



## STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

**Meeting Date:** Nov. 1, 2023

**Agenda Item:** Smith River bonus point system administrative rulemaking

**Action Needed:** Decision to adopt final rules

**Time Needed on Agenda:** 10 minutes

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**Background:** At its August 2023 meeting, the board authorized FWP to file an administrative rule notice with the Montana secretary of state for rules to establish a Smith River bonus point system pursuant to House Bill No. 846 enacted by the 2023 Legislature. 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:** Rulemaking was initiated by publishing a proposal notice in the Montana Administrative Register (MAR) on Sept. 8, 2023. 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 with the laws, a public comment period was open between Sept. 8 and Oct. 10, 2023. FWP held an online public hearing on Sept. 29, 2023. FWP accepted written comments on the rules as proposed; no oral comments were received. The department has posted on the board's website all written comments in their original form and a draft rule adoption notice that provides summary responses to comments received. No changes from the draft rule language are proposed.

**Analysis & Alternatives:**

Alternative A: Adopt as final the proposed Smith River bonus points rules pursuant to House Bill No. 846.

Alternative B: Make line edits to the proposed rule language or the proposed responses to comments. (If these are substantive, we will have to put the rules out for a second comment period through the SOS.)

Alternative C: Decide not to adopt the proposed rules. The requirements of House Bill No. 846 would be unmet.

**Agency Recommendation & Rationale:** FWP recommends the board adopt as final the proposed Smith River bonus point rules so the department complies with House Bill No. 846.

**Proposed Motion:** I move the State Parks and Recreation Board adopt as final the proposed rules establishing a Smith River bonus point system.

**Alternative Motion:** I move the State Parks and Recreation Board amend the final proposed rules as follows (insert changes here); and establish a Smith River bonus point system.



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