



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

NOTICE OF ADOPTION

MAR NOTICE NO. 36-225

Summary

Amendment of ARM 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.157, 36.25.158, and 36.25.159 pertaining to recreational use of state lands

Previous Notice(s) and Hearing Information

On September 6, 2024, the Department of Natural Resources and Conservation published MAR Notice No. 36-225 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 2122 of the 2024 Montana Administrative Register, Issue Number 17. A public hearing was held on September 26, 2024, and the end of comment period was October 4, 2024.

Final Rulemaking Action – Effective February 8, 2025

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

36.25.145 DEFINITIONS

36.25.146 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT

36.25.150 GENERAL RECREATIONAL USE OF STATE LANDS: CATEGORICAL CLOSURES

36.25.152 GENERAL RECREATIONAL USE OF STATE LANDS: PROCEDURE FOR SITE SPECIFIC CLOSURES

36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: PENALTIES

36.25.158 GENERAL RECREATIONAL USE OF STATE LANDS: DAMAGE REIMBURSEMENT

36.25.159 GENERAL RECREATIONAL USE OF STATE LANDS: WEED CONTROL MANAGEMENT

AMEND WITH CHANGES

The agency has amended the following rule with the following changes from the original proposal, stricken matter interlined, new matter underlined:

36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS

(1) through (1)(j) remain as proposed.

(k) From March 1 to December 1, or for an extended period of time if posted on site, ~~the acts described under a recreationist must comply with~~ ARM 12.12.109(1)(a), (b), and (c) are prohibited on state land:

(i) and (ii) remain as proposed.

(2) remains as proposed.

Authorizing statute(s): 77-1-209, 77-1-804, MCA

Implementing statute(s): 77-1-804, MCA

Statement of Reasons

The department has thoroughly considered the comments and testimony received. A summary of the comments received, and the department's responses are as follows:

Comment 1: One comment was received asking the department to rephrase the proposed amendment to ARM 36.25.149(1)(k) to incorporate language “unless the food storage rules found in (1)(a)(i) through (iv) and (b)(i) through (iii) are complied with...” to further clarify the food storage rules under ARM 12.12.109.

Response 1: In response to the comment received, the department amends the proposed language. This amendment is solely to promote clarity; it does not alter the substance of the proposed rule.

Contact

Jamie Price, Rules Coordinator
(406) 444-6615
DNRCOAH@mt.gov

Rule Reviewer

Jason Kampman

Approval

Amanda Kaster, Director