

# MONTANA FISHING CONTEST LAWS AND RULES

## MONTANA STATUTES

### **87-3-121. Conditions for award of prizes.**

(1) It shall be unlawful for any person, firm, corporation, association, or club to offer or give any prize, gift, or anything of value in connection with or as a bag limit prize for the taking, capturing, killing, or in any manner acquiring any game, fowl, fur-bearing animals, or any bird or animal now or that shall be hereafter protected in any way by the fish and game laws of the state of Montana.

(2) The commission shall adopt rules to regulate contests by a person, firm, corporation, association, or club that intends to offer or give a prize, gift, or anything of value in connection with or as a prize for the taking, capturing, killing, or in any manner acquiring fish that are protected under Title 87. The commission's rules must be based on the commission's duty under Title 87 to protect, preserve, and propagate fish in the state.

(3) This section shall not be construed to prohibit the award of prizes for any one game bird or fur-bearing animal on the basis of size, quality, or rarity.

**History:** En. Sec. 1, Ch. 82, L. 1935; re-en. Sec. 3744.1, R.C.M. 1935; amd. Sec. 1, Ch. 48, L. 1974; R.C.M. 1947, 26-809; amd. Sec. 1, Ch. 346, L. 1987.

## FWP Rules for Regulation of Fishing Contests

### 12.7.801 DEFINITION

(1) "Fishing contest" is any event, contest, derby or tournament where an entry fee is charged or where people are expected to compete to win prizes or cash based on the capture of an individual fish or combination of fish. Fishing contests involving fewer than 30 people with cash prizes or merchandise worth \$500 or less do not require a permit but must comply with the provisions of this subchapter.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

### 12.7.802 APPLICATION

(1) Any individual, club, organization or business wishing to sponsor a fishing contest on a body of water open to public fishing must submit an application to the department of Fish, Wildlife and Parks as specified in this rule.

(2) Applications must be submitted between September 1 and November 1 for open water contests proposed for the following March 1 through December 1;

(a) applications for benefit fundraising contests received later than November 1 may be accepted.

(3) Applications must be submitted between May 1 and July 1 for ice fishing contests proposed for the following December 1 through March 1;

(a) applications for benefit fundraising contests received later than July 1 may be accepted.

(4) Contest sponsors must provide documentation that they have approval to use each fishing access site not under the ownership or control of the department that is listed in the application.

(5) Contest sponsors are responsible for notifying participants of any public safety concerns associated with the contest.

(6) Contest sponsors are responsible for notifying participants that boats and trailers must be cleaned before and after the contest to prevent transport and introduction of aquatic nuisance species.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

### 12.7.803 EVALUATION AND RECOMMENDATION

(1) The department will evaluate the application based on the following criteria:

a) impacts of the contest on the fish population of the host body of water, the aquatic ecosystem and the immediate area;

b) Compatibility of the contest with fisheries management objectives for the water;

(c) purse or participation limits (limits may or may not be imposed depending upon public comments received or

potential conflict with other users);

(d) conflicts with other contests proposed for a body of water;

(e) compliance with contest rules, conditions or reporting requirements for previously sponsored contests;

(f) environmental conditions (such as relevant historic high water temperatures) and compatibility of check-in format with successful release of live fish for catch and release contests; and

(g) contest boundaries.

(2) The department will give public notice of all contests and provide an opportunity for public comment on each application.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

#### 12.7.804 COMPETING APPLICATIONS

(1) When two or more contests are proposed on a single body of water the department will approve applications which:

(a) offer the best opportunities for public benefits by furthering knowledge of angling ethics and aquatic ecology;

(b) have been approved historically;

(c) have had good participation; and

(d) have a good record of compliance.

(2) The department may request that applicants competing for a permit on the same or consecutive weekends resolve conflicts and allocate limited dates among themselves.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

#### 12.7.805 DEPARTMENT DECISION

(1) The department will issue a decision regarding applications no later than February 1 for open water contests or October 1 for ice-fishing contests. The department may approve an application as submitted, approve an application with modifications or deny an application. When an application is approved with modifications, the applicant must respond to the department within 20 days of receipt of the department's written decision if the modifications are unacceptable. Failure to do so will constitute acceptance of the decision.

(2) An application may be denied if in the opinion of the department any of the following are found to exist:

(a) the contest will have detrimental impacts on fish populations, the aquatic ecosystem or the surrounding area;

(b) the contest would conflict with management goals for the host water;

(c) the contest conflicts with other proposed contests or intended uses of the host water;

(d) the proposed contest would be held during a period of heavy recreational use on the host body of water, increasing the likelihood of conflicts with other users; and

(e) there is significant public opposition to the proposed contest based on biological or recreational conflict concerns. Public comments will be provided to the sponsor on request.

(3) Conditions may be placed on contests to:

(a) minimize fish mortality in catch and release contests;

(b) regulate harvest;

(c) reduce user conflicts; or

(d) require supplemental trash removal, restroom facilities, or other maintenance at department access sites when routine facilities and maintenance are inadequate for the contest.

(4) Contests may not be scheduled and approved for consecutive weekends on any body of water less than 100,000 surface acres in size.

(5) Contests may not be scheduled on holiday weekends, including but not limited to Memorial Day, Fourth of July, and Labor Day.

(6) The department will notify the applicant of its decision by mail. The department shall notify the public with an announcement released to all major state newspapers and through notice published on the department website.

AUTH: 87-3-121, MCA

IMP: 87-3-121, MCA

#### 12.7.806 REPORTING REQUIREMENTS

(1) Within 30 days after an approved fishing contest, the sponsor shall report to the department information on the success

of contest participants on forms provided at the time of contest approval.

AUTH: 87-3-121, MCA  
IMP: 87-3-121, MCA

#### 12.7.807 PROHIBITED CONTESTS

- (1) Contests involving any Montana listed species of special concern are prohibited except the following:
  - (a) Contests are allowed for lake/reservoir stocked Yellowstone Cutthroat Trout (*Oncorhynchus clarki bouvieri*) or Westslope Cutthroat Trout (*Oncorhynchus clarki lewisi*) including upper Missouri Cutthroat Trout.
- (2) All contests involving wild trout (*Salmo Onchorynchus* or *Salvelinus*) in streams/rivers are prohibited. Contests for Brook Trout (*Salvelinus fontinalis*) that are restricted to anglers 14 years or younger are allowed until July 17, 2017.

AUTH: 87-3-121, MCA  
IMP: 87-3-121, MCA

#### 12.7.808 WAIVER

- (1) Upon a showing of good cause, the department may waive the application of any rule except where waiver is precluded by statute.
- (2) During approved catch-and-release fishing contest hours, fish caught for contest purposes and released alive by contest participants are not considered part of their daily limit. Contest participants may not have more than the daily limit in their possession at any time. All fish must be released alive at the end of the day unless the fish died as a result of handling during the contest.

AUTH: 87-3-121, MCA  
IMP: 87-3-121, MCA

#### 12.7.809 APPEAL TO THE COMMISSION

- (1) The applicant or any person supporting or opposing an application may appeal the decision of the department to the commission. An appeal may be made on any grounds or arguments made to the department during the department's evaluation and consideration of the application. A notice of appeal must be filed with the commission within 20 days of written notice of the department's decision.
- (2) The commission's decision to approve the application as submitted, to approve the application with modifications or to deny the application will be made on the criteria of ARM [12.7.805](#). The commission's decision will be final. (History Sec. 87-2-121 MCA; IMP, Sec. 87-3-121 MCA; New, 1995 MAR p. 367, Eff. 3/17/95.)