



ADMINISTRATIVE RULES OF MONTANA



12.14.115 GENERAL POLICY

- (1) Department land belongs to the people of Montana and is managed by the department in trust for the benefit of current and future generations of the people. The department's responsibilities include maintaining or enhancing the fish, wildlife, natural, cultural, park, and recreational resources for public benefit.
- (2) Some types of commercial use can help the department to achieve its resource and visitor use management goals, provide desired services and amenities to the public, and create economic benefits to nearby communities. Commercial use must be properly managed to protect the safety of visitors, prevent or minimize conflicts with the public, prevent adverse impacts to natural and cultural resources, and other intended purposes of a site.
- (3) Commercial use on department land is a privilege, not a right. Authorization to conduct commercial use may be denied, amended, suspended, or revoked at any time for cause. Historical commercial use of a site does not convey a right to conduct commercial use in the future. If it becomes necessary to ration and allocate commercial use, the department is not required to allocate opportunities based on historical use of a site.
- (4) The department may prohibit, restrict, condition, or otherwise manage commercial use, including placing stipulations on the type, timing, location, duration, and quantity of commercial use. Reasons for prohibiting, restricting, conditioning, or otherwise managing commercial use include but are not limited to:
 - (a) protecting resources or mitigating impacts to resources;
 - (b) preventing or minimizing conflicts with the intended purpose for which the department acquired, maintains, or manages a site;
 - (c) preserving the public's ability to recreate on or otherwise use a site;
 - (d) providing for the public's safety and welfare; or
 - (e) other purposes identified by the department.
- (5) Restrictions, including prohibitions, rationing, and allocation on water-based outfitters and guides on rivers and fishing access sites shall be governed by the department's statewide river recreation rules.
- (6) The purpose and management objectives can vary from one type of department land to another and from one site to another. The public's use and expectations can vary from one type of department land to another and from one site to another. The opportunities to conduct commercial use may be different depending upon where the use would occur, and the department may develop policies that provide additional guidance for managing commercial use.

- (7) The department may establish special criteria for a particular site or prohibit commercial use altogether based on the management objectives and conditions of that site.
- (8) The department may prohibit or condition commercial use that would displace the general public. The department may temporarily alter public use opportunities at fishing access sites and state parks to accommodate commercial use on a case-by-case basis in the interest of public safety and security or when there is the potential for short-term conflicts.
- (9) The department must comply with federal aid requirements when authorizing commercial use on department land purchased or managed with federal aid.
- (10) Commercial hunting outfitting is prohibited on all department land and on water bodies that are located entirely within the boundaries of department land. Commercial fishing outfitting is prohibited on all wildlife management areas. The department may authorize commercial use that is solely for the purpose of assisting the public in the retrieval of legally harvested game animals. The department may authorize a commercial hunting outfitter to:
 - (a) travel on a designated trail across department land solely for the purpose of gaining access to publicly owned land where the commercial hunting outfitter is authorized to conduct use; and
 - (b) use a fishing access site solely for the purpose of gaining access to water bodies where the commercial hunting outfitter is authorized to conduct use.

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, 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.