



**MONTANA
ADMINISTRATIVE
REGISTER**



DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-91.2

Summary

Adoption of NEW RULES 1 through 10 and repeal of ARM 36.25.143, 36.25.144, 36.25.145, 36.25.146, 36.25.149, 36.25.150, 36.25.152, 36.25.153, 36.25.154, 36.25.155, 36.25.156, 36.25.157, 36.25.161, 36.25.162, 36.25.163, 36.25.164, 36.25.165, 36.25.166, and 36.25.167 pertaining to recreational use of state trust land

Previous Notice(s) and Hearing Information

On July 11, 2025, the Department of Natural Resources and Conservation published MAR Notice No. 2025-91.1 pertaining to the public hearing on the proposed adoption and repeal of the above-stated rules in the 2025 Montana Administrative Register, Issue Number 13. A public hearing was held on August 8, 2025, and the end of comment period was August 8, 2025.

Final Rulemaking Action – Effective November 8, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (36.25.1201) OVERVIEW

NEW RULE 2 (36.25.1202) DEFINITIONS

NEW RULE 3 (36.25.1203) LICENSE REQUIREMENTS FOR GENERAL RECREATION

NEW RULE 4 (36.25.1204) GENERAL RECREATION RULES AND RESTRICTIONS

NEW RULE 5 (36.25.1205) NOTICE TO LESSEES PRIOR TO ENTRY

NEW RULE 6 (36.25.1207) CLOSURE OF STATE LAND TO RECREATIONAL USE

NEW RULE 7 (36.25.1208) ROADS

NEW RULE 8 (36.25.1209) INTERAGENCY LAND MANAGEMENT AGREEMENTS

NEW RULE 9 (36.25.1210) SPECIAL RECREATIONAL USE

NEW RULE 10 (36.25.1212) PENALTIES

REPEAL

The agency has repealed the following rules as proposed:

36.25.143 OVERVIEW OF RECREATIONAL USE RULES

36.25.144 ADMINISTRATION OF RECREATION ON STATE LANDS ADMINISTERED BY THE DEPARTMENT

36.25.145 DEFINITIONS

36.25.146 GENERAL RECREATIONAL USE OF STATE LANDS: LICENSE REQUIREMENT

36.25.149 GENERAL RECREATIONAL USE OF STATE LANDS: RESTRICTIONS

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

36.25.153 MANAGEMENT CLOSURES AND RESTRICTIONS

36.25.154 RECREATIONAL USE ADVISORY COUNCIL

36.25.155 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF ALL USES OTHER THAN HORSE USE NOT FOR THE PURPOSE OF LICENSED HUNTING, DISCHARGE OF FIREARMS NOT FOR THE PURPOSE OF LICENSED HUNTING, AND OVERNIGHT USE

36.25.156 GENERAL RECREATIONAL USE OF STATE LANDS: NOTICE TO LESSEES OF OVERNIGHT USE, HORSEBACK USE FOR ANY PURPOSE OTHER THAN LICENSED HUNTING, AND FOR DISCHARGE OF A FIREARM FOR ANY PURPOSE OTHER THAN LICENSED HUNTING

36.25.157 GENERAL RECREATIONAL USE OF STATE LANDS: PENALTIES

36.25.161 GENERAL RECREATIONAL USE OF STATE LANDS: OTHER PROVISIONS

36.25.162 SPECIAL RECREATIONAL USE OF STATE LANDS

36.25.163 BLOCK MANAGEMENT AREAS: GENERAL RULES FOR INCLUSION OF STATE LAND

36.25.164 BLOCK MANAGEMENT AREAS: PROCEDURES FOR INCLUSION OF STATE LAND

36.25.165 BLOCK MANAGEMENT AREAS: CRITERIA FOR INCLUSION OF STATE LAND

36.25.166 BLOCK MANAGEMENT AREAS: TERMS OF AGREEMENT

36.25.167 BLOCK MANAGEMENT AREAS: RENEWAL OF AGREEMENT

Statement of Reasons

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

Comment 1: Two comments were received in support of the proposed rules.

Response 1: The department agrees with the comments received in support of the proposed rules.

Comment 2: One comment was received asking the department to make changes to language in NEW RULE 4 and NEW RULE 8 relating to wildlife management areas (WMA) managed by the Department of Fish, Wildlife and Parks to remove language requiring trust land to be enrolled in a WMA for WMA rules to apply, and instead automatically apply WMA rules to all trust land located within or adjacent to the exterior boundaries of a WMA.

Response 2: The comment proposes substantively changing rules for recreation on certain trust land. The proposed changes would result in different recreational use rules by mere proximity to a WMA. This suggestion is a significant change to the proposal notice and is outside the scope of this rulemaking. Additionally, the comment proposes replacing the word "enrolled" with ambiguous language about when trust land is subject to WMA rules. The department respectfully declines to adopt the proposed language suggested in the comment.

The portion of NEW RULE 4 (36.25.1204) addressed in FWP's comment is intended to be a mere rephrasing and clarification of current ARM 36.25.149(1)(i), not a substantive change. The department has historically interpreted ARM 36.25.149(1)(i) as merely specifying which recreational rules are applicable to a recreationist after a parcel of state land has been enrolled within an FWP unit (i.e., WMA or BMA), not describing the process by which a parcel of trust land is enrolled within a WMA or BMA unit. NEW RULE 4 (36.25.1204) removes the ambiguity in current ARM 36.25.149(1)(i) by substituting the "included within" language for the more precise "enrolled within" language so that the department's policy regarding ARM 36.25.149(1)(i) is clarified but remains unchanged. For the purposes of NEW RULES 4 and 8,

“enrolled” simply refers to a decision by the department to enlist a parcel of state trust land within the applicable rules, regulations, and procedures of a particular FWP unit. For example, see ARM 36.25.163(1). This has historically been accomplished via written agreement with FWP. While the department is committed to continuing to work closely with FWP to reduce patchwork regulations, the department did not intend to make a substantive change to its policy regarding the process by which state trust land is enrolled within a WMA in this rulemaking project. The department remains open to further discussions about this policy issue, which may be addressed in future rulemaking projects.

Contact

Jamie Price, Rules Coordinator
(406) 444-6615
DNRCRules@mt.gov
Montana Relay 711

Rule Reviewer

Jason Kampman

Approval

Amanda Kaster, Director