

Alternative A: Instruct the department to file an administrative rule notice with the Montana secretary of state on behalf of the board to propose establishment of a Smith River bonus point system for residents and nonresidents in compliance with HB 846.

Alternative B: Instruct the department to not file an administrative rule notice and be out of compliance with HB 846.

Agency Recommendation & Rationale: FWP recommends the board instruct the department to file an administrative rule notice with the secretary of state to propose establishment of a Smith River bonus point system for residents and nonresidents so the department is in compliance with HB 846.

Proposed Motion: I move the State Parks and Recreation Board instruct the department to file an administrative rule notice on behalf of the board proposing establishment of a Smith River bonus point system for residents and nonresidents.