

PROPOSED FISHING REGULATION AMENDMENT FOR APRIL COMMISSION MEETING-SWAN RIVER

1. FWP proposal to be amended?

Not an amendment to a proposal by Department but rather a Commissioner initiated amendment to the 2024 Fishing Regulations on the Swan River in Region 1

2. Proposed amendment?

SWAN RIVER

- No intentional fishing for bull trout.
- Catch-and-release for cutthroat **and rainbow** trout.
- ~~Rainbow trout: 5 daily and in possession.~~
- 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. **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.**

Swan Lake outlet downstream to the Highway 35 Bridge

- Open entire year.

3. Requested by FWP? (YES/NO)

No

4. Rationale & Background:

- Historically Swan River regulations required catch-and-release for rainbow as well as cutthroat trout. In adoption of the Statewide Fish Management Plan recently, the regulations on the Swan River were modified to permit harvest of rainbow trout authorizing up to 5 rainbow trout per day.
- The western Montana management plan policy of rainbow harvest is in deference to endemic species preservation, most notably westslope cutthroat.
- Historically, rainbow trout have been present in the Swan River since the 1920's, and pure cutthroat trout haven't been present in the river for decades, however there are many hybrids present. There are other pure bred populations of cutthroat in surrounding tributaries above the barriers.
- Outfitters and regular anglers on the Swan River have noticed a marked decrease in angling success since the rainbow trout harvest has been instituted, the general observation is that the River cannot support a harvest policy for rainbows, given the water flow dynamics and other unique characteristics of the river. Because of the hybrid mixture, it is the belief of many, that hybrid "cutbows" are most often harvested being misidentified as a rainbow. The fear is that the River

is on the trajectory of being “fished out” and thereby jeopardizing a sustainable recreation fishery enjoyed by many anglers.

- The Department isn’t able to perform fish surveys in the manner historically applied due to the modification of a put-in ramp on USFS lands preventing the launch of specific watercraft; therefore the Department hasn’t conducted an estimate in several years. Outfitters fishing logs and reports are essentially the only source of data currently available.
- There are many waterways in the surrounding area with outstanding harvest opportunity for rainbow trout, most notably Van Lake.
- I met with a group of constituents both outfitters and sportsmen as well as the Region 1 fishing staff to discuss the issue and concerns. I was not informed by anyone that going to all catch-and-release would be a biological unsound adjustment nor have any material effect on the intent for protection of endemic species.
- I am bringing forth this amendment for the following reasons:
 - To retain the quality of the recreational experience on the Swan River for future generations
 - The thrust of the rainbow harvest for protection of endemic species is extremely important, and I completely support its application. But in the case of this specific river, the statistics regarding cutthroat, history of actions taken, and other facts on the ground, the application of the policy will in my opinion do little to preserve cutthroat.
 - Application of single hook regulations will add additional protection for bull trout.

FWP Response:

The Swan River is similar to many NW MT systems typified by low productivity and low fish density. Fishing regulations in the early 1990’s (~1992) eliminated harvest for rainbow trout in the reach from Piper Creek bridge downstream to Swan Lake, this was done as a result of overharvest being blamed for reduced fish density. Since that time, catch and release angling has become the norm for much of the angling public, and many trout anglers rarely keep fish in sections where harvest is allowed. Therefore, during the 2021 regulation cycle, FWP simplified regulations by changing the Swan River from catch and release for rainbow trout to the Western District standard (5 fish daily, 1 over 14”). This change made the Swan River consistent with many other rainbow trout fisheries in the area and still protected against overharvest, but allowed for modest harvest on a species that is problematic for native westslope cutthroat trout, which is consistent with the Statewide Fisheries Management Plan. Harvest of rainbow trout by anglers is listed as a management action for the Swan River in the Management Plan as a way to protect native species as well as providing diversity of angling opportunity.

FWP does not have any estimates of the number of rainbow trout harvested. These types of data are typically collected through creel surveys, unfortunately none have been conducted on the Swan River. In the absence of these data, it is difficult to determine the overall impact harvest has on the rainbow trout fishery. But, as many/most of the large rainbows caught in the lower Swan are likely adfluvial, the increasing lake trout population cannot be dismissed as a strong driving force on rainbow decreases in the Swan system. We will assess lake trout predation on rainbow trout in the upcoming suppression efforts on Swan Lake. It is also important to note that there is additional protection given to hybrid rainbow/cutthroat trout in the regulations (*Page 89); any trout with an orange slash is considered a cutthroat trout and therefore falls under the catch and release regulations for the Swan River.

The terminal tackle restriction of single hook only would likely provide some benefit to bull trout, which are often inadvertently caught while fishing for rainbow trout. Although, extending the single pointed hook to the entire Swan upstream of Swan Lake would be more effective. The combination of single pointed hooks and catch and release for rainbow trout and cutthroat trout would make the artificial lure exception unnecessary as bait fishing decreases dramatically in other streams where these restrictions are applied. The proposal highlights that rainbow trout harvest is still provided on local valley-bottom lakes. While this is true, a return to catch and release angling does reduce harvest opportunity for river anglers, and contrary to management described in the Statewide Fisheries Management Plan.

Given the amendment is contrary to management described in the Statewide Fisheries Management Plan, the department supports the fishing regulations currently in place. This said, the department does not anticipate significant or irreparable harm to the fish resource if the commission adopts this amendment.