

BEFORE THE FISH AND WILDLIFE COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 12.11.6705 pertaining to ) PROPOSED AMENDMENT  
extending the implementation date of )  
the Madison River commercial use )  
cap )

TO: All Concerned Persons

1. On August 2, 2022, at 6:00 p.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via the ZOOM meeting platform to consider the proposed amendment of the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

(a) Dial by telephone: 1 206 337 9723  
Meeting ID: 813 8036 3244  
Password: 534920

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Fish, Wildlife and Parks (department), no later than 5:00 p.m. on July 22, 2022, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; or e-mail [jesssnyder@mt.gov](mailto:jesssnyder@mt.gov).

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

12.11.6705 MADISON RIVER COMMERCIAL USE CAP (1) Fishing outfitters and guides may only operate on the Madison River as long as they have a Madison River Special Recreation Permit and trips allotted them as provided by these rules.

(2) The total number of fishing outfitting and guided trips per individual outfitter and guide is capped at the number of trips reported in 2019 or 2020, whichever is higher.

(3) ARM 12.11.6705 will be implemented ~~January 1, 2023.~~ upon adoption of:

(a) an allocation method; or

(b) a comprehensive river plan and rule package.

(4) The commission will review ARM 12.11.6705 in 2023 as prescribed by ARM 12.11.6711.

AUTH: 87-1-301, MCA

IMP: 87-1-301, MCA

REASON: 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 pertains to the Madison River Commercial Use Cap. The commercial use cap is scheduled to be implemented on January 1, 2023. 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.

The commission is proposing language amending ARM 12.11.6705 extending implementation of the commercial use cap upon adoption of an allocation method or a comprehensive river plan and rule package.

4. Concerned persons may submit their data, views, or arguments orally at the telephonic hearing. Written data, views, or arguments may also be submitted to Department of Fish, Wildlife and Parks, attn: Charlie Sperry, P.O. Box 200701, Helena, Montana, 59620-0701 or e-mail madisonrivercom@mt.gov, and must be received no later than August 5, 2022.

5. Jessica Snyder or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Department of Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to jesssnyder@mt.gov.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the commission has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Zach Zipfel  
Zach Zipfel  
Rule Reviewer

/s/ Lesley Robinson  
Lesley Robinson  
Chair  
Fish and Wildlife Commission

Certified to the Secretary of State June 28, 2022.