



ADMINISTRATIVE RULES OF MONTANA



12.3.650 SMITH RIVER PERMIT

- (1) A permit and payment of floating fees are required to float the Smith River from the Camp Baker put-in to the Eden Bridge take-out year-round. This requirement does not apply to a landowner conducting a day float solely for the purpose of performing maintenance on their contiguous fee title property adjacent to the Smith River in the permitted section of the river.
- (2) The permit authorizes the holder and the members of their group to a float beginning on the date specified on the permit.
- (3) The permit is issued to an individual and is non-transferable and non-refundable.
- (4) A person must submit a permit application to participate in the general lottery. A person must be a minimum of 12 years of age at the time they submit a permit application. No person may submit more than one permit application. A person may purchase an unlimited number of Smith River Super Permit lottery chances.
- (5) A permit season begins on April 1 and continues through March 31 of the following year. The percentage of overall permits issued to nonresidents is limited by 23-2-408(1)(b), MCA.
 - (a) The department shall use a general random lottery to allocate permits that authorize a launch date from April 1 through August 15.
 - (b) Permits that authorize a launch date from August 16 through March 31 must be obtained by contacting the department's regional office in Great Falls.
- (6) A person receiving a permit through the general lottery for a launch date during the peak season of May 15 through July 15 may not apply for a permit the following calendar year for a launch date within this same time period. They may apply for a permit outside of the peak season, accompany another permitted group during the peak season, obtain a cancelled launch permit, or apply for a Super Permit. The department may waive this restriction for trips cancelled due to unsafe conditions caused by inclement weather or river flows, insufficient flows for navigability, or other similar exigent circumstances, not including trips cancelled due to undesirable fishing conditions.
- (7) Any permits on dates not fully subscribed during the general lottery shall be made available by the end of March on a first come, first served basis subject to 23-2-408, MCA.
- (8) The recipient of a permit must notify the department's regional office in Great Falls or the Camp Baker ranger station when cancelling a permit.
- (9) A person cancelling their permit less than two days before their launch date shall be prohibited from applying for a permit the following permit season. This restriction does not apply if the river flows are below 100 cubic feet per second. The department may waive the cancellation penalty for permits cancelled less than two days prior to the launch date due to unsafe conditions caused

by inclement weather or river flows, insufficient flows for navigability, or other similar exigent circumstances, not including trips cancelled due to undesirable fishing conditions.

- (10) A cancelled permit shall be made available on a daily, first come, first served basis subject to 23-2-408(1)(b), MCA.
- (11) Each year the department shall conduct an additional lottery that is separate from the general lottery and is used to issue one permit (Smith River Super Permit) that is valid any day of the year of issuance. An individual may purchase an unlimited number of Super Permit lottery chances. The department may reserve one permit from the general lottery or a cancelled permit to ensure compliance with 23-2-408(1)(b), MCA.
- (12) Additional rules governing recreation and commercial use on the Smith River can be found in the board's Smith River biennial rules.

Authorizing statute(s): 23-1-102, 23-1-106, 23-1-111, 23-2-408, MCA

Implementing statute(s): 23-2-408, 23-2-409, MCA

History: NEW, 2023 MAR p. 1607, Eff. 11/18/23; AMD, 2024 MAR p. 2137, Eff. 9/7/24.