



MONTANA STATE PARKS & RECREATION BOARD AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: Dec. 19, 2023

Agenda Item: Consolidated public use rules (ARM) for lands administered by FWP

Action Needed: Decision to adopt final rules

Time Needed on Agenda for this Presentation: 15 minutes

Background: At its Aug. 2023 meeting, the board authorized FWP to file an administrative rule notice with the Montana secretary of state for consolidated public use rules for all department lands (state parks, fishing access sites, wildlife management areas, wildlife habitat protection areas, and fisheries conservation areas). The consolidated rules would replace three existing sets of public use rules that apply to different site types. The purpose of the consolidated rules is to consistently manage public uses across all lands while protecting fish and wildlife habitats as well as improving customer service and understanding of expectations for public use. As proposed, the rules would allow the department to continue managing different types of lands according to the purpose of each site type. The proposed rules would also address unnecessary duplication and inconsistencies found in the existing individual rules.

Public Involvement Process & Results: The board took public comment before its decision to initiate rulemaking at its Aug. 2023 meeting. After rulemaking was initiated, the public involvement process is defined by the Montana secretary of state under the Montana Administrative Procedures Act (MAPA) for Administrative Rules of Montana (ARM). In accordance, a public comment period was open between Sept. 8 and Oct. 10, 2023. FWP held an online public hearing on Oct. 2, 2023. The department will post a summary of comments received, all comments in their original form, and any edits to the proposed rules drafted by FWP in response to comments received on the board's website for review at least 2 weeks in advance of its Dec. 19 meeting.

Analysis & Alternatives:

Alternative A: Adopt as final the proposed consolidated set of public use rules, with no edits, for all FWP land types to improve consistency and customer service.

Alternative B: Adopt as final the proposed consolidated set of public use rules, with edits drafted by FWP in response to public comments received, for all FWP land types to improve consistency and customer service.

Alternative C: Decide not to adopt the proposed consolidated public use rules. FWP would continue to operate under three different sets of public use rules.

Agency Recommendation & Rationale: FWP recommends the board adopt as final the proposed consolidated set of public use rules, with edits drafted by FWP in response to public comments received, for all FWP land types to improve consistency and customer service.

Proposed Motion: Proposed Motion: I move the State Parks and Recreation Board adopt as final the proposed consolidated set of public use rules, with the edits drafted by FWP in response to public comments received as reflected in the draft rule adoption notice **and the clerical edits proposed today**, for all land types administered by FWP to improve consistency and customer service.