



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: December 17, 2014
Agenda Item: Smith River State Park & River Corridor Biennial Rule
Division: Parks
Action Needed: Final **Time Needed on Agenda for this Presentation:** 30 minutes

Background: The Smith River Management Act, 23-2-401 through 23-2-410, MCA, authorizes the Board to provide for the administration of the Smith River waterway and adopt rules for this purpose. The Smith River State Park and River Corridor Biennial Rule establishes fees and rules for private, commercial and landowner float trips in Smith River State Park. The current rule was last adopted by the Fish, Wildlife & Parks Commission in December 2012 and will expire in December 2014. The last increase in user fees occurred in 2010.

During the 2013 and 2014 float seasons, a series of human/black bear conflicts were documented that resulted in numerous boat camp closures and the removal of eight black bears. In response to significant public safety concerns, the department chartered an inter-divisional committee that has recommended establishment of food storage regulations on the Smith River. This recommendation is consistent with the following desired condition stated in the 2009 Smith River State Park and River Corridor Management Plan: *“River recreation on the Smith River will not adversely impact wildlife or result in human injury or property damage resulting from conflicts between humans and wildlife.”*

Public Involvement Process & Results: The Parks Division issued statewide news releases on October 22 and November 14 announcing a 30-day public comment period that ended on November 21. A total of 60 individuals commented, including one federal agency and three conservation organizations. 16 commenters supported the rule as proposed, 27 commenters supported some form of food storage but provided significant suggestions and 17 commenters generally opposed food storage rules and/or were critical of the rules as proposed. Many commenters expressed concerns regarding requiring floaters to provide their own food storage equipment and several commenters were supportive of increasing user fees to help fund the installation of fixed storage devices.

Alternatives and Analysis: The Parks Division proposes the following alternatives:

Alternative 1 (Recommended):

- Establish mandatory food/attractant storage rules that place responsibility for safety and resource stewardship on the public and requires them to provide their own approved food storage equipment or methods. In concert with this rule, the Parks Division would actively encourage private businesses to establish food storage equipment rental programs to address cost and affordability concerns.
- Eliminate human waste pack out requirement at the Deep Creek and install a pit toilet at the site.
- Maintain current user fees.

Alternative 2:

- Establish food mandatory storage rules as referenced in Alternative # 1.
- Phase in the installation of fixed bear resistant electric fences in each boat camp.
- Eliminate human waste pack out requirement at the Deep Creek and install a pit toilet at the site.
- Maintain current user fees.

Agency Recommendation and Rationale: The Agency would like the new Smith River Advisory Council to become better established before proposing Smith River user fee increases thus it is recommended that current fees be maintained at this time. The proposed food storage rules reflect recommendations by department’s inter-divisional committee and are intended to address significant concerns for public safety, liability and wildlife protection.

Proposed Motion: I move that the Parks Board adopt the 2014 Smith River Biennial Rule as described in Alternative #1.