



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: March 11, 2015
Agenda Item: Smith River State Park & River Corridor Biennial Rule
Division: Parks
Action Needed: Final Time needed for presentation: 15 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 Board on December 17, 2014. The Board has the authority to amend the rule at anytime during the two year calendar period. (Reference Section I part B of Fee Rule).

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 8 black bears. In response to significant public safety concern, FWP chartered an interdivisional 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 and 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 comments supported the rule as proposed, 27 supported some form of food storage but provided significant suggestions and 17 comments generally opposed food storage rules and/or were critical of the rules as proposed.

Alternatives and Analysis: The Smith River Biennial Rule was approved by the Board on December 17th, 2014 with the exception of the proposed food storage provisions (Items C and D of Fee Rule were removed prior to approval). The Board agreed that before making a decision on food storage, they would prefer the Smith River Advisory Council make a recommendation. The Council met on January 13, 2015. Upon review of the issue, the Council made a recommendation that the Board approve the original preferred food storage rule as written to take effect in January 2016. In addition, the Council recommended the public be notified during the upcoming 2015 float season as to how the rule would be implemented.

Agency Recommendation and Rationale: The Agency recommends the Board follow the guidance of the Council and adopt the preferred food storage rule as originally proposed at the December meeting. The original proposal is as follows: *“Establish mandatory food/attractant storage rules that place the responsibility for safety and resource stewardship on the public and requires them to provide their own approved food storage equipment or methods.”* During 2015, the Parks Division will notify the public of the rule and its implementation in 2016 through press releases, personal communication, social media, the state parks website, and postings at Smith River State Park. The Division will encourage and research opportunities for approved storage device rentals.

Proposed Motion: I move that the adoption of the Smith River Biennial Fee Rule with the addition of the recommended original food storage portion of the rule to take effect in January 2016.