

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: April 1, 2021

Agenda Item: Amend ARM 12.11.6705 Extending Implementation Date of Madison River Commercial Use Cap

Division: Director's Office **Action Needed:** Proposed

Time Needed on Agenda for this Presentation: 15 Min

Background: On December 24, 2020, the Fish and Wildlife Commission adopted administrative rules regarding the recreational use of the Madison River (Madison River Recreation Management rules). ARM 12.11.6705, pertaining to the Madison River Commercial Use Cap, provides an implementation date of January 1, 2022. The Madison River Recreation Management rules also provide for a Madison River Commercial Use Work Group to develop recommendations to the commission for approval regarding the Madison River Recreation Management rules including allocation of opportunity pursuant to the commercial use cap.

Members of the commission have heard from potential Madison River Work Group members that the timeframe within which the working group could be assembled and conduct their work was too short and during a time when many would be working in their compressed business outfitting and guiding fields. Amending the rules would provide time for the appointment and meeting of the Work Group to develop recommendations for the commission to consider.

Public Involvement Process & Results: If approved by the commission, a proposal notice with the proposed rule amendment will be filed with the Secretary of State. Upon publication of the proposal notice, members of the public will have the opportunity to provide comment in writing or at a scheduled public comment hearing. Notification of the proposed rule amendment will be communicated to the public via the FWP website, press releases, and written notification to interested persons. After the public comment process, the commission will have the opportunity to review the public comments and make a final decision whether to amend the rules, tentatively planned for the June 24, 2021 commission meeting where public comment again would be taken prior to the final decision.

Alternatives and Analysis: If the commission opts to not propose amending the ARM to extend the implementation deadline to January 1, 2023, there is a chance the Work Group would not have enough time to contemplate and recommend meaningful rules as required by the Madison River Management Plan rules. In addition, it is possible that potential Work Group members would not be able/willing to apply due to the short timeframe coinciding with the condensed outfitting and guide schedule (over the summer). Finally, the commission may not have enough time to comply with MAPA to propose and adopt any recommendations prior to the implementation date.

The Work Group may develop and make recommendations at any time prior to the implementation deadline; however, the adoption of the recommendations must be complete prior to the established implementation date.

Proposed Motion: I move the commission propose to amend the January 1, 2022 implementation date regarding the commercial use cap in ARM 12.11.6705 to January 1, 2023.