

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 12, 2016

Agenda Item: Big Hole - Beaverhead River Administrative Rules

Division: Fisheries

Action Needed: Final

Time Needed on Agenda for this Presentation: 10 Min

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Background: On December 10, 2015, the Commission proposed to approve the existing Big Hole River and Beaverhead River administrative rules for another five years with two amendments that would place restrictions on which businesses would be eligible for temporary client day permits on both rivers. Specifically, the amendments would prohibit an outfitter, who has surrendered, transferred or had revoked their commercial use permits, from subsequently applying for temporary client day permits on either river. The amendment is meant to support the original intent of the rules which was to give small, river outfitting businesses a chance to obtain a temporary client day permit on the Big Hole River or Beaverhead River. Currently, experienced outfitters may surrender or sell their Big Hole River and Beaverhead River permits and then apply for temporary client day permits. This means less experienced outfitters won't have the opportunity to do business on the rivers.

Public Involvement Process & Results: Public involvement was solicited on the proposed amendment to ARM 12.11.206 and 12.11.211. Hearings were held in Butte and Dillon. All comments received at the hearings supported the proposed amendment. Seventeen additional written comments supported the amendment except for one: An attorney representing an outfitter opposed the Beaverhead River and Big Hole River administrative rules in their entirety.

Alternatives and Analysis:

1. No Action - retain the current rules. The current rules are effective at preserving the status quo, because existing permit holders have the ability to purchase temporary client days even if they have sold their permits or had them revoked by the Department. This alternative would not address the requested changes to the rules.
2. Adopt the proposed amendment to the rules. The scope and extent of the proposed changes would result in a change in the way temporary client day permits are allocated and would provide newer river outfitting businesses a better chance to obtain a permit.

Agency Recommendation & Rationale: FWP supports adopting the proposed amendment in accordance with the overwhelming public support received. The proposed changes will not increase or decrease the number of permits allocated each year, and will have no affect on the use of the rivers.

Proposed Motion: I move the Commission approve the existing Big Hole and Beaverhead River rules for another five years and adopt the amendments to ARM 12.11.206 and 12.11.211 as proposed.