

BEFORE THE BOARD OF OUTFITTERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT AND  
ARM 24.171.401 fees, 24.171.502 ) ADOPTION  
qualifications, and the adoption of )  
NEW RULE I pertaining to outfitters )

TO: All Concerned Persons

1. On February 26, 2009, the Board of Outfitters (board) published MAR Notice No. 24-171-27 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 256 of the 2009 Montana Administrative Register, issue no. 4.

2. On March 19, 2009, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the March 27, 2009, deadline.

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

COMMENT 1: Four commenters supported the adoption of New Rule I.

RESPONSE 1: The board appreciates all comments received regarding the board's rulemaking projects.

COMMENT 2: One commenter suggested the board amend New Rule I so the rule applies to existing fishing outfitter operations plans as well as new operations plans.

RESPONSE 2: The board concluded that allowing the general surface water reference in amendments to existing fishing outfitter operations plans falls within the board's intent in proposing the new rule. The board is amending the new rule accordingly.

4. The board has amended ARM 24.171.401 and 24.171.502 exactly as proposed.

5. The board has adopted New Rule I (24.171.505), with the following changes, stricken matter interlined, new matter underlined:

NEW RULE I (24.171.505) FISHING OUTFITTER OPERATIONS PLAN

(1) A fishing outfitter may include in a proposed or an existing operations plan, a general reference to "all surface waters governed by the Montana Stream Access Law, §23-2-302, MCA and accessible by public access points not requiring a

permit issued by a state or federal agency(ies)". Alternatively, the outfitter may include in ~~the~~ a proposed or existing operations plan specific surface waters governed by the Montana Stream Access Law and accessible by public access points not requiring a permit issued by a state or federal agency, by including detailed descriptions of those specific waters as provided in 37-47-304(2)(h) and (i), MCA.

(2) Surface waters accessible only by private land or access points requiring a permit issued by a state or federal agency(ies) may only be included in a fishing outfitter's proposed or existing operations plan by describing the waters in detail as provided in 37-47-304(2)(h) and (i), MCA. A copy of the permit(s) issued by the appropriate state or federal agency(ies) must be submitted to the board office with the outfitter's proposed operations plan or any amendment to an existing operations plan.

6. In order to make New Rule I (24.171.505) consistent with the style and formatting requirements of the Secretary of State, the section symbol in subsection (1) is interlined. Deletion of the section symbol is a typographical correction only, and does not change the meaning or intent of the rule.

BOARD OF OUTFITTERS  
LEE KINSEY, CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 3, 2009