

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 12.11.6705 pertaining to the)
implementation of the commercial)
use cap on the Madison River)

TO: All Concerned Persons

1. On April 16, 2021, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-546 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 395 of the 2021 Montana Administrative Register, Issue Number 7.

2. The commission has amended the above-state rule as proposed.

3. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

Comment 1: The commission received four comments in support of the rule proposal.

Response 1: The commission appreciates the participation and support in this rulemaking process.

Comment 2: The commission received eight comments generally opposed to the extension of implementation, stating that delay may cause impacts to the resource.

Response 2: The commission cannot surmise the specific impacts to the resources implied by the comments. The commission considers all impacts pertinent to this rulemaking decision and all rulemaking decisions. The commission adopted the rule language in order to provide the Madison River Recreation Workgroup, established in ARM 12.11.6710, time to develop recommendations to the commission regarding the allocation of commercial use trips.

Comment 3: The commission received one comment to reduce the usage of outfitters by a further 20%.

Response 3: This comment falls outside of the scope of the rule proposal. On December 25, 2020, the commission adopted ARM 12.11.6705 capping the number of fishing outfitting and guided trips to the number of trips reported in 2019 and 2020, whichever is higher.

Comment 4: The commission received one comment urging monitoring of the river during the summer in order to place additional restrictions and to enforce restrictions.

Response 4: The department has begun monitoring traffic and use of access sites. Additionally, pursuant to ARM 12.11.6701, all persons recreating on the Madison River must provide information to the department regarding their use of the river.

Comment 5: The commission received two comments indicating a need for recreationists to pay to use either the Madison or other rivers in Montana.

Response 5: This comment falls outside of the scope of the rule proposal.

Comment 6: The commission received one comment to restrict the amount of tubing on the river.

Response 6: This comment falls outside of the scope of the rule proposal.

/s/ Rebecca Dockter
Rebecca Dockter
Rule Reviewer

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

Certified to the Secretary of State July 13, 2021.