



ADMINISTRATIVE RULES OF MONTANA



12.14.121 SUSPENSION OR REVOCATION OF PERMIT

- (1) A commercial use permit is not a property right and may be suspended or revoked for cause.
- (2) The department may suspend a permit for up to six months. When a permit is suspended, the permit holder may not conduct commercial use authorized by the permit during the period of the suspension. The department shall determine the duration of the suspension, including when the suspension shall go into effect, based on the severity of the violations.
- (3) Causes for suspending a permit include:
 - (a) willful, purposeful, or negligent violation of the commercial use rules or specific river use rules;
 - (b) willful, purposeful or negligent falsification of use records;
 - (c) willful, purposeful or negligent failure to comply with the terms of the permit;
 - (d) acts that negatively limit the opportunities or use by the general public of resources covered under the permit;
 - (e) acts that are harmful to natural resource values; and
 - (f) acts that endanger the health, safety, and welfare of the public.
- (4) When a permit is revoked, the permit is no longer valid and the former permit holder is no longer authorized to conduct commercial use at locations authorized under the revoked permit.
- (5) Causes for revoking a permit include the following:
 - (a) conducting commercial use while a permit is suspended;
 - (b) willful, purposeful, or negligent violation of the commercial use rules or specific river use rules after having been formally placed on suspension;
 - (c) willful, purposeful, or negligent falsification of use records after having been formally placed on suspension; and
 - (d) failure to comply with the terms of the permit after having been formally placed on suspension.
- (6) Upon revocation of a permit, any rationed units of use that were previously allocated to the permit holder are no longer valid and the department may reallocate the rationed units of use to another applicant.

- (7) A person whose permit has been revoked may reapply for a permit after a period of three full-use seasons from the date on which the permit was revoked. There is no guarantee that a permit will be available at the time that person reapplies for a permit. Any rationed units of use that were previously allocated to the permit holder for use on a restricted use river will not be reserved.
- (8) A person whose permit has been suspended or revoked may appeal the permitting decision in writing to the director within 30 days of the date of mailing of the notice of the permitting decision. Persons not appealing within 30 days have waived their right to appeal. The director's decision is final.

Authorizing statute(s): 23-1-105, 23-1-106, 87-1-301, 87-1-303, MCA

Implementing statute(s): 23-1-105, 23-1-106, 87-1-303, MCA

History: NEW, 2014 MAR p. 2648, Eff. 10/24/14.