



**Montana Fish,
Wildlife & Parks**

COMMERCIAL BAIT SEINING LICENSE APPLICATION
(Attach \$10 License Application Fee)

Date of Application: _____ **License for Calendar Year:** _____

**** Licenses expire the 31st day of December following issue date. Licenses will be issued within 90 days of application receipt.**

Applicant's Name: _____

Mailing Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone Number: _____

Home Address (if different from above): _____

Email Address: _____

DOB or ALS# _____

FWP receives requests for mailing lists. Do you want your name included on lists provided by FWP to requestors? **Yes** ___ **No** _____

I hereby make application for a Commercial Bait Seining License to be in effect for collecting, possessing or selling nongame bait fish as identified in the current Fishing Regulations. The following fish species may be collected and used as live bait in the Central and Eastern Fishing Districts: Fathead Minnow, Flathead Chub, Western Silvery Minnow*, Plains Minnow*, Emerald Shiner*, Longnose Dace, Lake Chub, Creek Chub, Longnose Sucker and White Sucker. Game fish may not be used as bait except as authorized in regulations for dead bait. *Species not allowed for use as live bait at Tongue River Reservoir or Tongue River upstream of Reservoir (see Tongue River or Tongue River Reservoir in Eastern Fishing District for more details).

FWP authorization is required to import live fish. Call 406-452-6181.

I plan to seine the following waters in FWP Region _____ (please fill in the region #)

****NOTE:** a separate application and fee is required for each FWP Region. See Fishing Regulations for Region boundaries**
Mail application to the region in which you are planning to seine in. See attached mailing list.

TYPE AND SIZE OF NETS/TRAPS THAT MAY BE USED: Seines no larger than 12 feet by 4 feet; minnow traps not to exceed 24 inches by 12 inches by 12 inches; cast nets not to exceed 6-foot radius; dip nets no larger than 3 feet by 3 feet).

In an effort to get a better understanding of bait collection and movement in Montana, FWP is requiring license holders to provide a report detailing their collection efforts. A report form will be included with your permit. A Field Guide to Montana Fishes is provided to help with fish species identification.

NAME OF SPECIFIC WATER(S)
(include specific section/area)

COUNTY

Have you ever had a seining license revoked at any time?

If so, give date of revocation: _____ What state? _____

Applicant's signature: _____

COMMERCIAL BAIT FISH SEINING REGULATIONS

- A Commercial Bait Seining Permit is required for: 1) the collection of any nongame bait fish, as identified in the current fishing regulations, for the purpose of selling or commercial transportation and distribution; or 2) the possession of 24 dozen (288) or more nongame bait fish unless the person is under 15 years of age.
- Nongame fish may be captured for commercial purposes in accordance with ARM Section 12.7.201-12.7.204, and in accordance with standard fishing regulations or exceptions for each water.
- Live bait may not be imported into the State of Montana for commercial or other purposes without department authorization.
- Net and Trap Requirements: Bait fish may be taken with hook and line; or with seines no larger than 12 feet by 4 feet; or with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet). All unattended fishing devices must have the angler's name and phone number or name and ALS# attached to it.
- No portion of salmonids may be used for live or cut bait except the eggs of char, cisco, grayling, salmon or trout.
- Parts/pieces of bass, burbot (ling), channel catfish, crappie, northern pike, paddlefish, sauger, shovelnose sturgeon, tiger muskellunge, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- Nongame fish that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial flies and lures. Heads and entrails of non-game fish may also be used as bait.
- Sculpins (genus *Cottus*) may not be used as bait (live or dead) in the Western Fishing District.
- This license is not valid on Indian Reservation waters; for information, contact local tribal officials.
- Restriction within identified contaminated bodies of water:
 - Transportation of aquatic bait animals (including minnows) is approved from contaminated bodies of water in water from a noncontaminated source when allowed per fishing regulations. See attached. (ARM 12.5.701-2)

LIST OF APPROVED SEINING WATERS (approved 2/10/2017)

Nongame bait fish (except carp, goldfish and rainbow smelt) may be taken from the following waters:

Western Fishing District

- Ashley Creek
- Burnt Lake, Flathead County
- Clark Fork River (mouth of Flathead River to Thompson Falls Dam)
- Fish Lake, Lincoln County
- Flathead Lake (north half only)
- Flathead River (mouth to Highway 2 Bridge) plus adjacent sloughs
- Flathead River (Flathead Reservation boundary to confluence with Clark Fork River)
- Herring Creek (Little Bitterroot tributary), from May 15 to June 17 between Little Bitterroot Lake and the first road crossing (Pleasant Valley Road).
- Noxon Rapids Reservoir
- Upper, Lower and Middle Thompson lakes

Central Fishing District

- Bighorn Lake and Afterbay Reservoir
- Bighorn River -- Afterbay Dam to cable 600 feet downstream and below Bighorn Access Area
- Clarks Fork Yellowstone River -- Downstream from bridge at Bridger
- Kammerzell Reservoir
- Missouri River downstream from Morony Dam
- Muddy Creek Drainage near Vaughn, including all streams and drainage canals
- Streams and ditches in the Yellowstone River Drainage downstream of the mouth of the Clarks Fork
- Teton River & tributaries downstream from Interstate 15

COMMERCIAL BAIT FISH SEINING REGULATIONS (continued)

Eastern Fishing District

Streams -- Nongame bait fish may be taken from all streams in the Eastern District **except** the following:

- Milk River and tributaries above Fresno Dam
- Beaver Creek upstream from Beaver Creek Reservoir
- Big Dry Creek and Little Dry Creek north of Highway #200 in Garfield County
- Hanging Woman Creek downstream from the Birney Road to its confluence with the Tongue River
- Otter Creek downstream from Highway #212 to its confluence with the Tongue River
- Lone Tree Creek and Fox Creek, tributaries to the Yellowstone River in Richland County
- Missouri River downstream from the mouth of the Milk River

All irrigation canals and ditches in the Eastern Fishing District are open year around for taking nongame bait fish.

Nongame bait fish may be taken from the following reservoirs in the Eastern Fishing District:

<u>WATER</u>	<u>COUNTY</u>
Anita Reservoir	Yellowstone
Bainville Railroad Ponds	Roosevelt
Baker Lake	Fallon
Beaver Creek Reservoir	Hill
BLM Reservoirs	Blaine, Phillips
BLM Reservoirs in Willow Creek Drainage	Valley
Box Elder Reservoir	Sheridan
Buxbaum West Reservoir	Richland
Cole Ponds	Phillips
Dry Fork Reservoir	Blaine
Engstrom Reservoir	Sheridan
Frenchman Reservoir	Phillips
Gartside Reservoir	Richland
Grub Reservoir	Valley
Gut Shot Reservoir	Valley
Hedstrom Reservoir	McCone
Killenbeck Reservoir	Daniels
Kuester Reservoir	Richland
Lindsay Reservoir	Dawson
Medicine Lake Nat'l. Wildlife Refuge	Sheridan
Milk River and its impoundments downstream of Fresno Dam	
Nelson Reservoir	Phillips
Petrolia Reservoir	Petroleum
Raymond Reservoir	Sheridan
Shoot Reservoir	Valley
Spotted Eagle Pond	Custer
Talcott Pond	Carter
Tongue River Reservoir	Big Horn
Tripple Crossing Reservoir	Valley
Valley Reservoir	Valley
VR2 Reservoir	Valley
Wards Reservoir	Valley
Whiteside Reservoir	Garfield
Whitetail Reservoir	Daniels
Wibaux Pond	Wibaux

Montana Statutes

87-3-204. Restrictions on fishing methods -- allowed fishing methods. (1) A game fish may not be caught, captured, or taken or attempted to be caught, captured, or taken by the aid or with the use of any gun or trap, nor may any gun, trap, or other device to entrap game fish be used, made, or set.

(2) Except when specifically authorized by law or commission rule, a person may not:

(a) take or catch fish in any of the waters of this state, except with hook and line held in hand or line and hook attached to rod or pole held in hand or within immediate control;

(b) take or catch fish with hook baited with any poisonous substance or using any poisonous substance, including fish berries; or

(c) take or catch fish using fishtraps, grabhooks, seines, nets, spears, gigs, or other similar means for catching fish.

(3) (a) The commission may designate waters within the state in which rubber or spring-propelled spears employed by persons swimming or submerged in the water or traps, seines, nets, spears, or gigs may be used for taking:

(i) nongame fish; or

(ii) walleyed pike, sauger, northern pike, burbot (ling), and whitefish.

(b) The commission may adopt rules for the taking of fish under this subsection (3), and the rules may be specific to the water designated. The designated waters may be closed at the discretion of the commission.

(c) Except when the taking of game fish is authorized pursuant to subsection (3)(a)(ii), all game fish captured while fishing as authorized under this subsection (3) must be returned uninjured to the waters from which they were taken.

(4) The commission may designate certain waters where setlines may be used to fish for certain species of game or nongame fish, and the commission may designate the number of hooks and lines and the length of line or lines that may be used as setlines.

(5) Game fish must be taken only by hook and single line or single rod in hand or within immediate control. This does not prevent, however:

(a) the snagging of paddlefish, chinook salmon, and kokanee (sockeye salmon) when the commission declares an open season when paddlefish, chinook salmon, and kokanee (sockeye salmon) may be taken by snagging;

(b) the taking of paddlefish, channel catfish, and nongame fish with longbow and arrow, under rules and regulations that the commission prescribes;

(c) the taking of game fish pursuant to subsection (3);

(d) the use of landing net or gaff to land a game fish after the game fish has been hooked as specified in this subsection (5);

(e) the taking of minnows other than game fish variety by the use or aid of a net not to exceed 12 feet in length and 4 feet in width in waters designated by the commission;

(f) 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 the rules and regulations that the commission prescribes;

(g) the taking of any game fish through a hole in ice with an unattended line or rod as long as the angler is in the vicinity and within visual contact of the line or rod; or

(h) the taking of salmon and lake trout in Fort Peck reservoir by spear or gig from December through March, under rules and regulations prescribed by the commission.

(6) The commission may designate waters where authorized commercial fishing operators may use approved nets, seines, and traps to fish for designated species of nongame fish.

87-4-602. Seining licenses. The director shall keep a record of all licenses issued by him for the use of a net for the taking of fish, showing the name of the applicant, the date of issue, the waters to be used in, and the date of revocation if the license is revoked. The director shall pay all fees received for those licenses into the state treasury to the credit of the fish and game moneys in the state special revenue fund. A license may not be issued to a person whose license has been revoked for cause.

Commercial Minnow Seining Rules

12.7.201 APPLICATION

(1) A commercial bait fish seining license is required for:

(a) the collection of any nongame bait fish, as identified in the current fishing regulations, for the purpose of selling or commercial transportation and distribution; or

- (b) the possession of 24 dozen (288) or more nongame bait fish, as identified in the current fishing regulations, unless the person is under 15 years of age.
- (2) An application for a commercial bait seining license must be submitted on a form provided by the department.
- (3) A \$10 application fee must be submitted with every application. The application fee will be refunded if the application is denied.

(History: 87-4-609, MCA; IMP, 87-4-601, 87-4-609, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 292, Eff. 2/11/82; AMD, 2016 MAR p. 585, Eff. 4/9/16.)

12.7.202 ISSUANCE

- (1) The department shall issue a commercial bait seining license upon approval of an application.
- (2) The license must specify the terms of the license.
- (3) The department will not license any applicant who has ever had a commercial bait seining license revoked.

(History: 87-4-609, MCA; IMP, 87-4-601, 87-4-602, 87-4-609, MCA; Eff. 12/31/72; AMD, 1982 MAR p. 292, Eff. 2/11/82; AMD, 2016 MAR p. 585, Eff. 4/9/16.)

12.7.203 REVOCATION

- (1) The director may revoke a license based on sufficient evidence of violation of seining laws, regulations, or terms of the license.

(History: 87-4-609, MCA; IMP, 87-4-601, 87-4-609, MCA; Eff. 12/31/72; AMD, 2016 MAR p. 585, Eff. 4/9/16.)

12.7.204 APPEAL

- (1) A person may appeal a determination to deny an application or revoke a license. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, MCA, will apply.

(History: 87-4-609, MCA; IMP, 2-4-631, 87-4-601, 87-4-609, MCA; Eff. 12/31/72; AMD, 2016 MAR p. 585, Eff. 4/9/16.)

12.5.701 IDENTIFIED CONTAMINATED BODIES OF WATER

- (1) The department will identify bodies of water within any Department of Agriculture designated Eurasian watermilfoil management area as contaminated with Eurasian watermilfoil.
- (2) The department has identified the following bodies of water as contaminated with Eurasian watermilfoil:
 - (a) Fort Peck Reservoir;
 - (b) Fort Peck Dredge Cut Ponds;
 - (c) Jefferson River;
 - (d) Missouri River:
 - (i) from Fort Peck Dam to the mouth of the Milk River;
 - (ii) from the confluence of the three forks of the Missouri River to the headwaters of Canyon Ferry Reservoir; and
 - (e) Toston Reservoir.

History: 80-7-1007, MCA; IMP, 80-7-1010, MCA; NEW, 2012 MAR p. 1347, Eff. 7/13/12.

12.5.702 RESTRICTIONS WITHIN IDENTIFIED CONTAMINATED BODIES OF WATER

- (1) The prohibitions of 80-7-1010, MCA apply to the bodies of water identified as contaminated in ARM 12.5.701 except:
 - (a) possession of bait animals, dead or alive, is approved when allowed per fishing regulations;
 - (b) transportation of aquatic bait animals is approved from contaminated bodies of water in water from a noncontaminated source when allowed per fishing regulations; and
 - (c) transportation of live fish is approved from contaminated bodies of water in water from a noncontaminated source, when allowed per fishing regulations.
- (2) Upon departure of a contaminated body of water all vessels and equipment, including bait buckets, must be free of Eurasian watermilfoil.

History: 80-7-1007, MCA; IMP, 80-7-1010, MCA; NEW, 2012 MAR p. 1523, Eff. 7/13/12.

FWP ADMINISTRATIVE REGIONS

<p align="center">STATE HEADQUARTERS</p> <p align="center">MT Fish, Wildlife & Parks 1420 East 6th Avenue PO Box 200701 Helena, MT 59620-0701 406-444-2535</p>	<p align="center">REGION 4</p> <p align="center">4600 Giant Springs Rd Great Falls, MT 59405 406-454-5840</p>	<p align="center">BUTTE Area Res Office (BARO)</p> <p align="center">1820 Meadowlark Ln Butte, MT 59701 406-494-1953</p>
<p align="center">REGION 1</p> <p align="center">490 North Meridian Rd Kalispell, MT 59901 406-752-5501</p>	<p align="center">REGION 5</p> <p align="center">2300 Lake Elmo Dr Billings, MT 59105 406-247-2940</p>	<p align="center">HELENA Area Res Office (HARO)</p> <p align="center">930 Custer Ave W Helena, MT 59620 406-495-3260</p>
<p align="center">REGION 2</p> <p align="center">3201 Spurgin Rd Missoula, MT 59804 406-542-5500</p>	<p align="center">REGION 6</p> <p align="center">1 Airport Road Glasgow, MT 59230 406-228-3700</p>	<p align="center">HAVRE Area Res Office (HvARO)</p> <p align="center">2165 Hwy 2 East Havre, MT 59501 406-265-6177</p>
<p align="center">REGION 3</p> <p align="center">1400 South 19th Bozeman, MT 59718 406-994-4042</p>	<p align="center">REGION 7</p> <p align="center">PO Box 1630 Miles City, MT 59301 406-234-0900</p>	<p align="center">LEWISTOWN Area Res Office (LARO)</p> <p align="center">2358 Airport Rd Lewistown, MT 59457 406-538-4658</p>

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REPORT OF INVESTIGATION FOR COMMERCIAL BAIT SEINING LICENSE

Have you verified the information contained on this application?

Yes _____ No _____

Which waters listed on this application do you recommend for licensing?

NOTE: Only waters listed in FWP region _____ can be approved here.

Which waters listed are not approved for licensing? Provide justification.

What limit of seasons do you recommend?

What FWP Warden districts are involved?

Investigation Completed by:

APPROVED

NO ACTION REQUIRED

COPY OF APPROVED APPLICATION
SENT TO:

DENIED

DENIED

Fisheries Manager

Regional Supervisor

Enforcement Division

Date

Date

Date

LICENSE FEE \$10 (remitted in form of check)

Check Number: _____

License Issued Date _____

By: _____