



ADMINISTRATIVE RULES OF MONTANA



12.14.160 COMMERCIAL USE FEES

- (1) The department may require payment of fees for conducting commercial use on department land. Commercial use fees for state parks shall be adopted by the board. Commercial use fees for all other department land shall be adopted by the commission. The department may establish concession contract fees separately on a case-by-case basis. The commission and board may adjust permit fees as necessary to reflect changes in costs and the market and in situations where the department has an agreement or joint-permit system with other agencies.
- (2) The department may consider the following when selecting a fee system from the commercial use fee rules:
 - (a) the types of commercial use that occur at the site;
 - (b) the cost of administering the commercial use permit and monitoring the commercial use;
 - (c) the amount of revenue generated by the commercial use fee;
 - (d) the overall benefit of the commercial use to visitor enjoyment and experience;
 - (e) input from the commercial users;
 - (f) consistency with fee systems in place on other department land;
 - (g) consistency with other state and federal fee systems; and
 - (h) other factors identified by the department.
- (3) Fishing access site permit fees are not refundable.
- (4) The department has discretionary authority to adjust a commercial use permit fee upward or downward to accommodate the nature of the activity, compensate for site impacts or department staffing needs, or for other unique circumstances pertaining to the permitted activity.
- (5) The department may adjust commercial use fees on a case-by-case basis for educational groups when the following conditions are met:
 - (a) the group is from a bona fide institution that meets the definition of an educational group;
 - (b) the group provides an acceptable written explanation of the educational purpose of the visit; and
 - (c) the use is not primarily for recreational purposes.
- (6) The department may adjust commercial use fees on a case-by-case basis when the commercial use permit holder:

- (a) donates all proceeds, minus expenses, from the use or event to the management or improvement of fish, wildlife, or parks, including the maintenance, management, or the improvement or development of facilities; or
 - (b) donates all proceeds, minus expenses, from the event or activity to a nonprofit organization or charitable cause and is not compensated for the service.
- (7) The department may adjust commercial use fees on a case-by-case basis for special events involving children under the age of thirteen.
 - (8) The department may adjust commercial use fees on a case-by-case basis for commercial use when the sole purpose of the use is to promote department land and resources.
 - (9) The department may charge a processing fee for recovery of costs associated with preparing an environmental analysis document when processing a permit application.
 - (10) The department may charge a processing fee for recovery of costs associated with issuing a new commercial use permit when a business is sold or transferred.
 - (11) Applicants must pay the required fees by the date specified in the terms of the permit.
 - (12) With approval from the Legislature, the department shall use the permit fees from commercial use at fishing access sites to help support the fishing access site program, river recreation management, and enforcement.
 - (13) The department may retain, amend, or replace an existing fee system.
 - (14) The department may require a minimum annual fee for administering permits or when authorizing commercial use in cooperation with another agency.
 - (15) The department may require a permit holder to pay a fee in advance that is an estimate of the actual amount that will be due by the date specified in the terms of the permit.
 - (16) The department may suspend or revoke a permit, or assess a penalty fee if the fee is not paid in full by the date specified in the terms of the permit.

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.