

1 *Lawson* BILL NO. *639*
 2 INTRODUCED BY *FAGG VINCENT* *Fuebeck* *Felton*
 3 *Hager* *Rasmussen* *Maly* *Kamma*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE
 5 MONTANA OUTDOOR RECREATION SYSTEM."
 6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Citation. This act may be cited as the
9 "Montana Outdoor Recreation Act of 1975."

10 Section 2. Policy. (1) The legislature finds that the
11 unique natural, cultural, and historical resources of
12 Montana provide abundant opportunities for outdoor
13 recreation and education, and finds that these opportunities
14 should be made available to all citizens of Montana now and
15 in the future.

16 (2) The legislature further finds that the
17 preservation and proper utilization of Montana's outdoor
18 recreational resources is becoming increasingly important to
19 the health, welfare, and prosperity of the citizens of
20 Montana due to the growing demand for outdoor recreational
21 facilities and the spread of development and urbanization in
22 the state.

23 (3) The legislature further finds that the outdoor
24 recreational, agricultural, and industrial needs of the
25 people of Montana will be best served by the establishment

1 of an outdoor recreational system which will:

2 (a) assure that public funds are expended to obtain
3 high quality public recreation resources in functional
4 categories of recreation resources so that a balance of high
5 quality available resources is maintained;

6 (b) provide a means for the legislature and the public
7 to adequately understand the extent and quality of
8 recreation resources which have been dedicated to the public
9 or which could be obtained for public use;

10 (c) to assure that private property is not transferred
11 to public use beyond the needs of the citizens of this state
12 for recreation resources in each functional category;

13 (d) preserve an accurate representation of Montana's
14 natural and historical heritage for public understanding and
15 enjoyment;

16 (e) provide an adequate supply of scenic, accessible,
17 and usable lands and water to accommodate the outdoor
18 recreational needs of Montana's citizens;

19 (f) aid in the development of a statewide policy which
20 will encourage agriculture and recreation to exist and grow
21 without harm or detrimental effects to either.

22 Section 3. Purpose. The legislature further finds that
23 there is the need for the preparation of a document by the
24 state of Montana to guide the legislature hereafter in the
25 review of requests for appropriations for land acquisition,

1 development, and maintenance of lands for state parks,
 2 campgrounds, water access sites, trails, recreation areas,
 3 scientific, natural areas, rest areas, and historic sites.
 4 A current inventory, future demands, land acquisition costs,
 5 anticipated revenues, development costs and other
 6 appropriate data shall be included in this document. The
 7 plan shall also include a detailed analysis of the role of
 8 private enterprise, agriculture, and regional and
 9 subregional responsibilities of the local units of
 10 government. The plan shall include but not be limited to
 11 the following:

12 (1) the determination of a Montana growth pattern and
 13 anticipated needs for the foreseeable future;

14 (2) the identification of areas of the state
 15 possessing outstanding scenic, historic, or natural value;
 16 whether on state, private, or federal lands;

17 (3) the functional classification of state
 18 administered outdoor recreational facilities;

19 (4) the analysis of existing and proposed state
 20 outdoor recreational facilities to determine their best use
 21 and ranking relative to other sites;

22 (5) the collection of more accurate use statistics on
 23 existing recreational areas which will indicate origin of
 24 most users, trends in overall use and activity
 25 participation;

1 (6) the analysis of existing and proposed state
 2 outdoor recreational areas to determine the potential for
 3 additional facility development;

4 (7) the review of land acquisition priorities and cost
 5 estimates;

6 (8) the development of state policies for outdoor
 7 recreation;

8 (9) the identification of future natural resources
 9 planning objectives;

10 (10) the study of the checkerboard pattern of land
 11 development in Montana.

12 The legislature hereby determines that the
 13 establishment of the Montana outdoor recreation system will
 14 serve these needs and will thus serve a valid public purpose
 15 for the people of this state.

16 Section 4. Definitions. For the purpose of this act:

17 (1) "Managing agency" means the organization pursuant
 18 to the laws of Montana which is given the responsibility for
 19 the administration of a particular unit of class or the
 20 outdoor recreation system.

21 (2) "Unit" means any state park, recreation area,
 22 historic site, scientific, natural area, wilderness area,
 23 trail, rest area, or water access site authorized,
 24 purchased, or studied pursuant to this act.

25 (3) "Outdoor recreation" means any voluntary activity

1 which is conducted primarily for the purposes of pleasure,
 2 rest, or relaxation and is dependent upon or derives its
 3 principal benefit from natural surroundings; "outdoor
 4 recreation" shall also, for the purposes of this act, mean
 5 any demonstration, structure, exhibit, or activity which is
 6 primarily intended to preserve, demonstrate, or explain a
 7 significant aspect of the natural and cultural history and
 8 archaeology of Montana.

9 (4) "Administration" or "administer" means the
 10 process, or any part thereof, of the preparation, operation,
 11 and management of a unit, including but not limited to the
 12 following:

- 13 (a) management of natural resources and visitors;
 14 (b) construction and development of structures,
 15 service facilities, and programs for visitor and
 16 administrative use;
 17 (c) maintenance of natural resources and facilities;
 18 (d) jurisdiction, custody and control of the units set
 19 forth under this act;
 20 (e) acceptance of gifts, grants, bequests, or
 21 contributions of money or other property to be used or spent
 22 under the provisions of this act.

23 (5) "Landscape region" means an identifiable
 24 geographic region with generally homogeneous natural
 25 characteristics which exemplify the natural processes which

1 formed the geography, geology, topography and biology of the
 2 state.

3 (6) "Facility" or "facilities" means any building,
 4 structure, modification, or improvement made or built upon
 5 the land or waters of a unit.

6 (7) "Rest area" means all facilities developed by the
 7 department of highways for the safety, rest, comfort, and
 8 use of the highway traveler and shall include all existing
 9 facilities designated as rest areas and waysides by the
 10 department of highways.

11 (8) "State planning agency" means the division of
 12 planning of the department of intergovernmental relations,
 13 or its successor agency.

14 (9) "Agricultural land" means that land used primarily
 15 for the production of food or a food fiber.

16 Section 5. Montana outdoor recreation system. The
 17 Montana outdoor recreation system is hereby created and
 18 established, and no land, water, or facility shall be now or
 19 hereafter owned, acquired, or operated by the state of
 w20 Montana as a unit of the outdoor recreation system except as
 21 provided in this act.

22 Section 6. State master plan. After the completion of
 23 the inventory a state master plan shall be developed under
 24 authority of section 62-403 with the cooperation of all
 25 state agencies using data provided by the state planning

1 agency and shall include as a minimum the following items:

2 (1) regional recreational needs based on both existing
3 and projected demands in activity days for each planning
4 region;

5 (2) availability and value of features in the various
6 regions meeting the activity needs;

7 (3) priorities for development and a schedule of
8 acquisition and development costs, for all the elements in
9 this act described in sections [13] through [21].

10 Section 7. Authorization and acquisition of units. The
11 obtainment of any unit or land under this act may not be
12 entered into or other obligation incurred until monies have
13 been appropriated by the legislature or are otherwise
14 available.

15 Section 8. Designation of land. The managing agency
16 may designate lands under its control as any unit under the
17 provision of this act, or by other designation it considers
18 appropriate. Likewise, it may reclassify any land or unit
19 currently under its jurisdiction.

20 Section 9. Leasing of designated land. The managing
21 agency may lease those portions of designated lands which
22 are necessary for the proper administration of those lands
23 with the basic purposes of section [3] of this act.

24 Section 10. Commitment of improvements. Construction
25 of necessary facilities and other development of any new

1 unit shall commence only after acceptance of the master plan
2 as set forth under this act and shall be carried out in
3 conformity with the master plan.

4 Section 11. Occupancy of units. When in the opinion
5 of the managing agency, acquisition and development of the
6 unit are sufficiently complete to permit operation and
7 administration of the unit in substantial conformity with
8 the master plan as approved, the managing agency shall
9 declare the unit established and ready for use.

10 Section 12. Outdoor recreation system --
11 classification and purposes. The outdoor recreation system
12 shall be comprised of units classified as follows, and each
13 unit shall be authorized, established, and administered to
14 accomplish the purpose and objectives of its classification.

15 Section 13. State park -- purpose -- resource and site
16 qualifications -- administration. (1) A state park may be
17 established to protect and perpetuate areas of the state
18 possessing these resources which illustrate and exemplify
19 Montana's natural heritage and to provide for the use,
20 enjoyment, and understanding of such resources without
21 impairment for the enjoyment and recreation of future
22 generations.

23 (2) No unit shall be authorized as a state park unless
24 its proposed location substantially satisfies the following
25 criteria:

1 (a) exemplifies the natural characteristics of the
 2 major landscape regions of the state, as shown by accepted
 3 classifications, in an essentially unspoiled condition or in
 4 a condition that will permit restoration in the foreseeable
 5 future; or contains essentially unspoiled natural resources
 6 of sufficient extent and importance to meaningfully
 7 contribute to the broad illustration of the state's natural
 8 heritage; or

9 (b) contains natural resources, sufficiently diverse
 10 and interesting to attract people from throughout the state;
 11 and is sufficiently large to permit protection of the plant
 12 and animal life and other natural resources which give the
 13 park its qualities and provide for a broad range of
 14 opportunities for human enjoyment of these qualities.

15 (3) State parks shall be administered by the managing
 16 agency in a manner which is consistent with the purposes of
 17 this section to preserve, perpetuate, and interpret natural
 18 features of the presettlement park area and other
 19 significant natural, scenic, scientific, or historic
 20 features that are present. Management shall seek to
 21 maintain a balance among the plant and animal life of the
 22 park and to reestablish desirable plants that were formerly
 23 indigenous to the park area but are now missing. Programs
 24 to interpret the natural features of the park may be
 25 provided. Outdoor recreation activities to utilize the

1 natural features of the park that can be accommodated
 2 without material disturbance of the natural features of the
 3 park or the introduction of undue artificiality into the
 4 natural scene may be permitted. Park use shall be primarily
 5 for scenic, cultural, and educational purposes, and shall
 6 not be designed to accommodate all forms of unlimited
 7 volumes of recreational use. Physical development shall be
 8 limited to those facilities necessary to complement the
 9 natural features and the values being preserved.

10 Section 14. State recreation area -- purpose --
 11 resource and site qualifications -- administration. (1) A
 12 state recreation area may be established to provide a broad
 13 selection of outdoor recreation opportunities in a natural
 14 setting which may be used by large numbers of people.

15 (2) No unit shall be authorized as a state recreation
 16 area unless its proposed location substantially satisfies
 17 the following criteria:

18 (a) contains natural or artificial resources which
 19 provide outdoor recreational opportunities that will attract
 20 visitors from beyond the local area;

21 (b) contains resources which are extensive enough to
 22 permit recreational use by large numbers of people; and

23 (c) may be located in areas which have serious
 24 deficiencies in public outdoor recreation facilities,
 25 provided that state recreation areas should not be provided

1 in lieu of municipal, county, or federal facilities.

2 (3) State recreation areas shall be administered by the
3 managing agency in a manner which is consistent with the
4 purposes of this section primarily to provide as broad a
5 selection of opportunities for outdoor recreation as is
6 consistent with maintaining a pleasing natural environment.
7 Scenic, historic, scientific, scarce, or disappearing
8 resources within state recreation areas shall be designated
9 as historical areas, scientific or natural areas to preserve
10 and protect them. Physical development shall enhance and
11 promote the use and enjoyment of the natural recreational
12 resources of the area.

13 Section 15. State historic site -- purpose -- resource
14 and site qualifications -- administration -- designation.

15 (1) A state historic site may be established to preserve,
16 restore, and interpret buildings and other structures,
17 locales, sites, antiquities, and related lands which aptly
18 illustrate significant events, personalities, and features
19 of the history and archaeology of the state or nation.

20 (2) No unit shall be authorized as a state historic
21 site unless it is historically important for any of the
22 following reasons:

23 (a) is the site of or directly associated with a
24 significant historical event;

25 (b) is associated with persons whose lives and

1 accomplishments are historically unique or important;

2 (c) embodies the distinctive characteristics of an
3 architectural style or method of construction which
4 represents a particular and significant historical period,
5 or the work of a master builder, designer, or architect;

6 (d) has yielded, or is likely to yield, historical or
7 archaeological artifacts, records, or other original data or
8 information; or

9 (e) is a geographical feature of outstanding
10 significance and includes, by way of example, the highest
11 point in the state, the continental divide, and the source
12 of the Missouri river.

13 (3) State historic sites shall be administered by the
14 managing agency in a manner consistent with the purposes of
15 this section to maintain and, if necessary, restore the
16 historical integrity of the site to commemorate or
17 illustrate its historical importance. Ancient features of
18 significance shall be protected from disturbance until
19 archaeological research has been completed. Interpretive
20 programs for visitors may be provided including, where
21 practicable, interpretation of research programs under
22 supervised conditions. Recreational use of natural features
23 shall be permitted only where this can be accomplished
24 without detriment to historical values. Physical
25 development shall be limited to those facilities necessary

1 to achieve the management and use objectives.

2 Section 16. State scientific or natural areas --
3 purpose -- resource and site qualifications --
4 administration -- designation. (1) A state scientific or
5 natural area may be established to protect and perpetuate in
6 an undisturbed natural state those natural features which
7 possess exceptional scientific or educational value.

8 (2) No unit shall be authorized as a scientific or
9 natural area unless its proposed location substantially
10 satisfies the following criteria:

11 (a) embraces natural features of exceptional
12 scientific and educational value, including but not limited
13 to:

14 (i) natural formations or features which significantly
15 illustrate geological processes;

16 (ii) significant fossil evidence of the development of
17 life on earth;

18 (iii) an ecological community significantly
19 illustrating characteristics of a physiographic province or
20 a biome;

21 (iv) a biota of relative stability maintaining itself
22 under prevailing natural conditions;

23 (v) an ecological community significantly illustrating
24 the process of succession and restoration to natural
25 condition following disruptive change;

1 (vi) a habitat supporting a vanishing, rare, or
2 restricted species;

3 (vii) a relict flora or fauna persisting from an
4 earlier period; and

5 (viii) a seasonal haven for concentrations of native
6 birds and animals, or a vantage point for observing
7 concentrated populations, such as a constricted migration
8 route.

9 (b) embraces an area large enough to permit effective
10 research or educational functions and to preserve the
11 inherent natural values of the area.

12 (3) State scientific or natural areas shall be
13 administered by the managing agency in a manner which is
14 consistent with the purposes of this section to preserve,
15 perpetuate, and protect from unnatural influences the
16 scientific and educational resources within them.
17 Interpretive studies may be provided for the general public.
18 Physical development shall be limited to the facilities
19 absolutely necessary for protection, research, and education
20 projects, and, where appropriate, for interpretive services.
21 An area designated as a state scientific or natural area
22 shall not be altered in designation or use without holding a
23 public hearing on the matter at a time and place designated
24 in the notice of the hearing, which shall be published once
25 in a legal newspaper in each county in which the lands are

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1 situated at least seven (7) days in advance of the hearing.
 2 At the hearing the hearing officer shall provide an
 3 opportunity for any person to be heard.

4 (4) At the discretion of the managing agency, each
 5 scientific or natural area shall be designated as one of the
 6 following types:

7 (a) Research unit. Use is limited to programs
 8 conducted by qualified scientists and college graduate and
 9 post-graduate students.

10 (b) Educational unit. Permitted uses include all
 11 activities specified in paragraph (a) above and primary,
 12 secondary, and college undergraduate programs.

13 (c) Public use unit. Permitted uses include all uses
 14 permitted in paragraphs (a) and (b) above and interpretive
 15 programs for the benefit of the general public.

16 Section 17. State wilderness area -- purpose --
 17 resource and site qualifications -- administration. (1) A
 18 state wilderness area may be established to preserve
 19 outstanding opportunities for solitude and primitive types
 20 of outdoor recreation.

21 (2) No unit shall be authorized as a state wilderness
 22 area unless its proposed location substantially satisfies
 23 the following criteria:

24 (a) contains an area sufficiently large to permit the
 25 user to effectively isolate himself from civilization;

1 (b) appears to have been primarily affected by the
 2 forces of nature, with the evidence of man being
 3 substantially unnoticeable;

4 (c) is of sufficient size to permit preservation and
 5 dispersed outdoor recreational uses without impairing the
 6 natural conditions; and

7 (d) is approved by the legislature.

8 (3) State wilderness areas shall be administered by
 9 the managing agency in a manner which is consistent with the
 10 purposes of this section, and shall be managed only to the
 11 extent necessary to control fire, insects, and disease, and
 12 to preserve existing wilderness or reestablish wilderness
 13 conditions. There shall be no development of public roads,
 14 permanent dwellings, or recreational facilities except
 15 trails for nonmotorized traffic. Motorized traffic shall
 16 not be allowed. Facilities existing at the time of
 17 establishment shall be removed.

18 Section 18. State road or trail -- purpose -- resource
 19 and site qualifications -- administration -- designation.
 20 (1) A state road or trail may be established to provide a
 21 recreational travel route which connects units of the
 22 outdoor recreation system or the national trail system,
 23 provides access to or passage through other areas which have
 24 significant scenic, historic, scientific, or recreational
 25 qualities or reestablishes or permits travel along an

1 historically prominent travel route.

2 (2) No unit shall be classified as a state trail
3 unless its proposed location substantially satisfies the
4 following criteria:

5 (a) permits safe travel, by appropriate modes of
6 transportation, along a route which provides at least one of
7 the following recreational opportunities:

8 (i) travel along a route which connects areas or
9 points of natural, scientific, cultural, or historic
10 interest;

11 (ii) travel through an area which possesses outstanding
12 scenic beauty;

13 (iii) travel by the appropriate transportation mode
14 over a route designed to enhance and utilize the unique
15 qualities of that mode in harmony with the natural
16 environment;

17 (iv) travel along a route which is historically
18 significant as a route of migration, commerce, or
19 communication; or

20 (v) travel between units of the state outdoor
21 recreation system or the national trail system.

22 (b) utilizes, to the greatest extent possible
23 consistent with the purposes of this act, public lands,
24 rights-of-way, and the like; and

25 (c) provides maximum potential for the appreciation,

1 conservation, and enjoyment of significant scenic,
2 historical, natural, or cultural qualities of the areas
3 through which the trail may pass.

4 (3) State roads or trails shall be administered by the
5 managing agency in a manner which is consistent with the
6 purposes of this section. State roads or trails established
7 by the managing agency shall be managed to provide a travel
8 route through an area with a minimum disturbance of the
9 natural environment. Markers shall be limited to those
10 providing safety information and interpretation.

11 (4) Facilities for the rest and comfort of users shall
12 be provided primarily within units of the outdoor recreation
13 system through which the road or trail passes, provided,
14 however, when additional such facilities are required to
15 insure the rest and comfort of the traveler, the managing
16 agency may, at its discretion, develop such facilities along
17 the way.

18 Section 19. State rest area -- purpose -- resource and
19 site qualifications -- administration. (1) A state rest area
20 may be established to promote a safe, pleasurable, and
21 informative travel experience along Montana highways by
22 providing areas and facilities at reasonable intervals for
23 information, emergencies, or the rest and comfort of
24 travelers.

25 (2) No unit shall be classified as a state rest area

1 unless its proposed location substantially satisfies the
2 following criteria:

3 (a) is developed at appropriate intervals based on the
4 type of road system, traffic and traffic projections and
5 known or projected usage of said proposed development;

6 (b) is adjacent to or in near proximity to a trunk or
7 interstate highway;

8 (c) possesses scenic beauty if present; and

9 (d) is near or associated with a place or area of
10 natural, scientific, cultural, or historic interest.

11 (3) Rest areas shall be administered by the department
12 of highways in cooperation with other agencies as
13 appropriate in a manner which is consistent with the
14 purposes of this section. State rest areas may be managed
15 to provide parking, resting, restroom, picnicking,
16 orientation, and other facilities for the convenience of the
17 traveling public. Where located in conjunction with
18 features of interest, state rest areas may provide
19 interpretive exhibits or other facilities if appropriate to
20 promote understanding and enjoyment of the features.

21 Section 20. State water access site -- purpose --
22 resource and site qualifications -- administration. (1) A
23 state water access site may be established to provide public
24 access for fishing, launching of boats, or entering on to
25 those rivers and lakes which are suitable for outdoor water

1 recreation and where such access is necessary to permit
2 public use.

3 (2) No unit shall be established as a state water
4 access site unless its proposed location substantially
5 satisfies the following criteria:

6 (a) the body of water to which access is being
7 provided and surrounding lands can withstand additional
8 recreational use without undue damage to the environment.

9 (b) public access to such body of water is either
10 nonexistent or inadequate.

11 (3) State water access sites shall be administered by
12 the managing agency in a manner which is consistent with the
13 purposes of this section to provide a safe and aesthetically
14 pleasing place to fish or launch watercraft. Access roads,
15 parking areas, and refuse containers and other facilities
16 may be provided at each site in a manner compatible with the
17 natural environment. Sanitary facilities and facilities for
18 picnicking and camping may be provided when the managing
19 agency determines that these activities are justifiable, are
20 compatible with the resource, and can be easily accommodated
21 on the site.

22 Section 21. Establishment of secondary units -- when
23 permitted -- administration. (1) A unit of outdoor
24 recreation system may be established wholly or partially
25 within the boundaries of another unit only when such

1 establishment is consistent with the purposes and objectives
 2 of the respective units and only in the instances permitted
 3 below:

4 (a) The following units may be established wholly or
 5 partially within a state park: historical area, scientific
 6 or natural area, wilderness area, trail, rest area, and
 7 water access site.

8 (b) The following units may be established wholly or
 9 partially within a state recreation area: state historical
 10 area, scientific or natural area, trail, rest area, and
 11 water access site.

12 (c) The following units may be established wholly or
 13 partially within a state historical area: state trail, rest
 14 area, and water access site.

15 (d) The following units may be established wholly or
 16 partially within a state scientific or natural area: state
 17 trail and water access site.

18 (e) The following units may be established wholly or
 19 partially within a state rest area: state historical area,
 20 trail, and water access site.

21 Section 22. State roads or trails. Any and all state
 22 trails which have been established, developed, maintained,
 23 and operated are hereby authorized as units of the outdoor
 24 recreation system and are classified as state roads or
 25 trails and shall be administered pursuant to this act.

1 Section 23. State scientific or natural areas. All
 2 state scientific or natural areas which have been acquired
 3 and designated as such are hereby authorized and established
 4 as units of the outdoor recreation system, are classified as
 5 state scientific or natural areas, and shall be administered
 6 by the managing agency as provided herein.

7 Section 24. State historic sites. All existing state
 8 historic sites are hereby authorized and established as
 9 units of the outdoor recreation system, are classified as
 10 state historic sites, and shall be administered in a manner
 11 which is consistent with this act.

12 Section 25. State water access sites. All lands and
 13 facilities which have been or will be established to provide
 14 public access to water on state lands are hereby authorized
 15 and established as units of the outdoor recreation system,
 16 are classified as state water access sites, and shall be
 17 administered by the managing agency pursuant to this act.

18 Section 26. It is the intent of the legislature that
 19 if a part of this act is invalid, all valid parts that are
 20 severable from the invalid part remain in effect. If a part
 21 of this act is invalid in one or more of its applications,
 22 the part remains in effect in all valid applications that
 23 are severable from the invalid applications.

-End-

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SECOND READING

MISSING

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 3 *Hager Rasmussen* *Maly* *Kammas*
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 17 (c) maintenance of natural resources and facilities;
 18 (d) jurisdiction, custody and control of the units set
 19 forth under this act;
 20 (e) acceptance of gifts, grants, bequests, or
 21 contributions of money or other property to be used or spent
 22 under the provisions of this act.

23 (5) "Landscape region" means an identifiable
 24 geographic region with generally homogeneous natural
 25 characteristics which exemplify the natural processes which

1 formed the geography, geology, topography and biology of the
 2 state.

3 (6) "Facility" or "facilities" means any building,
 4 structure, modification, or improvement made or built upon
 5 the land or waters of a unit.

6 (7) "Rest area" means all facilities developed by the
 7 department of highways for the safety, rest, comfort, and
 8 use of the highway traveler and shall include all existing
 9 facilities designated as rest areas and waysides by the
 10 department of highways.

11 (8) "State planning agency" means the division of
 12 planning of the department of intergovernmental relations,
 13 or its successor agency.

14 (9) "Agricultural land" means that land used primarily
 15 for the production of food or a food fiber.

16 Section 5. Montana outdoor recreation system. The
 17 Montana outdoor recreation system is hereby created and
 18 established, and no land, water, or facility shall be now or
 19 hereafter owned, acquired, or operated by the state of
 20 Montana as a unit of the outdoor recreation system except as
 21 provided in this act.

22 Section 6. State master plan. After the completion of
 23 the inventory a state master plan shall be developed under
 24 authority of section 62-403 with the cooperation of all
 25 state agencies using data provided by the state planning

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1 agency and shall include as a minimum the following items:

2 (1) regional recreational needs based on both existing
3 and projected demands in activity days for each planning
4 region;

5 (2) availability and value of features in the various
6 regions meeting the activity needs;

7 (3) priorities for development and a schedule of
8 acquisition and development costs, for all the elements in
9 this act described in sections [13] through [21].

10 Section 7. Authorization and acquisition of units. The
11 obtainment of any unit or land under this act may not be
12 entered into or other obligation incurred until monies have
13 been appropriated by the legislature or are otherwise
14 available.

15 Section 8. Designation of land. The managing agency
16 may designate lands under its control as any unit under the
17 provision of this act, or by other designation it considers
18 appropriate. Likewise, it may reclassify any land or unit
19 currently under its jurisdiction.

20 Section 9. Leasing of designated land. The managing
21 agency may lease those portions of designated lands which
22 are necessary for the proper administration of those lands
23 with the basic purposes of section [3] of this act.

24 Section 10. Commitment of improvements. Construction
25 of necessary facilities and other development of any new

1 unit shall commence only after acceptance of the master plan
2 as set forth under this act and shall be carried out in
3 conformity with the master plan.

4 Section 11. Occupancy of units. When in the opinion
5 of the managing agency, acquisition and development of the
6 unit are sufficiently complete to permit operation and
7 administration of the unit in substantial conformity with
8 the master plan as approved, the managing agency shall
9 declare the unit established and ready for use.

10 Section 12. Outdoor recreation system --
11 classification and purposes. The outdoor recreation system
12 shall be comprised of units classified as follows, and each
13 unit shall be authorized, established, and administered to
14 accomplish the purpose and objectives of its classification.

15 Section 13. State park -- purpose -- resource and site
16 qualifications -- administration. (1) A state park may be
17 established to protect and perpetuate areas of the state
18 possessing these resources which illustrate and exemplify
19 Montana's natural heritage and to provide for the use,
20 enjoyment, and understanding of such resources without
21 impairment for the enjoyment and recreation of future
22 generations.

23 (2) No unit shall be authorized as a state park unless
24 its proposed location substantially satisfies the following
25 criteria:

1 (a) exemplifies the natural characteristics of the
 2 major landscape regions of the state, as shown by accepted
 3 classifications, in an essentially unspoiled condition or in
 4 a condition that will permit restoration in the foreseeable
 5 future; or contains essentially unspoiled natural resources
 6 of sufficient extent and importance to meaningfully
 7 contribute to the broad illustration of the state's natural
 8 heritage; or

9 (b) contains natural resources, sufficiently diverse
 10 and interesting to attract people from throughout the state;
 11 and is sufficiently large to permit protection of the plant
 12 and animal life and other natural resources which give the
 13 park its qualities and provide for a broad range of
 14 opportunities for human enjoyment of these qualities.

15 (3) State parks shall be administered by the managing
 16 agency in a manner which is consistent with the purposes of
 17 this section to preserve, perpetuate, and interpret natural
 18 features of the presettlement park area and other
 19 significant natural, scenic, scientific, or historic
 20 features that are present. Management shall seek to
 21 maintain a balance among the plant and animal life of the
 22 park and to reestablish desirable plants that were formerly
 23 indigenous to the park area but are now missing. Programs
 24 to interpret the natural features of the park may be
 25 provided. Outdoor recreation activities to utilize the

1 natural features of the park that can be accommodated
 2 without material disturbance of the natural features of the
 3 park or the introduction of undue artificiality into the
 4 natural scene may be permitted. Park use shall be primarily
 5 for scenic, cultural, and educational purposes, and shall
 6 not be designed to accommodate all forms of unlimited
 7 volumes of recreational use. Physical development shall be
 8 limited to those facilities necessary to complement the
 9 natural features and the values being preserved.

10 Section 14. State recreation area -- purpose --
 11 resource and site qualifications -- administration. (1) A
 12 state recreation area may be established to provide a broad
 13 selection of outdoor recreation opportunities in a natural
 14 setting which may be used by large numbers of people.

15 (2) No unit shall be authorized as a state recreation
 16 area unless its proposed location substantially satisfies
 17 the following criteria:

18 (a) contains natural or artificial resources which
 19 provide outdoor recreational opportunities that will attract
 20 visitors from beyond the local area;

21 (b) contains resources which are extensive enough to
 22 permit recreational use by large numbers of people; and

23 (c) may be located in areas which have serious
 24 deficiencies in public outdoor recreation facilities,
 25 provided that state recreation areas should not be provided

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1 in lieu of municipal, county, or federal facilities.
 2 (3) State recreation areas shall be administered by the
 3 managing agency in a manner which is consistent with the
 4 purposes of this section primarily to provide as broad a
 5 selection of opportunities for outdoor recreation as is
 6 consistent with maintaining a pleasing natural environment.
 7 Scenic, historic, scientific, scarce, or disappearing
 8 resources within state recreation areas shall be designated
 9 as historical areas, scientific or natural areas to preserve
 10 and protect them. Physical development shall enhance and
 11 promote the use and enjoyment of the natural recreational
 12 resources of the area.

13 Section 15. State historic site -- purpose -- resource
 14 and site qualifications -- administration -- designation.

15 (1) A state historic site may be established to preserve,
 16 restore, and interpret buildings and other structures,
 17 locales, sites, antiquities, and related lands which aptly
 18 illustrate significant events, personalities, and features
 19 of the history and archaeology of the state or nation.

20 (2) No unit shall be authorized as a state historic
 21 site unless it is historically important for any of the
 22 following reasons:

23 (a) is the site of or directly associated with a
 24 significant historical event;

25 (b) is associated with persons whose lives and

1 accomplishments are historically unique or important;

2 (c) embodies the distinctive characteristics of an
 3 architectural style or method of construction which
 4 represents a particular and significant historical period,
 5 or the work of a master builder, designer, or architect;

6 (d) has yielded, or is likely to yield, historical or
 7 archaeological artifacts, records, or other original data or
 8 information; or

9 (e) is a geographical feature of outstanding
 10 significance and includes, by way of example, the highest
 11 point in the state, the continental divide, and the source
 12 of the Missouri river.

13 (3) State historic sites shall be administered by the
 14 managing agency in a manner consistent with the purposes of
 15 this section to maintain and, if necessary, restore the
 16 historical integrity of the site to commemorate or
 17 illustrate its historical importance. Ancient features of
 18 significance shall be protected from disturbance until
 19 archaeological research has been completed. Interpretive
 20 programs for visitors may be provided including, where
 21 practicable, interpretation of research programs under
 22 supervised conditions. Recreational use of natural features
 23 shall be permitted only where this can be accomplished
 24 without detriment to historical values. Physical
 25 development shall be limited to those facilities necessary

1 to achieve the management and use objectives.

2 Section 16. State scientific or natural areas --
3 purpose -- resource and site qualifications --
4 administration -- designation. (1) A state scientific or
5 natural area may be established to protect and perpetuate in
6 an undisturbed natural state those natural features which
7 possess exceptional scientific or educational value.

8 (2) No unit shall be authorized as a scientific or
9 natural area unless its proposed location substantially
10 satisfies the following criteria:

11 (a) embraces natural features of exceptional
12 scientific and educational value, including but not limited
13 to:

14 (i) natural formations or features which significantly
15 illustrate geological processes;

16 (ii) significant fossil evidence of the development of
17 life on earth;

18 (iii) an ecological community significantly
19 illustrating characteristics of a physiographic province or
20 a biome;

21 (iv) a biota of relative stability maintaining itself
22 under prevailing natural conditions;

23 (v) an ecological community significantly illustrating
24 the process of succession and restoration to natural
25 condition following disruptive change;

1 (vi) a habitat supporting a vanishing, rare, or
2 restricted species;

3 (vii) a relict flora or fauna persisting from an
4 earlier period; and

5 (viii) a seasonal haven for concentrations of native
6 birds and animals, or a vantage point for observing
7 concentrated populations, such as a constricted migration
8 route.

9 (b) embraces an area large enough to permit effective
10 research or educational functions and to preserve the
11 inherent natural values of the area.

12 (3) State scientific or natural areas shall be
13 administered by the managing agency in a manner which is
14 consistent with the purposes of this section to preserve,
15 perpetuate, and protect from unnatural influences the
16 scientific and educational resources within them.
17 Interpretive studies may be provided for the general public.
18 Physical development shall be limited to the facilities
19 absolutely necessary for protection, research, and education
20 projects, and, where appropriate, for interpretive services.
21 An area designated as a state scientific or natural area
22 shall not be altered in designation or use without holding a
23 public hearing on the matter at a time and place designated
24 in the notice of the hearing, which shall be published once
25 in a legal newspaper in each county in which the lands are

1 situated at least seven (7) days in advance of the hearing.
 2 At the hearing the hearing officer shall provide an
 3 opportunity for any person to be heard.

4 (4) At the discretion of the managing agency, each
 5 scientific or natural area shall be designated as one of the
 6 following types:

7 (a) Research unit. Use is limited to programs
 8 conducted by qualified scientists and college graduate and
 9 post-graduate students.

10 (b) Educational unit. Permitted uses include all
 11 activities specified in paragraph (a) above and primary,
 12 secondary, and college undergraduate programs.

13 (c) Public use unit. Permitted uses include all uses
 14 permitted in paragraphs (a) and (b) above and interpretive
 15 programs for the benefit of the general public.

16 Section 17. State wilderness area -- purpose --
 17 resource and site qualifications -- administration. (1) A
 18 state wilderness area may be established to preserve
 19 outstanding opportunities for solitude and primitive types
 20 of outdoor recreation.

21 (2) No unit shall be authorized as a state wilderness
 22 area unless its proposed location substantially satisfies
 23 the following criteria:

24 (a) contains an area sufficiently large to permit the
 25 user to effectively isolate himself from civilization;

1 (b) appears to have been primarily affected by the
 2 forces of nature, with the evidence of man being
 3 substantially unnoticeable;

4 (c) is of sufficient size to permit preservation and
 5 dispersed outdoor recreational uses without impairing the
 6 natural conditions; and

7 (d) is approved by the legislature.

8 (3) State wilderness areas shall be administered by
 9 the managing agency in a manner which is consistent with the
 10 purposes of this section, and shall be managed only to the
 11 extent necessary to control fire, insects, and disease, and
 12 to preserve existing wilderness or reestablish wilderness
 13 conditions. There shall be no development of public roads,
 14 permanent dwellings, or recreational facilities except
 15 trails for nonmotorized traffic. Motorized traffic shall
 16 not be allowed. Facilities existing at the time of
 17 establishment shall be removed.

18 Section 18. State road or trail -- purpose -- resource
 19 and site qualifications -- administration -- designation.
 20 (1) A state road or trail may be established to provide a
 21 recreational travel route which connects units of the
 22 outdoor recreation system or the national trail system,
 23 provides access to or passage through other areas which have
 24 significant scenic, historic, scientific, or recreational
 25 qualities or reestablishes or permits travel along an

1 historically prominent travel route.

2 (2) No unit shall be classified as a state trail
3 unless its proposed location substantially satisfies the
4 following criteria:

5 (a) permits safe travel, by appropriate modes of
6 transportation, along a route which provides at least one of
7 the following recreational opportunities:

8 (i) travel along a route which connects areas or
9 points of natural, scientific, cultural, or historic
10 interest;

11 (ii) travel through an area which possesses outstanding
12 scenic beauty;

13 (iii) travel by the appropriate transportation mode
14 over a route designed to enhance and utilize the unique
15 qualities of that mode in harmony with the natural
16 environment;

17 (iv) travel along a route which is historically
18 significant as a route of migration, commerce, or
19 communication; or

20 (v) travel between units of the state outdoor
21 recreation system or the national trail system.

22 (b) utilizes, to the greatest extent possible
23 consistent with the purposes of this act, public lands,
24 rights-of-way, and the like; and

25 (c) provides maximum potential for the appreciation,

1 conservation, and enjoyment of significant scenic,
2 historical, natural, or cultural qualities of the areas
3 through which the trail may pass.

4 (3) State roads or trails shall be administered by the
5 managing agency in a manner which is consistent with the
6 purposes of this section. State roads or trails established
7 by the managing agency shall be managed to provide a travel
8 route through an area with a minimum disturbance of the
9 natural environment. Markers shall be limited to those
10 providing safety information and interpretation.

11 (4) Facilities for the rest and comfort of users shall
12 be provided primarily within units of the outdoor recreation
13 system through which the road or trail passes, provided,
14 however, when additional such facilities are required to
15 insure the rest and comfort of the traveler, the managing
16 agency may, at its discretion, develop such facilities along
17 the way.

18 Section 19. State rest area -- purpose -- resource and
19 site qualifications -- administration. (1) A state rest area
20 may be established to promote a safe, pleasurable, and
21 informative travel experience along Montana highways by
22 providing areas and facilities at reasonable intervals for
23 information, emergencies, or the rest and comfort of
24 travelers.

25 (2) No unit shall be classified as a state rest area

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1 unless its proposed location substantially satisfies the
2 following criteria:

3 (a) is developed at appropriate intervals based on the
4 type of road system, traffic and traffic projections and
5 known or projected usage of said proposed development;

6 (b) is adjacent to or in near proximity to a trunk or
7 interstate highway;

8 (c) possesses scenic beauty if present; and

9 (d) is near or associated with a place or area of
10 natural, scientific, cultural, or historic interest.

11 (3) Rest areas shall be administered by the department
12 of highways in cooperation with other agencies as
13 appropriate in a manner which is consistent with the
14 purposes of this section. State rest areas may be managed
15 to provide parking, resting, restroom, picnicking,
16 orientation, and other facilities for the convenience of the
17 traveling public. Where located in conjunction with
18 features of interest, state rest areas may provide
19 interpretive exhibits or other facilities if appropriate to
20 promote understanding and enjoyment of the features.

21 Section 20. State water access site -- purpose --
22 resource and site qualifications -- administration. (1) A
23 state water access site may be established to provide public
24 access for fishing, launching of boats, or entering on to
25 those rivers and lakes which are suitable for outdoor water

1 recreation and where such access is necessary to permit
2 public use.

3 (2) No unit shall be established as a state water
4 access site unless its proposed location substantially
5 satisfies the following criteria:

6 (a) the body of water to which access is being
7 provided and surrounding lands can withstand additional
8 recreational use without undue damage to the environment.

9 (b) public access to such body of water is either
10 nonexistent or inadequate.

11 (3) State water access sites shall be administered by
12 the managing agency in a manner which is consistent with the
13 purposes of this section to provide a safe and aesthetically
14 pleasing place to fish or launch watercraft. Access roads,
15 parking areas, and refuse containers and other facilities
16 may be provided at each site in a manner compatible with the
17 natural environment. Sanitary facilities and facilities for
18 picnicking and camping may be provided when the managing
19 agency determines that these activities are justifiable, are
20 compatible with the resource, and can be easily accommodated
21 on the site.

22 Section 21. Establishment of secondary units -- when
23 permitted -- administration. (1) A unit of outdoor
24 recreation system may be established wholly or partially
25 within the boundaries of another unit only when such

1 establishment is consistent with the purposes and objectives
2 of the respective units and only in the instances permitted
3 below:

4 (a) The following units may be established wholly or
5 partially within a state park: historical area, scientific
6 or natural area, wilderness area, trail, rest area, and
7 water access site.

8 (b) The following units may be established wholly or
9 partially within a state recreation area: state historical
10 area, scientific or natural area, trail, rest area, and
11 water access site.

12 (c) The following units may be established wholly or
13 partially within a state historical area: state trail, rest
14 area, and water access site.

15 (d) The following units may be established wholly or
16 partially within a state scientific or natural area: state
17 trail and water access site.

18 (e) The following units may be established wholly or
19 partially within a state rest area: state historical area,
20 trail, and water access site.

21 Section 22. State roads or trails. Any and all state
22 trails which have been established, developed, maintained,
23 and operated are hereby authorized as units of the outdoor
24 recreation system and are classified as state roads or
25 trails and shall be administered pursuant to this act.

1 Section 23. State scientific or natural areas. All
2 state scientific or natural areas which have been acquired
3 and designated as such are hereby authorized and established
4 as units of the outdoor recreation system, are classified as
5 state scientific or natural areas, and shall be administered
6 by the managing agency as provided herein.

7 Section 24. State historic sites. All existing state
8 historic sites are hereby authorized and established as
9 units of the outdoor recreation system, are classified as
10 state historic sites, and shall be administered in a manner
11 which is consistent with this act.

12 Section 25. State water access sites. All lands and
13 facilities which have been or will be established to provide
14 public access to water on state lands are hereby authorized
15 and established as units of the outdoor recreation system,
16 are classified as state water access sites, and shall be
17 administered by the managing agency pursuant to this act.

18 Section 26. It is the intent of the legislature that
19 if a part of this act is invalid, all valid parts that are
20 severable from the invalid part remain in effect. If a part
21 of this act is invalid in one or more of its applications,
22 the part remains in effect in all valid applications that
23 are severable from the invalid applications.

-End-

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