Montana State Parks

Biennial Smith River Rule

Fees and Rules for
Smith River State Park and River Corridor

Final Rule Adopted by FWP Commission
on December 20, 2012

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FEE RULE TABLE FOR SMITH RIVER STATE PARK

Private Float Trip Fees

Item	Fees
Permit Application	$10 (nonrefundable)
Super Permit Lottery	$5 per chance, no limit
Private Float Trip	$0 per resident or nonresident less than 6 years of age $15 per resident or nonresident from age 6 through 12 $25 per resident age 13 and above $60 per nonresident age 13 and above

Landowner Float Trip Fees (Day Floats Only)

Item	Fees
Landowner Float Trip	$0 per landowner and immediate family member $0 per agent, assignee, or guest within landowner's contiguous fee title property boundaries $7.50 per non-immediate family member, agent, assignee, or guest outside of landowner's contiguous fee title property boundaries

Commercial Float Trip Fees

Item	Fees
Commercial Float Trip	$200 per float trip
Commercial Staff	$25 per commercial staff member
Commercial Client	$100 per commercial client
Business Transfer	$200 per business transfer

Smith River State Park and River Corridor Biennial Rule
Adopted by the FWP Commission on December 20, 2012

I. INTRODUCTION AND APPLICABILITY OF RULE

A. The Smith River State Park and River Corridor Biennial Rule establishes fees and administrative rules for private, commercial and landowner float trips in Smith River State Park.
B. This biennial rule is in effect for the two calendar years following the date of adoption. The Fish, Wildlife and Parks Commission may amend the rule at any time during this period.
C. The Smith River State Park and River Corridor Biennial Rule applies to the Smith River from Camp Baker to Eden Bridge and all lands adjacent to this section of the river that are under the jurisdiction or management of the department, including Camp Baker and Eden Bridge.
D. Through a cooperative management agreement between Fish, Wildlife and Parks and the United States Forest Service, some elements of this rule are in effect on forest service lands along the Smith River between Camp Baker and Eden Bridge and are identified in the cooperative management agreement.
E. The Smith River State Park and River Corridor Recreation Management Plan of 2009 provides guidance to the commission in the adoption of this rule.

II. LEGAL AUTHORITY

A. The Smith River Management Act, 23-2-401 through 23-2-410, MCA, authorizes the commission to provide for the administration of the Smith River waterway and adopt rules for this purpose.
B. Other statues and rules applicable to this rule are as follows:
   i. 87-1-301 and 87-1-303, MCA
   ii. 12.14.101 through 12.14.170, ARM
   iii. 12.8.201 through 12.8.213, ARM

III. DEFINITIONS

A. "Commercial use" is defined as per 12.14.101(3), ARM.
B. "Commercial float trip" means a trip conducted by an authorized commercial user.
C. "Commercial launch transfer" means the temporary transfer of a commercial launch from one authorized commercial user to another within a single season.
D. "Commission" means the Fish, Wildlife and Parks Commission.
E. "Contiguous fee title property" means adjoining private property that is adjacent to the Smith River and does not include U.S. Forest Service, Department of Natural Resources and Conservation, Fish, Wildlife & Parks, or other public properties.
F. "Department" means the Department of Fish, Wildlife and Parks.
G. "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the institution/department and documentation of official educational or scientific tax exemption as granted by the Internal Revenue Service.

H. "General lottery" means the process through which the department randomly allocates private launch permits.
I. "Group" means a group of people who share planning and expenses for a trip, generally remain together while traveling to and on the river, and have a distinct and identifiable kitchen and camping unit within the same declared campsite.
J. "Landowner" means a person or entity that owns fee title private property adjacent to the Smith River within the boundaries of this fee rule, or a person designated by the landowner per individual trip.
K. "Landowner float trip" means a float conducted by a landowner or other person authorized by this fee rule.
L. "Landowner immediate family member" means a landowner's spouse, children, parents, siblings, grandchildren, niece, or nephew.
M. "Launch date" means the specific date that a float trip group launches on the Smith River.
N. "Lottery ticket" means an individual entry or application for the Super Permit lottery.
O. "Nonresident" means a person who does not meet the definition of a resident as defined in 87-2-101, MCA.
P. "Peak season" means the time period from May 15 through July 15 when demand for launch dates is greatest.
Q. "Permit application fee" means the nonrefundable fee that must be submitted when applying for a private launch permit.
R. "Private float trip" mean a non-commercial float trip.
S. "Private float trip fee" means the fee each private floater pays prior to floating the Smith River.
T. "Resident" is defined as per 87-2-102, MCA.
U. "Service group" means a group that donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities.
V. "Smith River" for the purpose of this rule refers to the Smith River from Camp Baker to Eden Bridge and is interchangeable with "Smith River State Park."
W. "Smith River State Park" for the purpose of this rule refers to the Smith River from Camp Baker to Eden Bridge and lands in between under the jurisdiction and/or management of Montana State Parks, a division of Fish, Wildlife and Parks.
X. "Super permit" means one permit issued each year by the department through the Super Permit lottery that is valid for one private launch any time during the float season.
Y. "Super permit lottery" means the process through which the department randomly allocates the Super Permit.

IV. RIVER CAPACITY

A. A permit is required for private and commercial groups to float the Smith River. This does not apply to a landowner conducting a day float solely for the purpose of performing maintenance on the landowner's contiguous fee title property.
B. A permit authorizes one private or commercial group to launch and float the Smith River.
C. The maximum group size for all float trips is fifteen (15) people of any age. This includes guides and other commercial staff.
    i. Exception: Landowner day floats that extend beyond the contiguous fee title property of the landowner shall be limited to a maximum of six (6) people.

D. The maximum number of private and commercial float trips combined shall not exceed nine launches per day.
   i. Exception: Each year the department may issue one additional private float permit that is valid any day of the year of issuance, hereafter referred to as a "Super Permit". The Super Permit may result in ten launches occurring on the day of use.

V. FLOATER REGISTRATION

A. All float groups must sign in upon arrival at Camp Baker to establish the order of registration and boat campsite selection. The earliest a group may sign in is 7:30 a.m. one day prior to the launch date.
B. All float groups must register and receive orientation at Camp Baker prior to floating the river. Registration and boat campsite selection shall occur on the official permit launch date. A group arriving at Camp Baker when staff is not present may self-register using the self-registration box located at the information kiosk.
C. Waterproof boat tags shall be issued by State Park staff for each boat or watercraft on the river. Separate boat tag colors shall be used to distinguish between private, commercial and landowner float trips.
D. All boats must visibly display a boat tag while on the river and at boat campsites. This requirement does not apply to landowner maintenance floats.
E. During registration groups must select and confirm the boat campsites they will camp at during their float trip. Groups may use the boat campsite declaration board if no staff is present at Camp Baker.
F. All float trip groups must stay at their declared boat campsites with no more than fifteen (15) people allowed at each campsite.
G. During the peak season all float trip groups shall be limited to four nights while on the river.
H. During the peak season layover nights (e.g. more than one night at same boat campsite) shall only be allowed at boat campsites in the section of river starting at the Two Creek boat campsite and ending at the Upper Parker Flat boat campsite.

VI. PRIVATE FLOAT TRIPS

Permit Applications

A. A person must submit a permit application to participate in the general lottery.
B. A person must be a minimum of twelve (12) years of age at the time they submit a permit application.
C. No person may submit more than one permit application. Exception: A person may purchase an unlimited number of Super Permit lottery tickets.
D. A person receiving a private float permit through the general lottery for a launch date during the peak season may not apply for a permit the following calendar year for a launch date within this same time period. They may apply for a permit outside of this time period, accompany another permitted group during this time period, obtain a cancelled launch permit, or apply for a Super Permit. The park manager may waive this rule for trips cancelled due to unsafe conditions caused by inclement weather or river flows, insufficient flows for navigability, or other similar exigent circumstances. This does not include trips cancelled due to undesirable fishing conditions.

Private Float Trip Permits

A. A private float trip permit authorizes the permit holder and his or her group to launch and float the Smith River beginning on the date specified on the permit.
B. Permits are issued to an individual and are non-transferable and non-refundable.
C. The department shall use a random lottery to allocate float trip permits authorizing a launch date during the time period of April through October 31.
D. Private float trip permits for launch dates occurring during the time period of November 1 through March 31 may be obtained on a first come, first serve basis at Camp Baker or by contacting the department's regional office in Great Falls.
E. The availability of private float trip permits for launch dates occurring during the time period of November 1 through March 31 are not guaranteed. Floaters expecting to obtain a permit at Camp Baker during this time period when staff may not be present are encouraged to contact the department's regional office in Great Falls to confirm the availability of a permit prior to arriving at Camp Baker.
F. Any launches on dates not fully subscribed during the general lottery shall be made available to the public for private float trips by the end of March on a first come, first serve basis.

Super Permit

A. Each year the department will issue one additional private float trip permit that is valid any day of the year of issuance, hereafter referred to as a Super Permit.
B. The department will administer the Super Permit through a lottery system. An individual may purchase an unlimited number of Super Permit lottery chances.
C. Super Permit lottery chances may be purchased beginning on the same date that private float trip applications are accepted.
D. The Super Permit lottery drawing shall occur approximately one month after the application deadline of the private float trip lottery.
E. The recipient of the Super Permit may launch on any date of their choosing during the year of issuance and must comply with registration requirements stated in this rule. This may result in ten launches occurring on the day of use.
F. All revenue received through the Super Permit lottery shall be deposited in the Smith River Corridor Enhancement Account.

Permit Cancellation

A. The recipient of a private float trip permit must notify the department's regional office in Great Falls or the Camp Baker ranger station when cancelling a permit.
B. A person cancelling their float trip permit less than two (2) days before their permit launch date shall be prohibited from applying for a permit the following season. This does not apply if the river flows are below 100 cfs. The park manager may waive the cancellation penalty for trips cancelled less than two (2) days prior to the launch date due to unsafe conditions caused by inclement weather or river flows, insufficient flows for navigability, or other similar exigent circumstances. This does not include trips cancelled due to undesirable fishing conditions.
C. The float trip permit fee shall remain non-transferable and non-refundable.

D. A cancelled private float trip permit shall be made available to private floaters on a daily basis on a first come, first served basis.

Private Float Trip Fees

A. No person may float within Smith River State Park without first paying all required fees. The park manager may adjust the permit fee on a case by case basis for an educational group or service group.
B. Fees are applicable year-round.
C. The permit application fee is nonrefundable.
D. There is no launch fee for children ages 5 and under.
E. Launch fees are due upon registering at Camp Baker.
F. There is no fee for a landowner or their immediate family members conducting a day float.
G. There is no fee for a landowner's agent, assignee, or guest conducting a day float on the river within the landowner's contiguous fee title property boundaries.
H. There is no fee for landowner property maintenance floats.

VII. LANDOWNER FLOAT TRIPS

A. This section applies to landowner day float trips. Day float trips shall be of one day duration only and consecutive, "back to back' day floats are prohibited. Landowners must secure a private float trip permit to conduct an overnight float trip.
B. No more than one day float trip per landowner shall be allowed per day.
C. There shall be no restriction on the number of landowner float trips allowed each day that occur entirely within the boundaries of the landowner's contiguous property. The landowner or their designee must accompany the float trip.
D. There shall be no restriction on the number of landowner float trips allowed each day that extend beyond the boundaries of the landowner's contiguous property when the float involves and is limited to the landowner and their immediate family members.
E. Landowners are allowed up to three (3) float trips per day for the entire river for floats that extend beyond the landowner's contiguous property and involve non-immediate family and/or guests, to be allocated by the department on a first come, first serve basis. The landowner or an immediate family member must accompany the float trip. Landowner maintenance float trips shall not count against the three (3) landowner floats per day.
F. Landowner float trips conducted entirely within the landowner's contiguous property boundaries shall not exceed fifteen (15) people per trip.
G. Landowner float trips that extend beyond the landowner's contiguous property boundaries shall not exceed six (6) people per trip.
H. All landowner float trips must register in advance at Camp Baker, by mail, or by telephoning the department.
I. Landowner maintenance float trips are allowed for work by the landowner and/or their agents or employees. No boat tags are required for maintenance floats.

VIII. COMMERCIAL FLOAT TRIPS

A. No person, group or entity may conduct commercial use within the Smith River State Park without first obtaining a restricted use permit from the department.
B. Commercial use shall be administered according to the department's commercial use rules. This includes the authority to establish terms and conditions for commercial use.
C. Commercial outfitters authorized to conduct commercial float trips on the Smith River are limited to those outfitters listed in Appendix A. The department may update Appendix A to reflect business transfers.
D. Commercial outfitters and guides conducting angling trips must be licensed in the State of Montana.
E. Commercial outfitters are limited to a maximum of 73 float trip launches per year.
F. An authorized Smith River commercial outfitter may lease, rent, or otherwise receive compensation from another authorized Smith River commercial outfitter for the opportunity to use a Smith River commercial float trip launch within a single use season.
G. The department shall establish commercial outfitter float trip launch dates in consultation with the commercial outfitters and in accordance with the following criteria:
    i. **During the months of April, August and September:** All Commercial outfitters must finalize their float trip launch dates seven (7) days prior to the private permit lottery. Commercial outfitters seeking to reschedule a launch in April, August or September after the private permit lottery must use the reservation system to request a cancelled launch. All commercial launches not reserved by an outfitter will be available to the public in the lottery.
    ii. **During the months of May, June and July:** All commercial float trip launches [see Section VIII (H)] not reserved by an outfitter will be designated "On Hold" and will not be included in the public lottery. After the lottery, commercial outfitters may utilize available "On Hold" launches 29 or more days in advance of an available date. Commercial outfitters seeking to reschedule a launch to an available date 28 days or fewer from a desired launch date must use the reservation system to request an open launch. All commercial launches not utilized by an outfitter will be available to the public via the reservation system 28 days prior to the launch date.
H. There is a maximum of one (1) commercial float trip launch allowed on Mondays, Tuesdays, Thursdays, Fridays and Saturdays and a maximum of two (2) commercial launches allowed on Sundays and Wednesdays. This equates to a maximum of nine (9) commercial launches per week.
I. Commercial outfitters must cancel all un-booked float trip launches a minimum of fourteen (14) days prior to the launch date. The park manager may waive disciplinary action for trips cancelled less than fourteen (14) days prior to the launch date due to unsafe conditions caused by inclement weather or river flows, insufficient flows for navigability, or other similar exigent circumstances. This does not include trips cancelled due to undesirable fishing conditions.
J. Commercial float trip fees must be paid at Camp Baker prior to launching.
K. The park manager may waive the float trip fee and other related fees for a maximum of two (2) commercial float trips each season on a case-by-case basis when the commercial user donates one or more launches to a recognized charitable or not-for-profit event and the commercial user is not compensated. No additional commercial float trips may be authorized under this provision. Commercial outfitters requesting a fee waiver must submit a written request to the

park manager a minimum of 30 days prior to the anticipated launch date. Waiver requests shall be considered in the order received.

L. When an authorized Smith River commercial outfitter sells or transfers their entire Smith River commercial outfitting business the department may collect a business transfer fee to offset the cost of processing the request and issuing a new permit to the buyer of the business.

IX. EDUCATIONAL OR SERVICE FLOAT TRIPS

A. The park manager may issue a float trip permit and adjust fees on a case by case basis for an educational group or service group. To receive consideration the group must comply with the following criteria:
   i. Groups must contact the park manager at least 30 days in advance.
   ii. The proposed activity may not be primarily for recreational purposes.
   iii. The group may not meet the department's definition of commercial use as per 12.14.101(3), ARM.
   iv. Educational or scientific purposes must be directly related to the resources of the Smith River.
   v. The service project must directly benefit Smith River State Park and River Corridor.
   vi. Educational and service float trips may not unreasonably displace other private or commercial float trips.

X. CORRIDOR ENHANCEMENT ACCOUNT

A. Smith River fee revenue shall be deposited into the Smith River Corridor Enhancement Account as follows:
   i. Fifty dollars of each commercial outfitter client fee.
   ii. All revenue generated by the sale of Super Permit lottery chances.
   iii. 5% of all other float fee revenue, excluding the nonrefundable permit application fee.

B. Revenue deposited in the account shall be expended according to 23-2-409 of the Smith River Management Act.

XI. PUBLIC USE REGULATIONS

A. The department's public use regulations, 12.8.201 through 12.8.213, ARM, apply to all department lands including Smith River State Park and shall be indicated through signs, the Smith River State Park web page, and the private float information packet.

B. Public use regulations as applied to Smith River State Park include but are not limited to the following:
   i. All persons with a permit to float the Smith River must camp at designated boat campsites when camping on public land.
   ii. Pets are prohibited on all Smith River float trips with the exception of legitimate service dogs and hunting dogs used for lawful hunting purposes during legal hunting seasons.
   iii. No person may build or maintain a fire except in the metal fire rings provided and maintained by the department.
   iv. No person may cut live or dead standing trees for firewood or other purposes.

v. If camping at Deep Creek boat campsite, all human solid waste must be packed out and removed from Smith River State Park or disposed of in a department approved disposal system.

Recommended by:

Chas Van Genderen, Parks Division Administrator — 12/21/12 *Date*

Approved by:

Bob Ream, Chairman
Fish, Wildlife & Parks Commission — 12/28/12 *Date*

Mike Volesky, Acting Director
Montana Fish, Wildlife & Parks — 12/21/12 *Date*

APPENDIX A. AUTHORIZED SMITH RIVER COMMERCIAL OUTFITTERS

Updated September 18, 2012

	OWNER NAME	BUSINESS NAME	ALLOCATED FLOAT TRIP LAUNCHES
1	BRANDON BOEDECKER	PRO OUTFITTERS	12
2	TODD FRANCE	BLAST AND CAST OUTFITTERS	5
3	RANDY GAYNER	GLACIER WILDERNESS GUIDES	1
4	MIKE GEARY	LEWIS & CLARK EXPEDITIONS	26
5	JOHN HERZER	BLACKFOOT RIVER OUTFITTERS	2
6	ERIK HESS	MISSOULA FISHING COMPANY	4
7	JOE SOWERBY	MONTANA FLY FISHING CONNECTION	16
8	GARY STOCKER	BIG SKY EXPEDITIONS	7
		TOTAL	**73**