

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to the use of remote-controlled devices and drones while fishing) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION)))

TO: All Concerned Persons

1. On DATE, at TIME a.m., the Fish and Wildlife Commission (commission) will hold a telephonic public hearing via ZOOM meeting platform to consider the proposed adoption and amendment of the above-stated rules. Because there currently exists a state of emergency in Montana due to the public health crisis by the novel coronavirus, COVID-19, there will be no in-person hearing. Interested parties may access the remote conferencing in the following way:

- (a) Dial by telephone,
Meeting ID:
Password:

The hearing will begin with a brief introduction by staff to explain the use of the telephonic platform. All participants will be muted except when it is their time to speak.

2. The commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on DATE, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I UNLAWFUL USE OF REMOTE-CONTROLLED DEVICES WHILE FISHING (1) The use of unmanned aerial vehicles (drones) and all other remote-controlled devices while fishing is prohibited. The prohibition on these devices includes, but is not limited to, the following:

- (a) carrying a hook or bait to any location on water;
- (b) trolling or otherwise carrying a hook or bait through water;
- (c) scouting the location of fish for the purposes of fishing; and
- (d) hooking and/or landing a fish.

AUTH: 87-1-301, MCA
IMP: 87-1-301, MCA

MAR Notice No. [assigned by each agency]

REASON: The Department of Fish, Wildlife and Parks (department) has increasingly been asked the question if it is legal to use a RC boat, drone or other remote-controlled device to fish. Statutory language in 87-6-501, MCA, does not specifically address remote-controlled devices or drones, but does establish that is unlawful to fish by any means other than hook and single line or rod in hand or in immediate control.

At the June 2020 commission meeting, department enforcement presented the commission with information on the possible uses of remote-controlled devices for fishing. Possible uses of remote-controlled devices and drones while fishing include transporting bait and hooks long distances beyond where anglers can physically cast, transporting bait and hooks to areas that normally are unable to be accessed such as closed areas near dams, scouting large areas above water quickly for fish and filming fish in real time, dropping hooks or bait with exceptional accuracy, and landing fish. The commission indicated that they were interested in being proactive in the regulation of this activity and asked the department to bring a proposal that makes it clear that the use of remote-controlled devices for the purposes of fishing is prohibited.

4. Concerned persons may submit their data, views, or arguments either orally at the hearing or in writing. Written data, views, or arguments may also be submitted to: Phil Kilbreath, Department of Fish Wildlife and Parks Enforcement Division, PO Box 200701, Helena, Montana, 59620-0701; or e-mail pkilbreath@mt.gov, and must be received no later than DATE.

5. Kaedy Gangstad or another hearing officer appointed by the department has been designated to preside over and conduct the hearing.

6. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to: Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be emailed to kgangstad@mt.gov.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Shane Colton
Shane Colton
Chair

MAR Notice No. [assigned by each agency]

Fish and Wildlife Commission

Certified to the Secretary of State DATE

DRAFT