

Beaverhead, Big Hole (BH2): Restricted Use Permit (RUP) Regulations and Outfitting Trends

Michael A. Bias, Ph.D.

Executive Director

FOAM



Big Hole River rift

Group reviews fishing ban

By Nick Gevock - 02/06/2010

Feb 7, 2010

A local conservation group is reconsidering whether to support ending "citizen days" along the Big Hole River that bar nonresident anglers from boat fishing on certain days.

The Big Hole River Foundation, a nonprofit group founded by the late angler George Grant, will survey its members to determine their stance on the restrictions, said Mike Bias, foundation executive director.

The restrictions, which bar nonresidents from boat fishing on a six-day rotation on designated sections, have been in place for a decade under rules implemented by the Montana Department of Fish, Wildlife and Parks.

Those rules are up for review this spring by FWP.

Bias said the foundation has heard plenty of comments on where it should come down on the issue.

"We had adequate feedback from the people in Butte that you probably don't want to mess with this, but at the same time we got feedback from other members saying you guys might want to look at this," he said. "We're going to ask our members for direction." Steve Parker, foundation board president, refused to comment on the issue when contacted by The Standard.





Beaverhead and Big Hole **River Recreation Rules: Revised**

Effective June 17, 2016

12.11.202 RIVER DEFINITIONS

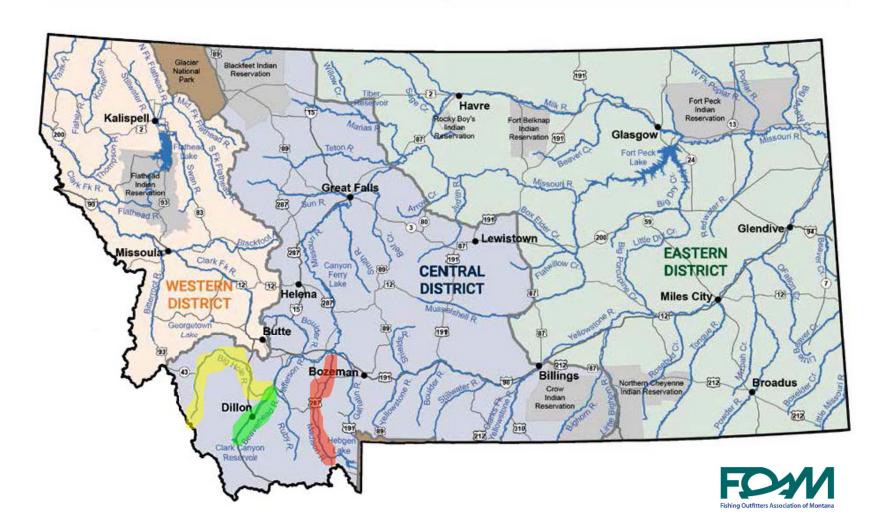
The following definitions apply to this subchapter:

- 1) "Beaverhead River" means that portion of the river from its headwaters to Jessen Park in Twin Bridges.
- 2) "Big Hole River" means the river from its headwaters to its confluence with the Jefferson River.
- 3) "Float fishing" means any fishing from a boat and wade fishing when fishing access is gained by boat.
- 4) "Float outfitting" means the operation of any boat for the commercial purpose of float fishing by a fishing guide or fishing outfitter.
 - 5) "Guide" means a person as defined in 37-47-101, MCA.
- 6) "Official access site" means those river access sites that are publicly owned, managed, and maintained as an access point. The following are official access sites on the Big Hole River:
 - a) High Road fishing access site;
 - b) Pennington fishing access site;
 - c) Notch Bottom fishing access site;
 - d) Glen fishing access site;
 - e) Brownes Bridge fishing access site;
 - f) Salmon Fly at Melrose fishing access site;
 - g) Maiden Rock FWP fishing access site:
 - h) Maiden Rock BLM recreation site;
 - i) Divide Bridge BLM recreation site;
 - j) Power House fishing access site;
 - k) George Grant / Dewey fishing access site;
 - I) Jerry Creek Bridge BLM recreation site;
 - m) Dickie Bridge BLM recreation site;
 - n) East Bank BLM recreation site;
 - o) Sportsman Park fishing access site;

 - p) Fishtrap fishing access site; and
 - g) Mudd Creek Bridge BLM recreation site.
 - 7) "Outfitter" means a person as defined in 37-47-101, MCA.



Montana Waterways Map



- 8) "One-boat outfitter" means an outfitter who operates no more than one boat and is the sole guide. An outfitter may operate as a one-boat outfitter on the Beaverhead River while operating as a multi-boat outfitter on the Big Hole River and other rivers. An outfitter may operate as a one-boat outfitter on the Big Hole River while operating as a multi-boat outfitter on the Beaverhead River and other rivers.
 - 9) "Temporary client days" means client days that are available to one-boat outfitters.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-303, MCA

12.11.205 BEAVERHEAD RIVER RECREATIONAL USE RESTRICTIONS

- 1) Starting on the third Saturday in May through Labor Day, recreational use of the Beaverhead River from Clark Canyon Dam to Jessen Park in Twin Bridges shall be allowed and restricted in designated river reaches as follows:
- a) in the river reach from Clark Canyon Dam to Henneberry fishing access site, each outfitter is limited to launching or use within the reach of a maximum of three boats in any day;
- b) in the river reach from Henneberry fishing access site to Barretts Diversion, eachoutfitter is limited to launching or use within the reach of a maximum of three boats in any day;
- c) in the river reach from Barretts Diversion to Highway 91 South (Tash) Bridge, each outfitter is limited to launching or use within the reach of a maximum of one boat in any day:
- d) the river reach from Highway 91 South (Tash) Bridge to Selway Bridge is closed to any float outfitting; and
- e) in the river reach from Selway Bridge to Jessen Park in Twin Bridges, each outfitter is limited to launching or use within the reach of a maximum of one boat in any day.
- 2) Float fishing by nonresidents and float outfitting is limited as follows on the Beaverhead River from the third Saturday in May through Labor Day:
- a) each Saturday float fishing by nonresidents and float outfitting is not permitted on the river reach from High Bridge fishing access site to Henneberry fishing access site; and
- b) each Sunday float fishing by nonresidents and float outfitting is not permitted on the river reach from Henneberry fishing access site to Pipe Organ fishing access site.

AUTH: 87-1-301, 87-1-303, MCA

IMP: 87-1-303, MCA

12.11.206 USE OF TEMPORARY CLIENT DAYS ON THE BEAVERHEAD RIVER

- 1) One-boat outfitters may apply on an annual basis for up to 60 temporary client days on the Beaverhead River unless the outfitter has:
 - a) surrendered or transferred client days; or
 - b) had a Beaverhead River commercial use permit revoked.



- 8) "One-boat outfitter" means an outfitter who operates no more than one boat and is the sole guide. An outfitter may operate as a one-boat outfitter on the Beaverhead River while operating as a multi-boat outfitter on the Big Hole River and other rivers. An outfitter may operate as a one-boat outfitter on the Big Hole River while operating as a multi-boat outfitter on the Beaverhead River and other rivers.
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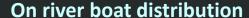
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Beaverhead River Twin Bridges Anderson Lane Highway 91 South Bridge (Tash Bridge) Dillon Miles Pipe Organ Bridge Henneberry High Bridge Clark Canyon Dam Clark Canyon Reservoir State Fishing Access Site (FAS)





- 8) "One-boat outfitter" means an outfitter who operates no more than one boat and is the sole guide. An outfitter may operate as a one-boat outfitter on the Beaverhead River while operating as a multi-boat outfitter on the Big Hole River and other rivers. An outfitter may operate as a one-boat outfitter on the Big Hole River while operating as a multi-boat outfitter on the Beaverhead River and other rivers.
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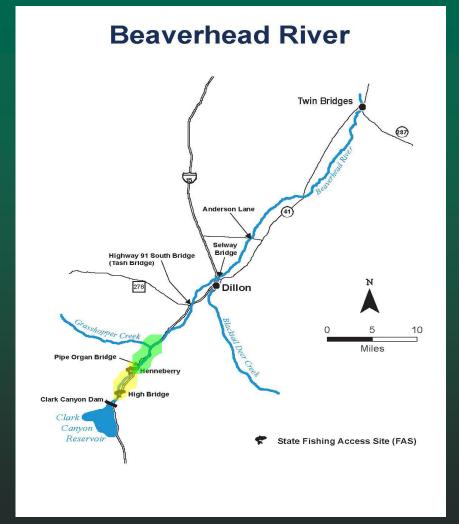
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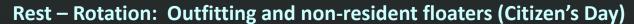
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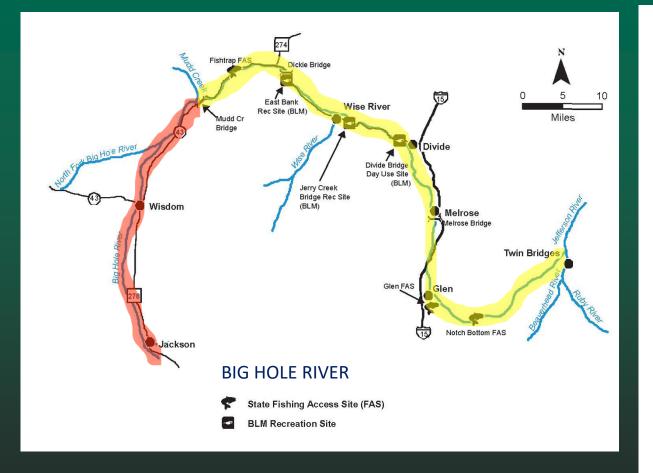
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Sunday also closed to nonresident float fishing. The eight river zones are defined by river reach and restricted each day of the week as follows:

- a) all seven days of the week, the river reach from the headwaters to Mudd Creek
- b) each Sunday, the river reach from Divide Bridge BLM recreation site to Salmon Fishing access site is closed to any float fishing by nonresidents and to any float outfilling.
- c) each Monday, the river reach from Salmon Fly fishing access site to Glen fishing access site is closed to any float outfitting;
- d) each Tuesday, the river reach from Mudd Creek Bridge BLM recreation site to Fishtrap fishing access site is closed to any float outfitting;
- e) each Wednesday, the river reach from East Bank BLM recreation site to Jerry Creek Bridge BLM recreation site is closed to any float outfitting; Beaverhead Big Hole River Recreation Rules Page 4
- f) each Thursday, the river reach from Fishtrap fishing access site to East Bank BLM recreation site is closed to any float outfitting;
- g) each Friday, the river reach from Glen fishing access site to Notch Bottom fishing access site is closed to any float outfitting; and
- in) each Saturday, the river reach from Jerry Creek Bridge BLM recreation site to Divide Bridge BLM recreation site is closed to any float fishing by nonresidents and to any float outfitting.
- 2) All float users, including each float outfitter, are limited to a total of two launches at or near each official access site per day on the Big Hole River. If a boat is launched at an unofficial site the launch will be counted as occurring at the nearest official site in determining the two-boat limit at or near each official access site.

AUTH: 87-1-301, 87-1-303 MCA IMP: 87-1-303, MCA

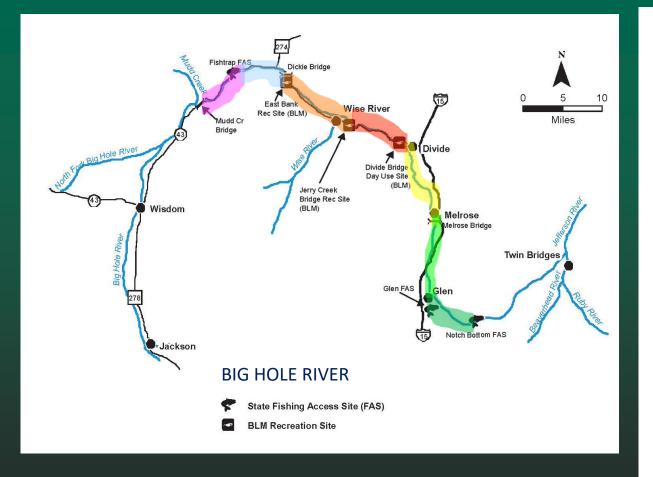
12.11.211 USE OF TEMPORARY CLIENT DAYS ON THE BIG HOLE RIVER

- 1) One-boat outfitters may apply on an annual basis for up to 60 temporary client days on the Big Hole River unless the outfitter has:
 - a) surrendered or transferred client days; or
 - b) had a Big Hole River commercial use permit revoked.
- 2) The department shall allocate available temporary client days to one-boat outfitters based on the applicant's experience outfitting or guiding on the Big Hole River and the number of years the applicant has been a licensed outfitter or guide in Montana.
- 3) When allocating temporary client days, the department shall give preference to applicants who were allocated temporary client days on the Big Hole River the previous year.
- 4) One-boat outfitters may use their assigned temporary client days the entire year with no more than two-thirds of the use occurring during the restricted period from June 1 through July 31.
- 5) After a one-boat outfitter has used temporary client days for three consecutive years, the number of temporary client days that the one-boat outfitter may apply for in

Beaverhead Big Hole River Recreation Rules

Page 4





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- 5) After a one-boat outfitter has used temporary client days for three consecutive years, the number of temporary client days that the one-boat outfitter may apply for in

Beaverhead Big Hole River Recreation Rules

Page 4



- 4) An outfitter who has not documented use on the Beaverhead River prior to December 31, 1998, may not operate on the Beaverhead River unless the outfitter was licensed by the board of outfitters between December 1, 1998, and July 1, 1999, and the outfitter's operating plan included the Beaverhead River, except as allowed in ARM 12.11.206.
- 5) Each outfitter from July 1 through August 31, inclusive, on the Beaverhead River shall not exceed the number of client days served by the outfitter on the Beaverhead River during those same months for the outfitter's highest client use year from among the years 1995, 1996, 1997, 1998, 1999, or 2000. The records submitted by the outfitter to and maintained by the board of outfitters will determine the number of client days in each year.
- 6) Client days may only be used by an outfitter authorized to conduct use on the Beaverhead River. An authorized outfitter may hire or contract a guide or outfitter serving as a guide to provide guiding services to clients provided the guide or outfitter serving as a guide only serves in the capacity of a guide and does not recruit clients, make agreements with clients concerning monetary consideration or services provided, or collect fees from clients.
- 7) An outfitter may not sell, lease, rent, or otherwise receive compensation from an outfitter or guide for the opportunity to use client days. Beaverhead Big Hole River Recreation Rules Page 6
- 8) An outfitter found to be selling, leasing, renting, or transferring client days in any way other than when transferring a business in its entirety shall permanently forfeit these client days. The forfeited client days will be allocated to the temporary client day pool.
- 9) An outfitter serving as a guide for an outfitter authorized to conduct use on the Beaverhead River must be the person providing the guiding services and may not hire a guide to provide the services on their behalf.
- 10) In the event of the death of an outfitter who has an opportunity to outfit on the Beaverhead River as outlined in this sub-chapter, that opportunity may be assumed by a member of the immediate family of the deceased outfitter. This provision does not supersede the outfitter licensing requirements and authority of the board of outfitters.
- 11) All outfitters given the opportunity to operate on the Beaverhead River, as outlined in this sub-chapter, will be issued boat tags that will identify them as authorized by the commission to operate on this river. These boat tags must be displayed on all authorized outfitter boats when operating on the Beaverhead River.

12.11.220 NEW OUTFITTER MORATORIUM AND OUTFITTER RESTRICTIONS ON THE BIG HOLE RIVER

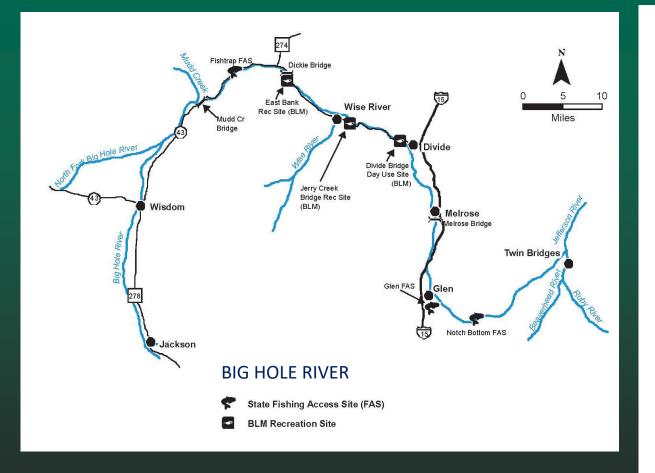
- 1) An outfitter with documented use of the Big Hole River prior to December 31, 1998, may continue to operate on the Big Hole River, except as provided in (2).
- 2) An outfitter authorized to outfit on the Big Hole River forfeits all of his/her client days and is no longer authorized to outfit on the Big Hole River if one or more of the following occur:

Beaverhead Big Hole River Recreation Rules

Page 6

Beaverhead River Twin Bridges Anderson Land Selway Highway 91 South Bridge (Tash Bridge) Dillon Miles Pipe Organ Bridge Henneberry High Bridge Clark Canyon Dam Clark Canyon Reservoir State Fishing Access Site (FAS)



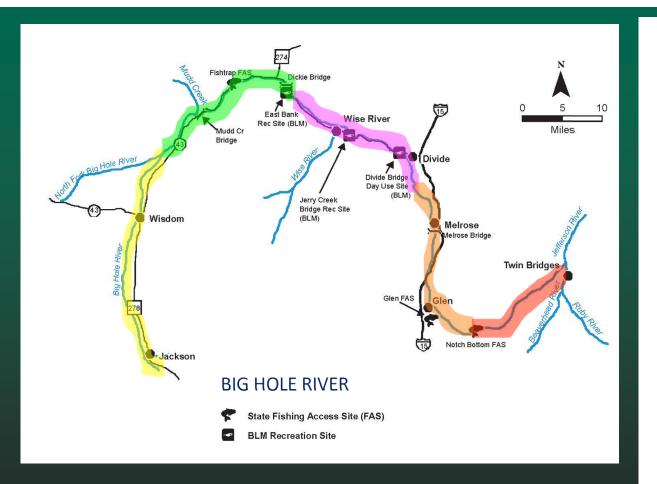


- a) an outfitter does not report any use for any two consecutive years, effective June 17, 2005;
 - b) an outfitter did not report any use for the five years prior to December 31, 2004;
 - c) the license of an outfitter has expired.
- 3) The department shall establish a pool of temporary client days that consists of the forfeited client days. The total number of temporary client days, including client days that have been allocated and client days available in the pool, shall not exceed 2,000.
- 4) An outfitter who has not documented use on the Big Hole River prior to December 31, 1998, may not operate on the Big Hole River unless the outfitter was licensed by the board of outfitters between December 1, 1998, and July 1, 1999, and the outfitter's operating plan included the Big Hole River, except as allowed in ARM 12.11.211.
- 5) Each outfitter from June 1 through July 31, inclusive, on the Big Hole River shall not exceed the number of client days served by the outfitter on the Big Hole River during those same months for the outfitter's highest client use year from among the years 1995, 1996, 1997, 1998, 1999, or 2000. The records submitted by the outfitter to and maintained by the board of outfitters will determine the number of client days in each year.
- 6) Client days may only be used by an outfitter authorized to conduct use on the Big Hole River. An authorized outfitter may hire or contract a guide or outfitter serving as a guide Beaverhead Big Hole River Recreation Rules Page 7 to provide guiding services to clients provided the guide or outfitter serving as a guide only serves in the capacity of a guide and does not recruit clients, make agreements with clients concerning monetary consideration or services provided, or collect fees from clients.
- 7) An outfitter may not sell, lease, rent, or otherwise receive compensation from an outfitter or guide for the opportunity to use client days.
- 8) An outfitter found to be selling, leasing, renting, or transferring client days in any way other than when transferring a business in its entirety shall permanently forfeit these client days. The forfeited client days will be allocated to the temporary client day pool.
- 9) An outfitter serving as a guide for an outfitter authorized to conduct use on the Big Hole River must be the person providing the guiding services and may not hire a guide to provide the services on their behalf.
- 10) In the event of the death of an outfitter who has an opportunity to outfit on the Big Hole River as outlined in this sub-chapter, that opportunity may be assumed by a member of the immediate family of the deceased outfitter. This provision does not supersede the outfitter licensing requirements and authority of the board of outfitters.
- 11) All outfitters given the opportunity to operate on the Big Hole River, as outlined in this subchapter, will be issued boat tags that will identify them as authorized by the commission to operate on this river. These boat tags must be displayed on all authorized outfitter boats when operating on the Big Hole River.

Beaverhead Big Hole River Recreation Rules

Page 7







BIG HOLE WATERSHED COMMITTEE

BIG HOLE RIVER DROUGHT MANAGEMENT PLAN - VERSION 2016-2021

WATERSHED COMMITTEE QUICK REFERENCE

SECTION FLOW TRIGGERS APRIL 1 - OCTOBER 31 TEMPERATURE TRIGGERS

on Skinner Meadows Road Hole River Mouth 160 cfs - April 1 to June 30 target for Arctic grayling spawning.

60 cfs - Prepare for Conservation

40 cfs - Conservation

20 cfs - MFWP River Closure

Measured at USGS Wisdom Gage (06024450)

450 cfs - April 1 to June 30 target for Arctic grayling spawning.

170 cfs – Prepare for Conservation

140 cfs - Conservation

100 cfs - MFWP River Closure Measured at USGS Big Hole River near Wise

River Gage (06024580)

250 cfs - Prepare for Conservation

200 cfs - Conservation

150 cfs - MFWP River Closure

Measured at USGS Maiden Rock Gage

IV: MFWP Maiden Rock to Fishing Access

290 cfs - Prepare for Conservation

240 cfs - Conservation

190 cfs - MFWP River Closure

Measured at USGS Glen Gage (06026210)

confluence of Big

200 cfs - Prepare for Conservation

150 cfs - Conservation

100 cfs - MFWP River Closure

Measured at USGS Big Hole River below Hamilton Ditch near Twin Bridges Gage (06026420)

MFWF Hoot-Owl Fishing Festrictions: Hoot-owl fishing restriction will be in place when daily num water temperature reaches or exceeds 73° F (23° C) for at least some period of time during three consecutive days. Hoot-owl fishing closure prohibits fishing between the hours of 2:00 p.m. and 12:00 a.m. (Midnight). They will remain in place until September 15 or until re-opening criteria are met.

MEWP River Closure Due to High Temperatures: River closur pased on water implemented if hoot-owl restrictions are inadequate to protect the fishery (e.g., prolonged period where water temperatures exceed 73° F and forecasts are not favorable for cooler temperature, thermal stress in fish observed by biologist. etc.). Closure will remain in place until September 15 or until re-opening criteria are met

Sections temperature measured at:

I: USGS Wisdom Gage

II: USGS BHR near Wise River

III: USGS Maiden Rock

IV: USGS Glen Gage

V: USGS Hamilton Ditch Gage

MFWP Water Body Closures Interactive Map

Contact: Big Hole Watershed Committee

bhwc.org info@bhwc.org 406-960-4855

Drought Management Plan



The Madison, it's not the BH2

	<u>MADISON</u>	BIG HOLE	<u>BEAVERHEAD</u>
User Days	207,317 (2017)	95,233 (2017)	22,034 (2017)
R:NR	57,198 : 150,119	46,063 : 49,170	5,418 : 16,615
Length	37 mile float section (Lyons – Ennis) (lower)	102 mile float section (Mudd Crk - Jeff)	14 mile float (Dam – Barrett's) (B-T 5) (T-T 5) (S-Twin 30)
Commercial User Days	22,363 (2018) (12,177 trips)	6,780 (2018)	3,553 (2018)



