

# MONTANA STATE POLICIES



The Center for Western Priorities' **Western States Conservation Scorecard** evaluates each Western state in three areas: Lands and Access, Outdoor Recreation, and Responsible Energy Development. Our aim is to illuminate best practices and gaps in state-level public lands-related policy in the West. We hope to highlight where Western states are demonstrating leadership, as well as where they can improve. Please see the full report for a breakdown of methodology and the complete grading rubrics with scores at [www.westernpriorities.org/statescorecard](http://www.westernpriorities.org/statescorecard).

<b>MONTANA</b>	LANDS AND ACCESS	OUTDOOR RECREATION	RESPONSIBLE ENERGY DEVELOPMENT
	<b>BEST</b>	<b>AVERAGE</b>	<b>NEEDS IMPROVEMENT</b>

## **BEST — LANDS AND ACCESS**

Montana excels when it comes to land and water access. Showing a strong commitment to access, Governor Bullock recently appointed a **State Access Specialist** dedicated to the issue. Montana's stream access is generally considered the best, and the state constitution affirms public stream access. The public is allowed to float through private lands and walk instream all the way to the **high water mark**, which ensures walkable perimeters most times of year. Recreation is also allowed on all of Montana's **legally accessible** state trust lands, with some minor stipulations and a **permit**. Montana state lands are legally accessible if they can be accessed from adjacent public lands, public roads, or public waterways.

Montana does have dedicated funding for wildlife conservation. The **Habitat Montana** program, originally established by the Montana legislature in 1987, directs portions of hunting license fees towards protecting wildlife habitat. The program currently generates about \$5.3 million annually, primarily from nonresident hunting licenses. In 2015, the state legislature jeopardized the program, restricting some of its most important uses; however, conservationists and sportsmen led a successful effort in 2017 to **restore the program**. Montana also conducts the **Future Fisheries Improvement Program**, which aims to restore essential habitats for wild fish populations in lakes, rivers, and streams. In 2017 the Montana legislature passed **legislation** creating an "MT-PLAN" fund, which will accept private donations, including optional donations from conservation license purchases, to increase access to public lands. Like many Western states, Montana has yet to enact a public lands day.

## **AVERAGE — OUTDOOR RECREATION**

As a part of his public lands and public access **agenda**, Montana Governor Steve Bullock **opened** the Montana Office of Outdoor Recreation in 2017, with **Rachel VandeVoort** at the helm. There is no explicit funding for outdoor infrastructure or outdoor education in Montana, but the state's Fish, Wildlife and Parks Department provides transportation grants to connect students to the outdoors, and the state offers free state parks access to all residents.

## **NEEDS IMPROVEMENT — RESPONSIBLE ENERGY DEVELOPMENT**

Montana lacks many state-level regulations related to responsible energy development. The state does not have setback rules. When it comes to spill reporting and transparency, Montana requires immediate reporting of spills, but does not provide publicly available spills data online. However, Montana is the only Western state that **explicitly prohibits** coal operations from "self-bonding," protecting taxpayers. Fracking chemicals must be reported to state agencies, but not disclosed to the public. Like most Western states, royalty rates on energy extracted on state lands exceed the federal rate of 12.5 percent. Montana also charges a conservation tax on production, but no severance tax. There is no baseline water testing in Montana, and the state does not have methane capture rules.