



# MONTANA FISH, WILDLIFE & PARKS

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

Date of Application: \_\_\_\_\_ License for Calendar Year: \_\_\_\_\_

\*\* Licenses expire the 31<sup>st</sup> 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 **dead bait** in the Western Fishing District: longnose sucker, largescale sucker, northern pikeminnow, peamouth, northern dace, and redbside shiner. 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 Bait Fish Seining License is required:
  - For persons 15 years of age or older to seine for or trap and transport bait fish for any commercial purposes in Montana;
  - For any person who seines or traps for or has in his/her possession more than 24 dozen non-game bait fish.
- Non-game bait fish (fathead minnow, flathead chub, western silvery minnow, plains minnow, emerald shiner, longnose dace, lake chub, creek chub, longnose sucker, and white sucker) may be harvested commercially and transported east of the continental divide in accordance with Administrative Rules of Montana (ARM) Section 12.7.201-12.7.206. See Fishing Regulations for live bait fish identification.
- Only non-game fish native to the Western Fishing District (large scale sucker, longnose sucker, northern pikeminnow, peamouth chub, redbside shiner, and longnose dace) may be captured and used as dead bait in the Western Fishing District.
- Live bait fish or leeches may not be imported into Montana for commercial or other purposes unless authorized by FWP. Bait fish may not be exported without FWP authorization. Call 406-452-6181 or go online at fwp.mt.gov for more information.
- 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 an individual identifying number issued by the department.
- Trout, salmon, whitefish, and sculpins may not be used whole or in parts/pieces as dead bait. (dead cisco may be allowed as use of dead bait if it passes in the upcoming regulation cycle)
- Whole game fish may not be used as bait. Parts/pieces of bass, burbot, shovelnose sturgeon, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- The eggs of char, cisco, Arctic grayling, salmon, or trout may be used as bait.
- Landowner permission is required to capture live baitfish from privately owned ponds or irrigation systems for personal use. Commercial Bait Seining License and a Commercial Pond License is required to sell bait from a privately owned pond.
- No fish species may be used as live bait in the Western Fishing District. Possession of live bait fish or use of live bait fish is prohibited in the Western Fishing District.
- This license is not valid on Indian Reservation waters; for information contact local tribal officials.

### LIST OF APPROVED COMMERCIAL BAIT SEINING WATERS 2023-2024 (Approved December 20, 2022)

#### **Western Fishing District**

No fish species may be collected or used as live bait in the Western Fishing District. Only non-game fish native to the Western Fishing District (largescale sucker, longnose sucker, northern pikeminnow, peamouth chub, redbside shiner, and longnose dace) may be captured and used as dead bait and may be taken from the following waters:

- Ashley Creek
- Burnt Lake, Flathead County
- Dog Creek (tributary to Stillwater River)
- 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)
- Herrig Creek (Little Bitterroot Lake tributary), closed from April 15 to June 1 between Little Bitterroot Lake and the first road crossing (Pleasant Valley Road)
- Horseshoe Lake (near Happy's Inn)

## LIST OF APPROVED COMMERCIAL BAIT SEINING WATERS 2023-2024 (Approved December 20, 2022)

### **Central Fishing District**

Nongame fish species that may be collected possessed and used as live bait in the Central Fishing District are: fathead minnow, flathead chub, western silvery minnow, plains minnow, emerald shiner, longnose dace, lake chub, creek chub, longnose sucker, and white sucker. These species may be taken from the following waters:

- Bighorn Lake and Afterbay Reservoir
- Bighorn River -- Afterbay Dam to cable 600 feet downstream and below Bighorn Access Area
- Clarks Fork Yellowstone River and tributaries, except the Rock Creek drainage -- downstream from the bridge at Bridger
- Helena Valley Irrigation Canal
- Kammerzell Reservoir
- Marias River downstream of Tiber Dam
- Missouri River downstream from Morony Dam
- Muddy Creek Drainage near Vaughn, including all streams and drainage canals
- Reservoirs in Arrow Creek Drainage
- Yellowstone River and all streams and ditches in the drainage downstream from the Highway 212 Bridge near Laurel (except the section of the Bighorn River between the cable 600 feet downstream from Afterbay Dam and the Bighorn FAS)
- Teton River & tributaries downstream from Interstate 15

**LIST OF APPROVED COMMERCIAL BAIT SEINING WATERS 2023-2024 (Approved December 20, 2022)**

**Eastern Fishing District**

Nongame fish species that may be collected and used as live bait in the Eastern Fishing District are: fathead minnow, flathead chub, western silvery minnow, plains minnow, emerald shiner, longnose dace, lake chub, creek chub, longnose sucker, and white sucker.

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

- Milk River and tributaries above Fresno Dam
- Big Dry Creek downstream of the confluence with Little Dry Creek
- 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 Tongue River
- Lone Tree Creek and Fox Creek 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:

<b><u>WATER</u></b>	<b><u>COUNTY</u></b>
Anita Reservoir	Yellowstone
Bainville Railroad Ponds	Roosevelt
Baker Lake	Fallon
Beaver Creek Reservoir	Hill
BLM Reservoirs	Blaine, Phillips
BLM Reservoirs south of Hwy 2	Valley
Box Elder Reservoir	Sheridan
Cole Ponds	Phillips
Coal Creek Reservoir	Prairie
Dry Fork Reservoir	Blaine
Engstrom Reservoir	Sheridan
Frenchman Reservoir	Phillips
Gartside Reservoir	Richland
Hedstrom Reservoir	McCone
Killenbeck Reservoir	Daniels
Lindsay Reservoir	Dawson
Medicine Lake National Wildlife Refuge	Sheridan
Milk River and its impoundments downstream of Fresno Dam	
Petrolia Reservoir	Petroleum
Raymond Reservoir	Sheridan
Spotted Eagle Pond	Custer
Tongue River Reservoir	Big Horn
Wards Reservoir	Valley
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.

**FWP ADMINISTRATIVE REGIONS**

<p><b>STATE HEADQUARTERS</b></p> <p>MT Fish, Wildlife &amp; Parks          1420 East 6th Avenue          PO Box 200701          Helena, MT 59620-0701          406-444-2535</p>	<p><b>REGION 4</b></p> <p>4600 Giant Springs Rd          Great Falls, MT 59405          406-454-5840</p>	<p><b>BUTTE Area Res Office (BARO)</b></p> <p>1820 Meadowlark Ln          Butte, MT 59701          406-494-1953</p>
<p><b>REGION 1</b></p> <p>490 North Meridian Rd          Kalispell, MT 59901          406-752-5501</p>	<p><b>REGION 5</b></p> <p>2300 Lake Elmo Dr          Billings, MT 59105          406-247-2940</p>	<p><b>HELENA Area Res Office (HARO)</b></p> <p>930 Custer Ave W          Helena, MT 59620          406-495-3260</p>
<p><b>REGION 2</b></p> <p>3201 Spurgin Rd          Missoula, MT 59804          406-542-5500</p>	<p><b>REGION 6</b></p> <p>1 Airport Road          Glasgow, MT 59230          406-228-3700</p>	<p><b>HAVRE Area Res Office (HvARO)</b></p> <p>2165 Hwy 2 East          Havre, MT 59501          406-265-6177</p>
<p><b>REGION 3</b></p> <p>1400 South 19th          Bozeman, MT 59718          406-994-4042</p>	<p><b>REGION 7</b></p> <p>PO Box 1630          Miles City, MT 59301          406-234-0900</p>	<p><b>LEWISTOWN Area Res Office (LARO)</b></p> <p>333 Airport Rd          Lewistown, MT 59457          406-538-4658</p>

This Page For Department Use Only

**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.*

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

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What limit of seasons do you recommend?

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What FWP Warden districts are involved?

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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:

\_\_\_\_\_