



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: February 24, 2016

Agenda Item: Public Use Rules - Proposed

Division: Parks

Action Needed: Tentative approval

Time Needed on Agenda for this Presentation: 20 Minutes

Background: In April of 2015 staff presented an informational item to the Board regarding the Division's plan to update its public use administrative rules. These rules, which guide the public's use of state parks, are out of date, most of them having been drafted in 1988.

A team consisting of several parks staff from around the state and a warden captain met on an almost weekly basis throughout the busy summer months and well into the fall. As part of the process, team members redrafted and updated the existing rules balancing public service responsibilities with resource protection. In addition, they also identified new rules to address emerging park uses or management concerns. The new rules cover a variety of areas, including providing for civil parking violations, geocaches, drones and other recreational aircraft, hunting in state parks, and expulsion.

The team sought input from other divisions within the department and incorporated many of those suggestions. It also circulated the draft rules within the Division for additional feedback. As a final step in the process, the draft rules will also be sent to the Department of Public Health and Human Services, per statutory requirements.

Public Involvement Process: If approved by the board, the draft rules will be published by the Secretary of State in the Montana Administrative register and opened for a 28-day public comment period. In addition, a hearing will be held at which the public can submit comment. Finally, the Board will take public comment on this draft proposal, as well any final rule proposal.

Alternatives and Analysis: Two alternatives to this proposal include:

- 1) Not allowing the division to put these rules out for public comment and continuing to work under the existing guidance.
- 2) Amending the proposed rules before the board further before putting them out for public comment.
- 3) Allowing these rules to be considered through public process and evaluating responses before finalization with the opportunity to support or oppose in whole or part in subsequent meetings.

Agency Recommendation and Rationale: The Department recommends the Board approve the draft rules be sent out for public comment.

Proposed Motion: I move that the board proposes the new public use rules as presented.