



## 2025-2026 Fishing Regulation Public Scoping

FWP recently moved from a four-year fishing regulation cycle to a two-year cycle. Implementing a two-year cycle is expected to reduce staff time needed for fishing regulation evaluation while providing opportunity for public input. With this change the fishing regulations booklet will be printed only on odd-numbered years, with any changes made outside the printing cycle updated on the FWP website and through other public outreach and posting. The regulation setting process for the 2025-2026 fishing regulations begins through public input on changes the department is considering as well as providing opportunity for the public to propose regulations for the department to consider.

The department will use this public input to develop a regulations proposal package to present to the Fish and Wildlife Commission in fall 2024. An additional comment period will occur before the final regulations package is presented to the commission; this comment period is expected to occur late August.

FWP is scoping the following 64 proposals with associated information on biological rationale, regulation type and associated reference to the Statewide Fisheries Management Plan (SFMP). Comments on individual proposals can be made at the FWP website at [fwp.mt.gov](http://fwp.mt.gov) or by emailing [fwpfishcomments@mt.gov](mailto:fwpfishcomments@mt.gov). Public fishing regulation proposals can also be sent via the FWP website or the email address above. Written communication can be mailed to PO Box 200701, Attention: 2025/26 Fishing Regulation Scoping, Helena, MT 59620. Comments through this scoping effort will be collected through April 26.

FWP will host public meetings at each of the locations below. Additional meetings may be scheduled based on public interest.

Region	Date	Location
1	Mar 19, 6:00	Kalispell, 490 North Meridian Road
2	April 10, 6:30	Missoula, 201 Spurgin Road
3	Mar 28, 6:00	Bozeman, 1400 South 19 <sup>th</sup> Street
4	April 4, 6:00	Great Falls, 4600 Giant Springs Road
5	Mar 14, 6:30	Billings, 2300 Lake Elmo Drive
6	Mar 13, 6:00	Glasgow, 1 Airport Road
7	Mar 21, 6:30	Miles City, 352 I-94 Business Loop

Note: New language is *in italics*. Deleted language is indicated by a ~~strike through~~. All changes are highlighted in **yellow**. Page number refer to the 2024 Fishing Regulations booklet.

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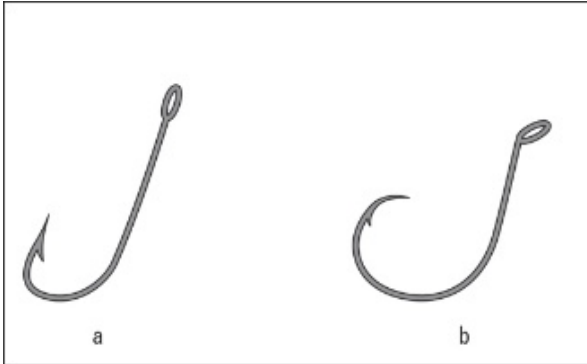
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# Statewide Fishing Regulations

## Proposal 1: Definition of a Hook

Page 5 change:

**HOOK:** A hook **is may** be a single, double, or treble point attached to a single shank. A lure with multiple hooks is still considered a single hook, **variations of hook types and restrictions are shown below.**



Typical hook  
Known as J-hook

circle hook  
Note point directed  
Perpendicular to shank



Treble Hook



Treble hook cut to make  
single pointed hook



Single pointed hook on  
on a stick/jerk bait  
(Rapala® Xrap shown)



single pointed hook on a spinner  
(Panther Martin® shown)



single pointed barbless hook on a lure  
(Crocodile® Casting Spoon shown)

Page 33 change:

**Mainstem Flathead and tributaries River from confluence of North and Middle Forks to Highway 2 Bridge upstream to Teakettle FAS Flathead Lake**

- Single-pointed hooks only. **No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.**

Page 40 change:

### **MIDDLE FORK FLATHEAD RIVER**

#### **Middle Fork Flathead River including headwaters to confluence with North Fork Flathead River (near Blankenship Bridge)**

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.

Page 41 change:

### **NORTH FORK FLATHEAD RIVER**

#### **North Fork Flathead River including headwaters to confluence with Middle Fork Flathead River (near Blankenship Bridge)**

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.

Page 44 change:

### **SOUTH FORK FLATHEAD RIVER**

#### **South Fork Flathead River and tributaries, including headwaters to confluence with Flathead River (does not include Hungry Horse Reservoir)**

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.

#### **Rationale:**

This addition is to provide a visual representation of the different types of hooks that may be required in some restricted waters.

In the case of single pointed hooks in the forks of the Flathead River; westslope cutthroat trout are very naïve to flies and lures and are known to be caught multiple times, in a season and throughout their lives, making them exceptionally vulnerable to hooking mortality. Single-pointed hooks make catch and release more effective while still allowing all types of fishing.

#### **Management Plan Reference:**

Part I 1.4.2 Page 46. “The goal of fishing regulations is to make them effective but also as simple as possible to improve public understanding and angler compliance”.

#### **Part II**

2.01. Page 11 and 19. Kootenai Tail Race Trophy Fishery. Continue to improve fishery through restrictive regulations to promote trophy sizes.

2.02. Page 5. South Fork Flathead River. A regulation change in 2020 required anglers to only use single pointed hooks and was implemented as a proactive measure to reduce overhandling of this sensitive fish species. The fishery continues to be monitored for any impacts associated with angling, and changes will be made to ensure sustainability of the fishery

2.04. Page 8. Westslope cutthroat trout. Eliminate harvest and maintain or expand populations for conservation and catch and release westslope cutthroat trout angling.

**Regulation Type:**

Clarification

**Public Engagement:**

This public scoping effort is the first public outreach.

**Interdivisional Review:**

Reviewed and approved by appropriate Region 1 and Headquarters staff.

**Nonbiological Information:**

None currently.

## Proposal 2: Cleaning Fish for Transport

Page 18 change:

### Handling and Transporting Legally Taken Fish

#### **It is required that before transporting legally taken fish:**

~~While a person is fishing, or while on the water, or on the ice:~~

- All fish in possession must be visibly identifiable to species.
- *Unless size limits apply, fish may be cleaned prior to transport, so long as the entire skin remains attached to the fish or fillet for identification (see Disposal of Dead Fish and Fish Entrails on page 20). Two fillets will be counted as one fish.*
- *If the catch is frozen prior to transport, each fish or fillet must be packaged so it can be counted.*
- ~~All fish in possession must be whole with the head, skin, fins, and tail attached. Gills and entrails may be removed (see Disposal of Dead Fish and Fish Entrails on page 20).~~
- This ~~doesn't~~ *does not* prohibit the consumption of fish on the ice or water. However, the fish consumed are part of your daily limit.

~~Once off the water or ice, fish may be dressed and filleted for transport to your permanent residence, unless size limits apply, under the following conditions:~~

- ~~All fish can be counted and identified. Two fillets will be counted as one fish. If the catch is frozen prior to transport, each fish or fillet must be packaged so it can be counted.~~
- ~~Salmonids (trout, salmon, arctic grayling, char, and whitefish): the entire skin must be attached to the fillet for identification.~~

### Rationale:

This is not a biological based proposal. This proposal would allow anglers to reduce whole fish to fillets on the water or ice prior to transport, without requiring the angler to travel back to shore to process their catch. Further, this proposal will allow fish cleaned prior to transport to still be properly identified, therefore this change will not have any negative biological impacts. Socially, this regulation will address requests from anglers and reduce confusion regarding fish processing on the ice or water prior to transport. Additionally, this will allow anglers to dispose fish carcasses away from boat ramps.

### Management Plan Reference:

This proposal is in line with FWP's Vision and Guide document. Specifically, this proposal is in response to angler requests that aligns with the core value of serving the public. Additionally, this regulation clarifies a component in the fishing regulations specific to fish harvest. Harvest of fish is an important component of the Statewide Fish Management Plan (SFMP). This proposal has the potential to enhance and streamline the affected public in their pursuit to catch and harvest fish.

### Regulation Type:

Clarification/Enforcement

### Public Engagement:

The public has been requesting clarification on the regulation stipulating fish cleaning while on the water regulation for some time. Casual conversations with anglers about this proposal have been met with support. This scoping effort is the first public outreach on the topic.

### Interdivisional Review:

FWP R6 law enforcement staff who routinely contact anglers have noted confusion among anglers as to what extent fish can be cleaned on the ice or water.

**Nonbiological Information:**

None currently.



## Western Fishing District Regulations

### Proposal 3: Western District Northern Pike Standard Limits

Page 25 change:

#### **Northern Pike**

15 daily, ~~and in~~ *no* possession *limit*. All waters open for spearing through the ice or as otherwise noted in District Exceptions.

Page 30 delete:

#### **~~BULL LAKE (near Troy)~~**

- ~~• Northern pike: no limit.~~

Page 38 delete:

#### **LAKE MARY RONAN**

- Kokanee salmon: 10 daily and 20 in possession.
- ~~• Northern pike: no limit.~~
- Spearing: open for northern pike.

Page 43 delete:

#### **SMITH LAKE (near Kalispell)**

- Yellow perch: no limit, only 10 daily over 10 inches. No possession limit.
- ~~• Northern pike: no limit.~~

#### **Rationale:**

Daily harvest limits greater than 15 northern pike are extremely rare, indicating the daily limit is adequate to maintain most northern pike populations. Although, it is likely that possession limits could unintentionally be exceeded. This regulation is a clarification that recognizes that opportunity and creates a more liberal possession limit of northern pike.

#### **Management Plan Reference:**

Part I. 1.6.15 Northern Pike. Since all populations in western Montana are from illegal introductions, liberal harvest regulations, including unlimited harvest in some drainages, are in place to encourage harvest and suppress populations.

Part II.

2.01 Kootenai River Drainage. Page 14. Northern Pike: Provide liberal harvest opportunities to decrease predation on native and recreational fisheries.

2.03 Swan River Drainage. Page 8. Northern Pike: Provide liberal harvest opportunities to decrease predation on native and recreational fisheries.

2.04 Flathead River Drainage. Page 8. Northern Pike: Provide angling harvest opportunity to reduce numbers to help meet native species goals.

2.10 Lower Clark Fork River Drainage. Page 15. Northern Pike: Provide liberal harvest opportunities to decrease predation on native and recreational fisheries.

**Regulation Type:**

Enforcement, Relevancy, Management Plan

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

This proposal has been reviewed by appropriate regional and headquarters staff.

**Nonbiological Information:**

No change to daily limit will likely make a change to possession non-controversial.

## Proposal 4: Western District Kid's Trout Fishing Ponds

Page 25 add:

### **Western District Standard Daily and Possession Limits**

#### **Region 1 Kid's Trout Fishing Ponds**

*Buffalo Head Pond, Dry Bridge Pond, Pine Grove Pond, Shady Lane Pond (near Kalispell), Thompson Park Pond (near Thompson Falls), Frog Pond (near Trout Creek), Rivers Edge Pond (near Columbia Falls), Swan Pond (near Swan Lake), Eureka Pond, Libby Pond, Troy Pond, Nine Pipes Pond*

- *Catch-and-release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession, only 1 rod per angler.*

Page 30 delete:

#### **~~BUFFALOHEAD POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 5 trout daily, 10 in possession.~~

Page 32 delete:

#### **~~DRY BRIDGE POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

Page 33 delete:

#### **~~EUREKA POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

Page 39 delete:

#### **~~LIBBY POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger who may take 1 trout daily and in possession.~~

Page 40 delete:

#### **~~NINEPIPES POND~~**

- ~~Catch and release for trout, except anglers 14 years of age and younger may take 5 trout daily and in possession, only 1 over 14 inches. A Flathead Indian Tribal Permit is required to fish on Ninepipes Pond.~~

Page 41 delete:

#### **~~PINE GROVE POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

Page 42 delete:

#### **~~RIVERS EDGE POND~~**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

Page 43 delete:

**SHADY LANE POND**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

Page 45 delete:

**THOMPSON PARK POND**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession; one rod per angler.~~

Page 45 delete:

**TROY POND**

- ~~Catch and release for trout, except anglers 14 years of age or younger may take 1 trout daily and in possession.~~

**Rationale:**

Simplifies regulations by removing kid’s fishing ponds with same regulation from exceptions. Removes 10 current exceptions and 2 proposed.

Kid’s Fishing Ponds are intended to provide an easily accessible area where kids and families can fish with an emphasis on high catch-rates. These ponds are stocked annually, or more frequently, with catchable cutthroat and rainbow trout and are specifically meant to introduce young anglers to fishing for trout emphasizing high catch rates and conservative harvest rates.

**Management Plan Reference:**

Part I 1.5 Youth and Family Fishing. Page 66.

...the purpose is to provide an easily accessible area where kids and families can fish with an emphasis on high catch-rates. These ponds are stocked annually, or more frequently, with catchable cutthroat and rainbow trout.

**Regulation Type:**

Clarification.

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Reviewed by appropriate regional and headquarters staff.

**Nonbiological Information:**

None currently.

## Proposal 5: Alice Creek Remove Exceptions to District Standards

Page 26 delete:

### ~~ALICE CREEK (tributary to Blackfoot River)~~

- ~~• Catch and release for cutthroat trout.~~
- ~~• Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~

### **Rationale:**

This proposal will remove the exception for cutthroat trout (catch-and-release) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Alice Creek receives very little fishing pressure. Therefore, it is biologically appropriate to allow harvest opportunity consistent with the district standard (3 trout daily and in possession, none over 12 inches).

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 11: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type:**

Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 6: Beaver Creek Remove Exceptions to District Standards

Page 26 delete:

### **BEAVER CREEK (tributary to Blackfoot River)**

- ~~Catch and release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~

### **Rationale:**

This proposal will remove the exception for cutthroat trout (catch-and-release) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Beaver Creek receives very little fishing pressure. Therefore, it is biologically appropriate to allow harvest opportunity consistent with the district standard (3 trout daily and in possession, none over 12 inches).

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 11: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type** (clarification, enforcement, conservation, relevancy, management plan, other):

Management Plan

### **Public Engagement**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 7: Belmont Creek Remove Exception to District Standard

Page 26 delete:

### **BELMONT CREEK (tributary to Blackfoot River)**

- ~~Catch and release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- Artificial lures only within 100-yard radius of mouth.

### **Rationale:**

This proposal will remove the exception for cutthroat trout (catch-and-release) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Belmont Creek receives very little fishing pressure. Therefore, it is biologically appropriate to allow harvest opportunity consistent with the district standard (3 trout daily and in possession, none over 12 inches).

The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Reverting to the district standard (5 trout daily and in possession, only 1 over 14 inches) will simplify the regulations by removing an exception. The district standard is still consistent with the management direction of maintaining the current abundance and size structure because fishing pressure is very low.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 18: Conservation management for westslope cutthroat trout and quality management for rainbow and brown trout.

### **Regulation Type:**

Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 8: Blackfoot River Cutthroat and Combined Trout Regulations

Page 28 delete and add:

### **BLACKFOOT RIVER AND TRIBUTARIES**

#### **Mainstem and all tributaries except the Clearwater River. During the General Season (third Saturday in May through Nov. 30)**

- Catch-and-release for cutthroat trout.
- Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches long, any size brown trout. (See Clearwater River Drainage for exception).
- *Mainstem from Clearwater River mouth to the confluence with the Clark Fork River: 3 daily and in possession, only 1 rainbow trout over 14 inches long, any size brown trout.*
- Artificial lures only within 100-yard radius of the mouths of Belmont Creek, Copper Creek, Gold Creek, Monture Creek and North Fork Blackfoot River.

#### **Mainstem only during the Extended Season (Dec. 1 to the third Saturday in May)**

- Extended season for mountain whitefish and catch-and-release for trout open Dec. 1 to third Saturday in May. Tributaries are closed to fishing during the extended season.
- Artificial lures and/or maggots only.
- All other live/dead bait prohibited.

#### **Mainstem from Landers Fork mouth downstream to the confluence with the Clark Fork River**

- Catch-and-release for brook trout. (This regulation is a result of bull trout being misidentified and harvested as brook trout. Brook trout are very rare in this section of river whereas bull trout are common).

### **Rationale:**

The current regulation precludes westslope cutthroat trout harvest in all waterbodies in the Blackfoot drainage except lakes and reservoirs. The application of this regulation on such a large scale has created challenges for allowing harvest where biologically appropriate, and even in areas where harvest would be encouraged to achieve cutthroat trout conservation goals (e.g., North Fork Blackfoot above North Fork Falls). The restriction has resulted in numerous exceptions listed in the regulation book that contribute to regulation complexity. This proposal will remove the basin-wide restriction, but retain harvest restrictions in key tributaries that receive high angling pressure and/or provide important spawning areas for migratory westslope cutthroat trout. This change will make westslope cutthroat trout management more consistent across major watersheds in FWP Region 2. This proposal will provide additional harvest opportunities in smaller tributaries and/or remote backcountry areas without compromising ongoing conservation efforts. Moreover, this proposal will simplify regulations by removing several exceptions. Catch-and-release regulations for westslope cutthroat trout will remain in the following tributaries:

- Chamberlain Creek
- Monture Creek (downstream from the mouth of Yellowjacket Creek)
- Dunham Creek
- North Fork Blackfoot River (downstream from the North Fork Falls)
- Landers Fork (downstream from Silver King Falls)
- Copper Creek
- Snowbank Creek
- Nevada Creek (downstream from Nevada Lake)



The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) in the mainstem river upstream of the Clearwater River confluence and revert to the district standard. This change will reflect the updated management direction in the SFMP that calls for liberal regulation management upstream of the Clearwater River and quality management downstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP. Management direction calls for maintaining current abundance and size structure downstream of the Clearwater River, so retaining the current exception is warranted.

This proposal will remove the catch-and-release exception for brook trout where it was applied as an indirect way to address misidentification of bull trout. In addition, the Blackfoot River supports one of the most robust strongholds of migratory bull trout within the Upper Clark Fork Geographic Region of the Columbia River Headwaters Recovery Unit. Brook trout pose a threat to bull trout due to their ability to hybridize. Hybridization reduces the reproductive output of bull trout because hybrid offspring are typically sterile. Management direction in the Blackfoot River calls for liberal harvest of brook trout and containing distribution where possible. Reverting to the district standard will complement ongoing actions to conserve bull trout and make regulations consistent with the SFMP. This proposal will also simply regulations by reducing exceptions. FWP prefers to educate anglers on identification and suspects the usefulness of this regulation has waned. The public scoping process will help clarify its relevancy and efficacy.

**Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07, Page 11-19: Management direction calls for conservation of westslope cutthroat trout in the Blackfoot River and tributaries. It specifically acknowledges the catch-and-release fishery in the North Fork Blackfoot River, Monture Creek, Landers Fork, and Copper Creek.

Section 2.07 Page 11: Liberal management type for rainbow trout and brown trout in the Blackfoot River and tributaries upstream of the Clearwater River.

Section 2.07, Page 18: Quality management type for rainbow trout and brown trout in the Blackfoot River and tributaries downstream of the Clearwater River.

Section 2.07, Pages 11-19. Manage for liberal harvest of brook trout and contain distribution where possible.

**Regulation Type:**

Management Plan

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 9: Bull River Cutthroat Trout

Page 30 add:

### **BULL RIVER**

- *Catch-and-release for cutthroat trout*

### **Rationale:**

The Bull River is one of the few tributaries to the lower Clark Fork River where large-bodied, migratory westslope cutthroat trout still occur. The trout community in the Bull River is comprised of non-native trout species, most brown trout and brook trout with cutthroat occurring at low to moderate densities. Cutthroat trout are notoriously susceptible to angling and are caught at a much higher rate in the Bull River when compared to their proportion of the fish community. Catch and release regulations would protect large-bodied migratory and juvenile fish. This regulation would help conserve and enhance a migratory fluvial native trout.

### **Management Plan Reference:**

2.10 Lower Clark Fork

Page 3. Fisheries Management

“Native trout populations in many tributary streams are at risk due to competition and displacement by nonnative species and hybridization with nonnative species”. “Brown trout and brook trout have also expanded their distribution and abundance in many tributary streams and also pose a threat to native trout populations. Brown trout and brook trout outcompete and displace native trout”. “Proactive measures will be required to conserve many of these tributary populations”.

Page 8, Westslope Cutthroat Trout Conservation Opportunities.

“Introduced trout species such as brown trout and brook trout appear to be colonizing or becoming more abundant in tributary stream reaches that were historically only occupied by native trout, and most often only westslope cutthroat trout. The species has been extirpated throughout much of its historic distribution, and a proactive approach will be needed to conserve local and uniquely adapted populations within the Clark Fork basin”.

Pages 27-28, Bull River- Westslope Cutthroat Trout Management Direction.

“Maintain recreational angling opportunity”.

### **Regulation Type:**

Conservation/enhancement/management plan

### **Public Engagement:**

This scoping effort is the first public outreach for this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 10: Chamberlain Creek Combined Trout

Page 30 delete:

### CHAMBERLAIN CREEK (tributary to Blackfoot River)

- Catch-and-release for cutthroat trout.
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~

#### Rationale:

Under the current and proposed regulations, Chamberlain Creek would be catch-and-release for cutthroat trout. Chamberlain Creek is one of the most important and productive streams for migratory cutthroat trout spawning in the middle Blackfoot River drainage. The SFMP calls for enhancing the cutthroat trout fishery in the middle Blackfoot River and tributaries.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard. This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

#### Management Plan Reference:

Section 2.07 Page 11: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

#### Regulation Type:

Conservation, Management Plan

#### Public Engagement:

This scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff reviewed this proposal.

#### Nonbiological Information:

None currently.

## Proposal 11: Copper Creek Combined Trout

Page 32 delete:

### COPPER CREEK (tributary to Blackfoot River)

- Catch-and-release for cutthroat trout.
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- Artificial lures only, including within a 100-yard radius of the mouth.

### Rationale:

Under the current and proposed regulations, Copper Creek would be catch-and-release for cutthroat trout. Copper Creek is an important area for migratory cutthroat trout spawning in the upper Blackfoot River drainage. The SFMP calls for enhancing the catch-and-release cutthroat trout fishery in Copper Creek.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard. This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### Management Plan Reference:

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### Regulation Type:

Conservation, Management Plan

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 12: Cottonwood Creek Remove Exceptions to District Standards

Page 32 delete:

### ~~COTTONWOOD CREEK (tributary to Blackfoot River)~~

- ~~• Catch and release for cutthroat trout.~~
- ~~• Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~

### **Rationale:**

This proposal will remove the exception for cutthroat trout (catch-and-release) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Cottonwood Creek receives very little fishing pressure. Therefore, it is biologically appropriate to allow harvest opportunity consistent with the district standard (3 trout daily and in possession, none over 12 inches).

The proposal will also remove the exception for combined trout (3 trout daily, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard. This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type:**

Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 13: Dunham Creek Combined Trout

Page 32 delete:

### **DUNHAM CREEK (tributary to Monture Creek, Blackfoot drainage)**

- Catch-and-release for cutthroat trout.
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- Artificial lures only.

### **Rationale:**

Under the current and proposed regulations, Dunham Creek would be catch-and-release for cutthroat trout. Dunham Creek is an important area for migratory cutthroat trout spawning in the middle Blackfoot River drainage. The SFMP calls for enhancing the catch-and-release cutthroat trout fishery in the Monture Creek drainage.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard. This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference:**

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type:**

Conservation, Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 14: Echo Lake (near Anaconda) Remove Exceptions to District Standards

Page 33 change:

### ECHO LAKE (near Anaconda)

- ~~Open third Saturday in May through March 31.~~
- Combined trout: 5 daily and in possession *with only one fish over 14-inches*, includes brook trout.

#### Rationale:

Having the lake open for only part of the year was put in place for consistency with Georgetown Lake, but this is not biologically necessary and removes opportunity for anglers during this period. Reverting to the standard regulation of open year-round is sufficient to protect the fishery. Adding only one fish over 14 inches is consistent with the standard and would provide protection for larger trout.

#### Management Plan Reference:

2.06 pg. 4

#### Regulation Type:

Clarification.

#### Public Engagement:

This public scoping effort is the first public outreach on this topic. Regional staff will engage directly with local angling groups (e.g., Anaconda Sportsman's Grout, George Grant TU, and Westslope TU) during the scoping period.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

There is a small constituency of residents that live on Echo Lake who may not support this proposal.



## Proposal 15: Fishtrap Creek Cutthroat Trout

Page 33 add:

### FISHTRAP CREEK AND TRIBUTARIES (Thompson River drainage)

#### Excluding Fish Trap Lake

- Combined trout: 3 daily and in possession, none over 10 inches.
- Artificial lures only.
- *Catch-and-release for cutthroat trout.*

#### Rationale:

Fish densities throughout the mainstem Fishtrap Creek are very low. Non-native trout (brook trout, brown trout and rainbow trout) are becoming more abundant in the lower reaches, increasing conservation risk to native fish tributaries (bull trout and westslope cutthroat trout) such as Jungle Creek, Beatrice Creek, West Fork Fishtrap and Radio Creek, and in the middle and upper mainstem above Basin Draw. Both migratory and stream-resident cutthroat trout use Fishtrap Creek and its tributaries.

#### Management Plan Reference:

2.10 Lower Clark Fork

Page 3. Fisheries Management

“Native trout populations in many tributary streams are at risk due to competition and displacement by nonnative species and hybridization with nonnative species”. “Brown trout and brook trout have also expanded their distribution and abundance in many tributary streams and also pose a threat to native trout populations. Brown trout and brook trout outcompete and displace native trout”. “Proactive measures will be required to conserve many of these tributary populations”.

Page 8, Westslope Cutthroat Trout Conservation Opportunities.

“Introduced trout species such as brown trout and brook trout appear to be colonizing or becoming more abundant in tributary stream reaches that were historically only occupied by native trout, and most often only westslope cutthroat trout. The species has been extirpated throughout much of its historic distribution, and a proactive approach will be needed to conserve local and uniquely adapted populations within the Clark Fork basin”.

Page 20, Fishtrap Creek- Westslope Cutthroat Trout Management Direction.

“Continue to monitor distribution and status throughout the drainage. Identify populations to translocate and protect from non-native species encroachment”.

Page 18, Thompson River- Westslope Cutthroat Management Direction

“Continue catch-and-release in regulation in mainstem. Continue to monitor wild populations in tributaries”.

#### Regulation Type:

Conservation/enhancement/management plan

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 16: Flathead Lake Remove Lake Whitefish and Yellow Perch Exceptions

Page 33 delete:

### FLATHEAD LAKE

#### Flathead Lake north of Flathead Indian Reservation boundary

- Catch-and-release for cutthroat trout.
- Lake trout: 100 daily and in possession, only 1 over 36 inches, and all fish 30 to 36 inches must be released.
- ~~Lake whitefish: 100 daily and in possession.~~
- ~~Yellow perch: no limit, only 10 daily over 10 inches. No possession limit.~~
- NOTE: A Flathead Indian Reservation Tribal Permit is required to fish on the southern portion of the lake. Check Tribal Fishing regulations for the south portion of the lake.

#### Rationale:

Whitefish provide a valued fishery and suppression is not a goal. A twenty fish limit allows for liberal harvest and removes a regulation exception. Anglers have reported reduced catch rates. Over limits can still be permitted for anglers participating in the commercial fishery.

For yellow perch, this change would simplify the regulations by reducing the exceptions to the western district standard. This regulation was intended to maintain lake wide consistency and protect the quality perch fishery in Polson Bay. The north portion of Flathead Lake managed by FWP does not support quality perch fishing and perch over 10 inches are rare.

#### Management Plan Reference:

2.04 Flathead River Drainage

Flathead, Flathead Lake, General/ Suppression, Provide angling harvest opportunity to reduce numbers to help meet native species goals. Coordinate with CSKT on lake management.

Flathead, Flathead Lake, General/ Suppression, Provide angling harvest opportunity to reduce numbers to help meet native species goals. Coordinate with CSKT on lake management.

#### Regulation Type:

Relevancy, Management Plan

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

None currently.

## Proposal 17: Flathead River Boundary and Remove Some Exceptions to District Standards

Page 33 change:

### FLATHEAD RIVER

**Mainstem Flathead and tributaries River from confluence of North and Middle Forks to Highway 2 Bridge upstream to Teakettle FAS Flathead Lake**

- Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.

**Mainstem Flathead from confluence of North and Middle Forks to Flathead Lake**

- Open entire year.
- ~~No intentional fishing for bull trout.~~
- Catch-and-release for cutthroat trout.
- ~~Northern pike: Feb. 28 to third Saturday in May closed to intentional fishing for northern pike.~~
- Rainbow trout: 5 daily and in possession.
- ~~Whitefish: 100 daily and in possession.~~
- From Dec. 1 to third Saturday in May, maggots and artificial lures only, no artificial lures can be scented (infused, saturated, or applied).

### Rationale:

Northern Pike: The northern pike regulation has not led to the anticipated positive affects to the bull trout population. Angling pressure on this section of river during the northern pike closure is substantial for other species which still results in bull trout bycatch. Additional northern pike harvest may also reduce predation on other species.

Gear Restriction: The extension of the single hook requirement provides additional protection for resident and migratory bull trout and westslope cutthroat trout in that removing the treble hooks provides a more efficient and timely release of by-caught bull trout and westslope cutthroat trout. The “no intentional fishing for bull trout” portion is removed because that regulation is clearly stated in the standard regulation for bull trout (Page 25).

Whitefish: The “Whitefish: 100 daily and in possession” line is removed and reverts to the Western District Standard because mountain whitefish also occur in this section of the Flathead River; they are difficult to identify from lake whitefish and are a weak stock in the mainstem Flathead River. Additionally, the strong runs of lake whitefish out of Flathead Lake no longer occur. These changes also simplify the regulations.

Bull trout: All waters in the area are closed to angling for bull trout and all fish must be released promptly, with little or no delay unless otherwise authorized in the Western District Exceptions. Federal rules prohibit the attempted take of bull trout unless specifically authorized by state or tribal regulation.

### Management Plan Reference:

2.04 Flathead Lake. This proposal conforms to management direction outlined in the “Current Management Issues and Emphasis” sections of the drainages in Part II of the SFMP. This proposal is also

consistent with the broader division goal, “Manage game species in a way that provides recreational and sustainable harvest opportunities while minimizing conflicts”, described in Part I of the SFMP. And is consistent with the management of northern pike west of the continental divide as described in Management Direction for Individual Species or Groups of Species in Part I.

**Regulation Type:**

Clarification, Conservation, Relevancy, Management Plan

**Public Engagement:**

This proposal was included in a scoping meeting on 5/16/2023 at the Kalispell Regional Office. There was concern about by-catch of bull trout from the attending public. As part of this proposal, FWP also proposes to extend the single hook regulation to Flathead Lake to help in effective release of non-targeted bull trout and westslope cutthroat trout. Additional public input will be collected through this scoping effort and through outreach with local angling organizations.

**Interdivisional Review:**

Appropriate regional and headquarters staff reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 18: Gold Creek Remove Exceptions to District Standard

Page 36 delete:

### **GOLD CREEK (tributary to Blackfoot River)**

- ~~Catch and release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- Artificial lures only within 100-yard radius of mouth.

### **Rationale:**

This proposal will remove the exception for cutthroat trout (catch-and-release) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Gold Creek receives relatively little fishing pressure. Therefore, it is biologically appropriate to allow harvest opportunity consistent with the district standard (3 trout daily and in possession, none over 12 inches).

The proposal will also remove the exception for combined trout (3 trout daily and in possession, 1 rainbow trout over 14 inches and any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). Reverting to the district standard (5 trout daily and in possession, only 1 over 14 inches) will simplify the regulations by removing an exception. The district standard is still consistent with the management direction of maintaining the current abundance and size structure because fishing pressure is low.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 18: Conservation management for westslope cutthroat trout and quality management for rainbow and brown trout.

### **Regulation Type:**

Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review** (most likely input from Enforcement, but input from Com Ed, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 19: Hardtla Creek Remove Exceptions to District Standard

Page 36 delete:

### ~~HARDTLA CREEK (tributary to Georgetown Lake)~~

- ~~• Open July 1–November 30.~~
- ~~• Catch and release for brook trout.~~
- ~~• Combined trout: 5 daily and in possession.~~

**Rationale:** This regulation was put in place to be consistent with Georgetown Lake, but it is not necessary to protect the fishery in in Hardtla Creek. Hardtla Creek is a very small canal that feeds Georgetown Lake. It is a channel that delivers overflow from Silver Lake to Georgetown Lake and was used primarily to convey water to Georgetown Lake to store water during the operation of the Anaconda Smelter. It appears to capture some groundwater and flows perennially but it does not provide a significant fishery. Removing this exception and reverting to the standard stream fishing season and harvest regulations is sufficient to protect the fishery.

### **Management Plan Reference:**

Section 1.4.2, Page 46: “The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate.”

### **Regulation Type:**

Relevancy.

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic. Local angling groups will be engaged during the public scoping effort.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 20: Kootenai River Gear Restrictions

Page 37 add:

### KOOTENAI RIVER

#### Libby Dam to Highway 37 Bridge, near Fisher River

- Open June 1 through Feb. 28.
- Rainbow trout: 1 daily and in possession, 28 inch minimum length.
- *Single-pointed hooks only.*
- *Only circle hooks may be used when fishing with bait. See page 5 for description of single-pointed hooks and circle hooks.*

#### Rationale:

This stretch of river represents a unique opportunity to harvest trophy rainbow trout. Fish reaching 33 pounds (state record) have been caught. The current regulation requires the release of most (96% – 99% from creel surveys) fish caught using bait and/or lures. Bull trout comprise between 11% and 34% of the catch using bait, lures or a combination of bait/lures. Bull trout redd counts continue to decline in the Kootenai River. Gear restriction would reduce catch and release mortality of bull trout and sub-legal rainbow trout, promoting bull trout recovery and rainbow trout recruitment to trophy sizes in a one-of-a-kind trophy rainbow trout fishery.

#### Management Plan Reference:

Section 2.01, pgs. 3-4, 11-12, 19-20. Kootenai River Tailrace – Trophy Rainbow Trout Fishery

#### Regulation Type:

Conservation/management plan/other

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

Expected to see strong proponents and opponents for this proposal. The proposed regulation is aimed at not excluding current/historic resource users.



## Proposal 21: Landers Fork Gear Restriction

Page 38 delete and add:

### LANDERS FORK (tributary to Blackfoot River)

- ~~Catch and release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- *Downstream from Silver King Falls: Artificial lures only, including within 100-yards of the mouth.*
- *Downstream from Silver King Falls: catch-and-release for cutthroat trout.*

### Rationale:

The Landers Fork drainage is one of the few remaining strongholds for migratory bull trout in the Blackfoot River basin. Copper Creek and Snowbank Creek are the spawning tributaries in the Landers Fork drainage. Copper Creek is restricted to artificial lures only, but Snowbank Creek is not. The lower Landers Fork serves as a migration corridor and staging area for adult bull trout migrating to and from Copper and Snowbank creeks and is not restricted to artificial lures only. Bull trout populations in Copper Creek and Snowbank Creek have declined in recent years. This regulation seeks to minimize catch and release mortality associated with incidental capture of bull trout that can be higher with bait fishing. This regulation would make Landers Fork regulations consistent with fishing restrictions in other migratory bull trout drainages in the Blackfoot basin, such as Monture Creek.

Under the proposed regulations, Landers Fork would remain catch-and-release for cutthroat trout downstream from Silver King Falls, but would revert to the district standard above Silver King Falls (3 trout daily and in possession, none over 12 inches). Landers Fork downstream of Silver King Falls is an important area for migratory cutthroat trout spawning and rearing in the upper Blackfoot River drainage. The SFMP calls for enhancing the catch-and-release cutthroat trout fishery in the Landers Fork. This area above the falls is remote and receives very little fishing pressure. Therefore, it is biologically appropriate to provide harvest opportunity and remain consistent with the cutthroat trout conservation goals in the Landers Fork.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### Management Plan Reference:

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07, Page 8: In migratory bull trout strongholds, conservative management strategies will be maintained (e.g., terminal tackle restrictions).

Section 2.07 Page 13: Conservation management for bull trout in Landers Fork.

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

**Regulation Type:**

Conservation, Management Plan

**Public Engagement:**

This public scoping effort will be the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 22: Little Bitterroot Lake Remove Exception to District Standard

Page 39 delete:

~~LITTLE BITTERROOT LAKE aka Bitterroot Lake~~

- ~~• Kokanee salmon: 20 daily and 40 in possession, no more than 2 daily and 4 in possession over 12 inches.~~

**Rationale:**

This regulation was intended to protect large kokanee feeding on mysis shrimp on the bottom in deep water. Few anglers target this fishery and recent reports indicate that large kokanee are not being caught at depth. Anglers fishing in open water have complained that this regulation has limited their harvest in a fishery that this regulation was not intended to protect.

**Management Plan Reference:**

2.04 Flathead, Little Bitterroot Lake. Evaluate harvest limits to increase the average size at harvest without noticeably reducing catch rates in Ashley Lake. Maintain Little Bitterroot Lake and Ashley Lake as backup brood sources.

**Regulation Type:**

Relevancy, Management Plan

**Public Engagement:**

This scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 23: Monture Creek Cutthroat and Combined Trout

Page 40 add and delete:

### **MONTURE CREEK (tributary to Blackfoot River)**

- ~~Catch and release for cutthroat trout.~~
- ~~Downstream from the mouth of Yellowjacket Creek: catch-and-release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~
- Artificial lures only, including within 100-yard radius of the mouth.

### **Rationale:**

Under the proposed regulations, Monture Creek would remain catch-and-release for cutthroat trout downstream of Yellowjacket Creek, but revert to the district standard upstream of Yellowjacket Creek (3 trout daily and in possession, none over 12 inches). Monture Creek downstream of Yellowjacket Creek is an important area for migratory cutthroat trout spawning in the middle Blackfoot River drainage. The SFMP calls for enhancing the catch-and-release cutthroat trout fishery in the Monture Creek drainage. The area upstream of Yellowjacket Creek is remote and receives little fishing pressure. Therefore, providing harvest opportunity within the backcountry portion of Monture Creek is still consistent with cutthroat trout conservation goals.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference** (drainage, waterbody, language directly from the plan):

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type:**

Conservation, Management Plan

### **Public Engagement:**

This public scoping effort will be the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently

## Proposal 24: Nevada Creek Cutthroat Trout and Combined Trout

Page 40 add and delete:

### NEVADA CREEK (tributary to Blackfoot River)

- ~~Catch-and-release for cutthroat trout.~~
- ~~Downstream from Nevada Lake: Catch-and-release for cutthroat trout.~~
- ~~Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.~~

### Rationale:

Under the proposed regulations, Nevada Creek would remain catch-and-release for cutthroat trout downstream of Nevada Lake, but revert to the district standard upstream of Nevada Lake (3 trout daily and in possession, none over 12 inches). Lower Nevada Creek is a focal area for ongoing restoration efforts in the Blackfoot River watershed. Westslope cutthroat trout are patchily distributed and present at low to moderate densities. Lower Nevada Creek receives moderate angling pressure, which is concentrated in sections that have been restored. This also coincides with areas where westslope cutthroat trout abundance has increased. Maintaining the catch-and-release regulation downstream of Nevada Lake will help achieve cutthroat trout conservation objectives. The area upstream of Nevada Lake receives little fishing pressure. Therefore, it is biologically appropriate to provide harvest opportunity and remain consistent with the cutthroat trout conservation goals.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal 8). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### Management Plan Reference:

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 11: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### Regulation Type:

Conservation, Management Plan

### Public Engagement:

This public scoping effort is the first public outreach for this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 25: North Fork Blackfoot River Cutthroat Trout and Combined Trout

Page 41 add and delete:

### **NORTH FORK BLACKFOOT RIVER (tributary to Blackfoot River)**

#### **Downstream from the North Fork Falls**

- Artificial lures only, including within a 100-yard radius of the mouth.
- *Catch-and-release for cutthroat trout.*

#### **From North Fork Falls downstream to Highway 200 Bridge**

- Artificial lures only.
- Single point barbless hook lures only.

#### **Entire River**

- *Catch-and-release for cutthroat trout.*
- *Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.*

### **Rationale:**

Under the proposed regulations, the North Fork Blackfoot River would remain catch-and-release for cutthroat trout downstream from North Fork Falls, but revert to the district standard upstream of North Fork Falls (3 trout daily and in possession, none over 12 inches). The North Fork Blackfoot River is one of the most important areas for migratory cutthroat trout spawning and rearing. The SFMP calls for enhancing the catch-and-release cutthroat trout fishery in the North Fork Blackfoot River. The area above North Fork Falls is very remote and entirely within the Scapegoat Wilderness. It is biologically appropriate to provide harvest opportunity and remain consistent with cutthroat trout conservation goals because the area receives little fishing pressure. Moreover, the fishery above the falls is comprised of hybrids of rainbow, Yellowstone, and westslope cutthroat trout. FWP has been working towards a native trout conservation project that would suppress or eradicate the hybrid trout with piscicide and restock with pure westslope cutthroat trout. Allowing harvest above North Fork Falls would make regulations consistent with the long-term goal of suppressing or removing hybrid trout.

The proposal will also remove the exception for combined trout (3 trout daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout) and revert to the district standard (see Blackfoot River regulation, Proposal xx). This change will reflect the updated management direction in the SFMP that calls for liberal regulation management in the Blackfoot River and tributaries upstream of the Clearwater River. The current exception is more conservative than the district standard (5 trout daily and in possession, only 1 over 14 inches), so reverting to the district standard will be more consistent with the SFMP.

### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

Section 2.07 Page 13: Conservation management for westslope cutthroat trout and liberal regulations for rainbow and brown trout.

### **Regulation Type:**

Conservation, Management Plan

**Public Engagement:**

This public scoping effort will be the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 26: North Fork Flint Creek Combined Trout

Page 41 delete:

### **NORTH FORK FLINT CREEK (tributary to Georgetown Lake)**

- Open July 1 through November 30.
- Catch-and-release for brook trout.
- ~~Combined Trout: 5 daily and in possession.~~

#### **Rationale:**

The Combined Trout exception was put in place to be consistent with Georgetown Lake since North Fork Flint Creek is a tributary to Georgetown Lake. There is limited angling pressure in North Fork Flint Creek, but reverting to the standard regulation for Combined Trout would be expected to provide similar protection. Keeping the seasonal closure and brook trout restrictions will continue to protect larger trout, including some spawning adults.

#### **Management Plan Reference:**

Section 1.4.2, Page 46: "The FWP fisheries management philosophy is always to provide harvest opportunity where biologically appropriate."

#### **Regulation Type:**

Relevancy.

#### **Public Engagement:**

This public scoping effort is the first public outreach on this topic. Local angling groups will be notified during the public scoping period.

#### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

#### **Nonbiological Information:**

Few opponents to this change are expected, particularly since brook trout will remain catch and release.



## Proposal 27: Placid Creek Remove Exceptions to District Standards

Page 41 delete:

### PLACID CREEK (tributary to Placid Lake)

- ~~Kokanee salmon: 5 daily and in possession~~
- ~~Spearing: open for northern pike~~
- Snagging: open for kokanee salmon Oct 15 through Dec 31: 20 daily and 40 in possession

#### Rationale:

The kokanee salmon creel limits and northern pike spearing regulations were mistakenly added to Placid Creek exceptions. These are lake regulations and should be removed as exceptions under Placid Creek. The existing regulation related to kokanee snagging is appropriate.

Placid Creek does not support a viable kokanee fishery outside of the spawning period. Regulations for kokanee snagging are only applicable after Oct 15 when adult spawning congregations are present (addressed in existing exception listed for Placid Creek).

Northern pike have never been detected in Placid Creek and are unlikely to occur there if an unauthorized introduction results in population expansion in Placid Lake (addressed in exceptions listed for Placid Lake).

#### Management Plan Reference:

Backfoot River Drainage (Section 2.07)

Placid Creek (Table p.14)

Kokanee: Manage for quality harvest opportunities with high catch rates. This is addressed through the existing regulation exception that pertains to snagging.

#### Regulation Type:

Relevancy

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

None currently.

## Proposal 28: Snowbank Creek Gear Restriction and Cutthroat Trout

Page 43 add:

**SNOWBANK CREEK (tributary to Copper Creek, Blackfoot Drainage)**

- *Artificial lures only.*
- *Catch-and-release for cutthroat trout.*

**Rationale:**

Snowbank Creek supports one of the few remaining migratory bull trout populations in the Blackfoot River basin. The Snowbank Creek population has declined in recent years. This regulation would eliminate bait fishing and minimize catch and release mortality associated with incidental capture of bull trout. This regulation would make Snowbank Creek regulations consistent with fishing restrictions in other migratory bull trout spawning tributaries in the Blackfoot basin.

Under the current and proposed regulations, Snowbank Creek would remain catch-and-release for cutthroat trout. Snowbank Creek is an important area for migratory cutthroat trout spawning and the SFMP calls for enhancing the catch-and-release cutthroat trout fishery in the Copper Creek drainage.

**Management Plan Reference:**

Section 2.07, Page 8: In migratory bull trout strongholds, conservative management strategies will be maintained (e.g., terminal tackle restrictions).

Section 2.07 Page 13: Conservation management for bull trout and westslope cutthroat trout in the Copper Creek/Landers Fork drainage.

**Regulation Type:**

Conservation

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 29: South Fork Flathead River Artificial Lures

Page 44 change:

### **SOUTH FORK FLATHEAD RIVER**

**South Fork Flathead River and tributaries, including headwaters to confluence with Flathead River (does not include Hungry Horse Reservoir)**

- Single-pointed hooks only. ~~No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook. See page 5 for description.~~

**South Fork Flathead River upstream from Hungry Horse Reservoir (from Crossover Boat Ramp south and upstream to the confluence of Youngs and Danaher creeks)**

- Bull trout: catch-and-release from the third Saturday in May through July 31. A Hungry Horse/South Fork Flathead bull trout Catch Card must be in possession when fishing for bull trout. See bull trout under obtain a license for application information. All bull trout must be released promptly, with little or no delay. It is unlawful to possess a live bull trout for any reason. Angling for bull trout is not allowed in South Fork Flathead River tributaries or Big Salmon Lake.

**Meadow Creek Bridge to Spotted Bear foot bridge and tributaries**

- Catch-and-release for cutthroat trout.
- ~~Artificial lures only.~~

**Hungry Horse Dam downstream to mouth and tributaries**

- Catch-and-release for cutthroat trout.
- Rainbow trout: 5 daily and in possession.
- Extended season open Dec. 1 to third Saturday in May with artificial lures and/or maggots only.

### **Rationale:**

In 2020 FWP adopted regulations in all 3 Forks of the Flathead (North, Middle, and South Forks) that required anglers to use single-pointed hooks only. This regulation was a proactive measure to reduce handling stress on catch-and-release fisheries. This regulation still allowed all types of angling, but assists anglers in safely releasing fish. The “artificials only” exception can now be removed from the regulations, as the single-pointed hook regulation provides protection of fish that must be released.

See Proposal 1 for discussion of definition of single pointed hooks.

### **Management Plan Reference:**

South Fork Flathead River drainage (Section 2.02), South Fork Flathead River table (page 7) describes the catch-and-release fishery for bull trout and the management direction for westslope cutthroat trout (maintain numbers). The management direction table also describes monitoring westslope cutthroat for hook scars and population numbers associated with increased angler use.

### **Regulation Type:**

Relevancy, Clarification

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 30: Swan River Bull Trout

Page 45 delete:

### SWAN RIVER

- ~~No intentional fishing for bull trout.~~
- Catch-and-release for cutthroat trout.
- Closed to angling June 1 through Sept. 30 within a 300-yard radius of the Woodward Creek and Lion Creek stream mouths, unless posted at a greater distance.

### Piper Creek Bridge downstream to Swan Lake

- Artificial lures only.

### Swan Lake outlet downstream to the Highway 35 Bridge

- Open entire year.

### Rationale:

This exception is not necessary as the Western District Standard already states: All waters are closed to angling for bull trout and all fish must be released promptly, with little or no delay unless otherwise authorized in the Western District Exceptions. Federal rules prohibit the attempted take of bull trout unless specifically authorized by state or tribal regulation.

### Management Plan Reference:

Not necessary as these were clarifications that are no longer needed.

### Regulation Type:

Clarification, Relevancy

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 31: Vermillion River Cutthroat Trout

Page 45 add:

### **VERMILLION RIVER AND TRIBUTARIES**

- *Catch-and-release for cutthroat trout.*

#### **Rationale:**

In the Vermillion River non-native trout are dominant from China Gorge (bedrock chutes) between Canyon Creek and Cataract Creek downstream to the mouth (~ 5 river miles) and in the river above Vermilion Falls (~ 10 river miles). FWP data indicates non-native trout have become more abundant in both of these reaches, thereby displacing and reducing native cutthroat abundance. The section of the Vermillion River where westslope cutthroat trout are still the most abundant species occurs from upstream of China Gorge to Vermilion Falls (~6 river miles). Brook trout have been increasing in this section overtime as bull trout have been declining. There have been three major restoration projects that have taken place in this section of the river and three more slated projects (~1.5 miles of upcoming habitat restoration) in the coming years. Habitat improvements at times appears to be concentrating fish in these sections. The cutthroat trout in this portion of the Vermillion River represent a unique native fishery as most tributaries in the lower Clark Fork River drainage do not harbor large cutthroat, however they can exceed 16 inches in this portion of the river. Because the Vermillion offers a unique opportunity for larger wild westslope cutthroat trout, due to the increase in non-natives throughout the drainage, and because there are other species available for harvest, a catch and release regulation would help conserve and enhance this wild native trout fishery.

#### **Management Plan Reference:**

2.10 Lower Clark Fork

#### Page 3. Fisheries Management

“Native trout populations in many tributary streams are at risk due to competition and displacement by nonnative species and hybridization with nonnative species”. “Brown trout and brook trout have also expanded their distribution and abundance in many tributary streams and also pose a threat to native trout populations. Brown trout and brook trout outcompete and displace native trout”. “Proactive measures will be required to conserve many of these tributary populations”.

#### Page 8, Westslope Cutthroat Trout Conservation Opportunities.

“Introduced trout species such as brown trout and brook trout appear to be colonizing or becoming more abundant in tributary stream reaches that were historically only occupied by native trout, and most often only westslope cutthroat trout. The species has been extirpated throughout much of its historic distribution, and a proactive approach will be needed to conserve local and uniquely adapted populations within the Clark Fork basin”.

#### Pages 27-28, Vermilion River- Westslope Cutthroat Trout Management Direction.

“Maintain recreational angling opportunity”.

#### **Regulation Type:**

Conservation/management plan.

#### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 32: West Fork Thompson River Cutthroat Trout

Page 48 add:

### WEST FORK THOMPSON RIVER AND TRIBUTARIES

- Combined trout: 3 daily and in possession, none over 10 inches.
- Artificial lures only.
- *Catch-and-release for cutthroat trout.*

### Rationale:

Fish densities throughout the mainstem West Fork Thompson River are low to moderate. Non-native trout (Brook Trout, Brown Trout and Rainbow Trout) are becoming more abundant in the lower reaches which is concerning as we are worried about them becoming established in the middle and upper reaches of this high conservation value native fish stream (BULL and WCT). The West Fork Thompson River is very accessible for anglers as a forest road follows it for much of its course. Both migratory and stream-resident cutthroat trout use the West Fork Thompson River and its tributaries. The lower portion of Thompson River (~ 7 miles, C&R for WCT) directly below the West Fork confluence, is the only section of the river where anglers consistently catch cutthroat trout. Since there are no other large tributaries in this section of river, it is likely these fish may be coming from the West Fork Thompson River. Due to the presence of resident and migratory life histories, easy access, low to moderate densities of WCT, the upstream expansion of non-native trout in the drainage, and because there are other species available for harvest; a catch and release regulation would help conserve and enhance this wild native trout fishery.

### Management Plan Reference:

2.10 Lower Clark Fork

Page 3. Fisheries Management

“Native trout populations in many tributary streams are at risk due to competition and displacement by nonnative species and hybridization with nonnative species”. “Brown trout and brook trout have also expanded their distribution and abundance in many tributary streams and also pose a threat to native trout populations. Brown trout and brook trout outcompete and displace native trout”. “Proactive measures will be required to conserve many of these tributary populations”.

Page 8, Westslope Cutthroat Trout Conservation Opportunities.

“Introduced trout species such as brown trout and brook trout appear to be colonizing or becoming more abundant in tributary stream reaches that were historically only occupied by native trout, and most often only westslope cutthroat trout. The species has been extirpated throughout much of its historic distribution, and a proactive approach will be needed to conserve local and uniquely adapted populations within the Clark Fork basin”.

Page 20, West Fork Thompson River- Westslope Cutthroat Trout Management Direction.

“Continue to monitor distribution and status throughout the drainage. Identify populations to translocate and protect from non-native species encroachment”.

Page 18, Thompson River- Westslope Cutthroat Management Direction



“Continue catch-and-release in regulation in mainstem. Continue to monitor wild populations in tributaries”.

**Regulation Type:**

Conservation/management plan.

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 33: Whitefish Lake Remove Lake Trout Exception

Page 48 delete:

### **WHITEFISH LAKE**

- ~~Lake trout: 20 daily and in possession, only 1 over 36 inches. All fish 30 to 36 inches must be released.~~

### **Rationale:**

This regulation would simplify regulations by removing an exception. The slot limit does not appear to be effective at increasing the number of large lake trout.

### **Management Plan Reference:**

Flathead, 2.04. Flathead. Whitefish Lake, Page 10. General/ Restrictive Regulations, Provide angling harvest opportunity.

### **Regulation Type:**

Relevancy, Management Plan

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 34: Willow Creek Remove Exceptions to District Standard

Page 48 delete:

~~WILLOW CREEK (near Warm Springs)~~

~~From Stewart Street Bridge to the Warm Springs WMA~~

- ~~• Catch and release only.~~
- ~~• Artificial lures only.~~

### **Rationale:**

This regulation exception was put in place to protect spawning brown trout. However, current information doesn't suggest this is a brown trout spawning area. Additionally, this 0.8 mile stretch of Willow Creek is very small and on private property. Angling impacts are likely insignificant even if limited spawning activity is occurring. The fishery is mostly smaller, young fish of low interest to anglers.

### **Management Plan Reference:**

Section 1.0 Page 10 and 45. The management plan talks about managing for opportunity and achieving desired biological outcomes. This exception is limiting opportunity while not achieving any biological outcome.

### **Regulation Type:**

Relevancy

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic. FWP will inform local angling groups during the scoping period.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

The upper Clark Fork River brown trout fishery is struggling with a lack of recruitment. Deleting this exception could be viewed by some as being less protective of spawning brown trout. However, no spawning is known to occur in this area and this proposal is not expected to impact to the brown trout fishery.

## Central Fishing District

### Proposal 35: Armstrong Spring Creek Remove Exceptions to District Standard

Page 53 delete:

**~~ARMSTRONG SPRING CREEK~~**

- ~~• Catch and release only.~~
- ~~• Artificial lures only.~~

**Rationale:**

There's no biological justification for the existing exceptions especially when access to this stream is relatively limited compared to other tributaries.

**Management Plan Reference:**

These exceptions are not referenced in the SFMP.

**Regulation Type:**

Relevancy

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 36: Bynum Reservoir Gear Use

Page 58 delete:

Bynum Reservoir

- ~~Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.~~

### **Rationale:**

There is no biological justification to maintain this exception to the central district standard regulation. Current regulation was likely set to provide additional angler opportunity as the reservoir can support a 6-line regulation. However, other non-pike reservoirs in the Choteau area follow the central district standard. Bynum Reservoir is managed for trophy quality rainbow trout and yellow perch family fishing opportunity. For consistency across regional waterbodies, the central district standard regulation is appropriate. Reverting to the central district standard will improve clarity and simplify the regulations for the Teton River drainage.

### **Management Plan Reference:**

Teton River drainage, Section 2.23, pg. 9

The SFMP identifies specific management directives for the rainbow trout, kokanee, salmon, yellow perch, and walleye fisheries. Rainbow trout management directive is to “maintain opportunity for catching larger sized fish” and yellow perch management directive is to “restrict fishing contests to encourage yellow perch fishing opportunity for youth and families”.

### **Regulation Type:**

Relevancy.

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 37: Dearborn River Combined Trout

Page 59 delete:

### DEARBORN RIVER

- Open third Saturday in May through Nov. 30.

### Upstream from Hwy 434 Bridge in T18N R6W, Section 29

- Combined trout: 3 daily and in possession, only 1 over 12 inches.

### Rationale:

There is no biological justification to maintain the exception to the central district standard. Harvest is likely minimal in this section of the river. Changing the exception to the central district standard will simplify the regulations on the Dearborn River. Reverting to the central district standard will improve clarity by removing an exception for upstream of Hwy 434 and simplify the regulations for the Dearborn River.

### Management Plan Reference:

Section 2.20, Pages 8-9. Management priority for the Dearborn River is to “maintain resident and Missouri River spawning populations.” The Dearborn River is a major spawning tributary for rainbow trout. The current exception is not needed to remain protective of the fishery.

### Regulation Type:

Relevancy.

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 38: East Fork Hyalite Creek Remove Exceptions to District Standards

Page 59 delete:

### EAST FORK HYALITE CREEK

#### Above Hyalite Reservoir including East Fork Hyalite Creek and West Fork Hyalite Creek

- Open July 15 through Nov. 30
- Combined trout: all may be cutthroat trout.

#### Below Hyalite Reservoir

- Combined trout: all may be cutthroat trout.

### Rationale:

Recent otolith microchemistry studies revealed the Yellowstone cutthroat trout fishery in Hyalite Reservoir consisted of mostly wild fish. Hatchery-reared fish will no longer be used to supplement the fishery. Therefore, a more conservative approach to limit harvest of wild Yellowstone cutthroat trout during and after spawning is needed to maintain the fishery, which could be accomplished by reverting to the Central District Standard.

The exception Below Hyalite Reservoir should be maintained but removed here because the East Fork of Hyalite Creek is only found above the reservoir. It is unnecessary/redundant when mentioned under the East Fork and this regulation is mentioned under "Hyalite Creek."

### Management Plan Reference:

Section 2.18, Pg. 4-5 and 9: Mean lengths of Yellowstone cutthroat trout captured in gill nets might actually be negatively affected by stocking efforts. Moreover, a recent otolith microchemistry study revealed that almost 90% of the Yellowstone cutthroat trout analyzed were of wild origins. Therefore, FWP will cease stocking efforts and transition to a wild trout fishing in Hyalite Reservoir.

### Regulation Type:

Management Plan, Relevancy

### Public Engagement:

This public scoping effort is the first public engagement on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 39: Ennis Reservoir aka Ennis Lake Remove Exception to District Standard

Page 60 delete:

~~**ENNIS RESERVOIR aka Ennis Lake**~~

- ~~• Catch and release for arctic grayling~~

**Rationale:**

Active restoration efforts for Arctic grayling are no longer being pursued in or around Ennis Reservoir and no grayling have recently been observed, making this regulation unnecessary.

**Management Plan Reference:**

This exception is not mentioned in the SFMP.

**Regulation Type:**

Relevancy

**Public Engagement:**

This public scoping effort is the first public engagement on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.



## Proposal 40: Hauser Reservoir and Holter Reservoir Northern Pike Spearing

Page 61 and 66 add:

### **HAUSER RESERVOIR:**

#### **Including Canyon Ferry Dam tailwater and Lake Helena**

- Combined trout and kokanee salmon: 5 trout and kokanee salmon daily and in combination.
- Walleye: 10 daily, only 1 over 15 inches. Possession limit is twice the daily limit.
- Yellow perch: 10 daily and in possession July 1 through March 31; 1 daily and in possession, 14 inch minimum, April 1 through June 30.
- Northern pike: no limit.
- Catch-and-release for brown trout, except anglers 14 years of age or younger may take 1 brown trout daily and in possession, any size.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.
- *Spearing: open for northern pike through the ice.*

Page 61 and 66 add:

### **HOLTER RESERVOIR**

#### **Up to American Bar Gulch (approximately 4.6 miles downstream from Hauser Dam)**

- Catch-and-release for brown trout, except anglers 14 years of age or younger may take 1 brown trout daily and in possession, any size.
- Walleye: 5 daily, only 1 over 25 inches. Possession limit is twice the daily limit.
- Combined trout and kokanee salmon: 5 rainbow trout and kokanee salmon daily in any combination and 10 rainbow trout and kokanee salmon in possession in any combination.
- Yellow perch: 25 daily and 50 in possession.
- Northern pike: no limit.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.
- *Spearing: open for northern pike through the ice.*

### **Rationale:**

Northern pike are increasing in abundance in both reservoirs, and downstream of Holter Dam. Northern pike are a voracious predator with the ability to impact other fish species in the system. Management goal is to monitor and suppress northern pike from Toston Dam to Holter Dam and evaluate impact to other species. Northern pike harvest regulations are already No Limit and spearing for northern pike through the ice is already allowed in Canyon Ferry Reservoir. Allowing spearing for northern pike through the ice in Holter and Hauser will result in some increased harvest and allow for additional angling opportunity. Increased harvest may help to maintain other existing fisheries.

### **Management Plan Reference:**

Upper Missouri River Drainage:

Hauser Reservoir – Page 11: Northern Pike – Suppression – See Upper Missouri River Reservoir Fisheries Management Plan for species goals and strategies.

Holter Reservoir – Page 15: Northern Pike – Suppression – See Upper Missouri River Reservoir Fisheries Management Plan for species goals and strategies.

Upper Missouri River Reservoir Fisheries Management Plan – Page 29: Northern Pike –

Goal: Monitor and suppress the northern pike population from Toston Dam to Holter Dam and evaluate impacts to other species.

All Plan Area Sections: Additional management methods may be necessary to reduce pike populations (e.g., spearing, commercial fishing, required harvest during tournaments) following public review and/or FWP Fish and Wildlife Commission or MEPA process.

**Regulation Type:**

Conservation / Management Plan

**Public Engagement:**

This public scoping effort is the first public outreach on this topic. Individual anglers have expressed interest in the opportunity to spear pike through the ice on these reservoirs.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

A similar regulation was implanted on Canyon Ferry Reservoir and was widely supported.

## Proposal 41: Hidden Lake aka Our Lake Remove Exception to District Standard

Page 61 delete:

~~Hidden Lake aka Our Lake (Teton County)~~

- ~~● Combined trout: 3 daily and in possession.~~

Page 67 delete:

~~Our Lake aka Hidden Lake (Teton County)~~

- ~~● Combined trout: 3 daily and in possession.~~

### **Rationale:**

Our Lake is an alpine lake that receives moderate regional angler pressure. The westslope cutthroat trout fishery is dependent on biennial stocking. The current regulation was set up conservatively to promote opportunity for larger sized fish. However, there is no biological justification to maintain the exception to the central district standard as the fishery is stable and harvest is limited. Reverting to the central district standard will improve clarity and simplify the regulations within the Teton River drainage.

### **Management Plan Reference:**

Teton drainage, Private/Public Ponds with public access, Section 2.23, pg. 10

Our Lake is not specifically listed within the SFMP. It falls under private/public ponds and the management directive is to “maintain existing pond fisheries available to the public for harvest”.

### **Regulation Type:**

Relevancy

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 42: Hyalite Creek Cutthroat Trout

Page 62 delete:

### HYALITE CREEK and TRIBUTARIES

#### Above Hyalite Reservoir including East Fork Hyalite Creek and West Fork Hyalite Creek

- Open July 15 through Nov. 30
- Combined trout: all may be cutthroat trout.

#### Below Hyalite Reservoir

- Combined trout: all may be cutthroat trout.

### Rationale:

Recent otolith microchemistry studies revealed the Yellowstone cutthroat trout fishery in Hyalite Reservoir consisted of mostly wild fish. Hatchery-reared fish will no longer be used to supplement the fishery. Therefore, a more conservative approach to limit harvest of wild Yellowstone cutthroat trout during and after spawning is needed to maintain the fishery, which could be accomplished by reverting back to the Central District Standard.

### Management Plan Reference:

Section 2.18, Pg. 4-5 and 9: Mean lengths of Yellowstone cutthroat trout captured in gill nets might actually be negatively affected by stocking efforts. Moreover, a recent otolith microchemistry study revealed that almost 90% of the Yellowstone cutthroat trout analyzed were of wild origins. Therefore, FWP will cease stocking efforts and transition to a wild trout fishing in Hyalite Reservoir.

### Regulation Type:

Management Plan

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 43: Tiber Reservoir aka Lake Elwell Spearing

Page 62 delete:

### **LAKE ELWELL aka Tiber Reservoir**

- Cisco and whitefish: all fish must be released immediately or killed and counted as part of your limit. It is unlawful to possess live cisco or whitefish for any reason.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.
- Spearing: open for non-game fish, northern pike, **and** walleye, **and burbot (ling)** through the ice and by persons swimming or submerged.

Page 70 delete:

### **TIBER RESERVOIR aka Lake Elwell**

- Cisco and whitefish: all fish must be released immediately or killed and counted as part of your limit. It is unlawful to possess live cisco or whitefish for any reason.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.
- Spearing: open for non-game fish, northern pike, **and** walleye, **and burbot (ling)** through the ice and by persons swimming or submerged.

### **Rationale:**

Burbot are a native game species within Tiber Reservoir but overall abundances are low likely due to high susceptibility to walleye and northern pike predation. Due to low relative abundances, additional angler opportunity is unwarranted. Removing burbot from permitted species for spearing through the ice still meets the SFMP directive as anglers can still target burbot through traditional angling.

### **Management Plan Reference:**

Marias drainage, Tiber Reservoir, Section 2.26, pgs.14 and 15.

The SFMP management directive for burbot within Tiber Reservoir is to “manage for consumptive harvest”.

### **Regulation Type:**

Conservation.

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 44: Lake Frances Burbot Spearing

Page 62 delete:

### LAKE FRANCES

- Closed entire year around the water supply outlet as posted.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.
- Spearing: open for non-game fish, northern pike, **and** walleye, **and burbot (ling)** through the ice.

### Rationale:

Burbot are a native game species within Lake Frances, but overall abundances are low likely due to high susceptibility to walleye and northern pike predation. Due to low relative abundances, additional angler opportunity is unwarranted. Removing burbot from permitted species for spearing through the ice still meets the SFMP directive as anglers can still target burbot through traditional angling.

### Management Plan Reference:

Marias River drainage, Lake Frances, Section 2.26, pg. 13

The SFMP management directive for burbot within Lake Frances is to “manage for consumptive harvest”.

### Regulation Type:

Conservation.

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 45: Lake Sutherlin Burbot

Page 62 add:

### LAKE SUTHERLIN

#### Including inlet areas on state land

- Snagging: open for kokanee salmon Oct. 1 through Dec. 31, 35 daily and 70 in possession.
- **Burbot (ling): 3 daily and in possession. Only 1 over 30 inches.**

#### Rationale:

There is concern that burbot in Newlan Creek Reservoir and Sutherlin will become overfished under the current regulations. Both waterbodies have seen increased angler use in the past decade. Specifically, burbot fishing has become increasingly popular. The fisheries provide burbot angling opportunities to several large population areas including Great Falls, Bozeman, Livingston, Helena, and Billings. Overfishing would lead to fewer and/or smaller burbot, as seen in other Montana burbot fisheries that have experienced overfishing. Reducing the daily limit to 3 would reduce overall burbot harvest. Based on tagging and creel studies, over 10% of burbot tagged in spring and fall were harvested during the subsequent ice fishing season. Allowing the harvest of only one fish over 30 inches will help maintain the trophy component that currently exists in both reservoirs. Also, large fish (30+ inches) contribute heavily to reproduction and genetics; the loss of large fish would likely result in fewer fertilized eggs and possibly lower recruitment. Based on aging data, a 30-inch burbot could range from age 7 to 15. Maximum ages have been documented up to 17 in Newlan Reservoir and 13 in Lake Sutherlin; thus, it could take a decade or longer to restore a trophy fishing component once it is lost.

#### Management Plan Reference:

Smith River drainage:

page 10, Newlan Creek Reservoir:

Burbot - "Maintain population and recreational fishery for consumptive harvest."

Habitat needs and activities: "Adjust regulations and stocking plans as needed."

Page 9, Smith River (Sutherlin) Reservoir:

Burbot - "Maintain population and recreational fishery for consumptive harvest."

Habitat needs and activities: "Adjust regulations and stocking plans as needed."

#### Regulation Type:

Conservation / Management plan

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

None currently.

## Proposal 46: Marias River Remove Exceptions to District Standards

Page 64 delete:

Marias River

- ~~Combined trout: 5 daily and in possession, only 1 over 18 inches.~~
- ~~Mountain whitefish: 35 daily and in possession.~~
- ~~Hook and Line/Setlines: 2 lines with up to 2 hooks per line all year.~~

### **Rationale:**

Combined Trout Exception: There is no biological justification to maintain an exception to the central district standard. Trout populations and harvest have remained stable. Removing this exception to the central district standard will assist in simplifying the regulations on the Marias River. Reverting to the central district standard will improve clarity and simplify the regulations for the Marias River.

Mountain Whitefish Exception: There is no biological justification to maintain the exception to the central district standard. Mountain whitefish populations and harvest have remained stable. Removing this exception to the central district standard will assist in simplifying the regulations on the Marias River. Reverting to the central district standard will improve clarity and simplify the regulations for the Marias River.

Hook and Line/Setline Exception: There is no biological justification for this exception to the central district standard. Angler opportunity on the Marias River within the central district can be maintained with the central district standard of 1 line with 2 hooks per line. Reverting to the central district standard will improve clarity and simplify the regulations for the Marias River.

**Management Plan Reference** (drainage, waterbody, language directly from the plan):

Marias River drainage, Marias River, 2.26 Marias River Drainage/Pages 14-16.

Combined Trout Exception: SFMP management direction for the Marias River brown trout and rainbow trout within the central district is to “maintain a recreational fishery with some consumptive harvest.”

Mountain Whitefish Exception: SFMP management direction for the Marias River mountain whitefish within the central district is to “maintain population within historic levels”.

Hook and Line/Setline Exception: SFMP management direction for the Marias River fisheries within the central district is primarily to “maintain a recreational fishery with some consumptive harvest” or “maintain populations within historic levels”.

### **Regulation Type:**

Relevancy

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**



None currently.

## Proposal 47: Missouri River – Toston Dam to Canyon Ferry Walleye

Page 65 change:

### MISSOURI RIVER

#### Confluence of Madison and Jefferson Rivers to Holter Dam

- Northern pike: no limit

#### Toston Dam Reservoir (Toston Dam to approximately 1 mile upstream)

- Northern pike: no limit. Spearing allowed through the ice only.

#### Toston Dam to Canyon Ferry Reservoir (*Toston Dam downstream to Highway 287 Bridge north of Townsend*)

- *Localized Big Springs* spawning areas closed as posted from March 1 through June 15.
- Catch-and-release for brown trout, except anglers 14 years of age or younger may take 1 brown trout daily and in possession, any size.
- ~~Walleye: 10 daily, only 1 over 15 inches. Possession limit is twice the daily limit.~~
- Northern pike: no limit.

#### CANYON FERRY RESERVOIR (*Highway 287 Bridge North of Townsend downstream to Canyon Ferry Dam*)

- Catch-and-release for brown trout, except anglers 14 years of age or younger may take 1 brown trout daily and in possession, any size.
- Yellow perch: 10 daily and in possession
- Walleye: 10 daily, only 1 over 15 inches. Possession limit is twice the daily limit.
- Northern pike: no limit. Spearing allow through the ice only.
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

### Rationale:

Spawning closure: The proposed regulation clarifies the location of the existing exception to provide anglers with a better understanding of exactly where the spawning closure is located.

Walleye: Since walleye were first captured during spring electrofishing efforts in 2007, the average size of walleye gradually increased from 2015 to 2023 and over 50% of walleye typically exceed 15 inches in length. Therefore, the current regulation limits harvest opportunity, despite a higher overall limit of 10 fish, because much of the population exceeds the current 15" limit. Brown trout and rainbow trout abundances fluctuate above and below their respective goals identified in the Upper Missouri River Reservoir Fisheries Management Plan (UMRRFMP). Adopting the central district standard regulation of five walleye with no size restriction would provide additional harvest opportunities for anglers while reducing predation on juvenile rainbow and brown trout while also reducing competition for prey such as longnose dace, fathead minnow, and sculpin. The number of walleye migrating into the Missouri River represents a small proportion of the total Canyon Ferry population so FWP staff do not believe harvest of walleye in the Missouri River will significantly affect the reservoir fishery.

Walleye were the targeted species of 65% of the 197 anglers interviewed during 2023 creel surveys on the Missouri River upstream of Canyon Ferry. FWP tags walleye during spring sampling efforts. Tags are reported from less than 10% of tagged fish indicating harvest is relatively low, but compliance with angler tag returns is unknown. About 30% of the 468 walleye caught by interviewed anglers were harvested with 76% of those fish being under 15 inches. Trout were found in 7% of the 52 walleye stomachs collected during creel surveys and electrofishing efforts.

**Management Plan Reference:**

Section 2.19, Pg. 3 and 9: “The Missouri River from Toston Dam to Canyon Ferry Reservoir is also managed as a wild trout fishery with migrating walleye and hatchery rainbow trout from Canyon Ferry supplementing the sport fishery.”

From UMRRFMP: “Species Goals and Strategies: The goal for managing the Missouri River between Toston Dam and Canyon Ferry Reservoir is to provide naturally reproducing brown and rainbow trout populations in the Missouri River and associated tributaries for recreational fishing opportunities...In addition, a migratory walleye population (Strainer 2018) increasingly provides recreational fishing opportunities in the main stem Missouri River from approximately April through October; however, the walleye can impact trout populations through this river section. The goal for this section of the plan is to maintain the current multi-species fish assemblage.”

**Regulation Type:**

Clarification, management plan

**Public Engagement:**

A similar proposal was presented to the UMRRFMP CAC on December 14, 2022. Another public meeting in Townsend during Fall 2022 provided walleye advocates to ask questions regarding the proposed change in the walleye harvest regulation. In addition, a general discussion of walleye regulation proposals took place at the Upper Missouri Reservoir Public Update in meeting in April 2023, but no specifics were available to discuss a detailed proposal at the meeting. The regulation was considered but not acted on by the Commission in the fall of 2023.

The proposed regulation change was presented to the UMRRFMP CAC on December 19, 2023. Public meetings in Bozeman and Helena or Townsend are planned for the public scoping period to discuss the current proposal.

**Interdivisional Review:**

Appropriate regional and headquarters staff reviewed this proposal. The reservoir and river boundary was specifically discussed with Enforcement staff and determined that the highway bridge defines a clear boundary between the river and Canyon Ferry and that differing harvest regulations above and below the bridge are enforceable.

**Nonbiological Information:**

Walleyes Unlimited and many unaffiliated walleye anglers have expressed concerns with the proposed regulation change or do not support the proposed change. This proposal or similar versions have received mixed reviews from UMRRFMP CAC members with no universal support for the proposal.

## Proposal 48: Missouri River – Holter Dam to Black Eagle Dam Walleye

Page 66 delete:

### ~~Holter Dam to Cascade Bridge~~

- ~~• Combined trout: 3 daily and in possession, only 1 over 18 inches, and only 1 may be a brown trout.~~
- ~~• Walleye: 20 daily and 40 in possession.~~
- ~~• Northern pike: no limit.~~

### ~~Cascade Bridge to Black Eagle Dam~~

- ~~• Walleye: 10 daily and 20 in possession.~~
- ~~• Northern pike: no limit.~~

Page 66 add:

### **Holter Dam to Black Eagle Dam**

- Combined trout: 3 daily and in possession, only 1 over 18 inches, and only 1 may be a brown trout.**
- Walleye: 10 daily and 20 in possession.**
- Northern pike: no limit.**

### **Rationale:**

SFMP direction is to prioritize management of trout populations to maintain historic levels with a sustainable proportion of large trout. Management direction for walleye is to provide high harvest opportunities above the district standard to protect the wild trout fishery. Reducing the exception to 10 daily and 20 in possession simplifies regulations for the Missouri River and matches the exception for downstream of Cascade. During the last creel survey (2015-16), 25 anglers were interviewed that kept walleye and none harvested more than 10 walleye.

### **Management Plan Reference:**

Section 2.20, Page 8. Management direction for trout in the Missouri River is to “maintain trout populations numbers within range observed since 1982 and with a sustainable proportion of larger sized fish available to anglers.” Management direction for walleye in the Missouri River is to “provide high harvest opportunities above the Central District standard daily and possession limits to protect wild trout fisheries.”

### **Regulation Type:**

Relevancy.

### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

High walleye bag limits in this river section have been controversial in the past, with vocal opponents and proponents.

## Proposal 49: Nelson Spring Creek Remove District Exceptions

Page 67 delete:

~~**NELSON SPRING CREEK**~~

- ~~• Catch and release only.~~
- ~~• Artificial lures only.~~

**Rationale:**

There's no biological justification for the existing exceptions especially when access to this stream is relatively limited compared to other tributaries.

**Management Plan Reference:**

These exceptions are not referenced in the SFMP.

**Regulation Type:**

Relevancy.

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 50: Newlan Creek Reservoir Kokanee Salmon Snagging and Burbot Limit

Page 67 delete and add:

### NEWLAN CREEK RESERVOIR

(Including a 400-yard reach of inlet stream from the mouth up to a concrete water weir, and a 120-yard reach from the dam outlet down to Secondary Highway 259 culvert crossing)

- Snagging: open for kokanee salmon Oct. 1 through Dec. 31; 35 daily and 70 in possession.
- *Burbot (ling): 3 daily and in possession. Only 1 over 30 inches.*

### Rationale:

Kokanee Salmon Snagging: Kokanee are not present in the outlet area. This part of the exception is unnecessary and creates confusion with the public, creating an expectation that kokanee will be present in this area.

Burbot Bag Limit: There is concern that burbot in Newlan Creek Reservoir and Sutherlin will become overfished under the current regulations. Both waterbodies have seen increased angler use in the past decade. Specifically, burbot fishing has become increasingly popular. The fisheries provide burbot angling opportunities to several large population areas including Great Falls, Bozeman, Livingston, Helena, and Billings. Overfishing would lead to fewer and/or smaller burbot, as seen in other Montana burbot fisheries that have experienced overfishing. Reducing the daily limit to 3 would reduce overall burbot harvest. Based on tagging and creel studies, over 10% of burbot tagged in spring and fall were harvested during the subsequent ice fishing season. Allowing the harvest of only one fish over 30 inches will help maintain the trophy component that currently exists in both reservoirs. Also, large fish (30+ inches) contribute heavily to reproduction and genetics; the loss of large fish would likely result in fewer fertilized eggs and possibly lower recruitment. Based on aging data, a 30-inch burbot could range from age 7 to 15. Maximum ages have been documented up to 17 in Newlan Reservoir and 13 in Lake Sutherlin; thus, it could take a decade or longer to restore a trophy fishing component once it is lost.

### Management Plan Reference:

Smith River drainage:

page 10, Newlan Creek Reservoir:

Burbot - "Maintain population and recreational fishery for consumptive harvest."

Habitat needs and activities: "Adjust regulations and stocking plans as needed."

Section 2.21, Page 10. The kokanee fishery is management direction is to "Maintain recreational fishery for consumptive harvest by continued stocking."

### Regulation Type:

Conservation / Management plan, Relevancy

### Public Engagement:

This public scoping effort is the first public outreach on this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 51: Odell Creek Remove District Exception

Page 67 delete:

**~~ODELL CREEK (Red Rock River drainage)~~**

- ~~• Combined trout: all may be cutthroat trout~~

**Rationale:**

The cutthroat trout upstream of Upper Red Rock Lake are a mixture of fish with and without conservation value. The SFMP prescribes: Manage fish density through angler harvest to maintain fish growth and, in some instances, to ensure they are not limiting the viability of westslope cutthroat trout populations. This exception was a holdover from the Yellowstone cutthroat trout suppression associated with the Adaptive Management Plan (AMP) but is no longer needed. However, there are westslope cutthroat trout in the headwaters of the drainage so the standard district regulation is most appropriate in this situation.

**Management Plan Reference:**

Section 2.11, Pg. 6-7: The AMP has identified that over-winter habitat in Upper Red Rock Lake is the primary driver for Centennial Valley Arctic grayling and management strategies that increase area of suitable habitat are most likely to improve grayling abundances." Therefore, continued suppression of hybrid cutthroat is no longer needed.

**Regulation Type:**

Management Plan, relevancy

**Public Engagement:**

This public scoping effort is the first public outreach on this topic. .

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.



## Proposal 52: Otter Lake Combined Trout

Page 67 delete:

### OTTER LAKE (Madison County)

- Open June 15 through Nov. 30.
- ~~Combined trout: 1 rainbow trout daily and in possession.~~

#### **Rationale:**

There is no biological justification for maintaining the existing exception especially when considering that harvest is relatively low as indicated by FWP's recent Angling Pressure Surveys.

#### **Management Plan Reference:**

Not included in the SFMP.

#### **Regulation Type:**

Relevancy

#### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

#### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

#### **Nonbiological Information:**

None currently.

## Proposal 53: Ruby River Seasonal Closure

Page 68 add:

### RUBY RIVER

#### Upstream from Ruby Reservoir

- Combined trout: all may be cutthroat trout.

#### **Confluence with Sweetwater Creek to Ruby Reservoir**

- **Open third Saturday in May through November 30.**

#### Downstream from Ruby Dam

- Catch-and-release for rainbow trout.
- Closed entire year just below Ruby Dam (that portion of the Ruby River from its confluence with the Ruby Dam outlet channel upstream to the dam, including the outlet channel).

#### Ruby Dam to Alder Bridge (Ruby Island FAS)

- Catch-and-release for brown trout.
- Open April 1 through Sept. 30.

#### Alder Bridge (Ruby Island FAS) to the Mouth

- Brown trout: 1 daily and in possession, must be less than 18 inches.

### Rationale:

Otolith microchemistry research determined hatchery or wild origin of Ruby River Reservoir rainbow trout indicated between 44% and 100% were wild fish spawned in tributaries; the average wild contribution by sampling year was 75% and by cohort was 78%. FWP annually stocks between 55,000 and 65,000 rainbow trout in Ruby River Reservoir. Recruitment of rainbow trout to Ruby River Reservoir is uneven among years and there has been increased angler effort targeting spawning fish in tributaries to the reservoir. Seasonal closures (December 1 to the third Saturday in May) are recommended in the Ruby River between the reservoir and Sweetwater Creek and closures on tributaries to the reservoir will remain in place (Garden, Peterson, Barton Gulch, and Davey creeks). Seasonally closing areas where rainbow trout spawn is intended to improve recruitment of wild fish to the reservoir fishery by reducing harvest and catch-and-release mortality of adult fish and angler redd trampling mortality of embryos. That approach is also intended to improve wild brown trout abundances in the reservoir.

### Management Plan Reference:

Section 2.12 Ruby River Drainage. The language above comes directly from the plan.

### Regulation Type:

Management Plan

### Public Engagement:

This proposal was scoped previously but was mistakenly not submitted by the region. The accompanying regulation (closure of Ruby River tributaries) was submitted and adopted in the 2024 Fishing Regulations.

### Interdivisional Review:

This regulation was scoped last year but was mistakenly not submitted by the region. The accompanying regulation (closure of Ruby River tributaries) was submitted and approved.

### Nonbiological Information:

There was no controversy associated with implementation of a similar regulation on other Ruby Reservoir tributaries and this mirrors a regulation that has been in place on Clark Canyon Reservoir for many years without controversy or organized advocacy in opposition.

## Proposal 54: Sawtooth Lake Remove Exception to District Standard

Page 68 delete:

~~SAWTOOTH LAKE (Beaverhead River drainage)~~

- ~~● Combined trout: 1 golden trout daily and in possession.~~

### **Rationale:**

Golden trout no longer inhabit Sawtooth Lake after being replaced by brook trout.

### **Management Plan Reference:**

Not mentioned in the SFMP

### **Regulation Type:**

Relevancy

### **Public Engagement:**

This public scoping effort is the first public outreach for this topic.

### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

### **Nonbiological Information:**

None currently.

## Proposal 55: Sunny Slope Canal Combined Trout

Page 70 delete:

### SUNNY SLOPE CANAL

#### Downstream from Pishkun Reservoir

- Catch-and-release for arctic grayling.
- Combined trout: 5 daily and in possession.

#### Rationale:

Any trout within the Sunnyslope Canal are escaped from Pishkun Reservoir or Pishkun Supply Canal system. Central district standard is an appropriate regulation for this system. Reverting to the central district standard will improve clarity and simplify the regulations within the Sun River drainage.

#### Management Plan Reference:

Sun River drainage, Sunnyslope Canal. Section 2.23, pg. 10.

Rainbow trout are not specifically listed in the SFMP for the Sunnyslope Canal as they are not considered an established population.

#### Regulation Type:

Relevancy

#### Public Engagement:

This public scoping effort is the first public outreach on this topic.

#### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

#### Nonbiological Information:

None currently.

## Proposal 56: West Fork Hyalite Creek Remove Exceptions to District Standards

Page 71 delete:

### WEST FORK HYALITE CREEK

#### Above Hyalite Reservoir including East Fork Hyalite Creek and West Fork Hyalite Creek

- Open July 15 through Nov. 30
- Combined trout: all may be cutthroat trout.

#### Below Hyalite Reservoir

- Combined trout: all may be cutthroat trout.

### Rationale:

Recent otolith microchemistry studies revealed the Yellowstone cutthroat trout fishery in Hyalite Reservoir consisted of mostly wild fish. Hatchery-reared fish will no longer be used to supplement the fishery. Therefore, a more conservative approach to limit harvest of wild Yellowstone cutthroat trout during and after spawning is needed to maintain the fishery, which could be accomplished by reverting back to the Central District Standard.

The exception Below Hyalite Reservoir should be maintained but removed here because the West Fork of Hyalite Creek is only found above the reservoir. It is unnecessary/redundant when mentioned under the West Fork and this regulation is mentioned under "Hyalite Creek."

### Management Plan Reference:

Section 2.18, Pg. 4-5 and 9: Mean lengths of Yellowstone cutthroat trout captured in gill nets might actually be negatively affected by stocking efforts. Moreover, a recent otolith microchemistry study revealed that almost 90% of the Yellowstone cutthroat trout analyzed were of wild origins. Therefore, FWP will cease stocking efforts and transition to a wild trout fishing in Hyalite Reservoir.

### Regulation Type:

Management Plan, relevancy

### Public Engagement:

This public scoping effort is the first public outreach for this topic.

### Interdivisional Review:

Appropriate regional and headquarters staff have reviewed this proposal.

### Nonbiological Information:

None currently.

## Proposal 57: West Fork Madison River Remove Exceptions to District Standards

Page 71 delete:

**~~WEST FORK MADISON RIVER~~**

- ~~• Catch and release for rainbow trout.~~

**Rationale:**

There's no biological justification for this exception. Angling pressure during rainbow trout spawning season is low and the remaining rainbow trout population targeted by anglers during the summer likely consists of predominantly resident fish, which minimizes potential impacts to the nearby Madison River fishery.

**Management Plan Reference:**

Not mentioned in the SFMP.

**Regulation Type:**

Relevancy

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Eastern Fishing District

### **Proposal 58: Eastern Fishing District Rivers and Streams for Live Baitfish Collection**

Page 76 change:

**Rivers and Streams:** All streams and rivers in the Eastern Fishing District except:

Milk River and its tributaries upstream from Fresno Dam.

Beaver Creek upstream from Beaver Creek Reservoir.

- *These waters are not open to the use of live bait but are open to the collection of legal baitfish for use elsewhere.*

**Rationale:**

This is clarifying language that identifies all rivers and streams are open to the collection of live bait in the Eastern District, even in those streams/rivers where no live baitfish can be used by bait.

**Management Plan Reference:**

None.

**Regulation Type:**

Clarification/enforcement

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.



## Proposal 59: Paddlefish Regulations

Page 77-79 add/change/delete:

River	River Section	Color	Season Dates	Harvest Days	C&R Days
Missouri River	Ft Peck Dam to Ft Benton	white	May 1 - Jun 15	all	all
	Ft Peck Dredge Cuts - no snagging	blue	July 1 - Aug 31	all- bow & arrow harvest only	none
	Ft Peck Dam to ND Line	yellow-green	May 15 - Jun 15	all	none
Yellowstone River	Tongue-Bighorn R to Calypso Bridge Intake Dam	yellow	May 15 - Jun 15 30	Tue, Wed, Fri, Sat	none Sun, Mon, Thur
	Intake FAS	yellow	May 15 - Jun 30	Tue, Wed, Fri, Sat	Sun, Mon, Thur
	Glendive Black Bridge Downstream of Intake FAS to ND Line	yellow	May 15 - Jun 15 30	Tue, Wed, Fri, Sat	none Sun, Mon, Thur

FAS = Fishing Access Site                      C&R = Catch and Release

### General Paddlefish Regulations for ALL Areas

- Each angler must cast for, hook and reel in ~~his or her~~ their own paddlefish. It is unlawful for another person to do so. It is unlawful to loan ~~tags~~ or use another angler's tag.
- ~~It is unlawful to snag paddlefish via boat trolling; casting from an anchored or drifting boat is lawful.~~
- Any fish other than paddlefish caught while paddlefishing ~~ing snagging~~ must be immediately released alive.
- Bow and Arrow: lawful on harvest days in sections of river open to harvest or in a bow fishing only area; unlawful for catch and release.
- Hook size is limited to 8/0 ~~and or~~ smaller, ~~and only one hook per line allowed~~ for ~~all~~ paddlefish snagging.
- Gaffs, no longer than 4.5 feet in length, may be used to land a paddlefish that will be harvested. Gaffs ~~may not be used unlawful~~ to land a paddlefish that will be released.
- Any angler tag locked shut prior to attachment to a paddlefish shall be void and is not replaceable. Any altered or modified tag shall be void.  
**Voided or lost tags are not replaceable.**
- ~~Harvested~~ paddlefish must be tagged immediately ~~upon harvest.~~
- ~~When a paddlefish is captured and tagged, the fish must be~~ removed from the river by the end of the day (9:00 p.m. MST).

- **Mandatory Harvest Reporting:** Anglers are required to report the harvest of any paddlefish according to the specific reporting time and methods listed under Standard Paddlefish Regulations for each tag area within 48 hours of harvest.
- Reporting options include on-site at fisheries check station or roving crews, phone hotline (1-877-FWP-WILD or 406-444-0356), or online at myfwp.mt.gov.
- - Anglers reporting a harvested paddlefish will provide the following information: Angler tag number, jaw tag number (if present), length (eye to tail fork), sex, date of harvest, and harvest location. Additional information that may be collected on-site includes weight and age structure (jaw section).
- Anglers not reporting a harvested paddlefish will not be eligible to purchase a paddlefish tag the following year.
- It is unlawful to possess an untagged paddlefish or part of one. If anglers fillet a paddlefish, they must keep the part of retain the fish back and dorsal fin (back top fin) where the tag is attached and sealed to the fish.
- Angler tag must remain with processed fish until consumed.
- It is unlawful for an individual to sell any portion of a paddlefish including eggs (processed or unprocessed) as prescribed by the Fish & Wildlife Commission.

### Tagging a Paddlefish

- Cut a small hole in the base of the dorsal fin.
- Insert the metal loop portion of the plastic self-locking tag through this hole and seal tag.
- The metal loop must penetrate the fish so as to make the plastic self-locking tag non-removable when tag is sealed.
- The plastic self-locking tag must be completely sealed so it cannot be reopened or removed from the fish. Any fish not tagged in accordance with these instructions shall be considered to be untagged.



### Standard Paddlefish Regulations

**Daily and Possession Limits and Tags:** One paddlefish per season per angler. Anglers may select only one of the following four three areas, and may only fish in the area selected:

#### 1) Missouri River upstream from Fort Peck Dam to Fort Benton (White Tag)

Upper Missouri paddlefish Drawing: paddlefish harvest tags will be available

via lottery draw for the Upper Missouri River paddlefish season (White Tag). Anglers need to apply individually or as a party (up to five people). Applications can be submitted either on-line at [fwp.mt.gov](http://fwp.mt.gov) or at an FWP office. You may purchase one bonus point per year; either at the time of application or between July 1 and Sept. 30 of the current year. If you do choose to purchase a bonus point at the time of application, you may not purchase one from July - September.

- Applications must be received by FWP no later than 5:00 p.m. March 21, 2025 and March 20, 2026.
- Unsuccessful applicants can still catch snag and release paddlefish with their Conservation, Fishing and Paddlefish Licenses.
- Paddlefish Snagging: open May 1 to June 15 from 6:00 a.m. to 9:00 p.m. (MST) daily.
- Catch and release snagging: open May 1 to June 15 from 6:00 a.m. to 9:00 p.m. Proof of purchase of a white (or Upper Missouri River) paddlefish License is required for catch and release fishing.
- All paddlefish caught while catch and release fishing must be released immediately, may not be gaffed, and must remain at least partially submerged in water at all times to avoid injury to the fish.
- **Mandatory harvest reporting:** Within 48 hours of harvest, options include on-site at fisheries check station, phone hotline (1-877-FWP-WILD or 406-444-0356), or online at [myfwp.mt.gov](http://myfwp.mt.gov).
  - Anglers are encouraged to submit paddlefish jaw sections at FWP self-check stations located at the following campgrounds (Rock Creek, Slippery Ann, Jones Island, and Kipp).

## 2) Fort Peck Dredge Cuts (west of Park Grove Bridge and Nelson Dredge) (Blue Tag)

- Bow and Arrow: open July 1 through Aug. 31 for paddlefish. One paddlefish per angler. An unused blue paddlefish tag is required to fish for paddlefish.
- Snagging: No snagging allowed, this is an archery only season.
- **Mandatory harvest reporting:** Within 48 hours of harvest, options include on-site at fisheries check station or roving crews, phone hotline (1-877-FWP-WILD or 406-444-0356), or online at [myfwp.mt.gov](http://myfwp.mt.gov).
  - Anglers are encouraged to submit paddlefish jaw sections at FWP self-check stations located at principal access locations.

## 3) Yellowstone River from Bighorn upstream edge of Tongue River confluence to Calypso Bridge (4.6 river miles downstream of Powder River confluence) and Glendive Black Bridge to North Dakota line (Yellow Tag) Intake Dam (not including Intake Fishing Access Site), downstream of Intake Fishing Access Site to North Dakota state line, Powder River downstream of Highway 10 bridge, and Missouri River downstream of Fort Peck Dam

- Fishery is managed under a harvest target, shared with the green tag area, so annual harvest will not exceed 1,000 paddlefish. FWP will announce a 24-hour closure of the harvest season through a public news release. Closure can be immediate at Intake FAS (Intake Dam to ½ mile downstream) or Sidney Bridge FAS to prevent exceeding the estimated harvest target. Other yellow tag areas will close as noted in the 24-hour notice. For current information on harvest status call the Miles City FWP office at 406-234-0900.
- Paddlefish snagging from within a boat is unlawful.
- Following announcement of the harvest closure, catch and release

snagging will be allowed, at Intake Fishing Access Site only, for 10 consecutive calendar days or through June 30, whichever comes first.

- **Paddlefish harvest snagging:** open Tuesdays, Wednesdays, Fridays, and Saturdays from May 15 through June 15 30 from 6:00 a.m. to 9:00 p.m. (MST) daily, unless closed earlier by FWP.

- **Paddlefishing Closed:** Sundays, Mondays and Thursdays (see exception under Intake Fishing Access Site below).

- -It is unlawful to release a paddlefish on a harvest day during the paddlefish season.

- -An unused yellow paddlefish tag is required to fish for paddlefish *on harvest days*. The tag must be properly placed on the first paddlefish caught and landed.

#### **Intake Fishing Access Site (Intake Dam to ½ mile downstream)**

- **Paddlefish catch and release snagging:** open Sundays, Mondays and Thursdays from May 15 through June 15 30 from 6:00 a.m. to 9:00 p.m. (MST) daily, unless closed earlier by FWP. *Participation restricted to anglers with an unused current year paddlefish tag.*

- All paddlefish caught on catch and release days must be released immediately, may not be gaffed, and must remain at least partially submerged in water, at all times, (to avoid injury to the fish).

- Evidence of purchasing a current year yellow paddlefish tag must be in possession to catch and release snag for paddlefish.

- Bow and arrow fishing unlawful on catch and release days.

- **Paddlefish Harvest Days:** open Tuesdays, Wednesdays, Fridays, and Saturdays from May 15 through June 30 from 6:00 a.m. to 9:00 p.m. (MST) daily, unless closed to harvest earlier by FWP.

- It is unlawful to release a paddlefish on a harvest day during the paddlefish season.

- An unused yellow paddlefish tag is required to fish for paddlefish. The tag must be properly placed on the first paddlefish caught and landed.

- Closed to fishing, snagging, or landing paddlefish from boats/vessels during the open paddlefish season (i.e. May 15 through June 15 30 or earlier as posted on site).

- **Mandatory harvest reporting:** by 9:00 pm the day of harvest or prior to transporting a paddlefish or fillets from the harvest location (by vehicle or boat). Reporting limited to the phone hotline (1-877-FWP-WILD or 406-444-0356) or online at [myfwp.mt.gov](http://myfwp.mt.gov). Anglers must obtain and retain the "reference number" provided by the phone hotline as a transport authorization number. Unlawful to possess an untagged paddlefish or fillets and unlawful to transport a paddlefish without a "reference number". See more details under General Paddlefish Regulations for All Areas.

- Anglers also encouraged to submit paddlefish jaw sections for aging at FWP creel stations or self-check stations located at public access sites along the river.

**Paddlefish snagging is prohibited within entire length (2.0 miles) of the Intake Bypass Channel (closure defined as sections of the bypass channel with streambanks on both sides).**

#### **4) Missouri River downstream of Fort Peck Dam to ND Line (Green Tag)\***

*\*Paddlefish movement up the Missouri River is limited to years with high flow, large concentrations*

*of fish may not be available to anglers every year.*

- *Paddlefish Snagging: open May 15 to June 15 from 6:00 a.m. to 9:00 p.m. (MST) daily.*
  - *Fishery is managed under a harvest target in combination with the Yellow Tag so annual harvest will not exceed 1,000 paddlefish. FWP will announce a 24-hour closure of the harvest season through a public news release. For current information on harvest status call the Miles City FWP office at 406-234-0900 or Glasgow FWP office at 406-228-3700.*
  - *An unused green paddlefish tag is required to fish for paddlefish. The tag must be properly placed on the first paddlefish caught and landed.*
  - *Catch and release is not permitted.*
  - *Snagging in the Milk River is not permitted.*
  - ***Mandatory harvest reporting:*** *by 9:00 pm the day of harvest or prior to transporting a paddlefish or fillets from the harvest location (by vehicle or boat). Reporting limited to the phone hotline (1-877-FWP-WILD or 406-444-0356) or online at myfwp.mt.gov. Anglers must obtain and retain the “reference number” provided by the phone hotline as a transport authorization number. Unlawful to possess an untagged paddlefish or fillets and unlawful to transport a paddlefish without a “reference number”. See more details under General Paddlefish Regulations for All Areas.*
- Anglers also encouraged to submit paddlefish jaw sections for aging at FWP creel stations or self-check stations along the river.*

#### **Rationale:**

Open river passage through the Intake Bypass Channel completed in 2022 at Intake Diversion Dam has nearly eliminated the historical concentration of paddlefish at Intake and allows paddlefish to expand upstream throughout the Yellowstone River. Anglers are learning and adapting to the dispersed paddlefish population. The historic and current paddlefish regulations for the yellow tag area were largely customized to the concentrated fishery at Intake. With open fish passage at Intake, fishing regulations for the yellow tag area require a significant adjustment to align with a dispersed fish population. Changes to the yellow tag area are substantial and require additional review and changes to the other tag areas.

The addition of the green tag is also part of the significant adjustment to the Yellow Tag. This tag will be valid on the nearly 200 miles of the Missouri River downstream of Fort Peck dam to the North Dakota border and provide anglers the option to pursue and harvest paddlefish seven days/week. There is no biological justification for alternate harvest/snag and release days on the Missouri River due to low densities of paddlefish and limited angler pressure.

#### **Management Plan Reference:**

Paddlefish management actions, management philosophy, research efforts, harvest monitoring, and fishing regulations are listed in the following:

Chapter 2.40 Lower Yellowstone River Drainage: Special Management Issues associated with Intake Fish Passage Channel Fisheries Monitoring - Post Intake 4-Year Telemetry Fish Passage Monitoring (page 7), Paddlefish Harvest Monitoring (page 8), and Fisheries Management Direction Tables by river reach that includes Paddlefish (pages 13-15).

Chapter 2.33 Lower Missouri River Drainage: The operation of Fort Peck dam has altered habitat of the nearly 200 miles of river that flows from the dam to the North Dakota border. Because of this,

paddlefish migrate up the Missouri during water years that are above base flows. As a result, a consistent fishery has not developed. This tag would allow anglers the unique opportunity to snag paddlefish seven days/week on a remote fishery that receives very little angling pressure. If implemented, this tag could facilitate FWP working more closely with the Fort Peck Tribes to monitor harvest (both tribal and non-tribal).

**Regulation Type:**

Relevancy, Conservation

**Public Engagement:**

Public scoping meeting in Glendive in April 2023 and public a meeting in Miles City August 2023 for the 2024 proposed fishing regulation changes.

The R6 CAC requested a change to the Missouri River paddlefish season in 2019 that resulted in a proposal to remove snag and release/harvest days. This proposal saw several stages of public involvement including public meetings in Glasgow and presentation by the Regional CAC but was ultimately removed from the regulation package to allow for a more comprehensive review of paddlefish regulations during this regulaiton cycle.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal. Additional review will occur with the R6 CAC during the public scoping period.

**Nonbiological Information:**

None currently.

## Proposal 60: Shortnose Gar Bag Limits

Page 80 add:

**Shortnose Gar:** 1 per season and in possession. Shortnose gar Catch Card required. When fishing for shortnose gar each angler must have in possession a valid shortnose gar Catch Card. Catch Cards are available at the FWP Region 6 Office in Glasgow.

Page 81 add:

### **FORT PECK DREDGE CUTS (WEST OF Park Grove Bridge and Nelson Dredge)**

- Bow and Arrow: open July 1 through Aug. 31 for paddlefish. 1 per season and in possession. An unused blue paddlefish tag is required to fish for paddlefish.
- **Shortnose gar: Legal take allowed year-round. Limit 1 per season (license year) and in possession. Release of gar shot while bowfishing prohibited. An unused shortnose gar tag is required to harvest gar.**
- Combined trout: 2 trout daily and in possession.
- Hook and Line/Setlines: 2 lines with 2 hooks per line on open water and 6 lines with 6 hooks per line through the ice.
- Snagging: no snagging allowed.

### **Rationale:**

Shortnose gar are designated as a Montana species of special concern with distribution limited almost exclusively to the Fort Peck Dredge Cuts below Fort Peck Dam. Currently, little is known about shortnose gar population dynamics in Montana however, anecdotal reports, primarily by archery paddlefish anglers, suggest gar populations are decreasing. Harvest of shortnose gar is currently unregulated (no limit) and almost all harvest occurs via bowfishing in the Dredge Cuts. With so many uncertainties regarding population size, recruitment, age and growth, and overall harvest, this regulation would limit the take of shortnose gar until the population status of gar in the Dredge Cuts is better understood.

Following the 2011 flood event, shortnose gar populations increased in the Dredge Cuts and expanded into the Milk River and lower Yellowstone River. More recent angler reports suggest a decrease in overall population size.

Fundamentally, the lower Missouri River lacks preferred habitat (slow, warm backwater habitats and are inundated on a semi-annual basis) following impoundment in the 1930's. Furthermore, successive flood events continue to down cut the main river channel leaving side channels perched and increasingly inaccessible to flooding.

FWP implements phone creel surveys of bowfishermen following the archery paddlefish season. Recent surveys indicate that approximately 30 gar are taken by bowfishermen during the two month long paddlefish season. An unknown number are harvested during other times of the year. Socially, anglers have expressed concern over the lack of gar observed in recent years (2021-2023). Additionally, this proposed regulation would potentially allow FWP greater insight into harvest dynamics with the requirement to purchase an individual tag per person.

### **Management Plan Reference:**

Missouri River Poplar Drainage, Fort Peck Dredge Cuts, "Monitor native nongame fishes to better understand how operations of Fort Peck Dam and tributaries influence these populations."

Part 1 Introduction: “Bigmouth buffalo and smallmouth buffalo are popular species for bow fishers, as are Species of Concern shortnose gar and blue sucker. The harvest of these species is largely unregulated and unstudied.”

Part 1 Introduction: “Nongame fish also includes several sucker and sculpin species as well as several rare Montana Species of Concern including blue sucker, northern redbelly dace, northern pearl dace, shortnose gar, sicklefin chub, spoonhead sculpin, sturgeon chub, torrent sculpin, trout-perch, and Iowa darter” ..... “Although not typically targeted by anglers, native nongame species are important for overall species diversity and aquatic ecosystem function.”

**Regulation Type:**

Conservation

**Public Engagement:**

Comments received during annual phone creel surveys conducted following Dredge Cut archery paddlefish seasons suggest anglers are seeing fewer gar each year. This public scoping effort is the first public outreach for this proposal.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

No organized advocacy for this change exists. However, bowfishers that have historically harvested shortnose gar could react negatively to this lost (reduced) opportunity. Further, social media posts regarding status and importance of shortnose gar relative to their limited distribution in MT have been met with requests for increased protections and regulations. This regulation also requires amendment to ARM 12.2.501 Nongame Wildlife in Need of Management, which will occur concurrently with this regulation scoping and setting process.



## Proposal 61: Powder River Remove Exception to District Standard

Page 83 delete:

### **POWDER RIVER**

#### **Downstream from Highway 10 Bridge**

- ~~Snagging: unlawful to snag for fish other than paddlefish; any fish other than paddlefish must be immediately released alive.~~

#### **Rationale:**

Monitoring telemetered paddlefish in 2017 and 2018 and more recently in 2022 and 2023 demonstrates spawning migrations to the Powder River can be significant. Larval fish sampling in the Powder River near the Yellowstone River confluence also demonstrates some levels of functional paddlefish spawning in the lower Powder River. With documented use of paddlefish spawning in the small tributary paddlefish snagging could negatively impact migrations into the river and resulting spawning activity. Furthermore, telemetry studies also demonstrate the use of the Powder River by pallid sturgeon. The relatively small size of the Powder River allows paddlefish anglers to cast across the full width of the river, increasing the odds of both paddlefish and pallid sturgeon being caught by paddlefish anglers. When river conditions are good for fish migrations the potential for anglers to impact spawning of both species in the lower Powder River is high. Eliminating paddlefish snagging in the Powder River will have minimal impact on angler opportunity considering the amount of publicly accessible shoreline on the Yellowstone River downstream of the Powder Confluence. Telemetry data demonstrates that paddlefish concentrations in the Yellowstone River downstream of the Powder confluence are adequate and available for angler success.

#### **Management Plan Reference:**

Page 3 of Chapter 2.38 Powder River Drainage: *“Recent field studies highlighted the significance of the Powder River to long-lived, migratory river species like paddlefish and pallid sturgeon. Paddlefish spawning was confirmed in 2017 and 2019 and shovelnose sturgeon in 2014, 2017, 2018, and 2019 by capturing larval fish at river mile one in the Powder River. In 2014, three adult wild pallid sturgeon (one gravid female and two males) with radio transmitters migrated upstream of Intake Diversion Dam, via the natural side channel, and into the Powder River in June. Spawning was confirmed by recapturing and assessing the female but only after she entered the Yellowstone River. Body weight comparisons confirmed eggs were deposited either in the Powder River or Yellowstone River near the confluence of the two rivers.”*

#### **Regulation Type:**

Conservation.

#### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

#### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

#### **Nonbiological Information:**

None currently.

## Proposal 62: Tongue River Reservoir Gear Exception and Crappie and Smallmouth Bass Bag Limits

Page 83 delete and add:

Tongue River Reservoir

- Fish species allowed for use as live bait are: fathead minnow, flathead chub, longnose dace, lake chub, creek chub, white sucker, and longnose sucker.
- Sauger/walleye: 5 daily only 1 may be a sauger and 10 in possession only 2 may be sauger.
- ~~Hook and Line/Setlines: 6 lines with 6 hooks per line through the ice.~~
- *Crappie: 5 daily and in possession.*
- *Smallmouth bass: 10 daily and in possession.*

### Rationale:

Removing the hook and line exception simplifies the fishing regulations and reverts to the Standard Regulations for the Eastern Fishing District (six lines with 2 hooks per line through the ice).

Reducing angler limits of crappie is warranted to spread the word about crappie declines and while FWP explores ongoing opportunities to mitigate declining crappie abundances and possibly rebuild the crappie population. Efforts include establishing a crappie brood at the Miles City Hatchery for stocking options, reduce near record high abundances of predators (walleye through temporary stocking rate reductions and smallmouth bass through angler harvest) to reduce predation and potential survival of young crappie, and incorporate fish friendly water management practices at the reservoir when environmental conditions allow.

Adding the liberal smallmouth bass harvest to reduce bass numbers to assist with increasing survival of crappie and other young-of-year fish. Liberal harvest warranted when any of the following smallmouth bass criteria are met: 3-year average gill net catch > 3.0/net, 3-year average trap net catch > 3.0/net, or 3-year average electrofishing catch > 55.0/hour or 75.0/hour. Electrofishing criteria surpassed these metrics in 2015-2023, gill net and trap net criteria were surpassed in 2021-2023.

### Management Plan Reference:

This hook exception is not listed within the Statewide Fish Plan, however eliminating the exception fits the following language on page 45 in Part I of the plan: *“The goal of fishing regulations is to make them effective but also as simple as possible to improve public understanding and angler compliance. Within each of the three Montana Fishing Districts (West, Central, and Eastern) there are “standard fishing” regulations in place and applicable to all waterbodies, with exceptions listed for specific waters that have regulations that vary from the district standard fishing regulations.”*

Temporarily increasing angler harvest of smallmouth bass while the bass population is above the long-term average and to assist with multiple options to recover crappie abundances is supported in the Statewide Fish Management Plan in chapter 2.37 Tongue River Drainage. The following language in the plan supports the proposal to increase crappie abundances and increase angler harvest of smallmouth bass: *“Abundances of adult crappie at Tongue River Reservoir have been slowly declining over the last 20 years. Declines have been documented in annual FWP fish sampling and noticed by anglers targeting crappie. The primary fisheries management goal at the reservoir is improving and sustaining the unique crappie fishery that has historically attracted anglers from all over Montana and Wyoming. A targeted*

*minimal goal for crappie catches in overnight gill nets, that historically equated to good angler catch at Tongue River Reservoir, is 11.6 total crappie/gill net. Tools to reach this goal may include developing a crappie stocking program through the Miles City Hatchery, temporarily reducing the walleye stocking rates when walleye abundances are at or exceed 6.0/gill net, and increased angler harvest limits when the three-year average gill net catch rate exceeds long-term abundances for predatory fish species that are not stocked annually (smallmouth bass for example)."*

**Regulation Type:**

Relevancy, Conservation.

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 63: Wind Creek Remove Exception to the District Standard

Page 83 delete:

~~**WIND CREEK (Blaine County)**~~

- ~~• Closed entire year from Clear Creek road crossing to Ross Reservoir Dam.~~

**Rationale:**

No biological reason exists to close this stream to fishing. Stream is located on private lands and anglers would need landowner permission to legally access the stream.

**Management Plan Reference:**

2.28 Middle Milk

**Regulation Type:**

Clarification

**Public Engagement:**

This public scoping effort is the first public outreach on this topic.

**Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

**Nonbiological Information:**

None currently.

## Proposal 64: Yellowstone River Snagging Downstream from Bighorn River

Page 84 delete:

### YELLOWSTONE RIVER

#### ~~Downstream from the mouth of the Bighorn River, not including Intake Fishing Access Site~~

- ~~• Snagging: unlawful to snag for fish other than paddlefish; any fish other than paddlefish must be immediately released alive.~~

#### **Rationale:**

This exception is redundant language listed on page 74 under “Snagging Allowed for” section under the title of “Methods of Taking Fish”. This simplifies the fishing regulations by eliminating duplication.

#### **Management Plan Reference:**

This exception is not specifically listed within the Statewide Fish Plan, however eliminating the exception fits the following language on page 45 in Part I of the plan: *“The goal of fishing regulations is to make them effective but also as simple as possible to improve public understanding and angler compliance. Within each of the three Montana Fishing Districts (West, Central, and Eastern) there are “standard fishing” regulations in place and applicable to all waterbodies, with exceptions listed for specific waters that have regulations that vary from the district standard fishing regulations.”*

#### **Regulation Type:**

Management Plan.

#### **Public Engagement:**

This public scoping effort is the first public outreach on this topic.

#### **Interdivisional Review:**

Appropriate regional and headquarters staff have reviewed this proposal.

#### **Nonbiological Information:**

None currently.