



MONTANA STATE PARKS AND RECREATION BOARD AGENDA ITEM COVER SHEET

Meeting Date: August 20, 2014
Agenda Item: Commercial Use Administrative Rules
Division: Parks
Action Needed: Final
Time Needed on Agenda for this Presentation: 10 minutes

Background

In April 2014 the Parks & Recreation Board, in conjunction with the Fish & Wildlife Commission, proposed amendments to the Commercial Use Administrative Rules for all FWP land, including state parks, fishing access sites and wildlife management areas. The proposed amendments included:

- FAS Permit would only be required at fishing access sites and would no longer be required at state parks that provide access to water.
- Restricted Use Permit would be renamed Commercial Use Permit.
- New rule would list the causes for suspending or revoking a commercial use permit.
- Permit holder would have to donate all proceeds from an activity or event, minus expenses, to qualify for a fee adjustment.

The Fish & Wildlife Commission adopted this rule as proposed at their August 7, 2014 meeting.

Public Involvement Process & Results

There were six public comments (summarized below).

- Opposition to proposal to exempt individual commercial photographers from rules.
- Support for amending “nonprofit organization,” to include all 501(c) organizations.
- Recommendation to allow agents (guides) to collect fees on behalf of outfitters.
- Support for proposed new rule pertaining to causes for suspending or revoking a permit.
- Recommendation to focus on illegal outfitting & fishing regulations, rather commercial use.
- Recommendation to establish a recreational fee for non-commercial users.

Alternatives and Analysis

The Board could adopt the rules as originally proposed or adopt the rules with changes as recommended by FWP.

Agency Recommendation & Rationale

FWP recommends that the Board, in conjunction with the Commission, adopt the rules as proposed with one change: Amend New Rule I to remove the term “repeated” from the list of causes for suspending or revoking a permit. This change is recommended by the Enforcement and Parks Divisions, which noted that there may be violations that are egregious enough to warrant a suspension or revocation without repeated occurrences.

Proposed Motion

I move that the Board adopt the commercial use administrative rules as adopted by the Fish & Wildlife Commission on August 7, 2014.