

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 24.171.602 guide or ) ADOPTION  
professional guide license, )  
24.171.604 emergency guide license, )  
24.171.2301 unprofessional conduct, )  
and the adoption of NEW RULE I )  
guide to hunter ratio )

TO: All Concerned Persons

1. On September 24, 2009, the Board of Outfitters (board) published MAR Notice No. 24-171-28 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 1616 of the 2009 Montana Administrative Register, issue no. 18.

2. On October 16, 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 October 23, 2009, deadline.

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

COMMENT 1: Several commenters supported the proposed amendments to ARM 24.171.602, 24.171.604, and 24.171.2301.

RESPONSE 1: The board appreciates all comments made during the rulemaking process, and each commenter is thanked for the time and effort taken to review and comment on the proposed rule amendments.

COMMENT 2: Several comments were made in general support of New Rule I.

RESPONSE 2: The board appreciates all comments made during the rulemaking process, and each commenter is thanked for the time and effort taken to review and comment on the proposed new rule.

COMMENT 3: One commenter stated that he could safely serve at least five hunters. The commenter asked that the board consider amending New Rule I to allow five hunters per guide and consider the different circumstances a guide in western Montana faces, in comparison to a guide in eastern Montana.

RESPONSE 3: After careful consideration of this comment, the board thanks the commenter for the time and effort taken to review and comment on New Rule I. However, the board maintains that a minimum of a 1:4 guide-to-hunter ratio is a

reasonable requirement for all types of hunts in all parts of Montana and is adopting the rule exactly as proposed.

COMMENT 4: A commenter said that after outfitting the same area for 58 years, he is very capable of supervising six to eight hunting clients, and that New Rule I would have a serious economic impact on his business, which has already suffered a 40% decline from 2008.

RESPONSE 4: After careful consideration of this comment, the board thanks the commenter for the time and effort taken to review and comment on proposed New Rule I. However, the board respectfully disagrees with the opposing commenter. The protection of the health, safety, and welfare of the public, including the clients being served, is the primary purpose of this new rule, and that purpose outweighs the economic concerns raised by the commenter. The board is adopting the new rule exactly as proposed.

4. The board has amended ARM 24.171.602, 24.171.604, and 24.171.2301 exactly as proposed.

5. The board has adopted NEW RULE I (24.171.409) exactly as proposed.

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 March 1, 2010