



ADMINISTRATIVE RULES OF MONTANA



12.14.101 DEFINITIONS

- (1) "Allocation" means distributing limited use opportunities when a rationing system is in place.
- (2) "Authorization" means written permission granted to a person or entity by the department to conduct commercial use.
- (3) "Board" means the State Parks and Recreation Board of the state of Montana.
- (4) "Commercial use" means any person or entity that utilizes land under the control, administration, and jurisdiction of the Montana Department of Fish, Wildlife and Parks for consideration. Commercial use includes any person, group, or organization, that makes or attempts to make a profit, vend a service or product, receive money, amortize equipment, or obtain goods or services as compensation from participants in activities occurring on land that is under the control, administration, and jurisdiction of the department. This includes nonprofit organizations and educational groups that receive money from participants in activities occurring on department land. This includes a person whose business operates on department land, regardless of that person's physical presence at the site, but does not include a person who rents, sells, or otherwise provides equipment or merchandise that is used on department land unless the renting, selling, delivering, or providing of equipment or merchandise takes place on department land. Examples of commercial use that are governed by these rules include but are not limited to: trail rides, guided walks or tours, float trips, guided angling or hunting, game retrieval, professional dog training, equipment rentals, retail sales, food concessions, filming, firewood cutting, construction-related activities, research when accompanied by paying clients, or any combination thereof.
- (5) "Commission" means the Fish and Wildlife Commission of the state of Montana.
- (6) "Concession service" means a commercial business that provides multiple services or products on department land. Examples include but are not limited to marinas, lodging, equipment rental or sales, retail sales, and food services.
- (7) "Consideration" means something of value given or done in exchange for something of value given or done by another.
- (8) "Department" means the Department of Fish, Wildlife and Parks of the state of Montana.
- (9) "Department land" means all lands under the control, administration, or jurisdiction of the Department of Fish, Wildlife and Parks.
- (10) "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the

institution/department and documentation of official educational or scientific tax exemption as granted by the Internal Revenue Service.

- (11) "Guide" means a person who is employed by or who has contracted independently with a licensed outfitter and who accompanies a participant during outdoor recreational activities that are directly related to activities for which the outfitter is licensed.
- (12) "Mitigation" means an enforceable measure, within the authority of the agency or mutually agreed to by the permit holder that is designed to reduce or prevent undesirable effects or impacts of the proposed use.
- (13) "Nonprofit organization" means an organization that is officially registered as a 501(c) tax exempt organization.
- (14) "Outfitter" means any person, except a person providing services on real property that the person owns for the primary pursuit of bona fide agricultural interests, who for consideration provides any saddle or pack animal; facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to hunt, trap, capture, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a licensed guide or professional guide in accompanying that person.
- (15) "Ration" means to regulate use intensity by limiting the amount of use on a site.
- (16) "Restricted water body" means a body of water regulated by special rules governing commercial use, such as rules that restrict the timing, location, amount, or type of commercial use that occurs. "Restricted water body" includes a body of water that is under a cooperative management agreement with another agency concerning commercial use.
- (17) "Site" means an individual unit of land, or portion thereof, owned or managed by the department.
- (18) "Water-based service provider" means any person who for consideration provides any facilities; camping equipment; vehicle, watercraft, or other conveyance; or personal service for any person to float or otherwise recreate on the water in the absence of hunting or angling, and who accompanies that person, either part or all of the way, on an expedition for any of these purposes or supervises a person in accompanying that person.

Authorizing statute(s): 23-1-105, 23-1-106, 23-1-111, 87-1-301, 87-1-303, MCA

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

History: NEW, 2007 MAR p. 88, Eff. 1/26/07; AMD, 2009 MAR p. 2245, Eff. 11/26/09; AMD, 2014 MAR p. 2648, Eff. 10/24/14.