

1 HOUSE BILL NO. 559

2 INTRODUCED BY T. FRANCE, B. EDWARDS, J. ISALY, M. LEE, J. WEBER, B. CARTER, M. ROMANO

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO COMMERCIAL FISHING,
5 GUIDING, AND OUTFITTING; ESTABLISHING COMMERCIAL FISHING, GUIDING, AND OUTFITTING-FREE
6 DAYS ON STRETCHES OF RIVERS; AND PROVIDING RULEMAKING AUTHORITY."

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8 WHEREAS, many Montanans highly value floating and fishing on Montana's rivers and regularly
9 pursue river-based recreation opportunities through the summer months; and

10 WHEREAS, fishing outfitters and guides are an important part of Montana's recreation economy and
11 provide fishing opportunities to thousands of clients floating Montana's rivers in the summer months; and

12 WHEREAS, the growth in the number of boats, both recreational and commercial, have diminished the
13 fishing and floating experience on Montana rivers on many days during the summer months; and

14 WHEREAS, fishing guides, outfitters, and noncommercial floaters and anglers have come together to
15 craft solutions to overcrowding on the Beaverhead, Big Hole, and the West Fork of the Bitterroot Rivers, and
16 these solutions have enhanced and improved the recreational experience for all users; and

17 WHEREAS, these solutions, which set aside certain stretches of river where commercial floating is not
18 allowed on certain days of the week, provide a model that should be adopted on other heavily used Montana
19 rivers, and the Department of Fish, Wildlife, and Parks should move forward with rulemaking.

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21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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23 NEW SECTION. **Section 1. Identifying stretches of river for commercial fishing, guiding, and**
24 **outfitting-free days.** (1) For 2 days of each week between the third Saturday of May and Labor Day of each
25 calendar year, the department shall identify river stretches where commercial fishing, guiding, or outfitting is not
26 allowed. Commercial fishing, guiding, and outfitting-free river stretches must be identified for the following
27 rivers:

28 (a) the Bitterroot River, from the Wally Crawford fishing access site to its confluence with the Clark

1 Fork of the Columbia River;

2 (b) the Clark Fork of the Columbia River, west of the Reserve street bridge in Missoula;

3 (c) the Clark Fork of the Columbia River, east of the Reserve street bridge in Missoula;

4 (d) the Big Blackfoot River;

5 (e) the Madison River, above Ennis Lake;

6 (f) the upper Yellowstone River, downstream of the Gardiner bridge to the Sheep Mountain fishing
7 access site;

8 (g) the North Fork of the Flathead River; and

9 (h) the Middle Fork of the Flathead River.

10 (2) The department shall develop recommendations for which days of the week the identified
11 stretches of river will be commercial fishing, guiding, and outfitting-free, except that one day must be Saturday.

12 (3) The identified stretches of rivers must be of a length or float time to provide for an average day
13 of recreational use.

14 (4) The identification process administered by the department pursuant to this section must include
15 procedures for public notice and opportunity for comment, collaborative processes, or public hearing, as
16 appropriate.

17 (5) The department shall identify commercial fishing, guiding, and outfitting-free stretches for each
18 river in subsection (1) by no later than October 1, 2027, and make recommendations to the commission. The
19 department may make these recommendations sequentially or as one comprehensive recommendation. The
20 commission shall adopt, modify, or reject the recommendation for each stretch of river within 6 months of
21 receipt from the department.

22 (7) The department shall adopt rules to implement the provisions of this section by May 15, 2026.

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24 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [section 1].

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