

PARKS AND RECREATION

BOATING

1. Types of Activities Regulated

All owners of motorboats and sailboats 12 feet in length or longer¹ must obtain a certificate of title from the Montana Department of Justice or the local county treasurer's office before operating the boat in state waters. Vessels must be properly numbered and display registration and validation decals. Validation decals are available from the FWP offices and online at <http://fwp.mt.gov>. See also RIVER RECREATION, p. 151.

Statute: 23-2-508 and 23-2-511, MCA
61-3-101, *et seq.*, MCA

Rule: ARM 12.11.325, 21.11.330, and 12.11.340

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE
Motor Vehicle Division

2. Additional Information

A. Boat Racing

Written permission from the Montana Department of Fish, Wildlife and Parks (FWP) is required for any person who plans to conduct a boating race, regatta or other marine event on Montana's waters. Letters of application should be sent to the FWP at least 30 days before the scheduled event.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division

B. Aquatic invasive species inspection stations

¹ Canoes and kayaks using sails are exempt.

Vessels intended for launching on any water in Montana are subject to inspection by the FWP for aquatic invasive species. Vessels approaching an inspection station must stop if directed by the department. Any vessel at an inspection station found with an invasive species will be decontaminated as arranged by the FWP and must pass a second inspection prior to launching in Montana waters.

Rule: ARM 12.11.340 and 12.11.341

C. Noise Restrictions

Motorboats or personal watercraft that emit noise greater than 86 dbA when measured at a distance of 50 feet or emit exhaust noise in excess of 90 dbA when measured at a distance of one meter from the muffler at idle speed are considered a public nuisance and constitute disorderly conduct. Noise standards for certain lakes are more restrictive because of population density and heavy recreational use.

Statute: 23-2-521(3), 23-2-523(9), and 23-2-526(3), MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division

D. Discharge of Waste Prohibited

It is illegal to discharge garbage, refuse, waste, or sewage from any vessel into or near state waters.

Statute: 23-2-522, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division

CAMPGROUNDS - TRAILER COURTS - WORK CAMPS - YOUTH CAMPS

1. Types of Activities Regulated

Licenses from the Montana Department of Public Health and Human Services (DPHHS) are required for operating campgrounds, trailer courts, work camps, and youth camps and validation must be obtained from the local health officer or sanitarian. Acceptable plans must be submitted to the DPHHS and the local health department. Operators of water supply systems for trailer courts must be certified by the Board of Water and Wastewater

Operators. Trailer courts, work camps, and campgrounds may also require review under the subdivision laws. See PUBLIC WATER SUPPLY, p. 191 and SUBDIVISIONS, p. 174.

Statute: 50-52-101, *et seq.*, MCA

Rule: ARM 37.111.201, *et seq.* (trailer courts and tourist campgrounds)
ARM 37.111.601, *et seq.* (work camps)
ARM 37.111.501, *et seq.* (youth camps)

Contact: LOCAL GOVERNMENT
Health Department

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Public Health and Safety Division
Food and Consumer Safety Section

2. **Application Requirements**

An application for a license to operate a tourist campground, trailer court or youth or work camp must be made to the DPHHS on the appropriate forms. All applicants must submit detailed information about the proposed facilities to the DPHHS and the local health authority for approval before beginning construction. Licenses expire December 31 of the year issued.

Statute: 50-52-201 and 50-52-203, MCA

3. **Permitting Procedures**

- 1) The local health officer must validate the license within 15 days after issuance by the DPHHS. If the local health officer refuses to validate the license on finding that not all conditions of the license have been met, the health officer must notify the applicant and the DPHHS in writing, stating the reasons for the refusal.
- 2) A refusal to validate by the local health officer may be appealed to the local Board of Health within 30 days after receiving written notification of the local health officer's decision.

Statute: 50-52-208 and 50-52-209, MCA

4. Fees

The application fee for a new license or a license renewal is \$40 annually for a campground or trailer court with 10 or fewer spaces available for rental; \$60 annually for a campground or trailer court with 11 to 25 spaces available for rental; and \$120 annually for a campground or trailer court with more than 25 spaces available for rental. A late fee of \$25 is assessed for failure to renew a license prior to its expiration date.

Statute: 50-52-202, MCA

OFF-HIGHWAY VEHICLES

1. Types of Activities Regulated

No off-highway vehicle may be operated on public lands, trails, easements, lakes, rivers, or streams unless issued a certificate of title and registered with the county treasurer's office. Registration decals must be displayed at a conspicuous place on the vehicle as proof that fees have been paid.

Nonresidents using their off-highway vehicles in Montana must purchase a nonresident annual use permit, which costs \$27 and is valid January 1 - December 31. The permit decal must be displayed in a conspicuous manner on the vehicle as proof that the fee has been paid. Residents of Idaho and North Dakota are exempt from this requirement.

Statute: 23-2-801, *et seq.*, MCA
61-3-101, *et seq.*, MCA

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE
Motor Vehicle Division

RIVER RECREATION

1. Types of Activities Regulated

The public has the right to the recreational use of the state's rivers and streams regardless of streambed ownership, but the Montana Parks and Recreation Board has the authority to limit, restrict, or prohibit activities to promote public health, safety, and welfare and to

protect property and public resources. Restrictions on uses such as the use of motorized watercraft exist in a number of areas. For use and area restrictions, contact the Montana Department of Fish, Wildlife and Parks (FWP). See also BOATING, p. 148.

Statute: 23-2-301, *et seq.*, 23-2-522, *et seq.*, 87-1-303, and 87-1-306, MCA

Rule: ARM 12.4.101, *et seq.* and 12.11.301-12.11.650

Contact: MONTANA PARKS AND RECREATION BOARD

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division (for general information)

2. **Additional Information**

A. Beaverhead and Big Hole River Recreation Rules

There are FWP administrative rules that regulate fishing outfitting, nonresident float fishing, and watercraft launches. A permit is required to conduct commercial use on these two rivers. Contact the FWP Region Three Headquarters in Bozeman for more information (see APPENDIX 2 for the locations of regional offices).

Rules: ARM 12.11.202, *et seq.* and ARM 12.14.101, *et seq.*

B. Blackfoot River Special Recreation Permit

A Special Recreation Permit is required to conduct commercial use, a competitive event, or an organized group activity on the Blackfoot River and lands adjacent to the river that are owned or managed by the department. Contact FWP Region Two Headquarters in Missoula for more information (see APPENDIX 2 for the locations of regional offices).

Rule: ARM 12.11.6501, *et seq.* and ARM 12.14.101, *et seq.*

C. Clark Fork (Alberton Gorge) River Recreation Rules

The Parks Biennial Fee Rule limits the number of commercial users authorized to use the Alberton Gorge of the Clark Fork River. A permit is required to conduct commercial use. Contact FWP Region Two Headquarters in Missoula for more information (see APPENDIX 2 for the locations of regional offices).

Rule: ARM 12.14.101, *et seq.* and Parks Biennial Fee Rule

D. Madison River Special Recreation Permit

A Special Recreation Permit is required to conduct commercial use, a competitive event, or an organized group activity on the Madison River and lands adjacent to the river that are owned or managed by the department. Contact FWP Region Three Headquarters in Bozeman for more information (see APPENDIX 2 for the locations of regional offices).

Rule: ARM 12.14.101, *et seq.* and Parks Biennial Fee Rule

E. Smith River State Park Float Permit

A permit is required for private and commercial groups to float the 59 mile reach of the Smith River between Camp Baker and Eden Bridge. 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. A permit authorizes one private or commercial group to launch and float the Smith River with a maximum group size of 15 people. Floater fees are also charged in accordance with the Montana State Parks and Recreation Board Smith River Biennial Fee Rule.

Statute: The Smith River Management Act, 23-2-401 through 23-2-410, MCA, authorizes the board to provide for the administration of the Smith River waterway and adopt rules for this purpose. Other statutes and rules applicable to this rule are: 87-1-301 and 87-1-303, MCA

Rule: Montana State Parks and Recreation Board Smith River Biennial Fee Rule
ARM 12.14.101, 12.14.105, 12.14.115, 12.14.120, 12.14.121, 12.14.125, 12.14.130, 12.14.150, 12.14.155, 12.14.160, and 12.14.165 (commercial use)
ARM 12.8.213 (recreation use fees)

SNOWMOBILES

1. Types of Activities Regulated

Before operating a snowmobile on public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets or highways, the owner must obtain a certificate of title and registration decal from the Montana Department of Justice or the local

county treasurer's office. The registration decal must be displayed in a conspicuous space on the left side of the cowling. Residents must also purchase a Trail Pass to ride on groomed snowmobile trails. A Trail Pass costs \$18 and is valid for three seasons. Trail Passes apply to all mechanized equipment including snowmobiles, motorized snow bikes, and fat tire pedal bikes. Rental equipment is exempt.

A valid driver's license is required to operate a snowmobile on a public roadway unless the operator has taken an approved snowmobile safety education course and is in the presence and under the supervision of a person who is 18 years of age or older.

Nonresidents who own and wish to operate an out-of-state snowmobile in Montana must purchase a nonresident temporary-use permit prior to operation for \$25 per machine. The permit is valid for one year.

Statute: 23-2-601, 23-2-611, 23-2-614, and 23-2-616, MCA
61-3-101, *et seq.*, MCA

Contact: COUNTY TREASURER

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Enforcement Division (for general information)

DEPARTMENT OF JUSTICE
Motor Vehicle Division

2. **Additional Information**

A. Noise Restrictions

Snowmobiles must be equipped at all times with noise-suppression devices, including an exhaust muffler in good working order. In addition, the following noise levels, measured at a distance of 50 feet, may not be exceeded:

- 1) 82 dB(A) for machines manufactured from June 30, 1972 to June 30, 1975, and
- 2) 78 dB(A) for machines manufactured after June 30, 1975.

The noise restrictions do not apply to snowmobile races or competitive events held on private lands or those held on public lands provided consent from the appropriate government authority is obtained and the total sound produced does not exceed 50 dB(A) at any point 50 feet or more outside the area under the control of the sponsoring entity.

Statute: 23-2-634, MCA

Rule: ARM 12.6.602

B. Use on Public Waters

All public waters within the state of Montana are closed to snowmobile operation. Snowmobiles may cross or enter upon a public water if the water is frozen or if it is necessary to cross a small stream to continue travel on snow. When it is necessary to cross a stream, the stream crossing must be perpendicular to the flow of the stream.

Statute: 23-2-501, 23-2-632, and 87-1-303, MCA

Rule: ARM 12.11.331

STATE PARKS

1. Rules and Regulations

The Parks Division of the Department of Fish, Wildlife and Parks (FWP) has rules and regulations in place to help protect the park resources and ensure that visitors have a safe and quality experience. Examples include restrictions on the discharge of firearms and designated areas where campfires may be burned.

Montana residents are entitled to use any of our state parks. Parks are funded in part by a fee included with a person's motor vehicle registration. Residents who do not intend to use state parks or fishing access sites may opt out of this fee. Nonresident visitors pay an entrance fee. Overnight camping fees apply to residents and nonresidents.

Statute: 15-1-122 and 61-3-321, MCA

Rule: ARM 12.8.201 through 210, 12.8.212, 12.8.213, and 12.8.217 through 219 (parks public use regulations)

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Parks Division, Helena Headquarters

2. **Additional Information**

Group Use and Special Uses

A group or special use permit is required for all groups or events of 30 or more people using a state park or fishing access site. Examples of groups or events that may require a special use permit include but are not limited to wedding parties, family reunions, competitive events, fishing contests, and research activities. Contact any FWP Regional Office (see APPENDIX 2 for the locations of regional offices) or FWP Headquarters for more information.

Statute: 23-1-106, MCA

Rule: ARM 12.8.205 (camping, day, and group use)
ARM 12.8.213 (recreation use fees)
Montana State Parks and Recreation Board, Parks Division Biennial Fee Rule

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Parks Division
Fisheries Division

Commercial Use

A Commercial Use Permit is required to conduct commercial use in a state park.

Statute: 23-1-106, MCA

Rule: 12.14.101, 12.14.105, 12.14.115, 12.14.120, 12.14.121, 12.14.130, 12.14.150, 12.14.155, 12.14.160, and 12.14.165 (commercial use)
Montana State Parks and Recreation Board, Parks Division, Commercial Use Fee

Contact: DEPARTMENT OF FISH, WILDLIFE, AND PARKS
Parks Division
Fisheries Division
Wildlife Division