



MONTANA OUTFITTERS & GUIDES ASSOCIATION

2021 11TH AVE SUITE 12 HELENA, MT 59601

April 4th, 2024

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Re: MOGA Support for Fishing Regulation Amendment on the Swan River

Dear Commissioners,

On behalf of the MOGA board of directors and our association members, I am writing to express our full support for the reinstatement of catch release on the Swan River. We urge the commission to thoroughly evaluate the effectiveness of this proposal, recognizing its critical role in managing this natural resource and preserving the vitality of the fishery. The Swan River ecosystem is not only essential to the well-being of the Flathead community but also serves as a cornerstone for outfitters and guides who depend on its health to deliver quality services to the public.

Proposed Fishing Regulation Amendment for Swan River

I. Executive Summary

The Fish and Wildlife Commission (Commission) will consider an amendment to the current fishing regulations on the Swan River at their April meeting. The proposal calls for catch and release regulations for rainbow trout for the Swan River and eliminates the western district standard regulations of the harvest of 5 rainbow trout daily and in possession. The proposal goes on to further specify that single-pointed hooks will only be able to be used from Piper Creek Bridge downstream to Swan Lake.

II. Background

This proposal was initiated by Vice Chair Tabor at the request of area anglers and outfitters who are concerned about the decreasing catch rates of rainbows in the Swan River system. Historically, since about 1992, the Swan River system was managed under a regime of catch and release for westslope cutthroat (WCT) and rainbow trout (RBT) in the stretch from Piper Creek Bridge downstream to Swan Lake. During the 2021 regulation cycle, the regulations were changed to match the Western District standards, meaning that 5 rainbows daily and in possession, only 1 over 14", could be harvested. Since that time, area anglers and outfitters have noticed a marked decrease in angling success for RBT. There is a justified fear among many anglers that the RBT fishery is on a trajectory of being "fished out" for RBT, jeopardizing a valuable recreational fishery enjoyed by many that also contributes to economic benefits for the local communities in the Swan River valley.

Complicating matters is the loss of quality stock assessment tools for the Department to adequately assess population densities. Due to infrastructure changes on the river, the Department is no longer able to use electrofishing as a stock assessment tool. Instead, snorkel surveys have been utilized for the past several years. Unfortunately, snorkel surveys have serious technical limitations and cannot be used as a substitute for quality stock assessment. Thus, the Department is essentially “flying blind,” unable to adequately assess the population of RBT and WCT and unable to determine the impacts from the recent regulation changes.

It is important to note that according to the Department, from their response to the proposed amendment, that “the Swan River is similar to many NW MT systems typified by low productivity and low fish density”. Furthermore, snorkel surveys completed by the US Forest Service demonstrate that “cutthroat trout appear to be functionally extirpated in the river” (Gardner, B. 2022). Therefore, absent adequate stock assessment tools like electrofishing surveys, all available evidence points towards decreasing prevalence of RBT with WCT all but eliminated in a system that already has low productivity and fecundity.

III. MOGA Position

MOGA strongly supports the proposed amendment to return to a catch and release regime for rainbow trout in the Swan River. MOGA also strongly supports the requirement for single-pointed hooks from Piper Creek Bridge downstream to Swan Lake and would support this application on the entire Swan upstream of Swan Lake.

Because there are no viable stock assessment tools available to measure the impact of the changed regulations for RBT from the 2021 cycle, MOGA believes it appropriate to apply the precautionary principle of conservation through a return to catch and release regulations that err on the side of conservation for RBT by eliminating harvest.

IV. Rationale

1. The Statewide Fisheries Management Plan (SFMP) lists the management type for RBT in Swan River as “General” with a management direction of “maintaining recreational angling and harvest opportunity”. It is true that returning to catch and release for RBT would be contrary to the direction established for management under the SFMP. However, it is also important to note that there are other examples of inconsistent application of the SFMP by the Department in other waterbodies. The most recent example is the proposal from the Department for the biennial 2025-2026 fishing regulations to decrease walleye harvest limits to the district standards for the stretch of the Missouri River from Holter Dam-Cascade. This justification for this proposal is for regulation simplification and because few anglers harvest up to the established limits. This proposal directly contradicts the SFMP, which calls for “Liberal Regulations” for walleye to “provide high harvest opportunities above the Central District standard daily and possession limits to protect wild trout fisheries” (SFMP, Section 2.20, pg. 8). Therefore, it can only be surmised by this proposal that

other contradictions to the SFWP, where appropriate, should be considered in the interest of conservation.

2. The impetus for the change to the harvest of RBT in the Swan River drainage was for the protection of endemic species, in this case WCT. MOGA supports this application and sees the value in its application throughout the Western District. However, it must also be noted that while the Swan River was historically a WCT fishery, RBT have been present in the fishery since the 1920s, and pure strain WCT have not been present for decades. Utilizing RBT harvest to achieve the goal of recovery of WCT is simply a half-measure that is unlikely to produce measurable results. This is especially true in an open system like the Swan River where pure strain WCT have been extirpated. What is more likely to occur is a decline in RBT populations combined with no measurable increases in WCT, as evidenced by anecdotal reports of decreased RBT catch rates.
3. The strategy of allowing harvest of RBT in the Swan River is an enforcement and management nightmare due to the prevalence of hybrids throughout the system. While Department regulations make it clear that the presence of cutthroat slashes prohibit harvest of hybrids (FWP Fish Regulations, pg. 89), it is the belief of many that the myriad forms that these hybrids present often lead to misidentification and harvest as rainbows. Returning to catch and release for both WCT and RBT, by definition, eliminates misidentified harvest of WCT. It also allows for the preservation of any WCT genetics, however depressed, within the system.
4. While the Department responded to this proposal with a desire to maintain current regulations, they also do not “anticipate any significant or irreparable harm to the fish resource if the Commission adopts this amendment”. This admonition can only lead to the logical conclusion that maintaining the status quo of RBT harvest will not produce any measurable benefit for WCT conservation.
5. The Department, along with other organizations, admits that catch and release angling has become the norm. Since that is the case, this proposal does not limit angling opportunities. It only limits harvest opportunities, which can be replicated in other locations close to the Swan River. The minority of anglers who wish to harvest RBT will easily seek out other local opportunities that do not put a population of wild salmonids at risk.
6. While impossible to accurately quantify, there are robust economic benefits to local communities in the Swan River valley that are provided by guided and non-guided anglers alike. Risking the collapse of the RBT fishery in the Swan River through continued RBT harvest risks the collapse of these economic benefits, and of the businesses who rely on the fishery for their livelihood.

V. Application of Key Factors

In evaluating the proposed fishing regulation amendment for the Swan River, a comprehensive examination of key factors is essential to understand its potential impacts

fully. This analysis delves into the ecological, socio-economic, and managerial dimensions of the fishery to provide insights into the proposed changes.

- 1. Resource Status Assessment:** Assessing the current state of the rainbow trout population in the Swan River is crucial to grasp the implications of the proposed regulation amendment. With anecdotal evidence pointing to a decline in catch rates for westslope cutthroat (WCT) and rainbow trout (RBT), revisiting management strategies becomes imperative to ensure the sustainability of fish populations. Despite limitations in stock assessment tools like electrofishing surveys, reliance on guide logbooks and catch rates offers valuable insights into fish population dynamics. However, caution is warranted in interpreting these surrogate metrics, highlighting the need for robust methodologies for resource assessment.
- 2. Impact on Fishing Opportunity:** Understanding the amendment's effect on angler opportunity and experience is central to the deliberation process. While transitioning back to catch and release regulations may seem to limit harvest opportunities, it aligns with sustainable resource management principles. Catch and release regulations play a pivotal role in conserving fish populations and preserving recreational angling activities. Therefore, while the amendment may bring changes to angling practices, it ensures the long-term preservation of the fishery.
- 3. Fishing Distribution and Crowding:** Managing fishing distribution and alleviating crowding are critical for optimizing resource utilization and ecological sustainability. By implementing catch and release regulations, the amendment aims to mitigate congestion in popular fishing areas, promoting a more balanced utilization of fishery resources. This strategic redistribution of angling pressure not only safeguards aquatic habitat integrity but also fosters a harmonious coexistence between angling pursuits and ecological conservation.
- 4. Economic Impacts:** The economic implications of the proposed amendment extend beyond recreational angling to encompass broader socio-economic considerations. Declines in the prevalence of westslope cutthroat and rainbow trout in the Swan River threatens the economic viability of angling tourism and related industries in the Swan River valley. Reinstating catch and release regulations is vital for safeguarding the long-term economic sustainability of local communities dependent on the fishery ecosystem. By aligning conservation efforts with economic interests, policymakers can ensure the coexistence of ecological integrity and economic prosperity.
- 5. Diversity of Fishing Opportunity:** Preserving a diverse range of fishing opportunities is fundamental to accommodating diverse angler preferences. While the focus is on westslope cutthroat and rainbow trout conservation, stakeholders must ensure the protection of other indigenous fish species and promote sustainable angling

practices. By fostering a culture of ecological stewardship and responsible angling, policymakers can uphold biodiversity conservation principles while ensuring the sustainable utilization of natural resources.

Summary

MOGA strongly supports the proposed fishing regulation amendment for the Swan River, advocating for a return to catch and release regulations for rainbow trout. This aims to mitigate the observed decline in rainbow trout catch rates and enhance conservation measures by supporting single-pointed hooks from Piper Creek Bridge downstream to Swan Lake. Our stance is also informed by the absence of viable stock assessment tools. Given this limitation, MOGA believes it prudent to eliminate rainbow trout harvest until a more comprehensive understanding of population dynamics is achieved. Additionally, MOGA emphasizes the economic significance of recreational angling to local communities, advocating for the proposed amendment to safeguard both ecological integrity and economic vitality. In summary, MOGA's support reflects a commitment to conservation, sustainable resource management, and economic preservation in the Swan River valley, ensuring the long-term health of the fishery ecosystem for all stakeholders.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Will Israel', with a long, sweeping horizontal stroke extending to the right.

Will Israel
Executive Director
Montana Outfitters & Guides Association