Montana Fish, Wildlife & Parks

COMMERCIAL WHITEFISH HOOK/LINE PERMIT APPLICATION

PRINT:

1. Date of Birth and ALS No.: _____ / _____ / _____ ALS No. _____
2. Name of person requesting permit: _____
3. Mailing Address: _____
4. Telephone Number: _____
5. Home Address (if different from above): _____

5. Water(s) desired to fish (please circle):

Flathead Lake Flathead River Whitefish Lake

_____

Signature of Applicant **Date**

PERMIT REVIEW AND APPROVAL/DISAPPROVAL

CONDITIONS:
List any conditions that will be required of the applicant:
1.

Date	**Signature**	**Approved**	**Disapproved**
_____	_____	_____	_____
	Regional Fisheries Manager		

_____ _____

Date **Permit Issued by**

COMMERCIAL WHITEFISH LOG

NOTICE: Any angler validated for hook and line commercial whitefish fishing must keep a record of sales and submit a report within 15 days of the end of the license year (March 15) whether the angler sold fish or not (MCA 87-4-605). Any angler who does not report their activities for a license year will not be validated in the following license year. Reminders will not be issued. Citations will be issued to anyone selling whitefish without a validation.

Revised 7-2009

Montana Statutes

87-4-601. Sale of fish or spawn unlawful -- exceptions.

(1) Except as provided in subsections (2) through (4), a person may not, for speculative purposes, for market, or for sale, in any way, catch game fish or remove or cause to be removed the eggs or spawn of any game fish. A person may not sell or offer for sale game fish or the eggs or spawn from game fish.

(2) The restrictions of subsection (1) do not apply to:

(a) the catching of fish or the collecting of eggs or spawn in a private fish pond licensed under 87-4-603 by the owner of the pond;

(b) the taking of fish by state authorities for the purpose of obtaining eggs for propagation in state fish hatcheries or by any person who receives a permit from the department to take eggs for use in a private fish pond licensed under 87-4-603;

(c) the catching of whitefish by the holder of a valid fishing license fishing with hook and line or rod in specified waters designated by rules of the commission;

(d) the taking of whitefish by nets or traps in the Kootenai River and in its tributary streams within 1 mile of the Kootenai River, under rules that the commission prescribes; or

(e) the sale by the department of fish eggs produced from brood stock owned by the department but determined to be in excess of the department's needs.

(4) A person may possess and sell legally taken nongame fish, as provided in 87-4-609 and rules adopted by the department pursuant to 87-4-609.

87-4-605. Records and report of whitefish sales by fishing license holders.

A holder of a fishing license who catches whitefish for speculative purposes, for market, or for sale shall keep a record and make an annual report to the department of the number of whitefish sold and the date of each sale. The annual report shall be submitted to the appropriate department regional office within 15 days of the end of the license year.

87-4-609. Regulation of commercial taking of fish or aquatic organisms -- permit -- rulemaking authority.

(1) The department shall regulate the taking, for sale or commercial distribution, of:

(a) crayfish for fishing bait;

(b) crayfish from private fish ponds regulated under 87-4-603;

(c) mysis shrimp;

(d) designated species of nongame fish in waters designated by the commission pursuant to 87-3-204;

(e) whitefish as authorized by statute; and

(f) other aquatic organisms.

(2) It is unlawful for a person to take fish or aquatic organisms for commercial purposes without obtaining a permit from the department. A permit applicant shall provide the department with sufficient details of the proposed operation to take any fish or aquatic organism for sale or commercial distribution to enable the department to evaluate any potential overharvest or conflict with existing fishing and recreational uses of the waters.

(3) The department may:

(a) deny a permit if it determines that there is substantial potential that the proposed operation may harm a fishery or conflict with existing recreational uses of the waters;

(b) condition a permit to restrict the method of taking, the location of the taking, and the quality and quantity of harvest to prevent overharvest or conflict with existing fishing and

recreational uses of the waters; or

(c) require a permittee to submit harvest data to the department.

(4) A permit may be revoked for a violation of the conditions of the permit.

(5) The department may adopt rules for the regulation of commercial taking of fish or aquatic organisms, including but not limited to the setting of seasons, methods of taking, quantities of harvest, size limitations, and reporting requirements, to prevent overharvest or conflict with fishing and recreational uses of the waters.

Commercial Fishing Permit Rules
Applicable to Netting and Trapping Whitefish

12.7.101 APPLICATION

(1) Any person desiring to harvest nongame fish from any body of water in the state, or whitefish by nets or traps from the Kootenai River or from its tributaries within one mile of the Kootenai River, for sale or commercial distribution must make written application to the director for a commercial fishing permit upon a form furnished by the department.

(2) The form must be signed by the applicant including mailing address and residence of applicant and stating specifically the waters and species of fish desired for harvest and equipment owned or controlled by applicant.

(3) If an application is approved, applicant must then give a bond to the department in favor of the state of Montana in the sum of $1,000 with a corporate surety, conditioned on the faithful carrying out of the provisions of the application and permit. The department will then issue a license describing approved waters, species, seasons, and fishing methods.

12.7.103 CLASSES OF PERMITS AND FEES (1) Permit fees for a commercial fishing permit and species that may be taken are as follows:

(a) Class A--$500 per year which authorizes the taking of all nongame species designated by the department for commercial purposes;

(b) Class B--$200 per year which authorizes the taking of all nongame species designated by the department except smallmouth buffalo and largemouth buffalo for commercial purposes;

(c) Class X--may be granted for not more than 12 months with no fee required, which authorizes the taking of specific nongame species for commercial purposes on an experimental basis.

(2) The Class X permit must be replaced by a Class A or Class B permit after 12 months' operation unless a renewal is specifically authorized in writing by the commission.

(3) Class X permits may be issued to those persons who desire to determine the feasibility of a commercial fishing operation in waters and for nongame species for which there has been no history of commercial fishing. Criteria for issuance of a Class X permit are:

(a) the method of harvest is new and untried; or

(b) the operation will be carried out in waters which are difficult to run a commercial operation; or

(c) the nongame species that is to be taken is not usually handled in the commercial trade.

(History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78; AMD, 1979 MAR p. 1487, Eff. 11/30/79.)

12.7.104 RECORDS (1) The permittee shall keep written records of all his operations and transactions relating to the taking, sale of, or other disposal of fish. The permittee shall make reports on commercial fishing activities to the director on forms provided by the department.

These reports shall be submitted within 30 days following the end of each month. (History: Secs. 87-1-201, 87-1-301; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

12.7.105 DISPOSAL OF FISH (1) All species of fish except those taken as provided in 12.7.103 shall be returned alive and unharmed to the waters from which they came. All dead game fish shall be cut and sunk. (History: Secs. 87-1-201, 87-1-301 MCA; IMP, Secs. 87-3-204, 87-4-602 MCA; NEW, 1978 MAR p. 994, Eff. 7/15/78.)

HOOK AND LINE COMMERCIAL WHITEFISH SALES
FWP APPROVED WATERS (2007)

REGION 1

Flathead River (north of Flathead Lake)
Flathead Lake (north of the Flathead Reservation boundary)
Whitefish Lake