

House BILL NO. 122

INTRODUCED BY

Randy Rehbein
Wagner *Dep* *Stans* *Good* *Selwin* *Leikin* *W/Kyan* *Cobb*

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF THE MAJORITY OF THE PERSONS AND ENTITIES SUBMITTING WRITTEN OR ORAL COMMENT TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS OPPOSED TO THE DEPARTMENT'S PROPOSED IMPROVEMENT OR DEVELOPMENT OF A STATE PARK OR FISHING ACCESS SITE, THE DEPARTMENT MAY NOT PROCEED WITH THE IMPROVEMENT OR DEVELOPMENT AND MAY NOT MAKE THE SAME OR A SUBSTANTIALLY SIMILAR PROPOSAL DURING THE 24-MONTH PERIOD FOLLOWING THE CLOSE OF THE PERIOD FOR SUBMITTAL OF COMMENTS; REQUIRING THE DEPARTMENT TO REPORT TO THE PUBLIC THE POTENTIAL IMPACTS ON EXISTING USES AND USERS; AND AMENDING SECTION 23-1-110, MCA."

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

Section 1. Section 23-1-110, MCA, is amended to read:

"23-1-110. Improvement or development of state park or fishing access site -- required public involvement -- rules. (1) The fish, wildlife, and parks commission shall adopt rules establishing a policy ~~whereby~~ in which any proposed improvement or development of a state park or fishing access site that significantly changes park or fishing access site features or use patterns is subject to notice of proposed modifications, both statewide and locally, and to an opportunity for a public meeting and public comment on the advisability and acceptability of the proposal.

(2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must include conclusions relating to the following aspects of the proposal:

- (a) the desires of the public as expressed to the department;
- (b) the capacity of the park or fishing access site for development;
- (c) environmental impacts associated with the improvement or development;
- (d) the long-range maintenance of the improvements;
- (e) the protection of natural, cultural, and historical park or fishing access site features;
- (f) potential impacts on tourism; ~~and~~

1 (g) site-specific modifications as they relate to the park or fishing access site system as a whole;

2 and

3 (h) potential impacts on existing uses and users.

4 (3) The department shall record each written or oral comment regarding the proposed improvement
5 or development of a state park or fishing access site submitted by a person or entity, whether submitted
6 at a public meeting or otherwise. The record must include a list of those opposing and a list of those
7 supporting the improvement or development. If the majority of the persons and entities submitting written
8 or oral comment to the department is opposed to the proposed improvement or development, the
9 department may not proceed with the improvement or development and may not make the same or a
10 substantially similar proposal during the 24-month period following the close of the period for submittal of
11 comments."

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-END-

1 HOUSE BILL NO. 122

2 INTRODUCED BY RANEY, REHBEIN, SIMON, HARPER, WAGNER, GAGE, STANG, ZOOK, SCHWINDEN,
3 DEVLIN, RYAN, COBB

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT IF THE MAJORITY OF THE PERSONS AND
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7 PARKS IS OPPOSED TO THE DEPARTMENT'S PROPOSED IMPROVEMENT OR DEVELOPMENT OF A STATE
8 PARK OR FISHING ACCESS SITE, THE DEPARTMENT MAY NOT PROCEED WITH THE IMPROVEMENT OR
9 DEVELOPMENT ~~AND MAY NOT MAKE THE SAME OR A SUBSTANTIALLY SIMILAR PROPOSAL DURING~~
10 ~~THE 24 MONTH PERIOD FOLLOWING THE CLOSE OF THE PERIOD FOR SUBMITTAL OF COMMENTS~~
11 UNTIL CERTAIN CONDITIONS ARE MET; PROVIDING AN EXCEPTION FOR MAINTENANCE, WEED
12 CONTROL, AND NECESSARY SANITARY AND SAFETY MEASURES; REQUIRING THE DEPARTMENT TO
13 REPORT TO THE PUBLIC THE POTENTIAL IMPACTS ON EXISTING USES AND USERS; AND AMENDING
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19 **"23-1-110. Improvement or development of state park or fishing access site -- required public**
20 **involvement -- rules.** (1) The fish, wildlife, and parks commission shall adopt rules establishing a policy
21 ~~whereby in which~~ any proposed improvement or development of a state park or fishing access site that
22 significantly changes park or fishing access site features or use patterns is subject to notice of proposed
23 modifications, both statewide and locally, and to an opportunity for a public meeting and public comment
24 on the advisability and acceptability of the proposal.

25 (2) The department shall prepare a public report regarding any project that is subject to the
26 provisions of subsection (1). The report must include conclusions relating to the following aspects of the
27 proposal:

- 28 (a) the desires of the public as expressed to the department;
29 (b) the capacity of the park or fishing access site for development;
30 (c) environmental impacts associated with the improvement or development;

- 1 (d) the long-range maintenance of the improvements;
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- 3 (f) potential impacts on tourism; ~~and~~
- 4 (g) site-specific modifications as they relate to the park or fishing access site system as a whole;
- 5 and
- 6 (h) potential impacts on existing uses and users.

7 (3) (A) The department shall record each written or oral comment regarding the proposed
 8 improvement or development of a state park or fishing access site submitted by a person or entity
 9 RESIDING IN THE STATE OF MONTANA, whether submitted at a public meeting or otherwise. The record
 10 must include a list of those opposing and a list of those supporting the improvement or development. ~~If~~

11 (B) WHEN the majority of the persons ~~and entities~~ RESIDING IN THE STATE OF MONTANA AND
 12 submitting written or oral comment to the department is opposed to the proposed improvement or
 13 development, the department may not proceed with the improvement or development ~~and may not make~~
 14 the same or a substantially similar proposal during the 24-month period following the close of the period
 15 for submittal of comments UNTIL THE PROVISIONS OF SUBSECTION (3)(C) ARE MET. MAINTENANCE,
 16 WEED CONTROL, AND NECESSARY SANITARY AND SAFETY MEASURES ARE EXEMPT FROM THE
 17 PUBLIC APPROVAL REQUIREMENTS OF THIS SUBSECTION (3).

18 (C) IF THE DEPARTMENT WISHES TO PURSUE THE IMPROVEMENT OR DEVELOPMENT OF A
 19 STATE PARK OR FISHING ACCESS SITE WHEN THE MAJORITY OF PERSONS ~~AND ENTITIES~~ RESIDING
 20 IN THE STATE OF MONTANA AND SUBMITTING WRITTEN OR ORAL COMMENT TO THE DEPARTMENT
 21 IS OPPOSED TO THE PROPOSED IMPROVEMENT OR DEVELOPMENT, THE DEPARTMENT ~~SHALL~~ MAY
 22 WORK WITH THE ~~INTERESTED USERS OF THE STATE PARK OR FISHING ACCESS SITE~~ INTERESTED
 23 CITIZENS TO REDESIGN THE IMPROVEMENT OR DEVELOPMENT. ~~THE DEPARTMENT SHALL~~ AND SUBMIT
 24 THE REDESIGNED IMPROVEMENT OR DEVELOPMENT FOR PUBLIC COMMENT ~~AND MAY NOT PROCEED~~
 25 UNTIL A MAJORITY OF PERSONS OR ENTITIES COMMENTING ON THE PROPOSED IMPROVEMENT OR
 26 DEVELOPMENT SUPPORTS THE PROPOSAL IN THE MANNER OUTLINED IN THIS SUBSECTION (3) OR THE
 27 DEPARTMENT MAY SEEK APPROVAL FROM THE FISH, WILDLIFE, AND PARKS COMMISSION TO
 28 PROCEED WITH THE IMPROVEMENT OR DEVELOPMENT. THE DECISION OF THE COMMISSION MUST
 29 BE MADE AFTER RECEIVING COMMENT FROM THE DEPARTMENT AND THE PUBLIC AT A REGULAR OR
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