



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: April 1, 2021

Agenda Item: Administrative Rule Prohibiting the Use of Remote-Controlled Devices for Fishing

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 min

Background:

FWP has received questions about using remote-controlled boats and Unmanned Aerial Vehicles (drones) for fishing. Statute, administrative rule, and regulations do not clearly define how or if these devices may be used for fishing. During the June 2020 Fish & Wildlife Commission meeting, FWP Enforcement gave a presentation to the commission describing some of the ways in which these devices can be used for fishing. The commission directed the department to bring a proposal forward limiting the use of remote-controlled devices for fishing. On Oct. 22, 2020, the commission voted to initiate rulemaking on the department's proposed rule language that would prohibit the use of remote-controlled devices and drones while fishing, including carrying a hook or bait to any location on water, trolling or otherwise carrying a hook or bait through water, scouting the location of fish for the purposes of fishing, and hooking and/or landing a fish.

Public Involvement Process & Results:

Public comment was collected from Nov. 6, 2020, through Dec. 4, 2020, including a public comment hearing held via Zoom on Dec. 1. The commission received three public comments at the hearing with one comment suggesting a clarifying language change, one comment in support, and one comment with no position but in support of the issue being brought forward. The commission received two letters from organizations representing large groups of people, both in support of the proposal. The commission received 40 written comments in support of the proposal (including two letters). The commission received five written comments that supported parts but not all of the proposal. The commission received two written comments in opposition.

Alternatives & Analysis:

The commission may adopt the rule as proposed, prohibiting the use of remote-controlled devices and drones for fishing.

The commission can vote to not adopt the proposed rule, and the rules will remain the same.

The commission may adopt the rule as proposed but with amendments based on public comment.

Agency Recommendation & Rationale:

A comment was received that suggested an amendment be made to clarify that the use of drones and remote-controlled devices is only prohibited for the purposes of catching fish. The department

recommends that the commission adopt the rule as proposed with clarifying language recommended by the department based on the public comment.



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Proposed Motion:

I move that the Fish & Wildlife Commission adopt the administrative rule as proposed to prohibit the use of remote-controlled devices for fishing but with an amendment to include the recommended language change.