HUNTING - FISHING - TRAPPING - WILD LANDS & WILDLIFE PROTECTION

The Montana Department of Fish, Wildlife and Parks is charged with the regulation of fishing, hunting, trapping, and wildlife protection and issues all hunting, trapping, and fishing permits and licenses in Montana. The department also issues permits for commercial activities involving free-ranging wildlife and/or captive-bred and privately owned wildlife. The only exceptions are aerial hunting permits for predators (Montana Department of Livestock, see below) and licenses for outfitters and professional guides (Montana Department of Labor and Industry, see p. 82).

The Montana Fish, Wildlife and Parks Commission establishes hunting and fishing seasons and restricts hunting, trapping, and fishing in certain areas.

Depending on the type and location of an activity, more than one permit may be required. Please check all sections that may apply to a proposed activity and contact the appropriate state agency.

COMMERCIAL ACTIVITIES

AERIAL HUNTING OF PREDATORY ANIMALS

1. Types of Activities Regulated

An individual planning to conduct an aerial hunt must first obtain a permit from the Montana Department of Livestock (DOL), with the exception of 1) government employees acting within the scope of their employment, or 2) resident landowners hunting on their own property who have followed the notification requirements of the DOL.

Statute: 81-7-101, 81-7-501, and 81-7-505, MCA

Contact: DEPARTMENT OF LIVESTOCK
Predator Control

2. Application Requirements

To obtain an aerial hunting permit, an applicant must complete the required forms available from the DOL. The permit must show the species of predator and the geographic areas that will be hunted. Permits will be issued only to individuals resident and living in Montana. Nonresident permits may be authorized by the Board of Livestock when adequate service cannot be provided by Montana permittees. Applicants must also be currently licensed as

pilots by the Federal Aviation Administration (FAA), must minimally have a private pilot's license and 200 flying hours, and the applicant and their aircraft must meet FAA and Montana Department of Transportation requirements.

Rule: ARM 32.22.102

Contact: DEPARTMENT OF LIVESTOCK
Predator Control

DEPARTMENT OF TRANSPORTATION
Aeronautics Division

3. **Fees**

The DOL issues permits valid for a period of one to three years. Permit fees are $30 for less than one year, $40 for one to two years, and $50 for two to three years. The DOL may also issue self-renewing multiple year permits dependant upon compliance with the rules and state law.

Rule: ARM 32.22.103

ALTERNATIVE LIVESTOCK RANCHES/GAME FARMS

1. **Types of Activities Regulated**

A person may not operate an alternative livestock ranch in Montana without a license obtained from the Montana Department of Fish, Wildlife and Parks (FWP) prior to November 7, 2000. The license must be renewed annually and expires March 1 of each year. No new licenses may be applied for or granted. Existing alternative livestock ranches must comply with all applicable laws and rules administered by the Montana Department of Livestock (DOL) relating to marking, inspection, importation and interior facilities, transportation, and health of the animals. See also ROADSIDE ZOOS - POSSESSION OF WILD ANIMALS, p. 84.

Statute: 87-4-406, *et seq.*, MCA

Rule: ARM 12.6.1520, *et seq.* (licensing)
ARM 32.4.101, *et seq.* (marking, inspection, and animal health)
ARM 32.4.1301, *et seq.* (chronic wasting disease)

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

DEPARTMENT OF LIVESTOCK
Animal Health Division

2. **Renewal Fees**

Number of Animals	Renewal Fee
0 to 20 animals	$100
21 to 60 animals	$200
More than 60 animals	$400

Statute: 87-4-411, MCA

The DOL may also assess a fee, not to exceed $50, for each alternative livestock imported into the state.

3. **Additional Information**

Licensees must keep and maintain for three years written records of all alternative livestock purchases, transfers, sales, births, and deaths. The information must be reported to the FWP semi-annually.

An alternative livestock ranch license for a specific facility is not transferable.

The shooting of game animals or alternative livestock for a fee or other compensation on an alternative livestock ranch is not allowed.

Statute: 87-4-414 and 87-4-417, MCA

COMMERCIAL FISHING

1. **Types of Activities Regulated**

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) to harvest fish for sale or commercial purposes. Commercial harvest of nongame fish is limited to specific waters and is authorized by the Fish, Wildlife and Parks Commission. Commercial harvest of whitefish by anglers with hook and line or rod may be authorized

in waters specified by the Fish, Wildlife and Parks Commission. The taking of whitefish by seine or net is restricted to the Kootenai River and portions of its tributaries, requires a $1,000 bond, and is regulated by the Commission.

Statute: 87-3-204, 87-4-601, 87-4-605, 87-4-609, and 87-4-610, MCA

Rule: ARM 12.7.101

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Fisheries Bureau

2. Application Requirements

An applicant for a commercial fishing license must submit their name and address, information about the waters they plan to fish, the types of fish harvested, and the equipment that will be used. There are three classes of permits for commercial fishing: Class A for taking all nongame species designated by the FWP for commercial purposes, Class B for taking all designated nongame species except smallmouth buffalo and largemouth buffalo, and Class X to be granted for one year only to take specific nongame species on an experimental basis.

Applications for commercial fishing for whitefish with hook and line are reviewed and issued by the FWP Region 1 office in Kalispell. Applications for commercial fishing for whitefish on the Kootenai River or tributaries with nets or traps must be submitted for the director's approval.

Rule: ARM 12.7.101 and 12.7.103

3. Permitting Procedures

The FWP requires permittees to keep records of operations relating to the taking, sale, or disposal of fish and to submit records within 30 days following the end of each month. All species not authorized in the permit must be released alive and unharmed to their originating waters. The department may impose special conditions regarding gear, limits, seasons, and closures, etc., on any water. Existing permitholders receive priority for retaining permits because only one permit per water body may be issued.

Rule: ARM 12.7.102, 12.7.104, and 12.7.105

4. Fees

The fee for a Class A permit is $500 and for a Class B permit, $200. There is no charge for a Class X permit.

Rule: ARM 12.7.103

COMMERCIAL USE OF FISH, WILDLIFE AND PARKS LANDS

1. Types of Activities Regulated

A permit is required before conducting commercial use on land under the control, administration, and jurisdiction of the Montana Department of Fish, Wildlife and Parks (FWP). The FWP administers two types of commercial use permits: fishing access site permits and restricted use permits.

An outfitter, guide, or water-based service provider must possess and have on their person a valid fishing access site permit when conducting commercial use at fishing access sites or other department land. A fishing access site permit is valid for the time period specified on the permit.

A restricted use permit is required for an outfitter or water-based service provider conducting commercial use at a fishing access site or other FWP land that provides access to a *restricted* water body and all other types of commercial use at a fishing access site, state park, wildlife management area, or FWP administrative site. The permit is valid for the time period specified on the permit, not to exceed five years.

Rule: ARM 12.14.101, 12.14.120, 12.14.125, and 12.14.140

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Parks Division
Regional Offices (see APPENDIX 2)

2. Application Requirements

A. Fishing Access Site Permit

A fishing access site permit may be obtained at a FWP regional office or through the department's internet licensing system. For an applicant to obtain a permit, the FWP may require a completed permit application form, an

outfitter or guide license number if providing angling services, an automated license system number, a permit fee, and proof of insurance.

Rule: ARM 12.14.130

B. Restricted Use Permit

A restricted use permit application must be submitted to the FWP regional office that oversees the site or sites where the use will occur. For an applicant to obtain a permit, the department may require a completed application, an outfitter or guide license number if providing angling services, an automated license system number, permit fee, deposit or damage security bond, proof of insurance, proof of workers' compensation and/or an independent contractor exemption certificate, information explaining how the proposed use would benefit the public's resources or the public's enjoyment of the site, and other relevant information. The completed application should be submitted at least 45 days before the use is intended to begin or at least 10 days before a special event, filming activity, or incidental commercial use lasting less than five days. Processing the application may require additional time if the FWP determines that an environmental analysis is required (see MONTANA ENVIRONMENTAL POLICY ACT, p. 131).

Rule: ARM 12.14.145

3. Fees

The Fish, Wildlife and Parks Commission establishes fees for conducting commercial use on land owned or managed by the FWP. Fees may be adjusted on a case-by-case basis if a variety of conditions established in rule are met.

Rule: ARM 12.14.160

4. Additional Information

The FWP may require commercial users to report their use of department land and to maintain a logbook about the use. The department will include specific reporting requirements as permit stipulations. A commercial use permit is not transferable and is void when a business is sold or transferred.

Rule: ARM 12.14.120

FIELD TRIAL PERMIT

1. Types of Activities Regulated

A permit from the Montana Department of Fish, Wildlife and Parks (FWP) is required to conduct a field trial to determine if a dog can point, flush, or retrieve game birds. See also USE OF CAPTIVE-REARED BIRDS IN DOG TRAINING, p. 88.

Statute: 87-4-915, MCA

Rule: ARM 12.6.210

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau
Regional Offices (see APPENDIX 2)

2. Application Requirements

To obtain a field trial permit, an applicant must submit a written application on a form provided by the FWP to the regional office where the field trial will take place. The application must include the applicant's name and address, the name and address of any national affiliate, the location of the proposed field trial, the intended date of the field trial, whether live birds will be used, and any other related information requested by the FWP.

3. Permitting Procedures

The application must be presented 20 days or more before the date of the proposed trial. The FWP director may deny the permit if it is determined that approving the application is not in the best interests of the protection, preservation, propagation, and conservation of game birds in the state. If denied, a notice must be mailed to the applicant within 10 days of receipt of the application and must state the reasons for the denial.

4. Additional Information

If an application is granted, the applicant must flush all wild game birds from fields used for the field trial each day before the trial begins. Dogs are not permitted to run free in fields that have not been carefully flushed.

All live game birds used in a field trial must be tagged before being planted or released. Birds may only be planted and released in the presence of a FWP representative. If an untagged bird is shot, the permitholder must immediately replace it with a live bird.

5. Fees

There is no fee to obtain a field trial permit.

FISH FARMS OR HATCHERIES

1. Types of Activities Regulated

The Montana Department of Environmental Quality (DEQ) may inspect a fish farm or hatchery and designate the facility as a concentrated aquatic production facility based on whether or not the facility significantly contributes to the pollution of state waters and meets the criteria in Appendix C of 40 C.F.R., part 122. If the facility meets the criteria for the designation, it is subject to the permitting requirements of the DEQ's wastewater permitting program. See WATER QUALITY PERMITTING, p. 206.

The director of the Montana Department of Fish, Wildlife and Parks is responsible for the construction and control of state fish hatcheries.

Statute: 75-5-401 and 87-3-201, MCA

Rule: ARM 17.30.1331

Contact: DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Water Protection Bureau

DEPARTMENT OF FISH, WILDLIFE AND PARKS
Director's Office

FISH PONDS

1. Types of Activities Regulated

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) to stock fish in a pond. The permit entitles the holder to stock the pond with fish from a lawful source. Permits are issued for a 10-year period.

A commercial pond license is required to sell fish, eggs, or fry from a private pond. The permitholder must furnish a $500 surety bond conditioned to the effect that the licensee will not sell fish or spawn from public waters or violate the conditions of the license. Commercial pond licenses are issued for one year.

Statute: 87-4-603, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Fisheries Bureau

2. Application Requirements

An applicant for an instream private fish pond must provide reliable information to the FWP to verify that the tributary, spring, or stream does not support game fish or species of special concern and does not pose an unacceptable risk to game fish or fish species of special concern in adjacent waters.

A commercial pond licensee must keep accurate records of the species and quantities of fish or eggs sold or purchased, the dates of sale or purchase, the names of purchasers or sellers, and the locations to or from which fish or eggs were transferred. The licensee must report to the FWP annually.

3. Permitting Procedures

The FWP will designate the species of fish that may be stocked and may require measures to prevent fish from escaping into adjacent waters. If ownership or control of the fish pond changes, the new owner or operator must apply for a license transfer or a new permit. A private pond license expires on February 28 of the 10th year. Commercial pond licenses expire on February 28 of each year. Licenses must be renewed before they expire.

A license may be revoked for failure to operate or use the pond according to the terms of the license or state statutes, rules, or orders covering importation, transportation, or introduction of fish or eggs.

Statute: 87-4-606 and 87-4-607, MCA

4. Fees

Fish stocking permits are $10 for 10 years and commercial pond licenses are $10 per year.

5. Additional Information

The FWP may, under reasonable conditions and after notifying the landowner, inspect the pond for illegally stocked fish or diseases. Also, the license holder may request an inspection by the department.

FISHING DERBIES OR TOURNAMENTS

1. Types of Activities Regulated

A permit from the Montana Department of Fish, Wildlife and Parks (FWP) is required to offer or give a prize, gift, or anything of value for the taking of any fish that is protected by the state. An event with an entry fee or where 30 or more people are expected to compete for prizes or cash worth $500 or more for the capture of an individual fish or combination of fish must be permitted.

Statute: 87-3-121 and 87-6-214, MCA

Rule: ARM 12.7.801

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Fisheries Bureau

2. Application Requirements

An individual or organization that plans to sponsor a fishing contest on waters open to public fishing must submit an application on forms provided by the FWP to the department between May 1 and July 1 for ice fishing contests and between September 1 and November 1 for open waters contests. A fishing contest application will be evaluated based on 1) the impacts on fish populations, the aquatic ecosystem, and the immediate area; 2) the compatibility with fish management objectives for the water; 3) purse or participation limits (limits may or may not be imposed based on public comment); 4) conflicts with other contests proposed or approved; and 5) compliance with reporting requirements for previously sponsored events. Applications are available online at http://fwp.mt.gov.

Rule: ARM 12.7.802-12.7.804

3. Permitting Procedures

Once the application is received, the FWP will provide an opportunity for public comment. For competing applications, the department will approve applications that offer the best opportunities for public benefits, have been approved historically, have had good participation, and have a good record of compliance. The FWP will approve, approve with modifications, or deny the application by February 1 for open water contests and by October 1 for ice fishing contests.

The sponsor of a fishing contest must submit a report to the FWP within 30 days after the contest. The report must include the number of participants, the number of fish caught, the length and weight of the winning fish or the average length and aggregate weight of the winning fish, and the number of fish caught and released. The department may require more detailed catch information.

Rule: ARM 12.7.804-12.7.806

FUR DEALERS

1. Types of Activities Regulated

A person, firm, or corporation that buys, sells, trades, or deals in skins or pelts of furbearers or predators must secure a fur dealer's license from the Montana Department of Fish, Wildlife and Parks. The license is issued annually and expires April 30 of each year.

Statute: 87-4-301, 87-4-303, and 87-4-305, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Fees

The license fee for a resident fur dealer is $10 and for a fur dealer's agent (buyer), $10. The fee for a nonresident fur dealer's license is the same as the fee charged for a nonresident fur dealer's license in the applicant's state of residence. If the nonresident's state does not issue a nonresident fur dealer's license, the fee is $50.

Statute: 87-4-304, MCA

FUR FARMS

1. Types of Activities Regulated

No person may own, control, or propagate furbearers for sale or sell captive-bred furbearers or the parts of captive-bred furbearers unless they hold a current fur farm license issued by the Montana Department of Fish, Wildlife and Parks (FWP). The license is issued annually and expires January 31 of each year. License renewal requires submission of an annual report.

Statute: 87-4-1002 and 87-4-1005, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Application Requirements

An applicant for a fur farm license must submit a written application to the FWP which includes the person's name and address, the species of furbearers and any plans for propagation, the legal description of the land, the type of fence for enclosure, and the source of the furbearers. The license expires on January 31 following the date issued.

A fur farm license will only be issued to a responsible applicant who owns or leases the premises where the operations will be conducted. A nonresident fur farm owner must have a resident agent who is responsible for the daily operations of the fur farm and who is authorized by the nonresident owner to receive service of process.

Statute: 87-4-1003, MCA

3. Permitting Procedures

Within 30 days of receiving the application, the FWP must notify the applicant of its decision to approve or deny the application. If the application is denied, the department must specify the reasons for the denial. Before a fur farm permit is issued, the department must conduct an environmental assessment (see MONTANA ENVIRONMENTAL POLICY ACT, p. 131) and complete an inspection of the final enclosure(s).

4. Fees

The initial fee for a fur farm license is $25 and the renewal fee is $15.

Rule: ARM 12.6.1701

GAME BIRD FARMS

1. Types of Activities Regulated

No person may own, control, or propagate game birds unless the person holds a current game bird farm license issued by the Montana Department of Fish, Wildlife and Parks (FWP) with the exception of 1) a person who possesses game birds but does not sell the birds, or 2) a person who has a migratory game bird avicultural permit. The license expires on January 31 following the date issued. License renewal requires submission of an annual report.

Licensees may only sell live game birds within Montana to a person who has 1) a permit to possess captive-reared birds for noncommercial use, 2) a permit to kill captive-reared birds in dog training, 3) a permit to kill captive-reared birds in raptor training, 4) a permit to release live ring-necked pheasants, 5) a shooting preserve license, 6) a zoo or menagerie permit, 7) a permit to conduct a field trial, 8) a game bird farm license, or 9) an active Upland Game Bird Enhancement Program contract between the purchaser and the FWP for releasing ring-necked pheasants.

Statute: 87-4-901 through 87-4-916, MCA

Rule: ARM 12.6.1602

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Application Requirements

An applicant for a game bird farm license must submit an application to the FWP that includes that person's name and address, the species of game bird and plans for its propagation, the legal description of the proposed game bird farm location, the type of fence or enclosure, and the source of the game birds. If the applicant is a nonresident owner, they must provide the name and address of a local resident agent. The resident agent must be responsible for the daily operation of the farm and be authorized by the nonresident owner to receive service of process.

A game bird farm license will only be issued to a responsible applicant who owns or leases the premises where the operations will be conducted and who has properly fenced or otherwise enclosed the area.

3. Permitting Procedures

Within 30 days of receiving the application, the FWP must notify the applicant of its decision to approve or deny the permit. If the application is denied, the department must specify the reason for denial. A permit will not be issued until the enclosures are inspected by a FWP representative.

4. Fees

The initial fee for a game bird farm license is $100 and the renewal fee is $50.

Rule: ARM 12.6.1601

OUTFITTERS AND GUIDES

1. Types of Activities Regulated

An individual who intends to provide services as an outfitter, guide, or professional guide must obtain a license from the Montana Department of Labor and Industry, Board of Outfitters.

A guide or professional guide works under the supervision of a licensed outfitter. An outfitter may not hire a guide or professional guide who does not hold a valid license. Licenses for outfitters must be renewed by December 31 each year and guides and professional guides are licensed throughout the year.

Permission and any needed permits from landowners (private, state, or federal) must be provided to the Board before an individual is licensed, or if licensed, immediately on receipt.

Statute: 37-47-101(8), 37-47-301, and 37-47-308, MCA

Rule: ARM 24.171.407 *et seq.* and 24.171.2301

Contact: DEPARTMENT OF LABOR AND INDUSTRY
Business Standards Division
Board of Outfitters

2. Application Requirements

First Time Outfitter License: An applicant for an outfitter's license must file a completed license application, meet the licensing qualifications and requirements for experience, have a complete operations plan on file with the Board office, pass the required examinations, receive an approved equipment inspection, and if applicable, file a Net Client Hunter Use application. If the application is denied, the Board will notify the applicant of the denial and the reasons for the denial. If the deficiencies are corrected, a license will be issued on reapplication.

Guide or Professional Guide: An applicant for a guide's or professional guide's license must meet the qualifications designated by the Board of Outfitters and submit a completed license application. Applicants must be at least 18 years old; be endorsed and recommended by an outfitter with a valid license, unless otherwise qualified under standards established by the Board; and have been issued a valid conservation license. The applicant must also provide current proof of first aid certification.

Statute: 37-47-302 through 37-47-308, 37-47-311, and 37-47-341, MCA

Rule: ARM 24.171.501, *et seq*., 24.171.601, and 24.171.602

3. Fees

The Board charges fees for new, amended, and renewed licenses; operations plans and plan amendments; number of clients served each year; and for hunting camps added after January 1, 1999, to support the licensing program. For fee amounts see the statutes and rules listed below or contact the Board.

Statute: 37-1-134, 37-47-306, and 37-47-318, MCA

Rule: ARM 24.171.401

4. Additional Information

A *Net Client Hunter Use* designation is assigned to each licensed outfitter and establishes the maximum number of clients an outfitter may provide services for in a year.

Statute: 37-47-201 and 37-47-316, MCA

ROADSIDE MENAGERIES - WILD ANIMAL MENAGERIES - ZOOS - POSSESSION OF WILD ANIMALS

1. **Types of Activities Regulated**

A. A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for the following:

1) **Roadside menageries** that keep one or more wild animals, birds, or reptiles in captivity to exhibit or attract trade. Exhibits by educational institutions or a circus based outside of Montana are not included.

2) **Wild animal menageries** where one or more large bears or cats are kept in captivity for use other than public exhibition.

3) **Zoological gardens** operating as nonprofit corporations or accredited by the American Zoo and Aquarium Association and operating for the purpose of exhibiting wild animals.

Permits expire on December 31 and may be renewed by paying an annual fee and submitting a renewal application. Renewal applications for all roadside menageries and wild animal menageries must include an accounting of all wild animals on the facility.

B. It is unlawful to possess a skunk, fox, raccoon, or bat except as part of a furbearing enterprise, roadside menagerie, zoo, or for scientific research.

Statute: 87-4-801 through 87-4-804, MCA
50-23-102, MCA

Rule: ARM 12.6.1301-12.6.1309

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau (menageries and zoos)

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES
Public Health and Safety Division
Communicable Disease Control and Prevention Bureau (possession of foxes, skunks, bats, or raccoons)

2. Application Requirements

An application for a roadside menagerie, wild animal menagerie, or zoo permit may be obtained by completing forms provided by the FWP. A permit will not be issued until the department verifies that the animals will be cared for and the public protected, the menagerie is covered by an insurance policy to cover accidents on the premises, an environmental assessment (see MONTANA ENVIRONMENTAL POLICY ACT, p. 131) is completed, and the FWP conducts a final inspection of the enclosures.

Statute: 87-4-803, MCA

Rule: ARM 12.6.1308

3. Fees

The annual permit fee for five or fewer animals is $10. The annual fee for more than five animals is $25.

Statute: 87-4-803, MCA

SEINING

1. Types of Activities Regulated

A permit is required from the Montana Department of Fish, Wildlife and Parks to seine for or otherwise capture any nongame bait fish in lakes, streams, or other bodies of water (except licensed private ponds) for sale or commercial purposes or to transport nongame bait fish within the state. Carp, goldfish, and rainbow smelt may not be harvested or used as bait fish. Seining nets may not exceed 12 feet by four feet, minnow traps may not exceed two feet by one foot by one foot, and dip nets may not exceed three feet by three feet. Persons with more than 24 dozen minnows in their possession must be licensed.

Statute: 87-3-203, 87-3-204, and 87-4-602, MCA

Rule: ARM 12.7.201

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Regional Offices (see APPENDIX 2)

2. Application Requirements

The applicant for a commercial seining license must submit a form provided by the FWP stating their name and address, the waters desired for seining, and the equipment that will be used to seine for bait fish. Licenses expire on December 31.

Rule: ARM 12.7.201-12.7.202

3. Fees

The fee for a commercial seining license is $10.

Rule: ARM 12.7.201(2)

4. Additional Information

Bait fish may not be imported into the state of Montana for commercial or other purposes by a licensee or other person unless permitted by the FWP.

It is unlawful to transport live fish away from the body of water from which the fish were taken unless the transporter is a licensed commercial seining operator or within the boundaries of the Eastern Montana Fishing District. The FWP should be contacted for information on special regulations associated with Aquatic Invasive Species Management Areas.

Statute: 87-3-203 and 87-3-204, MCA

Rule: ARM 12.7.201(5)

SHOOTING PRESERVES

1. Types of Activities Regulated

The Montana Department of Fish, Wildlife and Parks (FWP) issues licenses or permits to any person, partnership, association, or corporation for operating a shooting preserve. All persons hunting on shooting preserves must have a valid resident or nonresident upland game bird license or a three day nonresident shooting preserve bird hunting license. Game that may be artificially propagated and hunted on a preserve is limited to ring-necked pheasants with no color mutations, chukar partridges, Hungarian partridges, Merriam's turkeys, and other species designated by the FWP. The shooting preserve season is

September 1 through March 31. Licenses are issued annually and expire March 31 each year.

Statute: 87-2-404, 87-4-501 through 87-4-504, and 87-4-522, MCA

Rule: ARM 12.6.1202

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Criteria

Each shooting preserve is restricted to not more than 1,920 contiguous acres. No preserve may be located in an area that will substantially reduce hunting opportunities available to the public. The exterior boundary of each shooting preserve must be clearly defined and posted with signs placed around the extremity at intervals of 250 feet or less.

Statute: 87-4-502, MCA

3. Additional Information

All artificially propagated upland game birds released must be at least 14 weeks of age and must be marked prior to release in a manner that distinguishes them from wild birds. All harvested game must be tagged prior to removal from or consumption on the premises. The FWP will furnish self-sealing upland game bird tags to licensed shooting preserve operators for 10 cents each.

Statute: 87-4-522 and 87-4-525, MCA

Rule: ARM 12.6.1201

4. Fees

Fees for shooting preserve operating licenses or permits are $100 per year for the first 320 acres of shooting preserve area plus $40 per year for each additional 160 acres and any fraction of 160 acres.

Statute: 87-4-503, MCA

TAXIDERMY

1. Types of Activities Regulated

A person in the business of making mounts of, preserving, or preparing the dead bodies of wildlife or parts of wildlife must have a license from the Montana Department of Fish, Wildlife and Parks. A written record must be kept of all wildlife in the licensee's possession or control. The record should include information on who owns the wildlife, the kind and number of species, all articles of wildlife shipped, where shipped, and to whom. A state game warden may inspect the records of a taxidermist at any reasonable time. Licenses are issued annually and expire April 30 each year.

Statute: 87-4-201, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Fees

A taxidermy license is $50.

USE OF CAPTIVE-REARED BIRDS IN DOG TRAINING

1. Types of Activities Regulated

A person using captive-reared birds in the training of dogs must have a permit issued by the Montana Department of Fish, Wildlife and Parks (FWP). Permits are valid from January 1 to December 31 of each year.

Statute: 87-4-902(1), MCA

Rule: ARM 12.6.215 and 12.6.220

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau
Regional Offices (see APPENDIX 2)

2. Application Requirements

A person seeking a permit must submit an application on forms provided by the FWP to the regional office where the training is expected to take place.

3. Permitting Procedures

Applications are reviewed by regional enforcement personnel. If approved, a permit number is affixed to the permit application and that document returned to the applicant indicating authorization.

4. Additional Information

The FWP may allow a person training dogs to use a maximum of 50 captive-reared birds per year, or more than 50 birds if the applicant provides written justification. All captive-reared birds used must have a streamer of fluorescent surveyor tape conspicuously attached to the leg prior to release at the training site, may only be killed by the permittee or persons accompanying the permittee and assisting in training, and may only be killed on land that the permittee owns, leases, or has permission to use for dog training. Birds may only be killed on the day they are released. All released birds not killed become the property of the state. Captive-reared birds killed during dog training must remain in the possession of the permittee unless the permittee transfers the birds to a person who also possesses a valid permit. The permittee may assign ownership of killed birds to a nonpermitholder by written documentation that is signed by the permittee.

5. Fees

There is no fee for a permit to use captive-reared birds in dog training.

USE OF CAPTIVE-REARED BIRDS IN FALCONRY TRAINING

1. Types of Activities Regulated

A person using captive-reared birds in the training of raptors must have a permit issued by the Montana Department of Fish, Wildlife and Parks (FWP). The permit is valid from August 1 through March 31 and must be renewed annually.

Statute: 87-4-902(1), MCA

Rule: ARM 12.6.215 and 12.6.220

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Application Requirements

A person seeking a permit must submit a completed application on forms provided by the FWP to the regional office where the training is expected to take place.

3. Permitting Procedures

Applications are reviewed by regional enforcement personnel. If approved, a permit number is affixed to the permit application and the document returned to the applicant indicating authorization.

4. Additional Information

All captive-reared birds used must have a streamer of fluorescent surveyor tape conspicuously attached to the leg prior to release at the training site. When captive-reared birds are used in raptor training, birds may only be released on land that the permittee owns, leases, or has permission to use for raptor training. Captive-reared birds killed during raptor training must remain in the possession of the permittee unless the permittee transfers the birds to a person who also possesses a valid permit. The permittee may assign ownership of killed birds to a nonpermitholder by written documentation that is signed by the permittee.

WILDCRAFTING

1. Types of Activities Regulated

A person or organization collecting or transporting wild plant material for commercial purposes must have in their possession a bill of sale, a signed permission form, or a permit from the landowner of the property from which the plants are taken. Another permit issued by a land management or government agency may be valid in lieu of the wildcrafting permit. A permit or written permission are not required for a landowner to harvest wild plants on their own land or for a person to collect the amount of plant material that the landowner or other jurisdictional entity determines is for incidental or personal use.

Statute: 76-10-101, *et seq.*, MCA

Contact: PROPERTY OWNER

STATE OR FEDERAL LAND MANAGEMENT AGENCY

2. Application Requirements

The written permission form or permit must include the beginning and end dates for which the permission or permit are valid; basic information about the landowner, the permit or permission holder, and the plants that will be wildcrafted; a description of the location of the activity; and the license plate number of the vehicle used for wildcrafting.

3. Additional Information

A buyer of wildcrafted plant material must keep records with specific information outlined in state law about purchases or acquisitions for three years.

Statute: 76-10-105, MCA

FISHING, HUNTING, AND TRAPPING LICENSES

1. Types of Activities Regulated

All persons wishing to pursue, hunt, trap, take, shoot, or kill any game animal, game bird or furbearing animal must have a license from the Montana Department of Fish, Wildlife and Parks.

Statute: 87-2-301*, et seq.,* MCA (fishing licenses)
87-2-401, *et seq.*, MCA (game bird licenses)
87-2-501, *et seq.*, MCA (game animal licenses)
87-2-601, *et seq.*, MCA (trapping licenses)
87-2-701, *et seq.*, MCA (special licenses)

Rule: ARM 12.3.104-12.3.175, and 12.3.402-12.3.406

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Finance Division
Licensing Bureau
Regional Offices (see APPENDIX 2)

2. Application Requirements

An applicant for a hunting, fishing, or trapping license must first acquire a wildlife conservation license. Wildlife conservation, hunting, trapping or fishing licenses can be obtained at a private sector license agent, at Montana Department of Fish, Wildlife and Parks' offices or online at http://fwp.mt.gov. Annual hunting and fishing licenses expire on the last day of February and trapping licenses on the last day of June.

Statute: 87-2-106 and 87-2-201, MCA

3. Permitting Procedures

General hunting and fishing licenses are issued at the time of application. Special hunting licenses are issued via a random computer drawing process. Application deadlines are outlined below.

License Type	Deadline
Bull/either sex elk and buck deer permits	March 15
Deer B, Elk B, and antelope licenses	June 1
Moose, sheep, and goat licenses	May 1
Nonresident combination big game licenses are limited and are issued on a first-come, first-served or drawing basis.	March 15

4. Fees

Fees vary according to the type of license issued. Contact the FWP.

5. Criteria

All applicants are eligible if they meet residence, hunter safety instruction, and age requirements. Licenses and permits must be in the person's possession at the time of the activity.

FISHING, HUNTING, AND TRAPPING REGULATIONS

1. Types of Activities Regulated

Certain fishing, hunting, and trapping regulations are established annually by the Montana Department of Fish, Wildlife and Parks (FWP) depending on a number of factors: the current population of a species, climatic conditions, etc. Check with the FWP for the latest requirements for a specific area or species.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

WILDLIFE PROTECTION

AERIAL HERDING PERMIT

1. Types of Activities Regulated

A property owner experiencing damage to the owner's property or crops from big game animals may apply for an aerial herding permit from the Montana Department of Fish, Wildlife and Parks (FWP) that allows the owner to use an aircraft or helicopter during certain times of the year for the purpose of herding, driving, or hazing wild animals. The permit may be conditioned to address the individual circumstances of each application.

2. Application Requirements

To obtain an aerial herding permit, the applicant must submit a completed form to the FWP, written concurrence from affected property owners, and other related information requested by the department. Aerial herding authorized under a permit may not occur from May 1 to July 15 and for one week prior to and during the hunting season for the species being herded.

Statute: 87-3-126, MCA

Rule: ARM 12.6.2301-12.6.2310

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

CAPTIVE BREEDING OF RAPTORS

1. Types of Activities Regulated

The Montana Department of Fish, Wildlife and Parks (FWP) requires a permit for the captive breeding of raptors. The department may grant a permit whether or not the permittee is a licensed falconer. See also WILD BIRD PERMITS, p. 104 and NONGAME AND ENDANGERED SPECIES, p. 99.

Statute: 87-5-210, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau, or;

FISH, WILDLIFE AND PARKS COMMISSION

2. Application Requirements

A person wishing to apply for a captive breeding permit must submit an application on a form provided by the FWP. Applications must be accompanied by a copy of a current federal captive breeding permit. Permits are issued for a five year period or a portion thereof with licenses held at the date of this publication (April 2012) expiring March 31, 2017.

Rule: ARM 12.6.1401

Contact: U.S. FISH AND WILDLIFE SERVICE
Regional Office
Permits Division

3. Fees

The state fee for a captive breeding permit is $100.

Rule: ARM 12.6.1401

4. Additional Information

Captive raptors must be banded with a numbered, nonreusable marker provided by the U.S. Fish and Wildlife Service. Permitholders must submit a copy of the required federal report annually.

CONTROLLED EXOTIC SPECIES PERMIT

1. Types of Activities Regulated

A permit is required to possess, sell, purchase, breed or exchange a controlled exotic wildlife species in Montana. Any exotic wildlife species that is not native to Montana must be classified prior to authorization for shipment into Montana. Classification may be in the noncontrolled category (no permit required), the controlled category (permit required), or the prohibited category (permits limited to zoos, roadside menageries, or research organizations).

Statute: 87-5-705(2), MCA

Rule: ARM 12.6.2201, *et seq.*

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Application Requirements

An applicant for a controlled exotic wildlife species permit must submit an application to the Montana Department of Fish, Wildlife and Parks (FWP) that includes that person's name and address, the species of exotic wildlife, the purpose of the possession, the type of facilities in which the wildlife species will be held, compliance with city and county ordinances, and the means of identification for the species.

3. Permitting Procedures

Within 30 days of receiving the application, the FWP must notify the applicant of its decision to approve or deny the permit. If the application is denied, the department must specify the reason for denial. Depending on the species requested and the type of enclosures required for the species, an inspection may be required prior to issuing a controlled exotic wildlife permit and specific conditions may be attached to the permit.

4. Fees

The fee to obtain or renew a controlled exotic wildlife species license for simple possession is $25. If the applicant intends to sell, breed, or exchange a controlled species, the fee to obtain or renew a license is $100. Licenses expire on January 31 following the date issued.

Rule: ARM 12.6.2210

FALCONRY PERMIT

1. Types of Activities Regulated

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for a Montana resident to practice the sport of falconry. There are three classes of falconry permits with different requirements and allowances: apprentice, general, and master. Permits are valid for up to three years and are renewable and nontransferable. Permits expire on the date designated on the permit. Raptors taken from the wild may not be purchased or sold. See also WILD BIRD PERMITS, p. 104 and CAPTIVE BREEDING OF RAPTORS, p. 94.

Statute: 87-5-204, MCA

Rule: ARM 12.6.1103, 12.6.1112, 12.6.1120, and 12.6.1136

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

2. Application Requirements

New applicants for an apprentice falconry permit must pass an examination administered by the FWP. Before a permit is issued, the department inspects the raptor housing equipment and facilities.

The bald eagle and any species listed under the state or federal endangered species acts may <u>not</u> be captured in Montana for the sport of falconry.

Statute: 87-5-205, MCA

Rule: ARM 12.6.1106 and 12.6.1109

3. **Fees**

The state permit falconry fee is $125. A permit for a first-time apprentice falconer is $50. Permits are issued for a three year period or a portion thereof with permits held at the date of this publication (April 2012) expiring April 30, 2013.

Rule: ARM 12.6.1120

GAME PRESERVES

1. **Types of Activities Regulated**

It is unlawful for a person to hunt for, trap, capture, kill, or take game animals, furbearing animals, or birds within a game preserve established by the Legislature or by the Montana Fish, Wildlife and Parks Commission. It is also unlawful within the limits of a preserve for a person to carry or discharge firearms, create an unusual disturbance to frighten or drive away game animals or birds or to chase game or birds with dogs.

Permits to capture birds or animals for the purpose of propagation or for scientific purposes, to trap furbearing animals or to kill certain predatory animals or birds within a preserve may be granted by the FWP director on the payment of a fee and in accordance with rules established for the preserve by the Commission.

Statute: 87-5-401 through 87-5-406, MCA

Rule: ARM 12.9.202, 12.9.206, 12.9.207, and 12.9.209

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Wildlife Bureau

IMPORTATION OR INTRODUCTION OF FISH OR FISH EGGS

1. **Types of Activities Regulated**

It is unlawful to bring fish or fish gametes into Montana except for fish imported for aquariums without obtaining a permit and written certification that the fish are free of diseases as specified in Montana Department of Fish Wildlife and Park (FWP) rules. The department may inspect shipments of imported fish or eggs at any point in the state to ensure compliance with these regulations. The FWP may impound shipments for further testing if reasonable cause exists.

Statute: 87-3-210, 87-3-221, 87-3-222, and 87-6-219, MCA

Rule: ARM 12.7.502, 12.7.505, and 12.7.701

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Fisheries Bureau

IMPORTATION OR INTRODUCTION OF WILDLIFE

1. Types of Activities Regulated

It is unlawful to import for introduction or transplant or to introduce any wildlife into Montana without authorization from the Montana Department of Fish, Wildlife and Parks (FWP). Only specified species of wildlife may be approved by the FWP for introduction or transplantation (see 87-5-714, MCA, for a list of species).

Statute: 81-2-701 through 81-2-708 and 87-5-701 through 87-5-721, MCA

Rule: ARM 12.6.2201, *et seq*.

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Wildlife Bureau

DEPARTMENT OF LIVESTOCK
Animal Health Division

MIGRATORY BIRDS

1. Types of Activities Regulated

A. The U.S. Fish and Wildlife Service (USFWS) establishes laws relating to migratory birds. Under these regulations, no person is allowed to take, possess, import, export, transport, sell, purchase, or barter for any migratory bird, or the parts, nests or eggs of these birds except under the terms of a valid permit. The USFWS list of migratory birds may be found in 50 C.F.R. § 10.13.

Rule: Migratory Bird Treaty Act, 16 U.S.C. 703-712

Contact: U.S. FISH AND WILDLIFE SERVICE
Law Enforcement, Billings

B. Hunting seasons for migratory game birds are established by the Montana Department of Fish, Wildlife and Parks (FWP) through Fish, Wildlife and Parks Commission action. The seasons must fall within the federal frameworks established by the USFWS in consultation with the Flyway Councils, states, and other interested parties. Persons wishing to hunt migratory game birds must possess the appropriate license. See FISHING, HUNTING, AND TRAPPING LICENSES, p. 91.

Statute: 87-2-411, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau

NONGAME AND ENDANGERED SPECIES

1. Types of Activities Regulated

No person may take, possess, transport, export, process, sell, or offer for sale or ship or receive for shipment any species or subspecies of nongame wildlife including species identified by the Montana Department of Fish, Wildlife and Parks (FWP) to be in need of management or listed as endangered by the state or the United States or on the United States list of endangered foreign fish and wildlife.

The designation of a species as endangered, threatened, or in need of management may change and species may be added and removed from the lists. Contact the FWP and the U.S. Fish and Wildlife Service for current listings.

The exceptions for the taking of endangered species are 1) in emergency situations; and 2) when necessary to prevent property damage or to protect human health if a permit is first obtained from the director of the FWP, and where possible, done by or under the supervision of a department agent. See also federal Threatened and Endangered Species Act, below.

Certain taking of nongame wildlife is specifically provided for in law in a number of ways, including via a management plan; a zoo/menagerie permit (see ROADSIDE ZOOS, p. 84); a rehabilitation permit; a raptor/falconry permit (see CAPTIVE BREEDING OF RAPTORS, p. 94 and FALCONRY PERMIT, p. 96) or an avicultural permit. The FWP director may permit the taking of endangered species for special purposes such as scientific research or for propagation in captivity.

In response to the exploitation of several nongame species for the pet trade, the Legislature specifically protected the northern flying squirrel, pika, pygmy rabbit, all native amphibians, and all reptiles native to Montana, except the prairie rattlesnake, from removal from the wild for commercial purposes.

Statute: 87-5-101, 87-5-102, 87-5-105 through 87-5-109, 87-5-116, and 87-6-202, MCA

Rule: ARM 12.2.501 and 12.5.201

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Wildlife Bureau

2. Additional Information

Federal Threatened and Endangered Species Act

Under the federal Endangered Species Act (ESA), as amended, special protection is provided to a species or its habitat if the species is listed as endangered (in danger of extinction throughout all or a significant portion of its range), or threatened (likely to become endangered in the foreseeable future throughout all or a significant portion of its range).

The ESA requires that all federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) must insure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any threatened or endangered species. Federal agencies involved in major construction actions requiring the preparation of an Environmental Impact Statement are required to request a species list and prepare a biological assessment for the purpose of identifying any endangered or threatened species that is likely to be adversely affected by the action.

The ESA prohibits any person or agency from *taking*[1] any listed species without a special exemption/permit. Species may be added to or removed from the list. Contact the USFWS for current listings.

Statute: 16 U.S.C. 1531-1544 (federal Endangered Species Act of 1973, as amended)

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[1] To take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in these actions.

Contact: U.S. FISH AND WILDLIFE SERVICE
Montana Field Office

POSSESS CAPTIVE-REARED BIRDS FOR NONCOMMERCIAL PURPOSES

1. Types of Activities Regulated

A permit from the Montana Department of Fish, Wildlife and Parks (FWP) is required to purchase live captive-reared upland game birds from Montana licensed game bird farms and to possess those birds for noncommercial purposes.

Statute: 87-4-902(1), MCA

Rule: ARM 12.6.230

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau
Regional Offices (see APPENDIX 2)

2. Application Requirements

A person who wishes to possess captive-reared birds for noncommercial purposes not associated with training, release, or field trials must file a completed application on a form provided by the FWP at the regional office in the region where the person will keep the birds.

3. Permitting Procedures

Applications will be reviewed by regional enforcement personnel and an inspection may be required of the enclosures in which the birds will be housed. If the application is approved, a permit number will be affixed to the permit application and that document returned to the applicant indicating authorization. Permits expire on December 31 of the year issued.

4. Additional Information

A permittee must confine captive-reared birds in fencing designed to prevent the entry of wild game birds and to prevent the escape of captive-reared birds into the wild. A permittee may not release captive-reared birds into the wild without authorization from the FWP.

5. Fees

There is no fee for a permit to possess captive-reared birds for noncommercial purposes.

RELEASE RING-NECKED PHEASANTS FOR NONCOMMERCIAL PURPOSES

1. Types of Activities Regulated

A person who wishes to release ring-necked pheasants for noncommercial purposes must file a completed application on a form provided by the Montana Department of Fish, Wildlife and Parks (FWP) at the regional office in the region where the birds will be released.

Statute: 87-4-902(1), MCA

Rule: ARM 12.6.225

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau
Regional Offices (see APPENDIX 2)

2. Application Requirements

To obtain a permit, a person must own the land where the release of birds is planned or have the written permission of the landowner. A nonlandowner must provide written proof of landowner permission to the FWP before the department may issue the permit.

3. Permitting Procedures

Applications will be reviewed by regional enforcement personnel and an inspection may be required to ensure the requested release will not have detrimental effects on the environment. If approved, a permit number will be affixed to the permit application and that document returned to the applicant indicating authorization.

4. Additional Information

A permittee may release a maximum of 200 ring-necked pheasants on an annual basis on one contiguous parcel of property. A permittee may release ring-necked pheasants only between March 1 and September 15. Once released, captive-reared pheasants are

considered wild birds and fall under all upland game bird hunting regulations. Permits must be renewed annually.

SCIENTIFIC COLLECTORS PERMIT

1. Types of Activities Regulated

A permit is required from the Montana Department of Fish, Wildlife and Parks (FWP) for taking, killing, capturing, or possessing certain species for use in scientific studies. The permitholder may only take as many animals as are necessary for the investigation. A permit may not be granted for any species for which a taking is prohibited by statute or rule.

Statute: 87-2-806, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division

2. Application Requirements

A person or organization applying for a collection permit for a scientific investigation must submit an application to the FWP. The department may require the applicant to submit a plan of operations that includes the purpose for the collection, the methodology to be employed, and the qualifications of the collectors.

3. Permitting Procedures

The FWP may issue a permit with conditions on the time and number of animals that may be collected. The department may deny the permit if it determines the applicant is not qualified, the collection is not necessary for the investigation, the collection method is not appropriate, the collection may threaten the viability of a species or there is no valid reason for the proposed investigation.

The permitholder is required to submit a report before December 31 that indicates the species, number of individuals taken, and the locations of the collections. A permitholder who fails to file a report may be denied another permit.

Scientific collectors permits are not transferable and must be in the possession of the permittee at the time of the collection. Permits expire within the calendar year issued.

4. Fees

There is no fee for a collection permit for an educational institution or government agency. The fee for an individual is $50.

USE OF POISON BAIT ON DEPARTMENT LANDS

1. Types of Activities Regulated

No 1080 baits can be placed on Montana Department of Fish, Wildlife and Parks lands without written permission from the Montana Fish, Wildlife and Parks Commission.

Statute: 87-1-201 and 87-1-301, MCA

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Wildlife Bureau

WILD BIRD PERMITS

1. Types of Activities Regulated

A. No person may hunt, capture, kill, possess, purchase, offer or expose for sale, or transport any nongame wild bird or part of a wild bird or take or destroy nests or eggs without a certificate or permit from the Montana Department of Fish, Wildlife and Parks (FWP). Exceptions are 1) house sparrows, crows,* starlings, magpies,* rock doves, Eurasian collared doves,[1] blackbirds* and other species and their eggs or nests designated by the FWP, and 2) possession or transportation of parts or plumage of eagles used for religious purposes by a member of a Native American tribe when permitted by federal law.

B. Licenses are required for any person to trap, possess, sell, or transfer possession of a raptor or to train a raptor in the practice of falconry. The bald eagle and any species listed under the state or federal endangered species

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[1] The Fish, Wildlife and Parks Commission added Eurasian collared doves by rule (annual) in 2007 to the list of exotic bird species that may be taken without a license.

* Crows, blackbirds and magpies are protected by federal laws, (see MIGRATORY BIRDS, p. 98).

acts may not be captured in Montana for the sport of falconry (see FALCONRY PERMITS, p. 96).

C. The FWP may grant permits for the holding of raptors for captive breeding purposes under certain specific conditions (see CAPTIVE BREEDING OF RAPTORS, p. 94).

D. A permit is required from the FWP to take, capture, or possess a wild bird for the purposes of banding for scientific studies, salvaging birds killed in accidents, or collecting abandoned birds' nests for school or museum collections and nursing sick or injured birds.

A person seeking a scientific collection permit, rehabilitation permit, bird banding permit, or salvage permit must first obtain a federal permit from the U.S. Fish and Wildlife Service, Migratory Bird Permit Office in Denver before the state may issue a permit for any of those activities involving birds protected under the federal Migratory Bird Treaty Act.

Statute: 87-5-201 through 87-5-210, MCA

Rule: ARM 12.9.301

Contact: DEPARTMENT OF FISH, WILDLIFE AND PARKS
Fish and Wildlife Division
Enforcement Bureau