



ADMINISTRATIVE RULES OF MONTANA



12.14.165 RATIONING AND ALLOCATION OF COMMERCIAL USE

- (1) The department's statewide river recreation rules shall govern the rationing and allocation of commercial use on rivers, including fishing access sites that provide access to rivers.
- (2) The department may recommend that the commission or board ration and allocate commercial use on department land that provides access to lakes, or department administrative site. The department may consider the following when making rationing and allocation recommendations to the commission or board:
 - (a) laws, rules, policies, management plans, and land use plans for the site;
 - (b) overall mission, goals, and objectives of the site;
 - (c) input from the public;
 - (d) public safety concerns;
 - (e) biological, natural, or cultural resource conditions;
 - (f) social conditions;
 - (g) user conflicts;
 - (h) past performance of commercial users;
 - (i) public demand for commercial use; and
 - (j) other factors as determined by the department.
- (3) The department shall describe what actions have already been taken to address a particular problem or concern, why rationing is necessary, and how rationing of use would address a particular problem or concern.
- (4) To the extent possible, the department must monitor and evaluate commercial use of a site to determine whether rationing is necessary and to assess whether rationing has improved conditions.

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, 23-1-111, 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.