To: Montana Fish, Wildlife and Parks
Attention: Statewide Fisheries Management Program and Guide comments
1420 E. 6th Ave.
P.O. Box 200701
Helena, MT 59620-0701

Comments on the Statewide Fisheries Management Program and Guide

From: Flathead Valley Chapter Trout Unlimited

Thank you for the opportunity to comment on the Statewide Fisheries Management Program and Guide. The Flathead Valley Chapter of Trout Unlimited represents nearly 400 anglers and conservation-minded members in Northwest Montana committed to keeping our aquatic resource a national treasure. Our comments will necessarily be mainly in regard to the sections affecting waters of Northwest Montana.

First of all, what happened to the "Plan" for fisheries management? The name change in the new document is concerning to us. The introduction states that *"The name was changed because the plan was not prescriptive in that it did not propose specific management actions if defined goals or objectives were not met."* While the 2013 plan "provides a framework and directions" for "managing the state's fishery resources" the new proposed plan according to Eileen Ryce *"is a resource for anglers and others who want to know about how FWP programs help to ensure a great experience on Montana's waters,"*

It appears that a "management plan" to provide direction has morphed into a mere angler's guide to current conditions. The 2013 Fisheries Management Plan as well as the current proposal does provide specific management direction in that it lays out "how" and "why" we manage our fisheries resources for FWP staff. The plan was to *"provide overarching direction and guidance to Managers*" and *"provides specific fisheries management direction for 40 drainages in the state"*. The plan also lays out "Management Types" for any given situation. This seems "prescriptive" to us. However, this document does not lay out any specific commitment from FWP to future actions that will conserve or improve our fisheries.

Either we have a management plan to lay out future management of our fisheries that the department will attempt to follow, or we have an anglers guide. It doesn't seem that this document adequately provides either.

Although several of our previous comments on the 2013-2018 plan were addressed in the new draft, some of our past comments remain relevant to the current draft proposal.

- Thank you for addressing the drastic effects of the changing climate in Montana in at least a perfunctory way in the Aquatic Habitat Program section. The effects of warming waters are being felt across the state and will have harsh consequences for the cool waters of Northwest Montana. We are seeing the expansion of invasive fish species across our region due to small changes in water temperatures that will only increase in the future. Rainbow trout are rapidly expanding their range in the Flathead Basin due to the effects of small changes in water temperature. Smallmouth bass populations in the Lower Flathead River are expanding into the mainstem Clark Fork and other waters as the water warms. Northern Pike continue to pioneer new waters aided by warmer waters. Perch and crappie populations are growing and invading new waters due to the effects of climate change. All of these invasive species constitute direct threats to our native fish populations. Although there is little that can be done on a local level to mitigate for warming waters, it is incumbent on the Department to take into regard what the future holds for many of our fisheries as our fish populations deal with the effects of climate change.

- There are several mentions in the document of the **Flathead Lake and River Fisheries Co-Management Plan** as a guiding document. This agreement expired in 2010 and although the Department says that they *"continue to cooperate on lake management",* there are fundamental disagreements in lake management that have resulted in different management actions and rules between the north and south half of the lake. It's hardly a real agreement if both sides can pick and choose which parts of the document they will honor. If the Department wants to continue to tout the use of a bilateral agreement, the two sides should sit down and come to a mutual agreement on *"a plan with goals and objectives agreed to by both parties"* and manage the entire lake as a single habitat for the benefit of the fishery and anglers.

- There seems to be some confusion between the "Recruitment Source" terms "Wild" and "Transfer" to define where new members of a fish population came from. "Transfer" is used to describe wild fish that were transferred from one water body to another. An example would be Horseshoe Lake (p. 97) where Yellow Perch are listed as "Transfer" even though this is clearly a reproducing population of illegally introduced fish. "Transfer" does not indicate whether the transplant was legal or criminal. There still needs to be more clarity in the "Recruitment Source" field when fish are illegally introduced. We support adding a term to this field that would better explain when fish were illegally introduced.
    - On page 174, bull trout in Graves Creek and Vermillion River are listed as "Wild/Transport". Likely a typo.

- Page 154: *"However, no major colonization of the Clark Fork River [by smallmouth bass] upstream of the Flathead River confluence has been detected."* FWP might do well to consult with area anglers. Smallmouth bass are being caught in good numbers in the Clark Fork upstream of the Flathead and threaten a popular wild trout fishery.

- Page 175: Noxon Reservoir is still listed for a management type of "Suppression" on Noxon Reservoir. FWP has recently said that they plan to give up on walleye suppression other than liberal angler regulation in the reservoir. After decades of a policy of not allowing populations of

walleye west of the Continental Divide, this decision seems to be a poor choice. The department admits that the walleye population is growing, likely to overpopulate the reservoir and reduce popular game species while overpopulating the reservoir . Downstream states continue to fight a growing threat from invasive walleye in Pend Oreille, Lake Roosevelt and the Columbia Basin and some of these fish have come downstream from Montana. The Noxon walleye population provides a growing threat to other waters west of the divide by providing a ready source for bucket biologists and we know from experience that these fish will continue to spread. We think it would be worth the expense and effort to at least try to crash the walleye population in Noxon Reservoir through aggressive mechanical removal.

- We are aware that walleye proponents are again trying to get walleye declared a native species in Montana. This plan failed in the Legislature in 2009 and has always been a silly idea. There is no science showing that walleye occupied Montana waters prior to European settlement and none of the arguments by walleye proponents use viable scientific evidence. They are not a Montana native fish and to declare native species by popular fiat is not the way the Department operates. FVTU continues to vehemently oppose any legal or illegal expansion of walleye west of the Continental Divide and any attempt to dictate native species solely in order to change management options.

We greatly appreciate the commitment of the Department to science-based fishery management and continue to commend all of the FWP family for their hard work and dedication to managing our aquatic resources. Thank you again for this opportunity to submit our comments on the Statewide Fisheries Management Program and Guide. Flathead Valley Trout Unlimited looks forward to working with FWP in the future to continue to assure that Montana fisheries remain the best in the world.

Flathead Valley Chapter, Trout Unlimited
P.O. Box 638
Kalispell, MT 59903
flatheadtu@gmail.com

P.O. Box 7186 Missoula, MT 59807 (406) 543-0054

10 January 2019

Martha Williams, FWP Director
Eileen Ryce, FWP Fisheries Division Administrator
Eric Roberts, FWP Fish Management Bureau Chief
Montana Fish & Wildlife Commission
Department of Fish, Wildlife and Parks
1420 East 6th Avenue
Helena, MT 59620

RE: Comments on walleye management for Statewide Fisheries Management Program and Guide, and Upper Missouri River Reservoir Management Plan

Dear Fish, Wildlfie and Park and Fish & Wildlife Commissioners,

Thank you for the opportunity to comment on potential changes to the Statewide Fisheries Management Program and Guide (SFMPG). Montana Trout Unlimited (MTU) would also like for you to consider these comments in regard to the Upper Missouri River Reservoir Management Plan (UMRRMP). The comments herein are only about management changes for walleye that Montana Fish, Wildlife and Parks (FWP) is potentially considering. MTU requests that we also be able to submit additional comments on the broader scope of the SFMPG as we continue to review its full contents. The issue of changes in walleye management and designation, we believe, deserves thorough and separate commentary.

Montana Trout Unlimited represents the interests of more than 4,000 members statewide in protecting, conserving, and restoring coldwater fisheries and their habitats, especially in regard to wild and native trout. Because walleye have been introduced to wild and native trout waters in Montana and these non-native fish are highly predacious on trout, as well as other prey species, it is sometimes necessary for us to consider how walleye are managed as part of our mission to conserve trout. It has become clear that proponents of changing walleye management and designation in various ways intend to do so within the context of the SFMPG and the UMRRMP. MTU's comments and recommendations on these matters fall into three categories.

Walleye regulations within the Upper Missouri River Reservoirs

MTU supports the continued stocking of rainbow trout at recent historic levels in the reservoir system. We also recognize that costs for this stocking greatly increased with the illegal introduction of walleye to Canyon Ferry Reservoir in the 1980s. Stocking of larger, older age-class rainbows became necessary to diminish the amount of predation by walleye on this wild trout fishery. Even though the introduction of walleye was illegal and managing walleye as a sport fish while maintaining a very modest (and declining) trout fishery in the reservoir has been a costly endeavor for FWP, MTU is no longer pushing for suppression of walleye. FWP data clearly show that after a short lag time, once the walleye population in the reservoir system increased, it has resulted in a significant decline in Yellow perch and rainbow trout, both of which have historically been very popular and productive fisheries. Having diminished these prey species and reached fairly dense capacities, walleye have, it appears, stunted in size ranges. This phenomenon has happened throughout the western U.S. in reservoirs, like Canyon Ferry, where water levels fluctuate significantly between full and low pool each year. We are unaware of any management tools or practices that can prevent or remedy the stunting of walleye in such a system. (For reference, please see: Thomas E. McMahon and David H. Bennett, "Walleye and Northern Pike:Boost or Bane to Northwest Fisheries?," *Fisheries*, Vol. 21, No. 8, Aug. 1996).

Nonetheless, MTU is open to experimenting with different management tools in the Upper Missouri River reservoirs aimed at diversifying the age- and size-class of walleye, especially to encourage fewer fish but a higher percentage of larger, eating-sized and, even, trophy walleye. Having thoroughly reviewed the UMRRMP and SFMPG on this issue, MTU believes that FWP already has in place the proper means of evaluating when changes in walleye management should occur and what those changes might be. Specifically, we support the practice of using a three-year running average of gill net surveys to evaluate if or when triggers have been hit on any given species that would result in a management change. MTU also supports the department's assessments of implementing different slot or daily (and possession) limits to try to alter walleye population dynamics within the reservoir system. We would even consider supporting some 'pilot' project to forego the three-year survey average before trying some walleye slot and/or catch limit changes. We recognize that it is possible that should such management changes actually work, reducing the total number of walleye in the reservoirs while increasing their size, it could reduce the number of piscivorous-sized walleye that occasionally flush down below Holter dam and pose the risk of negatively impacting the wild trout fishery from Holter to Cascade (more on that below).

Regardless of the changes in walleye management that the department considers for the reservoirs, MTU strongly contends that you must continue to consider the possibility of taking aggressive actions to prevent the walleye fishery or an explosion of it if there's further decimation of the perch and rainbow populations. Surveying and triggers to forestall that outcome need to remain in place.

Walleye regulations below Holter Dam on the Missouri River

MTU strongly endorses maintaining unlimited harvest for walleyes between Holter Dam and Cascade. This regulation makes sense for several reasons: 1.) it helps reduce the risk of increasing walleye predation on salmonids in this reach; 2.) it serves as a potential control for the walleye population that has been allowed to flourish in Canyon Ferry Reservoir and then move downstream into the river; and, 3.) it unequivocally states that the primary fishery management objective of FWP for the river fishery between Holter Dam and Cascade is to maintain a world-class wild trout population.

When Montana TU asked the Montana Fish, Wildlife and Parks Commission to institute a regulation on the Missouri River between Holter Dam and Cascade that allows unlimited harvest on walleyes, critics, predictably, charged that it resulted from anti-walleye prejudice. We are hearing those claims again as the issue of lifting the unlimited harvest regulation is being pressed on FWP, as well as changes in other regulations for walleye or, even, the unsubstantiated claim that walleye are native to parts of Montana. The idea that MTU or its members are anti-walleye is nonsense. Montana TU is fine with walleye fisheries where they currently exist as a result of historic stocking, such as in the many reservoirs in eastern and central Montana. On the other hand, it's reasonable fishery management not to manage for this highly predacious fish in one of the nation's best wild trout tailwaters. Because the walleye population has exploded in Canyon Ferry Reservoir, the result of an illegal introduction in, it appears, the 1980s, the fish have been washing downstream through Holter and Hauser Reservoirs and into the Missouri River. Though adverse impacts to the tailwater trout fishery haven't been detected yet, there is some likelihood at some point predation and competition could harm the wild trout population. Because the trout fishery in the river below Holter is one of the most popular in the state, accounting for roughly 12% of trout angling in Montana, and generating tens of millions of dollars annually for Montana's economy, it is reasonable to ask FWP to demonstrate that this reach of river will be managed first and foremost for wild trout. And they can do that by allowing anglers to harvest without limits any walleyes caught in this reach. Whether this regulation will measurably reduce the walleye population is not certain. But on the other hand, if this fish is able to gain a stronger foothold in the river, it will be helpful to have this tool, and, importantly, have FWP demonstrate that wild trout are the priority in the superb tailwater reach of this great river.

Designation of walleye as native fish east of the Continental Divide

MTU has become aware that there are proponents of designating walleye as a native fish east of the Continental Divide. There is no good evidence for this claim. Nonetheless, I would like to go through the literature that is being cited in support of a native designation for walleye to clearly demonstrate the spuriousness of the argument. Maps taken from multiple walleye research papers play heavily in the

claim that walleye are native to parts of Montana.

Proponents use a map from *Review and Assessment of Walleye Genetics and Stocking in Alberta* by Fiona D. Johnston and Andrew J. Paul, "Figure 1. The native distribution of walleye in North America" on page 2 of the report (extracted from a paper by Billington 1996), which has a large, unspecific bubble across most of North America indicating where walleye could be native. We do not believe this map is a representation of where walleye naturally occurred. Rather, it appears to demonstrate the geophysical range where walleye could have occurred naturally because of past glaciation. The report then includes a state-by-state analysis of walleye distribution, in which the authors state the stronger and direct conclusion about Montana that: "Walleye are not considered native to this state (page 36)." That unequivocal statement is based on direct communication with Montana FWP biologists.

The map proponents reference in the *Canadian Science Advisory Secretariat Science Advisory Report*, titled "Science Advice From a Risk Assessment of Walleye (Sander vitreus) in British Columbia (2010)," which shows North American distribution of walleye, including to the Continental Divide in Montana, is taken directly from another report – Hartman 2009. The "Science Advice…" piece provides no original evidence for walleye being native to Montana. It is mostly a warning about the high risk walleye pose to B.C. aquatic ecosystems and explicitly states that "once introduced this species is very difficult to eliminate suggesting that proactive measures are needed if its spread is deemed undesirable," as well as inferring that walleye are an aquatic invasive species because of their negative impacts on native fish (2).

Hartman's "Biological Synopsis of Walleye," from which the map in the above publication was taken is a 2009 risk assessment of the impacts of walleye moving into non-native areas. The abstract therein is unequivocal that "walleye are top predators and will eat almost any living organism they can get into their mouths(v)," as well as the fact that "ecosystem effects of these introductions have been wide-ranging and remain difficult to predict or control(1)." The author elaborates on the impacts walleye have on other fish in a separate section (5.2) of his report. Nativism aside, these are facts we recommend FWP consider seriously in regard to managing walleye in Montana. On nativism, the Hartman synopsis, while reproducing a map that has the eastern portion of Montana shaded as "native walleye," explicitly states that "(n)atural distribution includes the eastern parts of Nebraska, North and South Dakota(3)." There is no other mention of native distribution of walleye in the western U.S., nor in Montana specifically. Furthermore, text within this report makes it very clear that the area shaded as "native walleye" on the map is an exaggeration of actual natural distribution of walleye. The author states that in B.C. "walleye occur naturally only in the north-eastern corner of the province(4)," whereas the map has nearly all of B.C. shaded. This seems to confirm that the shading, as with other publications, represents a very generalized geophysical extent of possible post-glacial walleye *habitat*, not evidence of natural walleye distribution. It's also worth noting that Hartman claims walleye are not native to anywhere in Alberta province of Canada at elevations exceeding 1,000m(4). This, too, provides a strong refutation of the notion that walleye could be native to eastern Montana, which is almost entirely above 1,000m and similar in other climatic and physical features to Alberta, CA. Hartman further infers that walleye are not native to Montana (in the headwaters of the Missouri-Mississippi River basin or Columbia River basin) when he cites previous researchers' work demonstrating that this species "were first introduced in the United States northwest in the 1940s and 1950s, and now occur throughout the upper Mississippi and Columbia River basins(4)." The phrase "now occur" would lead us to the conclusion that walleye did not previously

occur in the upper Mississippi and Columbia River basins.

Proponents of designating walleye as a native fish in Montana lean heavily on chapter 4, "Distribution and Population Genetics of Walleye and Sauger," (Billington, Wilson, and Sloss), which appears in the American Fisheries Society publication *Biology, Management, and Culture of Walleye and Sauger* (2011). This chapter deals, almost entirely, with the genetic marker studies that have been done on sauger and walleye to determine evolutionary divergence and distribution. None of those studies have been conducted in or included Montana populations of fish. Furthermore, the map showing "Boundaries of the natural distribution of walleye" (page 107) is nearly identical to the one in the Johnson and Paul (above) document. Both show the ***extent*** to which postglacial meltwater during and after the Pleistocene created isolated and connected waterways that ***could*** have allowed the distribution of walleye or sauger species from Missourian or Mississipian refugia. There is no direct evidence that walleye inhabited the entire range illustrated in the map, especially not into Montana. It's worth noting that proponents of the native walleye in Montana claim, in reference to *Biology, Management, and Culture of Walleye and Sauger* make the exaggerated claim that there "are 25 individuals listed as reviewers from across the US and Canada who apparently had input into this document...and it being published by the American Fisheries Society…it is probably the most current, comprehensive and widely accepted publication in existence today." This publication is a collection of papers, only one of which has anything to do with walleye in Montana. That is the Billington paper I have described herein. While it is a current, comprehensive and well-reviewed publication on walleye and sauger, it is not devoted to their native distribution and, more importantly, it does not provide *any data* to support the notion that walleye are native to Montana. Just the opposite.

Based on the above studies, proponents claim that "findings and more recent data and analysis" are far more conclusive than the fact that Lewis & Clark did not observe walleye in Montana. But, none of the studies above include actual findings, data or analysis regarding native walleye in our state. They simply reproduce the same, very generic mad of geophysical distribution of potentially walleye-friendly water after the last Ice Age. There is not one shred of evidence in these studies that walleye were present in Montana before they were moved to our state deliberately by people.

In addition to the lack of direct evidence for walleye naturally inhabiting Montana within the literature proponents have presented, there are other circumstances that argue strongly against the notion of walleye being native to this state. As cited above, FWP has firmly concluded that "walleye are not considered native to this state." Regardless of post-Ice Age meltwater, neither walleye nor sauger could have or did distribute above the Great Falls of the Missouri River. It was an impassable physical barrier to natural distribution. There is no fossil or historical records even hinting at the possibility that walleye made it above that physical barrier. Although there is no similar physical barrier on the Yellowstone to prevent walleye from having naturally ascended that watershed, there was a temperature barrier. Because of cold water temperatures, Yellowstone cutthroat trout inhabited the Yellowstone River as far downstream as the mouth of the Powder River. Yellowstone cutthroat depend on water temperatures, chemistry, and conditions that are not suitable for walleye. Nowhere have the two species overlapped. Thus, the clear evidence of Yellowstone cutthroat in the Yellowstone River is equally clear evidence that walleye were not and could not have been present even two hundred years ago, much less as a native species.

Finally, proponents of the unsupported notion that walleye are native to eastern Montana dispute the most conclusive study on the subject, a 1995 paper by MSU biology professor William Gould. Proponents disparage as "a bit far-fetched" Gould's claim that

walleye were most likely introduced to Nelson Reservoir in the early 1920s from a population of walleye that was "over 1100km away. As walleye aficionados, these proponents should not be at all surprised that walleye could easily be transported over 1100km. Walleye eggs are easily transported. We also have a rich history of transporting less hardy fish much greater distances, including brown trout being moved across the Atlantic Ocean from their native European rivers to North America.

In short, MTU agrees with FWP's long-standing, sound conclusion that walleye are not native in Montana.

Again, we appreciate your commitment to continue wise, science-based management of our fisheries. You will be hearing similar comments from many of our members and chapters. Please contact me anytime if you have questions, need clarification, or wish to share thoughts on these comments.

Sincerely,

David Brooks
Montana Trout Unlimited
david@montanatu.org

Cc:
Tim Aldrich
Dan Vermillion
Richard Stoker
Logan Brower
Shane Colton

United States Department of the Interior
Fish and Wildlife Service
Montana Ecological Services Office
585 Shepard Way, Suite 1
Helena, Montana 59601-6287
Phone: (406) 449-5225 Fax: (406) 449-5339

In Reply Refer To:
File: M.20. Montana, Fish Wildlife and Parks

February 15, 2019

Martha Williams, Director
Montana Fish, Wildlife and Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

Dear Martha:

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to comment on Montana Fish, Wildlife and Parks' (FWP) Montana Statewide Fisheries Management Program and Guide (Plan). Following the recent partial federal government shutdown, the Service is working diligently to catch-up on several workload issues, so we appreciate FWP granting an extension for providing comments on this important document. Our comments were provided by fishery biologists across our divisions in Montana, including Ecological Services, Montana Fish and Wildlife Conservation Office, Partners for Fish and Wildlife, and the Refuge program and collated by our Montana Ecological Services Office. The Service confined our comments to the fish species listed under the Endangered Species Act (ESA) and select native species of concern. The fish species listed under ESA in Montana include the endangered Pallid Sturgeon (*Scaphirhynchus albus*), the threatened White Sturgeon (*Acipenser transmontanus*) (Kootenai River population), and threatened bull trout (*Salvelinus confluentus*). Artic grayling (*Thymalllus arcticus*) are not listed under the ESA, but have been a candidate species since the 1990s.

The Service supports the primary goal of FWP's Fisheries Division, to protect, maintain, and restore native fish populations and their genetic diversity, backed by FWP policy and state law. This goal supports the state programs that manage sensitive native species in a manner that assists in the maintenance or recovery of those species, and prevents the need to list species under ESA and aids in the recovery of listed species.

The Service applauds your efforts to develop a management plan for all the fish in Montana. Having recently completed a recovery plan for a single species (bull trout), we recognize the difficulties with collecting, consolidating, and organizing this extensive amount of information for public consumption.

Bull Trout

The Service believes that with the decline of many of the bull trout populations since the last planning cycle, a greater and more focused effort is needed to achieve the goal of maintaining or recovering bull trout. The Service is encouraged that the Plan supports opportunities (both on-going and potential future actions) for non-native species management to improve bull trout populations in addition to changes in angling regulations. While considerable efforts have occurred to date in the name of bull trout, many of these efforts have focused on habitat improvement that have benefits across species. The Service looks forward to working with FWP to identify areas/populations to implement management actions that go beyond changes to fishing regulations. For example, suppression efforts in Flathead Lake, Swan Lake, and the efforts undertaken by the Confederated Salish and Kootenai Tribes (CSKT) and Glacier National Park have undoubtedly contributed to the maintenance and or increases of bull trout populations in those systems. In addition, the Service is encouraged by the management direction for the Warm Spring Creek population. More importantly, these actions have preserved future management options, not only for recovery but for other interests as well. For example, the loss of Swan Lake could have profound consequences to several existing and on-gong consultations, agreements, Habitat Conservation Plans, and habitat investments with the Forest Service, DNRC, NRCS, Corps, and BPA and could affect their programs.

The efforts FWP have undertaken for native salmonids are admirable. The Service has reviewed the Management Direction for Yellowstone and Westslope Cutthroat trout and supports FWP's active management approaches to conserving those native fish. The Service recognizes the non-native species management is difficult, and that FWP has made great strides in this arena concerning native cutthroat trout. The Service is interested in exploring additional management options for bull trout in light of the declining trends. For example, much of the management direction for bull trout consists of continued yearlong closures, while for cutthroat much of the management direction includes enhancement of migratory and resident populations. Unlike many of the native cutthroat streams, no specific management strategies are identified for brook trout and brown trout in bull trout streams. While we recognize that many of the fish regulations and Management Direction are site specific, we recommend that a consistent set of approaches or options be applied across regions/habitats for the benefit of bull trout.

While the Plan does not include specifics (outside of Flathead and Swan Lakes) related to non-native species management, the Service would like to identify some general concerns.

For many of the non-native species known to either prey upon or directly compete with bull trout, FWP has largely identified the "Management Type" as General/ Suppression and the "Management Direction" as liberalized angling limits or harvest opportunity for those non-native species. The exception of this is within Swan Lake where the Management Direction was to evaluate tools to reduce lake trout abundance to benefit native and recreationally important species. The Service commends FWP for directly addressing the need for prescriptive action within the Swan drainage to manage the continued threat posed by lake trout. However, the Service is concerned that this type of prescriptive management direction is not identified for other waters where the threats to bull trout can be clearly identified, and a management action could be taken to begin to ameliorate those threats. Again, we recommend consistent set of management tools be identified and applied to benefit bull trout.

Additionally, while the Service commends FWP for liberalizing angling limits for lake trout in Flathead Lake in the past, bull trout numbers within the watershed continue to be largely depressed and or declining. The continued management of Flathead Lake for the benefit of a trophy lake trout fishery while trying to recover native species are largely conflicting management goals, and have resulted in the depression of bull trout numbers since the last Fishery Management Plan. It is concerning that the management of lake trout within Flathead Lake continues to be a controversial subject, and that the CSKT and FWP have not renewed the Flathead Lake and Rivers Fisheries Co-Management Plan since the expiration in 2010. Currently the management direction and regulations specified by the CSKT and FWP are largely conflicting, rendering neither adequate to fully reach their goals. It is the Services hope that Flathead Lake can be co-managed by the CSKT and FWP to benefit native species and to ameliorate the threat posed by non-native lake trout and other invasive species.

The Plan does not provide a cohesive management plan concerning brook trout and brown trout across bull trout habitats. For example, in the Swan River system, one may not keep brook trout in several of the bull trout local populations/tributaries. However, in the Rock Creek and Flint Creek bull trout core areas one may keep brook trout in any of the local populations. In addition, many of the areas where a bull trout stream enters a larger river (i.e., Big Creek confluence with North Fork Flathead) are closed to angling while other important confluences are not. In the Kootenai River, suppression of brown trout is specifically mentioned but no specific target for brown trout suppression for Warm Spring Creek above Meyers Dam was addressed.

The Service looks forward to working with FWP on establishing a consistent approach to addressing non-native species concerns in bull trout habitat.

Page 468: We suggest providing a citation(s) for the statement that recent management efforts have shown that the presence of non-native trout does not necessarily mean that bull trout populations will decline.

Page 469, includes a reference to the Flathead Lake and River Co-Management Plan. We recommend that FWP update this plan.

Page 469, under Management Direction: The Service in Montana did not designate Critical Habitat under the ESA for any water bodies that were not considered occupied unlike other states within the range of bull trout. We relied almost entirely on FWP field biologist input and information from the MFISH database to identify areas that represented the best of the remaining populations. It should also be noted that not all occupied streams were designated. The Service remains optimistic that options for non-native management is a developing field and several management tools may become much more acceptable options. We recognize that several areas would require a much greater effort to establish sustainable populations and should receive lower priority for management at this point in time.

Pallid Sturgeon

Page 381, first paragraph: We suggest updating references to pallid sturgeon recovery priority management areas made in this section (per the 1993 recovery plan), and elsewhere in the document as applicable, to the four pallid sturgeon management units defined in the 2014 revised recovery plan.

Page 468 and 479, under Pallid Sturgeon: We suggest providing a citation(s) for the statement: *It is currently estimated that fewer than 100 wild adult pallid sturgeon persist in the upper Missouri and Yellowstone rivers above Lake Sakakawea*.

Page 479: under Relevant Management Documents: We suggest updating this section by also including the following relevant management documents specific to Pallid Sturgeon:

- the Biological Opinion on Operation of the Missouri River Mainstem Reservoir System, the Operation and Maintenance of the Bank Stabilization and Navigation Project, the Operation of Kansas River Reservoir System, and the Implementation of the Missouri River Recovery Management Plan (USFWS 2018);
- the Pallid Sturgeon Range-wide Stocking and Augmentation Plan (USFWS 2008); and,
- the Revised Recovery Plan for the Pallid Sturgeon *(Scaphirhynchus albus*) (USFWS 2014).

Page 381, Lower Missouri River Drainage: Special Management Issues section, 1st paragraph, 1st sentence:
"*The lower Missouri River is critical habitat for rearing pallid sturgeon of all life stages.*"

We understand that this area is valuable and important for pallid sturgeon, however caution should be used when using the term "critical habitat" as this has a very clear statutory meaning when used in conjunction with species listed under the ESA. The Service did not designate critical habitat for pallid sturgeon when the species was listed or anytime subsequent. We recommend changing "critical habitat" to something like "extremely important," or "highly valuable," or "essential," or some similar descriptor to reduce any potential for confusion with this regulatory term.

Page 382: Native Species Conservation, 1st paragraph, second sentence:

"*Many such as pallid sturgeon, paddlefish…*"
Please add "species" between "Many" and "such."

Artic Grayling

There are four references (listed below) to the Big Hole Arctic grayling population being the last known fluvial population in the Lower 48 states. This statement is inaccurate. Fluvial grayling also occur in the Madison, Centennial, and Ruby. We recommend either deleting any reference to the Big Hole having the last remaining fluvial population or at least explain that we are aware of other fluvial fish in these other systems in the upper Missouri. This change would make this document consistent with the 2014 12-month finding for Arctic grayling and the Centennial CCAA with respect to how we discuss Arctic grayling in the upper Missouri River.

Page 200: The Upper Big Hole River drainage contains the last known fluvial Arctic grayling population in the Lower 48 States.

Page 203: The Big Hole River is home to the last known native fluvial (river dwelling) grayling population in the contiguous United States.

Page 466: Habitat changes and the introduction of non-native fish have significantly affected the distribution of fluvial Arctic grayling, and the last remaining populations in Montana (and the entire lower 48 states) are found in the Big Hole River.

Page 467: In an effort to conserve and recover the remaining fluvial Arctic grayling population in Montana, FWP and numerous partners have engaged private landowners in the Big Hole River Valley to aid Arctic grayling recovery through enhancement of habitat and improvement of irrigation practices.

Red Rock River:
Physical Description, Page 180
The first paragraph, last sentence states: "*Clark Canyon is the largest reservoir in the drainage at 4,815 acres.*" The last paragraph on page 180 states: "*Clark Canyon Reservoir is a 4,900 acre irrigation impoundment…*" The acreage values reported are not the same. Additionally, the 3rd paragraph states: "*Lima Reservoir is a 6,800 acre irrigation storage facility…*" This seems to contradict the paragraph 1 statement that Clark Canyon Reservoir is the largest in the drainage. We recommend you review and revise these sentences and numbers so they are accurate.

Page 181, Fisheries Management Section:
"In recent years, Arctic grayling have been re-established by stocking in Elk Lake in support of conservation actions. Since the 1930s, Elk Lake has been stocked with rainbow trout, Yellowstone Cutthroat Trout, and most recently Westslope Cutthroat Trout. Due to limited natural reproduction

potential in Elk Lake, rainbow trout and Yellowstone cutthroat trout are likely not present at the current time."

We are unaware of substantiated evidence that Arctic Grayling have successfully been "re-established" in Elk Lake (i.e. as a naturally self-sustaining population). Despite several years of stocking, there has been only one anecdotal observation of an adult Arctic Grayling using Narrows Creek (the only spawning tributary); however, this report was never corroborated by surveys or with tangible evidence (e.g, photo, video, etc). Given the substantial amount of time and resources allocated to grayling restoration/conservation in the Centennial Valley, it is highly unlikely a significant spawning run of Arctic Grayling in Elk Lake would go undetected. Moreover, stocked Westslope Cutthroat Trout are regularly observed in Narrows Creek during the April/May spawning run. Therefore, it seems unlikely that a grayling spawning run that has not been observed has established a population in Elk Lake, whereas other trout which are routinely observed spawning in Narrows Creek are characterized as having limited natural reproduction. Finally, the lack of documented Arctic Grayling reproduction and recruitment in Elk Lake is further supported by recent decisions to establish a genetic reserve population of Red Rock Arctic Grayling in Handkerchief Lake (See South Fork Flathead River Fisheries Management Direction table page 86). Thus, as written, the statement contradicts itself identifying limited natural reproduction potential in Elk Lake for some salmonids prefaced with grayling having been re-established. Thus, the paragraph quoted, as written is an inaccurate characterization of the Arctic Grayling population in Elk Lake. We recommend it be revised.

Page 181, Fisheries Management Section:

This section appears to be missing another exception to the Central District Standard regulations that is not mentioned in this paragraph is: Red Rock Creek (Beaverhead River Drainage) is closed May 15-June14. This regulation was also developed to help reduce angler effects on Arctic Grayling during their spawning period. We recommend that this section be revised as described.

Page 182, Special Management Issues:

We recommend that this section be updated with the most recent information. The referenced 2007 MOU has been updated/revised. The latest MOU was completed circa 2016-2017. In addition, there was an MOU developed between FWP and Service concerning the Centennial Valley Arctic Grayling Adaptive Management Plan in 2018.

Page 466, Appendix A: Arctic Grayling section, 1st paragraph:

While this section mentions the past conservation efforts to "replicate" Red Rocks River Arctic Grayling in Elk Lake near Lima, MT, it omits discussion about the lack of success of this effort

resulting in the recent decision to attempt establishing another genetic reserve in Handkerchief Lake, South Fork Flathead River Drainage. We suggest this be clarified.

Other

Table 1, Pages 7 and 8:

While we recognize that the St Mary River ecoregion is excluded from the Plan, we wanted to point out that some species are missing from the list of species associated with this ecoregion. We recommend that FWP add the following species and designations to improve the accuracy of this table as it relates to the St Mary Ecoregion: Mountain Sucker (N), Pearl Dace (N), Lake Chub (N), Brassy Minnow (N), Northern Redbelly dace (N), White Sucker (N), Brooke Stickleback (N), and Fathead Minnow (I).

We also wanted to point out that in FWP's mFish database, the range map for Brown Trout over-exaggerates the extent of this species in the St. Mary River Watershed. Our data only indicate Brown Trout presence in Duck Lake (stocked) which is consistent with mFish locational data when "General by Species" is selected. Thus, we believe mFish's range map for Brown Trout in the St Mary River Drainage is inaccurate as it seems to include waters that do not have Brown Trout. We recommend revising Brown Trout's range map for this area.

Map on Page 143:

The map on page 143 is the Blackfoot River Drainage. This is incorrect, this map should be replaced with a map of the Bitterroot River Drainage.

Page 231-232, Upper Missouri River Drainage: Page formatting is landscape and as such makes the document difficult to read, please reformat.

Page 308, Fisheries Management Section Paragraph 1:

"The headwaters of the Marias River include Cutbank Creek and the Two Medicine River, which join to form the Marias River just south of Cutbank, Montana. Cutbank Creek, from where it leaves the Blackfeet Reservation and forms the eastern reservation boundary, is primarily a coldwater stream with rainbow and brown trout and mountain whitefish in its lower 19 miles. However, chronic dewatering limits its fisheries potential."

This should read "Cut Bank Creek" and "Cut Bank, Montana," not "Cutbank" as written.

The lower 19 miles of Cut Bank Creek does not contain Brown Trout. In fact, there are no Brown Trout in any stream on the Blackfeet Reservation. There is a marginal population of Rainbow

Trout. Historical reports suggest this section was primarily a warmwater species assemblage (Sauger, Goldeye, River Carpsucker, Black Bullhead) prior to the State's 1954 Marias River Restoration project where 80,000 lbs. of "Fish-Tox" (Rotenone/Toxaphene) was applied throughout the drainage (Federal Aid report by Nels Thorsen, Montana project number F-15-D-2, 1956). This section of Cut Bank Creek currently contains many cool/warm water species, including Walleye, Burbot, Flathead Chub, Emerald Shiner, Mountain, White, and Longnose suckers, Brassy Minnow, Fathead Minnow, and Brook Stickleback. We disagree with the statement that this reach is primarily a coldwater species assemblage and recommend it be revised.

Page 308 to 309, Fisheries Management Section, Paragraph 3:

"The reach of the Marias River above Tiber Reservoir includes both coldwater and warmwater species and becomes primarily a warmwater fishery near Tiber Reservoir (Lake Elwell) where walleye are the most abundant game fish. Coldwater game fish, including rainbow trout and mountain whitefish, also inhabit this reach, but in lower numbers. Northern pike, yellow perch, and burbot are other resident fish species of interest to many anglers."

Similar to the previous characterization of Cut Bank Creek, we disagree with the description of this reach as primarily a warmwater fishery near Tiber Reservoir. Walleye and many other warmwater species are present much further upstream, i.e., in the lower ends of the Two-Medicine River, as well as Birch and Cut Bank Creeks. Additionally, we have never observed a trout species in the lower end (2-3 mi) or at the confluence of these streams. Therefore, we believe it inaccurate that the warmwater classification would only be applied to "near Tiber Reservoir" as currently written. Moreover, a search of Cut Bank Creek and the upper Marias River in Mfish indicate no FWP fisheries surveys have been conducted above the head of Tiber Reservoir, suggesting assemblage data are lacking off of the Blackfeet reservation. However, historical data for Marias River above Tiber Reservoir indicated that this section would have been most likely dominated by warm/cool water species with some coldwater species present. The 1954 Marias River Restoration project report (Federal Aid report by Nels Thorsen, Montana project number F-15-D-2, 1956) identifies six species of warm water fish including Sauger, Channel Catfish, and Shovelnose Sturgeon. We recommend that efforts to update the species inventory for the Upper Marias should be initiated and consideration given to manage this reach as a warm/cool water assemblage for recreational species such as Sauger, Channel Catfish, and/or Shovelnose Sturgeon.

Because Sauger are a Montana species of concern, and pursuant to the stated goal under "Native Species Management" (page 13), it would seem appropriate to consider inclusion in the discussion re-establishing a sauger and possibly a shovelnose sturgeon population in the Upper Marias (and possibly any other native species that were extirpated during the Marias Restoration Project). While there would be hybridization potential with walleye, this threat could be mitigated by stocking sterile walleye in Tiber Reservoir, as is the case in Bighorn Lake. The upper Marias lacks many of the issues that have been identified as limiting factors for other Sauger populations (mainly altered temperature and flow regimes due to barriers and impoundments). The upper Marias has a

mostly natural flow and temperature regime and no barriers or impoundments, which may improve the probability of re-establishing a robust population of sauger.

There is also no mention of dace conservation in the Upper Marias River Watershed. Pearl Dace and Northern Redbelly Dace are often observed in these tributaries and occasionally in the mainstem of Birch, Two Medicine, Cut Bank, and Badger Creeks. Populations that occur on the reservation are well documented. Because there may be a lack of data on the Upper Marias, there may be potentially undocumented populations of Pearl or Northern Redbelly Dace in small tributaries (both species show an affinity for prairie spring creeks). We recommend additional surveys for these species be conducted in these areas.

Page 314, Fisheries Management Section, 3rd Table, second row:

"Cutbank Creek" should be corrected to "Cut Bank Creek"

Page 312, Birch Creek - Swift Reservoir to Highway 358 (species management table):

There are also wild Rainbow Trout and Burbot (N) in this section, but they were not mentioned in the species list. Additionally, below highway 358 there are also walleye. We recommend the table be revised to include this information.

Page 313, Badger Creek- from Confluence of North and South Badger Creeks to Blackfeet Reservation Boundary (species management table):

Species list should also contain Mountain Whitefish (N). We recommend the table be revised to include this information.

Page 313, Cut Bank Creek – From the Blackfeet Reservation Boundary to the Mouth (species management table):

The lower end of this section contains Walleye, which is not mentioned in the list. It may also be prudent to consider removing Brown Trout due to lack of data supporting it being included. We recommend the table be revised to include this information.

Page 341, Lower Milk River Drainage:

Native Species Conservation, 1st paragraph, second sentence:

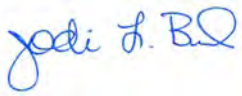
"*Many such as sauger, paddlefish…*"
Add "species" between "Many" and "such."

Page 342, Fish Management Direction table, Milk River section:

While pallid sturgeon would likely be included in the "Native non-game fishes" category. Given the federally threatened status, we recommend that they be listed separately and provided a "management direction" descriptor similar, as was done in the Missouri River-Poplar Drainage table on page 374.

This concludes the Service's comments on the draft Montana Statewide Fisheries Management Program and Guide. We thank you for the opportunity to comment and appreciate your cooperation and efforts to promote the long-term goal of self-sustaining persistence and recovery of listed species. The Service also appreciates the challenges associated with some of the potential management conflicts between native and non-native fish and looks forward to working with FWP on this important issue. Please let me know if you have any questions or concerns and if our staff can be of any assistance.

Sincerely,



Jodi L. Bush
Office Supervisor

January 24, 2018

MONTANA FISH, WILDLIFE & PARKS
ATTENTION: FISHERIES DIVISION
PO BOX 200701
HELENA, MT 59620

RE: Statewide Fisheries Management Program and Guide; Comment on Proposed Draft Guide

To Whom It May Concern:

The following is submitted on behalf of the Walleyes Unlimited of Montana-Upper Missouri River Chapter. The Walleyes Unlimited of Montana-Upper Missouri River Chapter submits the following comments to the Fisheries Division of Montana Fish, Wildlife, and Parks regarding the Proposed Draft Statewide Fisheries Management Program and Guide which was published on December 13, 2018, for comments by January 13, 2019.

The Walleyes Unlimited of Montana ("WUM") is the largest sport fishing organization in Montana, with over 2,500 currently active members. The Upper Missouri River Chapter is the local affiliate of Walleyes Unlimited for the Upper Missouri River regional area. WUM believes in educated and scientifically based fisheries management of fisheries suitable bodies of water for warm water fishing. We support the Montana Constitution which states: "the opportunity to harvest wild game is a heritage that shall ever be preserved" and the mission of Montana Fish Wildlife and Parks to provide "for the stewardship of fish…while contributing to the quality of life for present and future generations." As such, Walleyes Unlimited of Montana -Upper Missouri River Chapter members have a direct interest in ensuring the State Fisheries Management Guide is based on sound science and best practices.

I. OVERVIEW OF WALLEYES UNLIMITED-MISSOURI RIVER CHAPTER COMMENTS

WUM members are bonded by their love of warm water fishing, including, and especially, walleye fishing. Our love for walleye should not be confused with our dedication to stewardship of aquatic life, sound management for healthy fisheries, and recreational opportunity for all.

It is for this reason that we ask the Fisheries Division to give a hard look at the following and ensure a collaborative and collective process moving forward. The Draft could and should be used as a starting point to the collaborative process. Merely responding to comments under the circumstances fails to achieve the requisite public participation required for adoption.

The Draft must outline and explain the differences between a Guide and a Plan. The Fisheries Division has not adequately explained to the public that the distinctions between a Plan and a Guide consist of more than a choice of words. Once this explanation has occurred, an opportunity to comment must follow.

The native status designation is significant under the management approach, specifically, the Draft. Contrary to the Divisions assertions, the native status of walleye was not raised for the first time when it was raised during public comment section of the Commission meeting on December 10, 2018. However, as the Commission and the Department is aware, the Commission noted public comment regarding the native status of walleye and directed the Fisheries Division of the Department to respond accordingly. Ending public comment prior to informing the public of the Division's findings (based on review of a leading scientific expert's reported conclusion) that walleye is native to Montana would be procedurally unfair and substantially deprives the public of their opportunity to be heard.

WUM recognizes and appreciates that the Department wishes that comments on the Draft be specific and detailed, including proposed alternative methods. We hope the comments of this letter do exactly that. With that said, we also recognize and appreciate that staff from the Fisheries Department participate in educational and/or collaborative events concerning regulatory strategies for fisheries. It is for that reason that we ask the Fisheries Department to provide viable alternative options that reflect public comment to the Commission. An all or nothing approach to the Draft stifles the opportunity for the public to utilize agency expertise in shaping the plan. For this reason, the proper approach would be for the Department to do more than respond to public comments and public suggestions, but to provide the public an opportunity for feedback on several options of best management practices related to the interests expressed.

The public, including members of WUM, conveyed a desire for flexibility and adaptability within the framework of the Draft including the four-year cycle regulation setting process. While the Draft incorporates the four-year cycle, the Department has privately suggested that revising the regulatory cycle timeline is beyond the scope of comment for the current draft. While the Department may confirm whether that is the case, the Department should also inform the public of the process to address public perceptions that the current management cycles are unyielding, inflexible, and foster negative consequences to fisheries as a result. Moreover, even if the regulatory cycle itself is outside the scope of comment and responsive actions for the current Draft, the Draft nonetheless contains hard-and-fast language related to the regulatory cycle that must be amended to reflect and address the public's perception that the current cycle's inadaptability causes harm to fisheries.

WUM understands the broad and comprehensive management areas covered by the Draft for fisheries related regulation. Further, we recognize the challenge faced by regulators in achieving language that accomplishes the Department's goals, demands of science, and acceptance by interested parties and the public at large. At the outset, the Draft reiterates the document will be used to set priorities, management direction, and guide regulation-setting. Consequently, it is critically important that the Draft does not create a foundation or a basis for regulations that place one form of recreation against another. Furthermore, the Draft should not advocate for a statewide solution where an individual waterbody plan would be more appropriate. As such, the Division should revise sections pertaining to: (1) special issues, challenges and initiatives; and (2) fishing contests.

How terms of art within the Draft apply depends entirely on how the Draft defines the terms. The Division adequately defined some of the management types identified in the Plan. Others, however, must be revised. Moreover, an additional designation is necessary to reflect the regulatory framework applicable to certain areas.

Lastly, WUM asks the Division to note concerns with provisions applicable to specific waterbodies and/or species, namely, Upper Missouri River Drainage, Mariah's River, and Walleye.

WUM offers the following recommendations:

A. Concluding public comment prior to addressing conclusive findings that walleye is a native species deprives the public of its right to participate and marginalizes the value of public comment:

B. The Division must provide the public with its conclusions after reviewing leading fisheries scientific reports identifying walleye as a native species and provide the public an opportunity to submit written comment:
C. The Division should inform the public of how the Draft would change or revise under consideration of walleye as a native species:
D. The Draft contends and public outreach efforts have inadequately conveyed the distinction between adopting management directives as a Plan versus Guide, consequently, the public is deprived of meaningful comment related to that which arises through this distinction:
E. The Draft should amend the Regulation Setting Process provisions of the Draft to encourage adaptive management responsive to changing conditions and needs of fisheries:
F. The Division must revise language pertaining to fishing contests to prevent protest efforts interfering with scientifically sound and publicly enjoyed recreational competition:
G. The Division should amend language concerning conflicts between user-groups so that such that conflict is not fostered by its text:
H. The Division should add "trophy" as an additional identified management type and include it to applicable situations throughout the Draft.
I. The Division should revise the management type below Holter Dam should be amended from "Suppressive" to "Liberal and/or Restrictive."
J. The Division should consider "temporary emergency order" management types for high water flushing years.
K. The Division should amend the Draft to include an evaluation component for supplemental stocking during poor spawning conditions in Tiber Reservoir and Lake Francis.
L. The Division must strike biannual stocking limitations at Lake Francis.
M. The Division must draft language concerning public-private partnerships, and include language within water body specific provisions where partnerships where applicable.

II. CONCLUDING PUBLIC COMMENT PRIOR TO ADDRESSING CONCLUSIVE FINDINGS THAT WALLEYE IS A NATIVE SPECIES DEPRIVES THE PUBLIC'S RIGHT TO PARTICIPATE AND MARGINALIZES THE VALUE OF PUBLIC COMMENT.

In Montana, walleye is classified and managed as a nonnative species. As outlined in the FWP Vision and Guide 2016-2016, in order to accomplish the goals of the Fisheries Management Program, fisheries management is directed to restore,

maintain, and protect native species and their habitats. A species' native status designation plays a significant role in the Draft for fisheries management. Therefore, it is critically important that the basis for classification of fish species reflect current scientific and academic findings.

FWP publicly admit "there is some debate about the factors constituting native status of walleye", however, the Department currently operates on the assumption that "there is no record of walleyes being native to Montana" and walleye was "introduced by newcomers as a sport fish."

This inaccurate assumption is based on the findings identified in A Report on the Early Distribution and Sources of Walleye *Stizostedion vitreum* in Montana (November 28, 1995) by William Gould. In support of the ultimate conclusion that "the evidence strongly indicates walleye are not native to Montana" in post glacial distribution in the Missouri River System is based on the author's review of references covering the Lewis and Clark expedition through 1894.

Of course, one must consider the challenges associated with successfully harvesting a walleye by those fishing during the Lewis and Clark expedition.

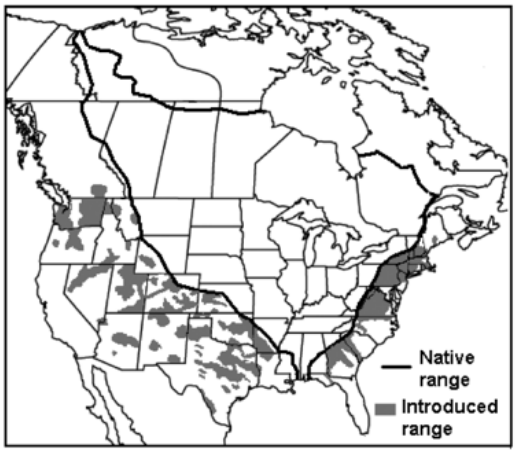


Figure 1: Boundaries of the natural distribution of walleye and introduction outside the natural range from American Fisheries *Society, Biology, Management, and Culture of Walleye and Sauger* (2011).

The author of this report concludes that the evidence (at that time) strongly indicate[ed] walleye is not native to Montana. Recent scientific research by leading experts in their field tells us that walleye *are* native east of the continental divide.

The American Fisheries Society is the world's oldest and largest organization dedicated to strengthening the fisheries profession, advancing fisheries science, and conserving fisheries resources. Montana Fish, Wildlife, and Parks, along with other like agencies across the country, routinely cite reports and/or partner with the American Fisheries Society in management efforts.

In 2011, the American Fisheries Society published Society, *Biology, Management, and Culture of Walleye and Sauger*. Montana, Fish, Wildlife, and Parks partially funded the publication.

As depicted by Figure 1, the publication identified the native and introduced range of walleye. Additionally, as depicted in Figure 1, east of the continental divide in Montana is part of walleye's native range.

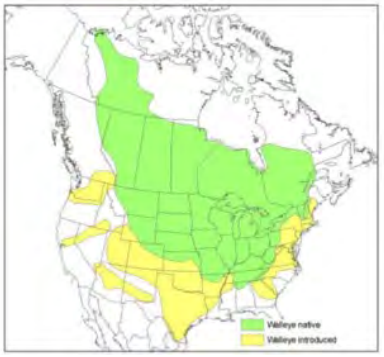


Figure 2: North American Distribution of Walleye from Canadian Science Advisory Secretariat – Science Advisory Report 2010/086.

The same conclusion was made by Canadian Science Advisory Secretariat in a 2010 Science Advisory Report titled *Science Advice from a Risk Assessment of Walleye (Sander vitreus) in British Columbia*. In this report, as depicted in Figure 2, walleye is identified as a native species east of the divide. In contrast to reports that utilize examination of literature as a basis, this report points to studies noting the presence of mtDNA group supports the possibility of a walleye refugium in the upper Missouri river occurring in the post-glacial period.

Figure 3: Review and assessment of walleye genetics and stocking in Alberta. F.D. Johnston, F.D. and A.J. Paul, Alberta Conservation Association (2006).

Likewise, *Review and assessment of walleye genetics and stocking in Alberta* published in 2006 by the Alberta Conservation Association notes the native distribution of walleye in Montana east of the continental divide. The pectoral representation of the native distribution of walleye in North America is shown in Figure 3. The expert biologists clearly depict the range traveling down the east side of the continental divide.

Several other reports came to the same conclusion as the ones provided in this comment above.[1] However, we further recognize that producing an extensive list of academic and expert reports pertaining to walleye native distribution is beyond the scope of comments for the currently proposed Draft. However, the Division made a public admission during the December Commission meeting that the Division had never reviewed reports such as the ones above, nor were aware of such reports.

[1] *A biological synopsis of Walleye (Sander vitreus),* G.F. Hartman, Fisheries Research and Education Services, Canadian Manuscript Report of Fisheries and Aquatic Sciences 2888; *Biological Risk Assessment for Northern Pike (Esox lucius), Pumpkinseed (Lepomis gibbosus), and Walleye (Sander vitreus) in British Columbia*, Bradford, M.J., Tovey, C.P. and Herborg, Canadian Science Advisory Secretariat Research Document 2008/074 (2009); and, *Frequency of natural hybridization between saugers and walleyes in the Peoria Pool of the Illinois River, as determined by morphological and electrophoretic criteria*, Billington, N., R. C. Brooks, and R. C. Heidinger, North American Journal of Fisheries Management, 17:220–224 (1997).

As a result, it is clearly inappropriate for the Division present the Draft to the Commission at this time for a vote for several reasons: (A) the provided public comment period is inadequate; (B) the public is entitled to hear the agency's analysis of native species; (C) the public is entitled to comment on the native species designation review by the Division; (D) the Division failed to specify and the Draft fails to provide how identification of walleye's native status would affect the plan in recognition of emerging science; (E) the current language related to native species and walleye rebuke scientific research without explanation.

A. The Provided Public Comment Period is Inadequate

The Commission noted the importance of Division review of research indicating native distribution of walleye in Montana east of the continental divide prior to approving to release the Draft for comment. Further, members of the Commission publicly stated that they would not approve the Draft following comment until and unless the Division addresses walleye's native status. At that time, the Division indicated the anticipated time to release their analysis of reports, such as the *American Fisheries Report*, as of February 2019.

Walleye Unlimited of Montana-Upper Missouri River Chapter must emphasize that the Division was made aware that walleye's native status was and remains a significant concern by members of our organization and the general public prior to the Division's recommendation to the Commission to approve releasing the Draft for public comment. Yet, despite walleye's native status being a known issue of public concern, the Division set a cut off point for public comment at January 13, 2019. Subsequently, the deadline was extended to February 4, 2019.

As of January 13, 2019, when public comment was originally scheduled to close, the public will have received no new or supplemental information regarding the Division's review of the native status of walleye.

As of February 4, 2019, when the public comment's extended time-period is set to close, the public will have received no new or supplemental information regarding the Division's review of the native status of walleye.

Therefore, the public is denied the right to comment on a variety of issues that flow from the Division's analysis of scientific reports concerning the native status of walleye.

B. The Public is entitled to hear the agency's analysis of native species prior to recommendation by the Division that the Commission approve the Final Draft.

The Division has stated that because the research related to native status of walleye, such as the 2011 report by the *American Fisheries Society*, was presented to the Commission during the public comment period of the Division's recommendation to release the Draft for comment, the Division intends to treat the discussion as a public comment requiring written response. Doing so shackles members of the organization and the general public from agreeing, disputing, or supplementing the Division's assessment.

The Division was made aware of the research reports prior to the Commission releasing the Draft for comment. The Division ignored the public's plea to evaluate the research leading up to the hearing. It was only after the Commission demanded the Division evaluate the research prior to recommending the Draft that the Division consented to evaluate the research findings.

It must be noted that the Division provided partial funding for the research report. Indeed, the American Fisheries thanked Montana Fish, Wildlife and Parks for contributing to the publication.

However, what is troubling above all else, the Division's statement to the Commission that the Fisheries Division's was unaware of the report is undermined by the fact that the publication is cited by the Montana Fish, Wildlife and Park's December 2016 joint-publication of *Ecology and Management of Montana Walleye Fisheries*.

The fact that Montana FWP Fisheries Division cited the report as a basis for their findings in 2016 and then in December 2018 subsequently claimed to be completely unaware of existence of the documents cannot be ignored. Even standing by itself, this revelation gutted public trust in the process.

It is, at best, highly suspect for the Division to use the American Fisheries report as a basis in their own works in 2016 only to claim ignorance twenty-four months later considering that the Division staff who claimed unfamiliarity with the report namely Eric Roberts and Eileen Royce, were identified as contributing authors to the 2016 publication in which the report was cited.

As a result, confidence in the public process for the Draft State Management Plan by not only some members of our chapter, but others in the public, has completely eroded.

This is not to suggest that statements made to the Commission by personnel of the Division was made with malicious intent. Rather, we implore the Commission to acknowledge that these circumstances polluted the public comment period for this proposed action, to address the public's concerns, to reestablish public trust, and to redo the public comment process in a manner that encourages meaningful public participation without an established perception marked by suspicion of intentional deceit.

Members of the public, including members of our organization, should not be required to tailor comments based on an individual hypothesis as to how the Division will ultimately respond to recent research identifying walleye as native east of the continental divide.

Indeed, at the December 10, 2018, Commission meeting, several individuals noted on record their opposition to releasing the Draft to comment because the nature of their comments are contingent upon the Division's assessment. As of January 13, 2019, followed by February 4, 2019, the public will know no more than they did on December 10, 2018.

C. The public has a right to know how the changes in the Draft would occur upon designation of walleye as a native species in consideration of emerging science.

FWP fisheries administrator Eileen Royce recently told the *Billing's Gazette* that the fisheries division will explore walleye's native status with state and national experts but added that even if walleye were recognized as native to Montana "there would be very little to no change" in much of the Draft. Whether small, significant, or no change, the public is entitled to know specifics and comment accordingly.

If the change in status would bring any change at all, those changes are outside the scope of the current Draft being commented on by the public. For obvious reasons, the public ought to know how those changes ultimately shape the document. Moreover, legally, the comment period for a Draft that is subsequently changed is inapplicable to the document text with changes incorporated. As

indicated below, it seems highly suspicious that a change from nonnative to native designation would result in "little to know change," as indicated by the Division.

Further, the statement by the Division indicates the Division has a determination. The public is entitled to hear an explanation by the Division, and comment accordingly.

In consideration of the above, pertaining to science and research surrounding the native distribution of walleye east of the continental divide in Montana, the plan must take account of emerging science. Even if the Division fails to recognize walleye's native status after reviewing the latest research, it is clear that newer research contradicts past research utilized by the Department.

In recognizing this shift, the Plan must accommodate for the realistic potential that emerging scientific data may require a change in species designation for walleye as native. Accordingly, the Division must prepare for such a change within the Plan. Whether the data dictates managing walleye as a native species in 2019 or 2027, the Plan should clarify how the change in species designation will ultimately be accommodated. What is more, the public is entitled to know the accommodation strategy by the Division under the Plan prior to the Plan's adoption by the Commission.

D. The current language related to native species and walleye rebuke scientific research without explanation.

In detailing Montana's fisheries resources, the Draft indicates that Montana is home to 91 species of fish, 59 of which are native. (Draft, Pg. 3) The Draft then directs readers to Table 1 containing Conservation status, species designation, and presence by ecoregion for fish species in Montana. In that table, walleye is identified as a species that is not currently under review, and introduced in the Clark Fork, Upper Missouri, Lower Missouri, Upper Yellowstone, and Lower Yellowstone. As the Division has stated, on record, the conservation status of walleye is currently under review, at least as applied to east of the continental divide. The table should indicate the status is under review.

The Division should consider an annotation in Table 1 to the ecoregion categorical designation where the Draft identifies walleye as "I" for Introduced that conflicting research findings exist regarding whether the species is Native or Introduced in regions east of the continental divide.

The Draft establishes that native species conservation is a high priority for the Fisheries Division. The Draft then outlines the Division's two approaches to native species management: (1) Native species with high conservation value; (2) Native species with sport-fishing value, but with no conservation status. The Division should indicate whether, if identified as a native, walleye will be considered by the Division as a native species with high conservation status or a native species with sport-fishing value with no conservation status.

Moreover, the Plan must set forth language clarifying how native species with conservation status are managed in relation to and in conjunction with native species with sport-fishing value with no conservation status. With respect to making management decisions regarding the populations depending on popularity and interactions with other species, what are the factors the Division utilizes in this analysis and what considerations are made?

In discussing the special issues, challenges or initiatives associated with Native Species Management, the Plan lists hybridization between introduced walleye and native sauger as a significant management concern challenge associated with nonnative fish that compete, hybridize, prey on, and displace native fish. This is only one example of why the overall narrative of the Draft portrays walleye through a negative lens contrary to scientific conclusions.

A recent research article by Daniel Bingham, Wildlife Biology Program-University of Montana, Rob Leary, Montana Fish Wildlife & Parks, Sally Painter and Fred Allendord, Division of Biological Sciences-University of Montana, concluded their analysis "revealed a near absence of hybridization between sauger and walleye despite massive releases." In that study, out of 925 individuals analyzed, only 18 individuals were hybrid. And, only 8 of the 18 showed significant evidence of having either a walleye or sauger ancestor within two generations.

Of course, we are not dismissing the threat of hybridization and management efforts merely because currently hybridization between sauger and walleye is nearly absent. Rather, we are concerned with the Draft's current language which dismisses numerous factors contributing to hybridization. The Draft fails to mention the challenges associated with hybridization or factors minimizing hybridization such as: (1) differences in spawning ecology; (2) habitat during spawning; (3) water quality during spawning; (4) tail water associated with dams; (5) hybrids inadvertently stocked as walleye; etc.

III. PLAN VERSUS PROGRAM AND GUIDE

During the Commission meeting on December 10, 2018, at the time the Commission advanced the Draft toward public comment, Division staff stated "We [Fisheries Division] are proposing a name change from Plan to Program and Guide."

The Division understands the Draft shift is more than a choice of words. In fact, the Agenda Item Cover Sheet from the Fisheries Division for the Commission meeting states "[S]ince the document functions differently than waterbody or species-specific management plans, staff is proposing a name change for this draft…" The words used represent more than the definition provided by a common dictionary. Instead, the choice of titling the Draft is based upon the choice between two legal terms of art, containing legal significance, and administrative implications for the agency. The Public must have an adequate understanding of the difference. Billing the Draft's title as a "name change" is misleading. The Draft must explain and the public adequately informed to provide substantive comment on what the differences are in how the document functions.

Notably, the Division has not made clear or justified why the document needs to function differently, what promulgated the need to have the document functionally different, or the reason doing so is necessary. The Division should clarify, and permit members of the public to submit remarks accordingly.

A. Public Comment

Our members and similar members of the public have a vital interest in providing substantive comment to the Division for management decisions for fisheries programs and aquatic resources. Due to the legal significance of the Division's choice in legal terms of art, our organization is concerned with the Division's use of the Draft to respond to comments and/or justify management decisions for fisheries and aquatic resources. Doing so could adversely injure members of the public, including members of our organization, from meaningful comment and adequate public participation.

B. Offset Nonspecific Plans

In addition to the above, the Draft masks the potential adverse impacts associated with the change in functionality as prescriptive in nature. Numerous members of our organization and the public expressed concerns to the Division over this issue. Throughout the process, the Division has reiterated the same language contained within the Draft that the Guide will not override separate and specific management plans.

With that said, as indicated by the Draft, the prescriptive nature of the Draft will (1) establish management actions if specific goals or objectives are not met; (2) provide guidance for managing adjacent waters; and (3) deference is limited to existing specific management plans.

The Draft fails to specifically identify what actions would be required if goals or objectives are not met, how such a corrective measure would be triggered, and the process associated with the corrective measure.

In light of the proximity of adjacent waters to the Upper Missouri River specific management plan, our members have a keen interest in the management decisions for adjacent waters. The Draft does not provide any certainty as to whether the goals and obligations of the Draft, due to the superseding nature of a specific waterbodies plan, would require management of adjacent waters to offset or facilitate justifiable corrective measures in their fisheries.

Similarly, the Draft may be interpreted as limiting the superseding nature of specific water management plans to those currently adopted and in place. This is particularly concerning considering the Upper Missouri River Management Plan's adoption will occur directly on the heels of adopting the Draft. It would be categorically unfair to members of the public that relied upon affirmation of the Division regarding the superseding nature of the specific plan to have their concerns undermined months later by a loophole.

The Draft should clarify that the document's guidance for management of adjacent waters should not be interrupted as either indicating or prescribing corrective or offset management for specific plans entitled to deference. The Draft should clarify and provide specifics pertaining to specific management actions if specific goals or objectives are not met. Lastly, the Draft must be amended and make clear that the Guide defers and does not supersede existing or future specific management plans.

IV. FOUR YEAR CYCLE

The Division is aware of the public demand for a more responsive and adaptive regulatory management approach for fisheries management to adequately conserve, preserve, or protect our fisheries. Specifically, the shared consensus that the four-year cycle for regulation-setting process has failed and must be changed.

The Division's response to comments pertaining to this issue may pertain to the issue as beyond scope of the Draft. Nonetheless, the fact remains that the document

is intended to serve as a guide for fisheries management through 2027, and the Draft incorporates the four-year cycle regulation setting process. As it stands now, the language in the Draft accepts the current approach's deficiencies without noting the instances where it has failed. Similarly, if the regulatory cycle falls outside the scope of the current Draft, the Division should inform the public how a more responsible and timely regulatory setting process may be achieved. Finally, the Department should add to the Draft provisions establishing a regulation setting process and criteria for temporary or emergency decisions occurring outside the fourth year of the cycle.

A. Language

The four-year cycle is not specified by statute. A change in the regulatory cycle is critical to meet the goals and obligations set forth by the Draft. This is why the Draft should not and cannot be adopted prior to addressing insufficiencies in the regulatory cycle. At the very least, the Draft must include language acknowledging the need to revise the current approach. As it stands now, the Draft merely accepts the inefficiencies in the regulatory cycle as the intended status quo through 2027.

Moreover, the approach in the Draft limits the regulation setting process during off-cycle years to regulation changes generated by FWP fisheries and enforcement staff. The Draft should be amended to allow members of the public to present, suggest, and/or request regulation changes during off-years.

B. Direction from the Department

A mere response by the Division to comments on the Draft pertaining to the regulation setting process cycle would be inadequate and threaten members of our organization and the general public with a continuation of injuries resulting from the cycle's inefficiencies. Therefore, the Division should provide the proper forum to address the four-year cycle.

Similarly, the Draft should provide guidance and process for a member of the public seeking to suggest or recommend a regulation change to FWP fisheries and enforcement staff.

Finally, the Draft should expand the criteria for proposals eligible for presentation to the Commission to include instances of sudden decline in population of fisheries and changes in circumstances negatively affecting fisheries.

C. Temporary Response

The Division should consider adding to the regulation setting process section of the Draft a process, criteria, and procedure for considering temporary and/or emergency regulations. Doing so would mitigate the negative impacts of the four-year cycle by providing a more timely, flexible, and adaptive regulatory process in certain situations.

V. CONFLICT CREATION

The Draft identifies managing game species in a way that provides recreational and sustainable harvest opportunities while minimizing conflicts as an action to achieve the overarching commitment of the Fisheries Management Program. We share the Division's overarching commitment as private citizens and applaud efforts to achieve the same. In light of this, the language of certain sections within the draft draw concern and should be revised to reflect the overarching commitment of the Division, shared by members of our organization.

A. Fishing Contests

The Draft provides for welcomed public awareness campaigns to preclude scientifically sound and otherwise permissible competitive fishing opportunities from taking place. Specifically, the Draft provides that contest applications may be denied based on public opposition as a reason. As it stands, the Draft provides a framework for parties categorically opposed to competitive fishing—not to mention recreational fishing, entirely—to initiate funded campaigns that churn out opposition to contests and threaten litigation in the alternative. For obvious reasons, the Draft must be revised to preclude this occurring.

The Draft fails to mention or incorporate the economic benefits from competitive fishing. The Draft fails to mention the benefits of competitive fishing to fisheries management, such as collecting biological information and supplement current agency efforts. Even more, the Draft fails to mention the stimulated interest in fishing and fishery resources. All of these have been recognized as significant benefits to fisheries management by numerous studies.

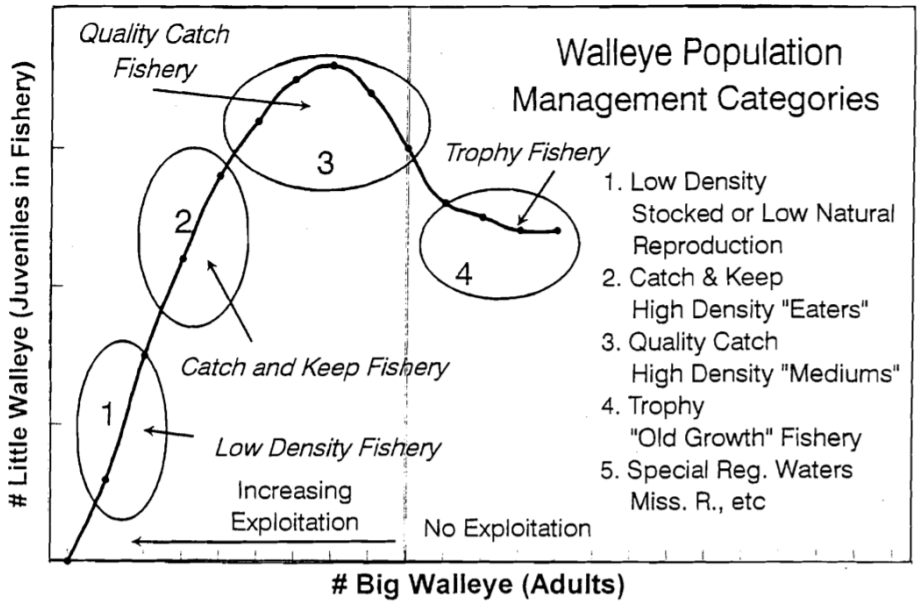
B. Conflicts between User-Groups

To address conflict between wade anglers and float anglers, the Draft points to regulations that prohibit angling from a boat as a method to resolve social concerns between user groups.

While this may be appropriate in some instances, enacting regulations that prohibit angling from a boat cannot and should not be a staple solution for conflicts between wade anglers and float anglers. The overarching commitment of the agency is to minimize conflict between users. Permitting one user while prohibiting another is not minimizing conflict. Instead, enacting regulations that prohibit float anglers demonstrate favoritism for wade anglers and brews hostility between two recreational user types.

Resolving social concerns can be achieved without granting exclusivity to one type of recreational user. Fisheries can and should be shared by all users, if possible.

VI. MANAGEMENT TYPES IDENTIFIED



The Draft identifies nine types of management for management direction for the 40 drainages in Montana. For the reasons set forth below, our members ask the Division to amend the current definition of "Quality" and "Suppression", as well as add "Trophy" an additional management type.

A. Quality

"Quality" management type is identified in the Draft as:

"E. Quality. A management approach that changes, by regulation, the size and/or numbers of fish which may be harvested in order to provide increased catch rates for larger fish which are considered quality or trophy size. This type of management may be applied to water areas or to specific species."

Our members consider a "quality" fishery as a management approach that changes, by regulation, the size and/or numbers of fish which may be harvested in order to provide increased catch rates with a reasonable number of fish with a good cross section of multiple year classes of fish. In other words, a quality fishery

provides an angler with reasonable opportunity for increased catch rates of harvestable fish, along with a chance of angling a trophy size fish.

Based on the FWP netting charts, a quality walleye is identified as between 15 and 19.9 inches. Our members consider the FWP's netting chart's identification is accurate. Therefore, an example of a quality walleye fishery would present an angler with a reasonable opportunity to produce increased catch rates with a reasonable number of 15-19.9-inch fish, and a chance of one greater than 20 inches.

The current definition of quality in the Draft does not reflect what anglers consider a quality fishery and should be amended accordingly. The primary goal for anglers in a quality fishery is to harvest a few quality fish to eat. Catching a trophy size fish is secondary.

B. Trophy

Some fisheries are managed as a trophy fishery, but 'trophy' is not identified as a management type. As indicated above, there is a distinct difference between what is identified as a "quality" and "trophy" fishery. Therefore, the Division should add "Trophy" as an additional identified management type within the Draft.

The primary goal of a "trophy" fishery is to present increased opportunity for an angler to successfully catch a trophy, but not necessarily catch a reasonable number of fish identified as "quality".

C. Overall Goals

The Draft should be amended to reflect that management for walleye abundances based on the carrying capacity that sustains normal growth rates and relative weight and condition factors of 85-100, with a diverse population age structure.

In addition, supplemental stocking should be considered to sustain relative abundance when there has been poor spawning conditions or success. Related to this, the Draft should consider management directives for hatchery walleye stocking evaluated based on forage abundance, reservoir water levels, growth, relative weight and reservoir-wide relative abundance.

The Draft must also note that where funding is available, management efforts is benefits from implementation of periodic creel surveys.

When abundance is maintained from primarily natural reproduction, possession

limits and/or slots should be evaluated to protect the prime spawning population when warranted by creel census and fall netting data.

VII. Missouri River-Dearborn Drainage

The Missouri River-Dearborn Drainage section of the Draft identifies the management type for walleye from Holter Dam to Cascade Bridge as "Suppression." The identification of "Suppression" as a management type stems from the overall goals and management plan adopted by the Commission in 2011. Specifically, the FWP Commission established a "no limit for walleye" harvest regulation on the section of the Missouri River from Holter Dam to Cascade to protect trout fisheries.

In 2012, Montana Fish, Wildlife, and Parks published a report titled "*An Evaluation of Walleye in the Missouri River between Holter Dam and Great Falls, Montana"* The report notes that at the time the suppression-type management directives were adopted, there was a perception of some public users that walleye have a negative effect on trout in the Missouri River below Holter Dam. However, the study showed, despite a presence of walleye in this section of the river from the late 1960's through 2011, and at the present level of walleye in the river, there is no measurable evidence of negative impacts to trout. And, up until March 1, 2011, there were not special angler harvest regulations for this area and the standard limit of 5 walleye daily and 10-inch possession applied.

In other words, the suppression-management approach was adopted based on a perception that was ultimately undermined by scientific analysis. At the same time, identifying walleye management as "suppression" has negatively impacted public stigma against walleye while undermining enforcement efforts toward responsible fishing.

The result of having differing management types on both sides of the dam presents practical enforcement problems for the Department. Numerous members of the public have reported observations of individuals filleting fish at the Holter Dam Fish Station that were clearly beyond fighting regulation limits. Yet, when questioned, respond by asserting that the fish were harvested from below the dam. As the Division clearly understands, fish stations play a critical role in reporting and enforcing infractions.

The "loophole" and those who irresponsibly exploit it has decreased the quality of walleye fisheries at both Holter Dam and the lower section of the river. Simply put: the costs far exceed the benefits.

Instead, the Division should amend the Draft's identification of management type from "Suppressive" to "Liberal/Restrictive." The Draft recognizes that one or more of the identified management types may be combined in any given situation. Doing so would facilitate the Department with the requisite tools to properly manage current populations without the negative impacts associated with the current approach.

A. Flushing Years

In the event of an unusually high-water flushing year, the members of our organization would support the implementation of temporary "no limit" regulations to control higher than desired numbers flushed through.

However, as noted in *An Evaluation of Walleye in the Missouri River between Holter Dam and Great Falls, Montana*, even in high flow flushing years, there were not unusually high numbers of walleye in the Missouri River from upstream reservoirs. Consequently, the emergency or temporary no limit regulation should be limited to appropriate circumstances where the numbers flushed through demand implementation.

B. Regulations

The Draft must identify alternative types of regulations available for walleye management, in addition to providing justification for current regulatory approach and directives in which adopting an alternative to the current regulatory management approach would be proper.

The Draft, in current form, fails to adequately address the availability and/or decision-making pertaining to the use of slot limits and/or "one over" length specific bag limits.

While this comment is specific to the Missouri River-Dearborn Drainage, the Division should consider this department as it relates to the inclusion in the Walleye species provision of the Draft.

VIII. PUBLIC-PRIVATE PARTNERSHIPS

Staff of Fisheries Division have acknowledged the success and necessity of creative cooperative efforts, such as "Pines for Perch." *See, 3,500 Christmas trees dropped into Canyon Ferry Reservoir for perch habitat*, Helena Independent Record (2013). Yet, the Statewide Management Plan fails to identify (1) creative management efforts necessary for certain fisheries, (2) the critical importance of

maintaining currently successful projects, (3) tools, such as the use of trees for perch spawning habitat, as a management option, (4) the need to create or maintain cooperative efforts with private partners, etc.

Current projects that are vital to the health of applicable fisheries, must be noted. Simply put, by identifying current needs and conditions, such as habitat, which necessitate management directives, without identifying the success by certain projects in achieving management concerns, the state management plan creates an incomplete narrative. For the same reasons the Draft identifies the need to maintain certain harvesting restrictions, the Draft must equally identify the importance of maintaining annual projects that facilitate fisheries management goals.

The Plan omits entirely the currently available and used creative solutions, such as cooperative projects. Upon correcting the Draft to include this information, the Draft should then specify in the relevant specific water body provisions the necessity to maintain currently successful projects and/or partnerships. For example, maintaining perch habitat enhancement projects should be specifically included in provisions regarding Canyon Ferry and Tiber Lake.

Additionally, the Division must amend the specifies provisions of the Draft to include language acknowledging management projects, tools, or otherwise. Including, but not limited to, the inclusion of using trees for yellow perch to spawn in the perch section. In doing so, the Draft should include not only habitat enhancement options, but also include forage, spawning enhancement.

Along the same lines, a new section of the Draft should be added which identifies and establishes commitment to cooperative projects. In doing so, the Department must formally commit to utilizing private-partnerships where available. For example, under certain circumstances, a private entity may be interested in providing funding or volunteer assistance to ensure necessary projects are carried out. As the plan stands, management direction defaults towards regulatory restrictions. For obvious reasons, proactive fisheries management through cooperative efforts should be explored and encouraged.

On behalf of the Walleyes Unlimited of Montana-Upper Missouri River Chapter, we appreciate the Division's work and efforts in the Draft. However, the Division should consider and incorporate the necessary changes specified above.

Sincerely,
Austin James
On behalf of Walleyes Unlimited of Montana-Upper Missouri River Chapter

February 14, 2019

MONTANA FISH, WILDLIFE & PARKS
ATTENTION: FISHERIES DIVISION
PO BOX 200701
HELENA, MT 59620

RE: Statewide Fisheries Management Program and Guide; Additional Comment on Proposed Draft

To Whom It May Concern,

Please consider the following additional and supplemental comment to our January 25, 2019, public comment letter on the Statewide Management Program and Guide. We feel obligated to place in the formal record the clear circumvention of procedural rules and public process guarantees by the Division.

During the update provided by the Fisheries Division to the Commission on February 13, 2019, which occurred during the agenda item reserved and listed as the 2019-20 CSKT Fishing and Hunting Regulations- Endorsement action item, the Fisheries Division noted on the public record that since the December 2018 Commission meeting the Department has presented to the American Fisheries Society regarding the native species designation of walleye.

The Commission noted on the record of their request that the Division review the American Fisheries Society research findings and report the conclusions of their review back to the Commission prior to any action taken on the Draft. When asked how much time the Division would need to review the research methods and conclusions the Division responded to the Commission that their analysis of the research should be completed by the February Commission meeting. The Commission specifically noted on record that the public clearly had in interest in hearing the findings made by the Division for their participation in the public process of the Draft.

Our January 24, 2019, letter detailed the significance of this at length.

Yet, on February 13, the Division noted on public record since the December 10, 2018, meeting the Division *presented to* American Fisheries Society. The Commission and the public did not ask the Division to present to the source of the research publication with the Division's findings. The Commission and the Public demanded that the Division review and analyze the research conclusions by the *American Fisheries Society* publication. Presenting your own conclusions to the source is certainly by no means equivalent to review and analysis of scientific research. The Division was not asked to present different conclusions, they were tasked with providing the public with a review of the conclusions of the publication.

Moreover, the public was at no time aware of what the Division presented. The presentation was not announced to the public. The materials were not circulated to the public. Instead, the Division announced that the Division would follow up on the presentation at a time in which the public would be invited on February 28.

Although the Division has clearly identified some conclusions during their review about the native species status of walleye, the public comment period will have ended two weeks prior to when the public will be provided with that information.

Note, the audio files for the February 13, 2019, Commission meeting were made available on or about February 15, 2019. The deadline to submit public comment on this issue is February 15, 2019. As such, our ability to expand upon the full weight and significance of our concerns in this supplemental letter is significantly limited.

The fact remains that many members of the public, including members of our chapter, submitted public comment directly pertaining to this issue.

Prior to recommending any action on the status of the Draft, the Division must take the above in to consideration.

Best,

Walleyes Unlimited of Montana-Upper Missouri River Chapter

January 24, 2018

MONTANA FISH, WILDLIFE & PARKS
ATTENTION: FISHERIES DIVISION
PO BOX 200701
HELENA, MT 59620

RE: Statewide Fisheries Management Program and Guide; Comment on Proposed Draft Guide

To Whom It May Concern:

The following is submitted on behalf of the Walleyes Unlimited of Montana-Upper Missouri River Chapter. The Walleyes Unlimited of Montana-Upper Missouri River Chapter submits the following comments to the Fisheries Division of Montana Fish, Wildlife, and Parks regarding the Proposed Draft Statewide Fisheries Management Program and Guide which was published on December 13, 2018, for comments by January 13, 2019.

The Walleyes Unlimited of Montana ("WUM") is the largest sport fishing organization in Montana, with over 2,500 currently active members. The Upper Missouri River Chapter is the local affiliate of Walleyes Unlimited for the Upper Missouri River regional area. WUM believes in educated and scientifically based fisheries management of fisheries suitable bodies of water for warm water fishing. We support the Montana Constitution which states: "the opportunity to harvest wild game is a heritage that shall ever be preserved" and the mission of Montana Fish Wildlife and Parks to provide "for the stewardship of fish…while contributing to the quality of life for present and future generations." As such, Walleyes Unlimited of Montana -Upper Missouri River Chapter members have a direct interest in ensuring the State Fisheries Management Guide is based on sound science and best practices.

I. OVERVIEW OF WALLEYES UNLIMITED-MISSOURI RIVER CHAPTER COMMENTS

WUM members are bonded by their love of warm water fishing, including, and especially, walleye fishing. Our love for walleye should not be confused with our dedication to stewardship of aquatic life, sound management for healthy fisheries, and recreational opportunity for all.

It is for this reason that we ask the Fisheries Division to give a hard look at the following and ensure a collaborative and collective process moving forward. The Draft could and should be used as a starting point to the collaborative process. Merely responding to comments under the circumstances fails to achieve the requisite public participation required for adoption.

The Draft must outline and explain the differences between a Guide and a Plan. The Fisheries Division has not adequately explained to the public that the distinctions between a Plan and a Guide consist of more than a choice of words. Once this explanation has occurred, an opportunity to comment must follow.

The native status designation is significant under the management approach, specifically, the Draft. Contrary to the Divisions assertions, the native status of walleye was not raised for the first time when it was raised during public comment section of the Commission meeting on December 10, 2018. However, as the Commission and the Department is aware, the Commission noted public comment regarding the native status of walleye and directed the Fisheries Division of the Department to respond accordingly. Ending public comment prior to informing the public of the Division's findings (based on review of a leading scientific expert's reported conclusion) that walleye is native to Montana would be procedurally unfair and substantially deprives the public of their opportunity to be heard.

WUM recognizes and appreciates that the Department wishes that comments on the Draft be specific and detailed, including proposed alternative methods. We hope the comments of this letter do exactly that. With that said, we also recognize and appreciate that staff from the Fisheries Department participate in educational and/or collaborative events concerning regulatory strategies for fisheries. It is for that reason that we ask the Fisheries Department to provide viable alternative options that reflect public comment to the Commission. An all or nothing approach to the Draft stifles the opportunity for the public to utilize agency expertise in shaping the plan. For this reason, the proper approach would be for the Department to do more than respond to public comments and public suggestions, but to provide the public an opportunity for feedback on several options of best management practices related to the interests expressed.

The public, including members of WUM, conveyed a desire for flexibility and adaptability within the framework of the Draft including the four-year cycle regulation setting process. While the Draft incorporates the four-year cycle, the Department has privately suggested that revising the regulatory cycle timeline is beyond the scope of comment for the current draft. While the Department may confirm whether that is the case, the Department should also inform the public of the process to address public perceptions that the current management cycles are unyielding, inflexible, and foster negative consequences to fisheries as a result. Moreover, even if the regulatory cycle itself is outside the scope of comment and responsive actions for the current Draft, the Draft nonetheless contains hard-and-fast language related to the regulatory cycle that must be amended to reflect and address the public's perception that the current cycle's inadaptability causes harm to fisheries.

WUM understands the broad and comprehensive management areas covered by the Draft for fisheries related regulation. Further, we recognize the challenge faced by regulators in achieving language that accomplishes the Department's goals, demands of science, and acceptance by interested parties and the public at large. At the outset, the Draft reiterates the document will be used to set priorities, management direction, and guide regulation-setting. Consequently, it is critically important that the Draft does not create a foundation or a basis for regulations that place one form of recreation against another. Furthermore, the Draft should not advocate for a statewide solution where an individual waterbody plan would be more appropriate. As such, the Division should revise sections pertaining to: (1) special issues, challenges and initiatives; and (2) fishing contests.

How terms of art within the Draft apply depends entirely on how the Draft defines the terms. The Division adequately defined some of the management types identified in the Plan. Others, however, must be revised. Moreover, an additional designation is necessary to reflect the regulatory framework applicable to certain areas.

Lastly, WUM asks the Division to note concerns with provisions applicable to specific waterbodies and/or species, namely, Upper Missouri River Drainage, Mariah's River, and Walleye.

WUM offers the following recommendations:

A. Concluding public comment prior to addressing conclusive findings that walleye is a native species deprives the public of its right to participate and marginalizes the value of public comment:

B. The Division must provide the public with its conclusions after reviewing leading fisheries scientific reports identifying walleye as a native species and provide the public an opportunity to submit written comment:
C. The Division should inform the public of how the Draft would change or revise under consideration of walleye as a native species:
D. The Draft contends and public outreach efforts have inadequately conveyed the distinction between adopting management directives as a Plan versus Guide, consequently, the public is deprived of meaningful comment related to that which arises through this distinction:
E. The Draft should amend the Regulation Setting Process provisions of the Draft to encourage adaptive management responsive to changing conditions and needs of fisheries:
F. The Division must revise language pertaining to fishing contests to prevent protest efforts interfering with scientifically sound and publicly enjoyed recreational competition:
G. The Division should amend language concerning conflicts between user-groups so that such that conflict is not fostered by its text:
H. The Division should add "trophy" as an additional identified management type and include it to applicable situations throughout the Draft.
I. The Division should revise the management type below Holter Dam should be amended from "Suppressive" to "Liberal and/or Restrictive."
J. The Division should consider "temporary emergency order" management types for high water flushing years.
K. The Division should amend the Draft to include an evaluation component for supplemental stocking during poor spawning conditions in Tiber Reservoir and Lake Francis.
L. The Division must strike biannual stocking limitations at Lake Francis.
M. The Division must draft language concerning public-private partnerships, and include language within water body specific provisions where partnerships where applicable.

II. CONCLUDING PUBLIC COMMENT PRIOR TO ADDRESSING CONCLUSIVE FINDINGS THAT WALLEYE IS A NATIVE SPECIES DEPRIVES THE PUBLIC'S RIGHT TO PARTICIPATE AND MARGINALIZES THE VALUE OF PUBLIC COMMENT.

In Montana, walleye is classified and managed as a nonnative species. As outlined in the FWP Vision and Guide 2016-2016, in order to accomplish the goals of the Fisheries Management Program, fisheries management is directed to restore,

maintain, and protect native species and their habitats. A species' native status designation plays a significant role in the Draft for fisheries management. Therefore, it is critically important that the basis for classification of fish species reflect current scientific and academic findings.

FWP publicly admit "there is some debate about the factors constituting native status of walleye", however, the Department currently operates on the assumption that "there is no record of walleyes being native to Montana" and walleye was "introduced by newcomers as a sport fish."

This inaccurate assumption is based on the findings identified in A Report on the Early Distribution and Sources of Walleye *Stizostedion vitreum* in Montana (November 28, 1995) by William Gould. In support of the ultimate conclusion that "the evidence strongly indicates walleye are not native to Montana" in post glacial distribution in the Missouri River System is based on the author's review of references covering the Lewis and Clark expedition through 1894.

Of course, one must consider the challenges associated with successfully harvesting a walleye by those fishing during the Lewis and Clark expedition.

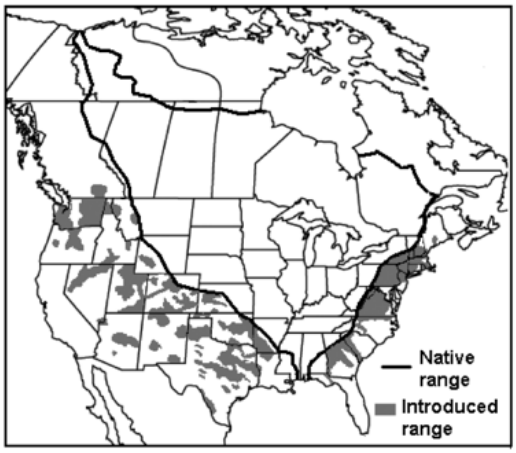


Figure 1: Boundaries of the natural distribution of walleye and introduction outside the natural range from American Fisheries *Society, Biology, Management, and Culture of Walleye and Sauger* (2011).

The author of this report concludes that the evidence (at that time) strongly indicate[ed] walleye is not native to Montana. Recent scientific research by leading experts in their field tells us that walleye *are* native east of the continental divide.

The American Fisheries Society is the world's oldest and largest organization dedicated to strengthening the fisheries profession, advancing fisheries science, and conserving fisheries resources. Montana Fish, Wildlife, and Parks, along with other like agencies across the country, routinely cite reports and/or partner with the American Fisheries Society in management efforts.

In 2011, the American Fisheries Society published Society, *Biology, Management, and Culture of Walleye and Sauger*. Montana, Fish, Wildlife, and Parks partially funded the publication.

As depicted by Figure 1, the publication identified the native and introduced range of walleye. Additionally, as depicted in Figure 1, east of the continental divide in Montana is part of walleye's native range.

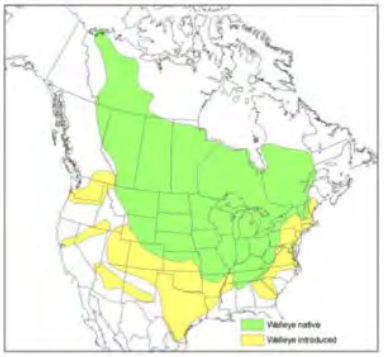


Figure 2: North American Distribution of Walleye from Canadian Science Advisory Secretariat – Science Advisory Report 2010/086.

The same conclusion was made by Canadian Science Advisory Secretariat in a 2010 Science Advisory Report titled *Science Advice from a Risk Assessment of Walleye (Sander vitreus) in British Columbia*. In this report, as depicted in Figure 2, walleye is identified as a native species east of the divide. In contrast to reports that utilize examination of literature as a basis, this report points to studies noting the presence of mtDNA group supports the possibility of a walleye refugium in the upper Missouri river occurring in the post-glacial period.

Figure 3: Review and assessment of walleye genetics and stocking in Alberta. F.D. Johnston, F.D. and A.J. Paul, Alberta Conservation Association (2006).

Likewise, *Review and assessment of walleye genetics and stocking in Alberta* published in 2006 by the Alberta Conservation Association notes the native distribution of walleye in Montana east of the continental divide. The pectoral representation of the native distribution of walleye in North America is shown in Figure 3. The expert biologists clearly depict the range traveling down the east side of the continental divide.

Several other reports came to the same conclusion as the ones provided in this comment above.[1] However, we further recognize that producing an extensive list of academic and expert reports pertaining to walleye native distribution is beyond the scope of comments for the currently proposed Draft. However, the Division made a public admission during the December Commission meeting that the Division had never reviewed reports such as the ones above, nor were aware of such reports.

[1] *A biological synopsis of Walleye (Sander vitreus),* G.F. Hartman, Fisheries Research and Education Services, Canadian Manuscript Report of Fisheries and Aquatic Sciences 2888; *Biological Risk Assessment for Northern Pike (Esox lucius), Pumpkinseed (Lepomis gibbosus), and Walleye (Sander vitreus) in British Columbia*, Bradford, M.J., Tovey, C.P. and Herborg, Canadian Science Advisory Secretariat Research Document 2008/074 (2009); and, *Frequency of natural hybridization between saugers and walleyes in the Peoria Pool of the Illinois River, as determined by morphological and electrophoretic criteria*, Billington, N., R. C. Brooks, and R. C. Heidinger, North American Journal of Fisheries Management, 17:220–224 (1997).

As a result, it is clearly inappropriate for the Division present the Draft to the Commission at this time for a vote for several reasons: (A) the provided public comment period is inadequate; (B) the public is entitled to hear the agency's analysis of native species; (C) the public is entitled to comment on the native species designation review by the Division; (D) the Division failed to specify and the Draft fails to provide how identification of walleye's native status would affect the plan in recognition of emerging science; (E) the current language related to native species and walleye rebuke scientific research without explanation.

A. The Provided Public Comment Period is Inadequate

The Commission noted the importance of Division review of research indicating native distribution of walleye in Montana east of the continental divide prior to approving to release the Draft for comment. Further, members of the Commission publicly stated that they would not approve the Draft following comment until and unless the Division addresses walleye's native status. At that time, the Division indicated the anticipated time to release their analysis of reports, such as the *American Fisheries Report*, as of February 2019.

Walleye Unlimited of Montana-Upper Missouri River Chapter must emphasize that the Division was made aware that walleye's native status was and remains a significant concern by members of our organization and the general public prior to the Division's recommendation to the Commission to approve releasing the Draft for public comment. Yet, despite walleye's native status being a known issue of public concern, the Division set a cut off point for public comment at January 13, 2019. Subsequently, the deadline was extended to February 4, 2019.

As of January 13, 2019, when public comment was originally scheduled to close, the public will have received no new or supplemental information regarding the Division's review of the native status of walleye.

As of February 4, 2019, when the public comment's extended time-period is set to close, the public will have received no new or supplemental information regarding the Division's review of the native status of walleye.

Therefore, the public is denied the right to comment on a variety of issues that flow from the Division's analysis of scientific reports concerning the native status of walleye.

B. The Public is entitled to hear the agency's analysis of native species prior to recommendation by the Division that the Commission approve the Final Draft.

The Division has stated that because the research related to native status of walleye, such as the 2011 report by the *American Fisheries Society*, was presented to the Commission during the public comment period of the Division's recommendation to release the Draft for comment, the Division intends to treat the discussion as a public comment requiring written response. Doing so shackles members of the organization and the general public from agreeing, disputing, or supplementing the Division's assessment.

The Division was made aware of the research reports prior to the Commission releasing the Draft for comment. The Division ignored the public's plea to evaluate the research leading up to the hearing. It was only after the Commission demanded the Division evaluate the research prior to recommending the Draft that the Division consented to evaluate the research findings.

It must be noted that the Division provided partial funding for the research report. Indeed, the American Fisheries thanked Montana Fish, Wildlife and Parks for contributing to the publication.

However, what is troubling above all else, the Division's statement to the Commission that the Fisheries Division's was unaware of the report is undermined by the fact that the publication is cited by the Montana Fish, Wildlife and Park's December 2016 joint-publication of *Ecology and Management of Montana Walleye Fisheries*.

The fact that Montana FWP Fisheries Division cited the report as a basis for their findings in 2016 and then in December 2018 subsequently claimed to be completely unaware of existence of the documents cannot be ignored. Even standing by itself, this revelation gutted public trust in the process.

It is, at best, highly suspect for the Division to use the American Fisheries report as a basis in their own works in 2016 only to claim ignorance twenty-four months later considering that the Division staff who claimed unfamiliarity with the report namely Eric Roberts and Eileen Royce, were identified as contributing authors to the 2016 publication in which the report was cited.

As a result, confidence in the public process for the Draft State Management Plan by not only some members of our chapter, but others in the public, has completely eroded.

This is not to suggest that statements made to the Commission by personnel of the Division was made with malicious intent. Rather, we implore the Commission to acknowledge that these circumstances polluted the public comment period for this proposed action, to address the public's concerns, to reestablish public trust, and to redo the public comment process in a manner that encourages meaningful public participation without an established perception marked by suspicion of intentional deceit.

Members of the public, including members of our organization, should not be required to tailor comments based on an individual hypothesis as to how the Division will ultimately respond to recent research identifying walleye as native east of the continental divide.

Indeed, at the December 10, 2018, Commission meeting, several individuals noted on record their opposition to releasing the Draft to comment because the nature of their comments are contingent upon the Division's assessment. As of January 13, 2019, followed by February 4, 2019, the public will know no more than they did on December 10, 2018.

C. The public has a right to know how the changes in the Draft would occur upon designation of walleye as a native species in consideration of emerging science.

FWP fisheries administrator Eileen Royce recently told the *Billing's Gazette* that the fisheries division will explore walleye's native status with state and national experts but added that even if walleye were recognized as native to Montana "there would be very little to no change" in much of the Draft. Whether small, significant, or no change, the public is entitled to know specifics and comment accordingly.

If the change in status would bring any change at all, those changes are outside the scope of the current Draft being commented on by the public. For obvious reasons, the public ought to know how those changes ultimately shape the document. Moreover, legally, the comment period for a Draft that is subsequently changed is inapplicable to the document text with changes incorporated. As

indicated below, it seems highly suspicious that a change from nonnative to native designation would result in "little to know change," as indicated by the Division.

Further, the statement by the Division indicates the Division has a determination. The public is entitled to hear an explanation by the Division, and comment accordingly.

In consideration of the above, pertaining to science and research surrounding the native distribution of walleye east of the continental divide in Montana, the plan must take account of emerging science. Even if the Division fails to recognize walleye's native status after reviewing the latest research, it is clear that newer research contradicts past research utilized by the Department.

In recognizing this shift, the Plan must accommodate for the realistic potential that emerging scientific data may require a change in species designation for walleye as native. Accordingly, the Division must prepare for such a change within the Plan. Whether the data dictates managing walleye as a native species in 2019 or 2027, the Plan should clarify how the change in species designation will ultimately be accommodated. What is more, the public is entitled to know the accommodation strategy by the Division under the Plan prior to the Plan's adoption by the Commission.

D. The current language related to native species and walleye rebuke scientific research without explanation.

In detailing Montana's fisheries resources, the Draft indicates that Montana is home to 91 species of fish, 59 of which are native. (Draft, Pg. 3) The Draft then directs readers to Table 1 containing Conservation status, species designation, and presence by ecoregion for fish species in Montana. In that table, walleye is identified as a species that is not currently under review, and introduced in the Clark Fork, Upper Missouri, Lower Missouri, Upper Yellowstone, and Lower Yellowstone. As the Division has stated, on record, the conservation status of walleye is currently under review, at least as applied to east of the continental divide. The table should indicate the status is under review.

The Division should consider an annotation in Table 1 to the ecoregion categorical designation where the Draft identifies walleye as "I" for Introduced that conflicting research findings exist regarding whether the species is Native or Introduced in regions east of the continental divide.

The Draft establishes that native species conservation is a high priority for the Fisheries Division. The Draft then outlines the Division's two approaches to native species management: (1) Native species with high conservation value; (2) Native species with sport-fishing value, but with no conservation status. The Division should indicate whether, if identified as a native, walleye will be considered by the Division as a native species with high conservation status or a native species with sport-fishing value with no conservation status.

Moreover, the Plan must set forth language clarifying how native species with conservation status are managed in relation to and in conjunction with native species with sport-fishing value with no conservation status. With respect to making management decisions regarding the populations depending on popularity and interactions with other species, what are the factors the Division utilizes in this analysis and what considerations are made?

In discussing the special issues, challenges or initiatives associated with Native Species Management, the Plan lists hybridization between introduced walleye and native sauger as a significant management concern challenge associated with nonnative fish that compete, hybridize, prey on, and displace native fish. This is only one example of why the overall narrative of the Draft portrays walleye through a negative lens contrary to scientific conclusions.

A recent research article by Daniel Bingham, Wildlife Biology Program-University of Montana, Rob Leary, Montana Fish Wildlife & Parks, Sally Painter and Fred Allendord, Division of Biological Sciences-University of Montana, concluded their analysis "revealed a near absence of hybridization between sauger and walleye despite massive releases." In that study, out of 925 individuals analyzed, only 18 individuals were hybrid. And, only 8 of the 18 showed significant evidence of having either a walleye or sauger ancestor within two generations.

Of course, we are not dismissing the threat of hybridization and management efforts merely because currently hybridization between sauger and walleye is nearly absent. Rather, we are concerned with the Draft's current language which dismisses numerous factors contributing to hybridization. The Draft fails to mention the challenges associated with hybridization or factors minimizing hybridization such as: (1) differences in spawning ecology; (2) habitat during spawning; (3) water quality during spawning; (4) tail water associated with dams; (5) hybrids inadvertently stocked as walleye; etc.

III. PLAN VERSUS PROGRAM AND GUIDE

During the Commission meeting on December 10, 2018, at the time the Commission advanced the Draft toward public comment, Division staff stated "We [Fisheries Division] are proposing a name change from Plan to Program and Guide."

The Division understands the Draft shift is more than a choice of words. In fact, the Agenda Item Cover Sheet from the Fisheries Division for the Commission meeting states "[S]ince the document functions differently than waterbody or species-specific management plans, staff is proposing a name change for this draft…" The words used represent more than the definition provided by a common dictionary. Instead, the choice of titling the Draft is based upon the choice between two legal terms of art, containing legal significance, and administrative implications for the agency. The Public must have an adequate understanding of the difference. Billing the Draft's title as a "name change" is misleading. The Draft must explain and the public adequately informed to provide substantive comment on what the differences are in how the document functions.

Notably, the Division has not made clear or justified why the document needs to function differently, what promulgated the need to have the document functionally different, or the reason doing so is necessary. The Division should clarify, and permit members of the public to submit remarks accordingly.

A. Public Comment

Our members and similar members of the public have a vital interest in providing substantive comment to the Division for management decisions for fisheries programs and aquatic resources. Due to the legal significance of the Division's choice in legal terms of art, our organization is concerned with the Division's use of the Draft to respond to comments and/or justify management decisions for fisheries and aquatic resources. Doing so could adversely injure members of the public, including members of our organization, from meaningful comment and adequate public participation.

B. Offset Nonspecific Plans

In addition to the above, the Draft masks the potential adverse impacts associated with the change in functionality as prescriptive in nature. Numerous members of our organization and the public expressed concerns to the Division over this issue. Throughout the process, the Division has reiterated the same language contained within the Draft that the Guide will not override separate and specific management plans.

With that said, as indicated by the Draft, the prescriptive nature of the Draft will (1) establish management actions if specific goals or objectives are not met; (2) provide guidance for managing adjacent waters; and (3) deference is limited to existing specific management plans.

The Draft fails to specifically identify what actions would be required if goals or objectives are not met, how such a corrective measure would be triggered, and the process associated with the corrective measure.

In light of the proximity of adjacent waters to the Upper Missouri River specific management plan, our members have a keen interest in the management decisions for adjacent waters. The Draft does not provide any certainty as to whether the goals and obligations of the Draft, due to the superseding nature of a specific waterbodies plan, would require management of adjacent waters to offset or facilitate justifiable corrective measures in their fisheries.

Similarly, the Draft may be interpreted as limiting the superseding nature of specific water management plans to those currently adopted and in place. This is particularly concerning considering the Upper Missouri River Management Plan's adoption will occur directly on the heels of adopting the Draft. It would be categorically unfair to members of the public that relied upon affirmation of the Division regarding the superseding nature of the specific plan to have their concerns undermined months later by a loophole.

The Draft should clarify that the document's guidance for management of adjacent waters should not be interrupted as either indicating or prescribing corrective or offset management for specific plans entitled to deference. The Draft should clarify and provide specifics pertaining to specific management actions if specific goals or objectives are not met. Lastly, the Draft must be amended and make clear that the Guide defers and does not supersede existing or future specific management plans.

IV. FOUR YEAR CYCLE

The Division is aware of the public demand for a more responsive and adaptive regulatory management approach for fisheries management to adequately conserve, preserve, or protect our fisheries. Specifically, the shared consensus that the four-year cycle for regulation-setting process has failed and must be changed.

The Division's response to comments pertaining to this issue may pertain to the issue as beyond scope of the Draft. Nonetheless, the fact remains that the document

is intended to serve as a guide for fisheries management through 2027, and the Draft incorporates the four-year cycle regulation setting process. As it stands now, the language in the Draft accepts the current approach's deficiencies without noting the instances where it has failed. Similarly, if the regulatory cycle falls outside the scope of the current Draft, the Division should inform the public how a more responsible and timely regulatory setting process may be achieved. Finally, the Department should add to the Draft provisions establishing a regulation setting process and criteria for temporary or emergency decisions occurring outside the fourth year of the cycle.

A. Language

The four-year cycle is not specified by statute. A change in the regulatory cycle is critical to meet the goals and obligations set forth by the Draft. This is why the Draft should not and cannot be adopted prior to addressing insufficiencies in the regulatory cycle. At the very least, the Draft must include language acknowledging the need to revise the current approach. As it stands now, the Draft merely accepts the inefficiencies in the regulatory cycle as the intended status quo through 2027.

Moreover, the approach in the Draft limits the regulation setting process during off-cycle years to regulation changes generated by FWP fisheries and enforcement staff. The Draft should be amended to allow members of the public to present, suggest, and/or request regulation changes during off-years.

B. Direction from the Department

A mere response by the Division to comments on the Draft pertaining to the regulation setting process cycle would be inadequate and threaten members of our organization and the general public with a continuation of injuries resulting from the cycle's inefficiencies. Therefore, the Division should provide the proper forum to address the four-year cycle.

Similarly, the Draft should provide guidance and process for a member of the public seeking to suggest or recommend a regulation change to FWP fisheries and enforcement staff.

Finally, the Draft should expand the criteria for proposals eligible for presentation to the Commission to include instances of sudden decline in population of fisheries and changes in circumstances negatively affecting fisheries.

C. Temporary Response

The Division should consider adding to the regulation setting process section of the Draft a process, criteria, and procedure for considering temporary and/or emergency regulations. Doing so would mitigate the negative impacts of the four-year cycle by providing a more timely, flexible, and adaptive regulatory process in certain situations.

V. CONFLICT CREATION

The Draft identifies managing game species in a way that provides recreational and sustainable harvest opportunities while minimizing conflicts as an action to achieve the overarching commitment of the Fisheries Management Program. We share the Division's overarching commitment as private citizens and applaud efforts to achieve the same. In light of this, the language of certain sections within the draft draw concern and should be revised to reflect the overarching commitment of the Division, shared by members of our organization.

A. Fishing Contests

The Draft provides for welcomed public awareness campaigns to preclude scientifically sound and otherwise permissible competitive fishing opportunities from taking place. Specifically, the Draft provides that contest applications may be denied based on public opposition as a reason. As it stands, the Draft provides a framework for parties categorically opposed to competitive fishing—not to mention recreational fishing, entirely—to initiate funded campaigns that churn out opposition to contests and threaten litigation in the alternative. For obvious reasons, the Draft must be revised to preclude this occurring.

The Draft fails to mention or incorporate the economic benefits from competitive fishing. The Draft fails to mention the benefits of competitive fishing to fisheries management, such as collecting biological information and supplement current agency efforts. Even more, the Draft fails to mention the stimulated interest in fishing and fishery resources. All of these have been recognized as significant benefits to fisheries management by numerous studies.

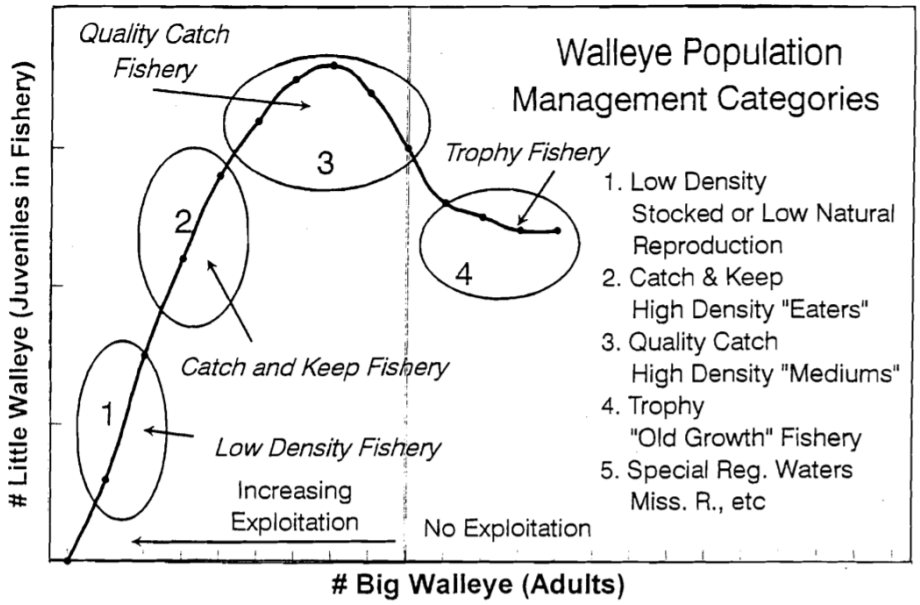
B. Conflicts between User-Groups

To address conflict between wade anglers and float anglers, the Draft points to regulations that prohibit angling from a boat as a method to resolve social concerns between user groups.

While this may be appropriate in some instances, enacting regulations that prohibit angling from a boat cannot and should not be a staple solution for conflicts between wade anglers and float anglers. The overarching commitment of the agency is to minimize conflict between users. Permitting one user while prohibiting another is not minimizing conflict. Instead, enacting regulations that prohibit float anglers demonstrate favoritism for wade anglers and brews hostility between two recreational user types.

Resolving social concerns can be achieved without granting exclusivity to one type of recreational user. Fisheries can and should be shared by all users, if possible.

VI. MANAGEMENT TYPES IDENTIFIED



The Draft identifies nine types of management for management direction for the 40 drainages in Montana. For the reasons set forth below, our members ask the Division to amend the current definition of "Quality" and "Suppression", as well as add "Trophy" an additional management type.

A. Quality

"Quality" management type is identified in the Draft as:

"E. Quality. A management approach that changes, by regulation, the size and/or numbers of fish which may be harvested in order to provide increased catch rates for larger fish which are considered quality or trophy size. This type of management may be applied to water areas or to specific species."

Our members consider a "quality" fishery as a management approach that changes, by regulation, the size and/or numbers of fish which may be harvested in order to provide increased catch rates with a reasonable number of fish with a good cross section of multiple year classes of fish. In other words, a quality fishery

provides an angler with reasonable opportunity for increased catch rates of harvestable fish, along with a chance of angling a trophy size fish.

Based on the FWP netting charts, a quality walleye is identified as between 15 and 19.9 inches. Our members consider the FWP's netting chart's identification is accurate. Therefore, an example of a quality walleye fishery would present an angler with a reasonable opportunity to produce increased catch rates with a reasonable number of 15-19.9-inch fish, and a chance of one greater than 20 inches.

The current definition of quality in the Draft does not reflect what anglers consider a quality fishery and should be amended accordingly. The primary goal for anglers in a quality fishery is to harvest a few quality fish to eat. Catching a trophy size fish is secondary.

B. Trophy

Some fisheries are managed as a trophy fishery, but 'trophy' is not identified as a management type. As indicated above, there is a distinct difference between what is identified as a "quality" and "trophy" fishery. Therefore, the Division should add "Trophy" as an additional identified management type within the Draft.

The primary goal of a "trophy" fishery is to present increased opportunity for an angler to successfully catch a trophy, but not necessarily catch a reasonable number of fish identified as "quality".

C. Overall Goals

The Draft should be amended to reflect that management for walleye abundances based on the carrying capacity that sustains normal growth rates and relative weight and condition factors of 85-100, with a diverse population age structure.

In addition, supplemental stocking should be considered to sustain relative abundance when there has been poor spawning conditions or success. Related to this, the Draft should consider management directives for hatchery walleye stocking evaluated based on forage abundance, reservoir water levels, growth, relative weight and reservoir-wide relative abundance.

The Draft must also note that where funding is available, management efforts is benefits from implementation of periodic creel surveys.

When abundance is maintained from primarily natural reproduction, possession

limits and/or slots should be evaluated to protect the prime spawning population when warranted by creel census and fall netting data.

VII. Missouri River-Dearborn Drainage

The Missouri River-Dearborn Drainage section of the Draft identifies the management type for walleye from Holter Dam to Cascade Bridge as "Suppression." The identification of "Suppression" as a management type stems from the overall goals and management plan adopted by the Commission in 2011. Specifically, the FWP Commission established a "no limit for walleye" harvest regulation on the section of the Missouri River from Holter Dam to Cascade to protect trout fisheries.

In 2012, Montana Fish, Wildlife, and Parks published a report titled "*An Evaluation of Walleye in the Missouri River between Holter Dam and Great Falls, Montana"* The report notes that at the time the suppression-type management directives were adopted, there was a perception of some public users that walleye have a negative effect on trout in the Missouri River below Holter Dam. However, the study showed, despite a presence of walleye in this section of the river from the late 1960's through 2011, and at the present level of walleye in the river, there is no measurable evidence of negative impacts to trout. And, up until March 1, 2011, there were not special angler harvest regulations for this area and the standard limit of 5 walleye daily and 10-inch possession applied.

In other words, the suppression-management approach was adopted based on a perception that was ultimately undermined by scientific analysis. At the same time, identifying walleye management as "suppression" has negatively impacted public stigma against walleye while undermining enforcement efforts toward responsible fishing.

The result of having differing management types on both sides of the dam presents practical enforcement problems for the Department. Numerous members of the public have reported observations of individuals filleting fish at the Holter Dam Fish Station that were clearly beyond fighting regulation limits. Yet, when questioned, respond by asserting that the fish were harvested from below the dam. As the Division clearly understands, fish stations play a critical role in reporting and enforcing infractions.

The "loophole" and those who irresponsibly exploit it has decreased the quality of walleye fisheries at both Holter Dam and the lower section of the river. Simply put: the costs far exceed the benefits.

Instead, the Division should amend the Draft's identification of management type from "Suppressive" to "Liberal/Restrictive." The Draft recognizes that one or more of the identified management types may be combined in any given situation. Doing so would facilitate the Department with the requisite tools to properly manage current populations without the negative impacts associated with the current approach.

A. Flushing Years

In the event of an unusually high-water flushing year, the members of our organization would support the implementation of temporary "no limit" regulations to control higher than desired numbers flushed through.

However, as noted in *An Evaluation of Walleye in the Missouri River between Holter Dam and Great Falls, Montana*, even in high flow flushing years, there were not unusually high numbers of walleye in the Missouri River from upstream reservoirs. Consequently, the emergency or temporary no limit regulation should be limited to appropriate circumstances where the numbers flushed through demand implementation.

B. Regulations

The Draft must identify alternative types of regulations available for walleye management, in addition to providing justification for current regulatory approach and directives in which adopting an alternative to the current regulatory management approach would be proper.

The Draft, in current form, fails to adequately address the availability and/or decision-making pertaining to the use of slot limits and/or "one over" length specific bag limits.

While this comment is specific to the Missouri River-Dearborn Drainage, the Division should consider this department as it relates to the inclusion in the Walleye species provision of the Draft.

VIII. PUBLIC-PRIVATE PARTNERSHIPS

Staff of Fisheries Division have acknowledged the success and necessity of creative cooperative efforts, such as "Pines for Perch." *See, 3,500 Christmas trees dropped into Canyon Ferry Reservoir for perch habitat*, Helena Independent Record (2013). Yet, the Statewide Management Plan fails to identify (1) creative management efforts necessary for certain fisheries, (2) the critical importance of

maintaining currently successful projects, (3) tools, such as the use of trees for perch spawning habitat, as a management option, (4) the need to create or maintain cooperative efforts with private partners, etc.

Current projects that are vital to the health of applicable fisheries, must be noted. Simply put, by identifying current needs and conditions, such as habitat, which necessitate management directives, without identifying the success by certain projects in achieving management concerns, the state management plan creates an incomplete narrative. For the same reasons the Draft identifies the need to maintain certain harvesting restrictions, the Draft must equally identify the importance of maintaining annual projects that facilitate fisheries management goals.

The Plan omits entirely the currently available and used creative solutions, such as cooperative projects. Upon correcting the Draft to include this information, the Draft should then specify in the relevant specific water body provisions the necessity to maintain currently successful projects and/or partnerships. For example, maintaining perch habitat enhancement projects should be specifically included in provisions regarding Canyon Ferry and Tiber Lake.

Additionally, the Division must amend the specifies provisions of the Draft to include language acknowledging management projects, tools, or otherwise. Including, but not limited to, the inclusion of using trees for yellow perch to spawn in the perch section. In doing so, the Draft should include not only habitat enhancement options, but also include forage, spawning enhancement.

Along the same lines, a new section of the Draft should be added which identifies and establishes commitment to cooperative projects. In doing so, the Department must formally commit to utilizing private-partnerships where available. For example, under certain circumstances, a private entity may be interested in providing funding or volunteer assistance to ensure necessary projects are carried out. As the plan stands, management direction defaults towards regulatory restrictions. For obvious reasons, proactive fisheries management through cooperative efforts should be explored and encouraged.

On behalf of the Walleyes Unlimited of Montana-Upper Missouri River Chapter, we appreciate the Division's work and efforts in the Draft. However, the Division should consider and incorporate the necessary changes specified above.

Sincerely,
Austin James
On behalf of Walleyes Unlimited of Montana-Upper Missouri River Chapter

USFS Region One Comments on:

Montana Statewide Fisheries Management Program and Guide, Draft: 2019-2027

Introduction

Thank you for the opportunity to comment on Montana's *Draft Statewide Fisheries Management Program and Guide*. The header to your draft document say "Plan and Guide" but the title of the document calls the effort a "Program and Guide". This should be made consistent.

We support this planning process, and we are supportive of its continuation and refinement. Because the State is a major custodian of fish resources having such a guide to share with, and refine through, the publics and partners is important. Thank you for granting us and other federal partners an extension in time for comment because of the unprecedented federal government furlough during this review period. As such, and still, our review and comments will not be as complete or robust both because of the furlough, and because a portion of our region in Montana in the process of land management planning process as well, especially east of the Continental Divide.

We value our partnership with Montana Fish Wildlife and Parks. Importantly, in general we have found more in common with our land and aquatic management approaches than different. Our relationship with local State biologists in general is strong and value-added as we both understand the importance of the other's mission and how that translates to action on the ground. Because of our relationship we know we can differ and dialogue in those areas where issue alignment or management priorities may differ. Some of that will be reflected in these comments.

General

Montana Fish Wildlife and Parks is commended for progress made to date on key native fish efforts that you have supported, facilitated, or led. West of the Continental Divide, examples include improved upstream and downstream passage for bull trout, and related science on bull trout dynamics in the lower Clark Fork through the three lower facilities operated by AVISTA and PPL. The Milltown Dam removal and channel restoration is an accomplishment that continues key expansion of connectivity along the mainstem Clark Fork River. These actions allow for historic migratory pathways to be partially reactivated for long-ranging fluvial and adfluvial fish- a conservation key to maintaining populations via expanded life history expression. We commend the role you have played in land exchanges and acquisitions in Fish Creek, Cedar Creek, Lolo creeks and the Blackfoot, Clearwater and Swan River systems. Adaptive management efforts on non-native lake trout suppression in Swan Lake was a notable effort in support of trying to do more to secure critical bull trout core area. We are disappointed that the State does not appear committed to a second phase of NEPA and experimental lake trout suppression that we believe could lead to better adaptive management in the future. In total, however, these efforts set up additional opportunities for strategic stream and watershed improvement actions fundamentally important to further securing natal habitats for native fish. This is hugely important to the Forest Service as part of its National Forest Management Act mandate.

East of the Continental Divide we appreciate continued collaborative efforts to secure and expand ranges for the populations of native westslope and Yellowstone cutthroat trout and fluvial populations of arctic grayling. Notable examples include Cherry Creek (WCT), Selway Meadows (WCT), the Shields and

lower Deer Creek (YCT), and efforts throughout the Bighole River (WCT and arctic grayling). FWP regions 3 and 4 personnel have played a critical role in developing these cooperative efforts that the Forest Service has been an active partner. We hope to see these efforts continued as ongoing information gathering and assessment help to further refine partnership opportunities and strategies.

We wished the plan was more site-specific with some of these opportunities that were either focused on ongoing efforts or linked to near-term priorities. Specifically, where are the highest priority opportunities for all lands management and partnership? Without the specifics, the plan feels status quo versus being proactive and strategic. This is especially the case with native fish conservation and recovery. Where are those places that could, or do, include planned or ripe habitat and watershed improvement efforts that tie directly to opportunities for native fish emphasis via non-native fish suppression or management? This level of detail in strategic areas would make this plan stand out more as a road map in critical areas that need special attention. These sort of opportunities are mentioned generically for every drainage. Without specificity or emphasis however, linkages to other efforts such as the USFWS's 2015 Recovery Unit Implementation Plans for Bull Trout or the 2013 USFS's Bull Trout Conservation Strategy, or connections to Weyerhaeuser's or DNRC's Habitat Conservation Plans become more vague.

West of the Divide, the Middle Clark Fork Section of the plan presented the best mix of management detail. This included mainstem river management, tributary streams and connectivity status and where native fish, especially bull trout and westslope cutthroat trout, will be emphasized for connectivity and life history expression or isolation and protection from non-native hybridization. The Middle Clark Fork section also included a nice mid-scale review of high mountain lake management and emphasis.

Plan Comments

Page 10, under Fisheries Management Program. We commend this overarching action to restore maintain and protect native species. To re-iterate above, we wish the draft Guide did more to flesh out of priority areas and for what species and what type of actions would be more informative to co-managers.

Page 11, under: Proactively manage fish and wildlife populations in a transparent and science-based manner, monitoring activities are mentioned. The rest of the document is informed by many of these monitoring activities. Where there are set monitoring programs within a drainage it might be helpful to list how what is the monitoring and at what frequency that is carried out. In the future maybe drainage sections could have a short subsection devoted to this.

Page 11, the term "wild fish production" is used though I don't think it is defined anywhere and should be clear that this can include both native and non-native fish.

Page 12, under Management Planning it talks about individual waterbody or species plans. Where relevant it would be could to identify those somewhere, either in an appendix with links or under the drainage discussions.

Page 12, under Description of current operations and/or areas of work. "Federal law and courts have acknowledged the primacy of states to manage waters in **Wilderness Areas**." We acknowledge this is an areas of heightened state and federal sensitivity, with agreements out there discussing how should collaborate on fish, wildlife and habitat management. But we also feel this issue is more nuanced. For instance a Supreme Court ruling affirmed the Forest Service's ability to regulate deer populations in

Arizona (Hunt v. United States 1928). Also the Supreme Court in 1991 (Kleppe v. New Mexico) found in a wild free-roaming horse and burro decision that the Federal government could manage wildlife. So it is not clear if the states have primacy over wildlife on all federal lands under all circumstances. We also have found that per the 206 AFWA fish and wildlife management policy and guidelines direction for states and federal agencies and the Cooperative Agreement For Fish, Wildlife And Habitat Management On National Forest Wilderness Lands in Montana, 2008 that the best path forward with fisheries management is best done though good communication and close coordination.

Page 13, under Native Species Management. Again we commend the Fisheries Division for its primary goal to protect, maintain, and restore native fish populations and their genetic diversity. We also note that though ideally, native species of game fish are sustainably managed and imperiled populations recover to the point of sustainable fishing and harvest, and sometimes this ideal is not achievable which will require difficult management decisions.

Page 14, under Description of current operations and/or areas of work. We again commend the State's efforts with USFWS, USFS as an important partner for funding and implementation of ESA recovery actions for listed fish in the State.

Page 16, under Monitoring Fish Populations and Ecological Health. You might consider including a reference or link to MFISH and how some of the data mentioned can be found at this site.

Page 19, under Drought-related Fishing Restrictions. "Daily maximum water temperatures that have reached or exceeded 73 F at any time during three consecutive days (60 F in the case of **bull trout waters**)." What constitutes bull trout waters?

Page 22, under Hatchery System. Has there been any consideration of the super yy male work being done in Idaho for application in Montana waters to eventually control non-native like brook trout or even lake trout. Does this have any potential for lake trout and smaller lakes in the Swan that have sympatric lake and bull trout population to control or eradicate lake trout?

Page 35, under Description of current operations and/or areas of work. Consider including the following blue text additions.

• Enhancing reservoir and run-of-river dam management procedures such that the regulation of water flow in streams and water levels in lakes and reservoirs meets not only the owner's purpose but also benefits, or minimizes impacts to, fish and other aquatic life;

• Protecting and enhancing stream flows and lake and wetland levels in priority areas through collaborative community or watershed groups;

Also under this bullet we just want to emphasize the importance of state support of partner agencies in the acquisition of instream flow water rights, such as the Forest Service which is able to get state instream flow rights under the MT Water Compact. The Forest Service counts on FWP to process our IF datasets and generate flow-habitat curves that go into our applications to the DNRC. This support is huge and we hope it continues.

Page 38, under last full paragraph that addresses FWP's role with FERC proceedings. Maybe a unique situation but the Flint Creek water project and DWR and FWP, FWS and FS have a vested interest in in flow and reservoir operations and conservation to that critical local bull trout population in EFK Rock Creek drainage, especially above the reservoir. Because the dam and some of the ditch are on the FS lands this requires FS Special Use Permits or "Ditchbill Easements" and ESA consultation for operations. You might want to highlight your role in these situations? Same for Painted Rocks and West Fork Bitterroot and negotiated flow operations.

Page 41, under Restoration Grant Programs. The Future Fisheries Improvement program and collaboration with FS and their partners have led to instrumental habitat improvements on the ground. This includes actions like placer minesite reclamation, culvert barrier remedies, fish screens to eliminate fish entrainment with water withdrawal, large wood and channel restoration, and on and on. This has led to all lands solutions in important native fish watersheds. Similar, the Forest is able to use agreements to move money to FWP in other situations for similar actions. We have worked with local biologists and state administrators to figure out the best instruments to move, receive, and protect funds for habitat improvements.

Drainage-Specific Comments

<u>Kootenai River</u>

Page 65, under Fisheries Management. Support the mandatory catch and kill regulation for brown trout between Kootenai Falls and Libby Dam.

Page 75, under Fisheries Management Drainage for Kootenai River Drainage table, Libby Creek and Tributaries (Headwaters to Kootenai River): "Where feasible, protect non-introgressed populations and restore genetic integrity to introgressed populations; Where practical, maintain current angling opportunity and harvest level. Where feasible reduce/eliminate hybridized populations to meet native species goals; Where practical, maintain liberal harvest opportunities. Where feasible reduce/eliminate competing populations to meet native species goals." is management direction text for westslope, rainbow and brook trout, respectively." This are great aspirations but lack any specificity and this is the theme throughout in most cases. FWP may not know where these actions are practical or feasible in many situations, but that are places that though monitoring and management emphasis and partnership desires that you have a good idea where these actions have been tired are should be prioritized for attempt. We would like to see some of these adaptive approaches identified more specifically throughout the various drainage discussions.

Page 77, under Yaak River. Support for the liberal brook trout harvest and potential pursuit of other reduction or elimination efforts.

Page 91, under Swan Lake Drainage, Special Management Issues. "Additionally, collaborative solutions will continue to be explored for ways to protect the bull trout population of the Swan Valley." We support the next NEPA phase of lake trout suppression that appears is being coordinated by the FWS with support from the FS.

Page 92 and 94, "Enhance migratory populations (bull trout) for conservation" in Lindberg and Swan. What does this entail? Especially in Swan where experimental netting to reduce lake trout is no longer being pursued by the state.

Page 95, Swan River and Tributaries (Swan Lake to Flathead Lake). "Eliminate harvest and enhance fluvial populations for conservation and WCT angling. Consider isolation of WCT populations if hybridization is a threat and habitat is sufficient to allow persistence." This is basically the status quo. However, we have concerns about eliminating WCT harvest on Swan tributaries. The tributaries have little angling pressure anyway no harvest may antagonize the angler any more than necessary. We like to tell people that we have conserve WCT and doing so will not remove any fishing opportunities. The report is confusing about what it recommends on Swan River proper (above the lake). "Manage trout (RBT) harvest to support recreational fishing and minimize impacts on native fish." This is at the expense of native fish. Standard harvest regulations for RBT would be appropriate. Montana FWP should completely halt stocking golden trout in Heart and Island Lakes. That is counter-productive and unneeded.

Page 103, Flathead River. We support "Eliminate harvest and maintain or expand populations for conservation and catch and release westslope cutthroat angling. Consider isolation of westslope cutthroat populations if hybridization is a threat and habitat is sufficient to allow persistence. And, "Provide angling harvest opportunity to reduce numbers to help meet native species goals. Investigate removal of rainbow-cutthroat trout hybrids and rainbow trout to reduce future hybridization."

Page 106, Flathead Lake. "Provide angling harvest opportunity to reduce numbers to help meet native species goals. And Coordinate with CSKT on lake management." Flathead Lake is a cornerstone adfluvial population of Bull Trout Core area and critical to recovery in the Columbia Headwaters Recovery Unit. It would be nice to see more effort here to articulate what this mean moving forward, and if status quo or less than status quo on lake trout suppression what that might portend. Wait and see for this area does not seem appropriate for this water body and iconic bull trout population.

Page 112, Upper Clark Fork River Drainage. We support Silverbow, Warms Springs, and Silver Lake Management direction. Would like to see additional specifics on connectivity, flow, and non-native fish suppression actions for native fish.

Page 114, Little Blackfoot River. eDNA work suggest some level of occupancy of bull trout in the system, though perhaps hybridized. Should acknowledge via stating that there is a year round closure. Conduct added work to figure out if this bull trout can be enhanced in this drainage.

Page 129, East Fork Rock Creek Reservoir and above and below. We support the FWPs continued efforts to improve reservoir operations for bull trout in partnership with the FWS, DNRC and FS on this important bull trout system. Also effort to look at downstream flow management for channel maintenance and potential increased bull trout production.

Page 129, Rock Creek and tributaries. We strongly support liberal harvest regulations to reduce numbers of brown trout. We continued, and expanded efforts to evaluate effects of brown trout on bull trout. We support adaptive fisheries management to help tip the balance of fish production in favor of native fish over status quo non-native fish production. We recognize there are no silver bullets, and probably no

win-wins for fisheries management (native an non) in such a large open system but we also would like to see adaptive efforts considered and pursued.

Page 133, Blackfoot River Drainage. "The Blackfoot River is managed as a wild trout fishery, emphasizing natural reproduction of free-ranging and naturalized nonnative trout. The basin is also a focus for native trout recovery efforts." This needs more discussion of compatibility be managing for naturalized non-natives and native recovery efforts. Are there places to emphasize native fish to the detriment of non-native wild through harvest and other management options?

Page 134. We commend efforts that FWP has contributed to or helped spearhead over many years via land acquisitions, habitat restoration and water management in a complex social setting. Cumulative effects to native fish and fish habitats are often difficult to disentangle. This is an area where habitat improvements in tributaries and mainstem habitats has led to demonstrable benefits for some native fish such as WCT. This is rare and noteworthy.

Page 138. "Continue closure for intentional angling of bull trout and enhancement of angling opportunity for westslope cutthroat trout. Consider reintroductions of westslope cutthroat and introduction of bull trout in the streams and lakes in the Wilderness area of the North Fork upstream of the North Fork Falls." We hope to continue to partner with FWP and the FWS and wilderness managers on the best and most feasible strategy that will be compatible with both agencies mandates and support native and listed fish conservation and recovery.

Page 145, Bitterroot River Drainage. It is nice to see the area above Painted Rocks Reservoir identified as a genetic stronghold for pure WCT. We support and implement efforts to expand these populations and believe that the enhancement of adfluvial bull trout in and above the Reservoir should be emphasized as well.

Page 148, "Maintain liberal harvest regulations to lessen competition and hybridization and help meet native trout goals." We support this. But a broader question and something worth the plan exploring somewhere above. Can you provide examples of where this has led to a demonstrable change is fish community in favor of native fish populations, specifically for brook trout, but more generically for other species as well. So, examples of where it is or has been a viable tool and then where it has not worked and why and for what species?

"With concern over the deleterious effects of brown and brook trout in the Bitterroot drainage, these fish should be managed similarly to pike: "more liberal harvest (no limits) and extended seasons." Current harvest restriction on the Bitterroot appear to be aimed at maintaining brown trout, and are not very liberal considering the frequency that large browns are landed by anglers that harvest fish. By truly liberalizing take of brown trout it sends a social message as well as possibly having a biological effect. Again a tradeoff scenario that will short term fall out but may be critical to long term conservation of native fish populations.

It would be useful to have an objective to decrease the number of high mountain lakes that have fish species that are likely to be hindering native stream-fish populations in the Bitterroot through hybridization or competition. Bitterroot drainage lakes commonly have non-native species that appear to be escaping the lake and potentially degrading the native fish populations downstream. Examples include

brook trout in South Kootenai Lake, rainbow trout in North Kootenai Lake, Big lakes and High Lake, and cutthroat hybrids in Peterson, Chaffin, Hart, and Tamarack lakes.

There should also be direction for the management of lakes for the benefit of other aquatic species such as amphibians. An objective to keep the Bitterroot's fishless lakes fishless may be a useful signal with regard to ecosystem management. Or perhaps referencing a non-game management plan where this issue is addressed in detail.

Dewatering of tributaries remains one of the most serious issues for the fishery in the Bitterroot River. Rainbow and Brown trout spawn in the lower ends of these tributaries and the river. Native trout spawn in streams on the Bitterroot National Forest. Work with forest on additional FS-state water right evaluation and acquisition."

Page 153, and throughout the Middle Clark Fork section. I note in the beginning of comments that this section had some of the best specificity and on native fish focus and effort with more specificity. We support collaborative efforts to strategically remove non-native fish from headwater lakes above important native fish habitat. It is one of the only places that talks about enforcement in support of regulations. It is also one of the only drainages where a strategy for fishless lake is considered.

Page 165, Lower Clark Fork River. We acknowledge the huge problem the redundant road system in the Thompson River poses and hope to continue to work with partners on a longer term, and hopefully larger in scale solution.

Page 173, Fishtrap Creek. Why not identify liberal harvest limits for rainbow, brown, and brook trout? Especially with the brown trout population that it is in the Thompson River and what has been seen across western Montana for Brown trout expansion, it seems like this would be a good place to put this tool to work.

Also, why is the West Fork of the Thompson River not called out as one of the most important tributaries for both bull and west slope trout production?

Page 174, Graves Creek. Why are liberal harvest limits for non-native trout not recommended here?

I did not receive comments from others on the east side as noted in the introduction. I have run out of time to comment. You can certainly look at our comments from 2015 if that is of any help.

January 28, 2019

Eileen Ryce, FWP Fisheries Division Administrator

Eric Roberts, FWP Fish Management Bureau Chief

Montana Fish & Wildlife Commission

RE: Comments on walleye management for Statewide Fisheries Management Program and Guide and Upper Missouri River Reservoir Management Plan

Dear Fish, Wildlife and Parks and Fish & Wildlife Commissioners,

Thank you for the opportunity to comment on the potential changes to the Statewide Fisheries Management Program and Guide and Upper Missouri River Reservoir Management Plan.

I am an avid trout and walleye angler although I seldom fish for them concurrently. I also am a retired wildlife biologist with extensive fisheries management experience both at the Federal and State levels including commercial, recreational, and subsistence fisheries.

WALLEYE REGULATIONS WITHIN THE UPPER MISSOURI RIVER RESERVOIRS

I support the continued stocking of rainbow trout in these reservoirs and management of other species through fishing regulations. I support the practice of using a three-year running average of gill net surveys to evaluate if or when a management change for any species may become necessary. Without FWP having authority on managing water levels in these reservoirs, both the fish and management becomes a vicious circle. I wouldn't object to more frequent management changes if the data supports them.

WALLEYE REGULATIONS BELOW HOLTER DAM ON THE MISSOURI RIVER

I support the current walleye regulations of unlimited between Holter Dam and Cascade and 20 daily and 40 in possession between Cascade and Black Eagle Dam. I suspect that most of the walleyes in these stretches are the result of an illegal introduction in Canyon Ferry and subsequent flushes of walleye from Holter. I believe these stretches should be managed first and foremost for trout. Below Black Eagle Dam, management for warm water species seems appropriate.

DESIGNATION OF WALLEYE AS NATIVE FISH EAST OF THE CONTINENTAL DIVIDE

I have read the Montana Walleyes Unlimited public comments to change the classification of walleye east of the Continental Divide from non-native to native.

The Montana Statewide Fisheries Management Plan uses the following definitions –

Native species – Typically defined as an animal that was here prior to European establishment and was not transported here or introduced by humans.

Non-native fish – “Exotic” or “non-native” refers to a species that is originally from outside an area. This does not imply it is “invasive” and can represent anything from a fish native to somewhere else in the US, or one native to Asia.

Introduced Species – Animals or plants that have been moved, transported, transplanted or stocked outside their native range, also know as “non-native” or “exotic”.

Without credible evidence that walleye was in eastern Montana prior to European establishment, it would be very bad science and management by FWP to make this change on a social preference. It would also place them under similar management as true native species (cutthroats, bull trout, and others) which isn’t equitable.

Sincerely,

Mike Getman

Lewistown, MT 59457

Mhg4556@gmail.com

August 3, 2005

Dear sirs,

I was born in Billings in 1955 and started fishing rivers in Montana as soon as I was able to hold a fishing rod. I have fished all of our major rivers and streams, from the Bighorn to the Clark Fork. The vast majority of my free time when there is no hunting season is spent fishing. One of my favorite rivers to fish is the Gallatin, a world class fishery that draws fishermen from all over the world. What is being allowed to happen on this river is the reason for this letter.

As most anyone who recreates on the Gallatin knows, the number of commercial raft trips from Moose Creek to Squaw Creek is unbelievable. I fish this stretch of the river quite a few times each year and the number of commercial raft trips continues to increase. In one incident while fishing below the Greek Creek campground in the early afternoon on July 16th, I had 15 commercial rafts float past me, one after another. There were rafts from Geyser Whitewater Expeditions, Montana Whitewater and Yellowstone Raft Company. It was impossible for me to fish while these rafts floated past me. Earlier in the day, my youngest nephew and I tried to fish below the 35 MPH bridge, which crosses the Gallatin near Cascade Creek. We had only been fishing for 5 to 10 minutes and all ready had 6 commercial rafts float past us. Several of the rafts floated directly through spots we were fishing. We were clearly visible, and although the people in the rafts had several options as to where they could float, they deliberately floated into water we were fishing in. After they floated 50 yards or so downstream from us, my nephew looked at me and said that the number of commercial rafts floating down the river every day was the reason he didn't fish this stretch of the river. That angered me, and I told him he had as much right to fish that water as they had to float it, and he should not let commercial rafting companies run him off the river.

On July 17th, I was fishing the river in the mile marker 62/63 area when 6 different commercial rafts floated toward me. Two rafts from Geyser Whitewater Expeditions floated directly into a hole I was fishing. They could see me casting into the hole as they floated toward me, but stopped in that hole anyway. To my amazement, they started a water fight with their paddles. They knew I was there and their attitude was that they could care less. After that water fight, one of the rafts floated downstream and another raft from the same company floated into the hole. Both of them also had a water fight with their paddles. As a licensed fisherman, I am extremely upset over this happening on the Gallatin. Fishermen should not have to put up with this kind of abuse on the Gallatin or any other river in Montana by commercial rafting companies.

In a phone conversation on July 18th with Dave Kerry of the Gallatin National Forest in Bozeman, I learned that a commercial rafting company only pays a fee to the USFS when that company uses a launch site or a take out point that is located on USFS property. If the commercial rafting company uses a launch site or a take out point that is located on private property, they are not required to pay any fees to the USFS, even if the water they are using for their commercial trips flows through USFS property. While talking to various other people, I also learned that commercial rafting companies do not pay any fees at all for using the Gallatin.

I returned to the Gallatin for another weekend of fishing on July 30th and 31st. I spent some of my time fishing from mile marker 58 to mile marker 63. While on this trip, I decided to count the number of commercial rafting trips that passed me while I was fishing. On the 30th, I fished for 5 hours in this stretch of the river and had 19 rafts from Geyser Whitewater Expeditions float past me. These 19 rafts carried 119 people down the river. Montana Whitewater floated 12 rafts past me and carried 82 people down the river. Yellowstone Raft Company floated 5 rafts past me and carried 35 people down the river. This is not even close to the total number of commercial raft trips taken that day, it is only the number that passed me in 5 hours of fishing. During that time, I also had 7 private rafts carrying 24 people float past me as well as 5 private kayaks with one person in each kayak. On the 31st, I fished in this stretch of river for another 5 hours. Geyser Whitewater Expeditions floated 23 rafts past me and carried 145 people. They also floated 12 kayaks with one person in each kayak. The kayaks launched from pullouts alongside the highway, on USFS property. They did not use private property to access the river. Montana Whitewater floated 11 rafts past me and carried 74 people and Yellowstone Raft Company floated 12 rafts past me and carried 69 people. There were also 2 private rafts that carried 7 people, 7 private kayaks with one person in each kayak and 2 private canoes with 2 people that floated past me. Again, this is not even close to the total number of commercial raft trips taken on the river on that day, it is only the number of trips that floated past me while I was fishing.

On the 30th, while fishing a hole between the 35 MPH bridge and House Rock, 6 rafts from Geyser Whitewater Expeditions floated toward me. The first boat to float into the hole was guided by a young man who apologized for floating into the hole I was fishing. He rowed his raft to the other side of the river and stopped about 40 yards downstream, which allowed me to continue fishing. He had hollered to the rafts behind him, letting them know they should float to where he was. He was attempting to do the right thing when it came to a conflict between two different types of recreation on the river. The rest of the rafts floated into the hole I was fishing and stopped 15 yards downstream from where I was, and on the same side of the river I was fishing. There was no way for me to continue fishing with the rafts where they were. The guides of these 5 rafts made it obvious to me that they were going to do what they wanted. They could have gone to the other side of the river or even floated downstream another 20 to 30 yards and not impacted what I was doing in any way. I could tell that the young man in the first boat was upset with what had happened, but he was helpless to do anything about it.

In the early evening on the 31st, I was fishing a hole just upstream from the 35 MPH bridge. This particular hole has a big rock close to the center of the river channel, which allows the water to flow on both sides of the rock. Each channel is about the same width, with plenty of room to float a raft through either side. While standing in the east side channel and casting into the slow water downstream of the rock, a raft from Montana Whitewater carrying one guide and 3 clients floated toward me. When they were 40 yards or so upstream from me, the guide yelled to get my attention. I looked at them to let them know I knew they were coming down the river, and continued fishing. The guide had plenty of time and distance to row his raft to the west side of the rock and float through that channel without disturbing me. Instead, he floated his raft down the east side channel, between me and the rock. He then used his paddle to float the raft into the slow water I was fishing. He did this deliberately, rather than letting the current continue to float the raft

downstream. Once in the slow water, he gave me a nasty stare until the raft finally caught the current again and continued down the river.

The fact that commercial rafting companies can use the Gallatin without paying fees, while at the same time crowding out fishermen is wrong. Fishermen pay to use the river when we purchase our yearly license. We should not have to tolerate situations like what currently exist on the Gallatin with the commercial rafting companies. I am asking for help in correcting this situation. With fishermen facing another license fee increase, we should be able to enjoy fishing the Gallatin without dodging commercial rafts. Without any controls on the commercial rafting industry, it is my feeling that the Gallatin will eventually become a river full of commercial rafts and kayaks, with only an occasional fisherman. I also feel that the vast majority of fishermen who decide to fish this river will be non-residents, because the resident fisherman will continue to go elsewhere to fish (a situation that has been happening for a long time) rather than compete with the commercial rafting companies. In my opinion, that is a problem that is wrong and needs to be fixed.

Sincerely,

Dale L. Martin
Box 23311
Billings, Montana 59104
406.690.5331

November 30, 2000

Larry,

On the morning of July 16, 2000, I was fishing the west bank of the Gallatin River, downstream from Williams Bridge. As I walked past an irrigation diversion structure, I saw several hundred trout over 15" long trapped in a pool, on the downstream side of a closed head gate. One of the trout was a brown that I estimated at close to 3 pounds.

With the head gate closed, none of the trout could get back to the river. While I was standing there, 2 young boys walked over to the structure. I asked them what they were going to do and they both told me they were going to catch the fish behind the closed head gate and take them home with them. When I explained to them that catching and keeping fish trapped in an irrigation canal with a closed head gate was not very sporting, only one of them agreed that it really wasn't. The other boy didn't seem to care. He just wanted to take fish home with him.

I convinced one of the boys to release any of the trapped fish he caught back into the river. He had a hard time catching them and I decided to help. Between the two of us, we caught and released approximately 25 fish back into the river. The other boy caught and kept a couple of fish.

After less than an hour, both of the boys told me they had to leave. After they left, I stayed at the diversion structure and watched the fish in the pool. I could see fish swimming to the surface of the pool, breaking the surface and then swimming back to the bottom of the pool. It was my thought that the pool was running out of oxygen. While watching these fish, I noticed other fish swimming upstream in a small trickle of water flowing out of the pool and down the canal. The trickle of water flowing from the pool was not deep enough to cover the backs of the fish trying to swim upstream. I walked into the canal and started moving rocks to make the water deeper to help the fish move upstream. While I was there, I watched close to 20 fish move upstream. All of these fish were over 12" long, and all of them were rainbows.

I finally walked downstream and started fishing in the river again. A few hours later, I decided to return to my pickup. When I approached the diversion structure, I could see a fish flying through the air and then flop onto the ground. I couldn't see anybody at the structure, but it was obvious someone was in the pool behind the head gate.

When I got there, I found both of the boys I had met earlier and also a friend of theirs. All of them were in the pool with landing nets, trying to net the fish and take them home. I told all of them to get out of the pool and talked to them about what was wrong with what they were doing. They had 3 dead trout lying on the ground. I let them know that I was not going to tolerate them taking advantage of the trapped fish, and warned them to quit illegally netting those fish. I also told them I was on my way home to talk to the local fisheries biologist. That convinced all of them to gather their nets and dead fish and leave the area.

When I got home, I called Bruce Rich at his home. After telling him what I had found, he told me he was not going to worry about several hundred 6 inch fish. I tried to convince him that these were not 6 inch fish but he was not interested. He told me fish trapped in irrigation canals is an every year occurrence and he didn't have the time to check on every report of trapped fish in the area. He suggested that I notify the local game wardens of the trapped fish and make them aware of the young boys who were netting the fish in the pool. I contacted a warden and told him of the situation. He told me he was unaware that those fish were trapped behind the head gate, and that he would watch the area to make sure those fish were left alone.

During the next few weeks, I fished past this diversion structure several times. Each time I walked past, I saw those trapped fish. Their numbers were steadily declining, until finally I only found a couple dozen fish trapped in the pool. As a native Montanan and a lifelong fisherman, I am extremely disturbed with what happened in this irrigation canal. There is no reason for trout from the Gallatin River to be trapped in this canal. They should not be subjected to unethical people with nets.

In trying to come up with a solution for keeping trout out of this canal, my first effort was to contact the local chapter of Trout Unlimited. They seemed sympathetic to what I was telling them until I mentioned I was a bait fisherman. After that, it seemed my credibility was gone. People need to understand that my fishing method is not the problem. The problem is having spawning size trout trapped behind a closed head gate in an irrigation canal.

I am also not interested in getting Bruce Rich in trouble. I have visited with him several times in the past and have found him to be very knowledgeable and concerned about our local trout population. I know he can't be everywhere and solve every problem concerning trout trapped in irrigation canals in the Bozeman area.

That is why I am asking for your help in getting this problem solved before we go through another year of trapped trout in this canal. There is potential to lose a significant number of spawning size trout in this irrigation canal each year. The diversion structure is not screened or blocked in any way to prevent trout from swimming into the canal. As long as the head gate is open, I believe trout will swim into this canal. To have them die there once the head gate is closed is unacceptable.

Dale L. Martin
P.O. Box 6244
Bozeman, Montana 59771
Montana sportsman's license
11-000429

January 28, 2019

Dear Montana FWP fisheries personnel,

I would like to make the following comments regarding the Montana Statewide Fisheries Management Program and Guide (draft) for 2019-2027.

Page 10 Proactively manage fish and wildlife populations in a transparent and science-based manner.

Excuse me for being skeptical but…where was FWP when Dan Vermillion (former FWP commissioner) pushed his outfitter/business owner agenda for management on the upper Yellowstone River? Where is FWP proactively managing fish populations in a transparent and science-based manner on the upper Madison? Does that section of river really need catch and release sections for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession? How about the Boulder River south of Big Timber or the Stillwater River south of Columbus? Are you really going to tell me with a straight face that the restrictive regulations on these two rivers are science-based? Since I have not (yet) fished all the trout rivers in Montana I imagine there are other instances where rivers and their trout populations are not being managed in a transparent and science-based manner. To me, that is FWP fisheries management failing to fulfill one of its basic obligations.

Page 11 Manage game species in a way that provides recreational and sustainable harvest opportunities while minimizing conflicts.

I have read this section several times and am perplexed by what I read. In part it reads: On waters with high recreational use besides angling, special recreational rules may be implemented to reduce conflicts between angling types, such as guided and unguided trips, or float fishing and wade fishing, or between user groups such as non-fishing floaters and anglers. Several rivers come immediately to my mind. The upper and lower Madison, the Gallatin, the Bighorn, the Boulder (R5) and Stillwater (R5) in the high water period, the Missouri and probably river drainages near Missoula (including Rock Creek). It should be fairly easy to manage recreational use and sustainable harvest of the fisheries resource but managing the conflicts that come with the tremendous explosion of water recreation by humans (fishing, recreational and commercial floating) is another challenge in itself. In my opinion, I believe FWP and the FWP commission have failed when it comes to managing the human conflicts that are occurring on our waters. Continuing to ignore the problems will not make them go away!

Page 19-21 Bait regulations and live fish transport.

Every place in this section that references bait needs to be fixed to reference “live bait **FISH**”. I went through this issue with Region 5 fisheries personnel a while ago and stressed my displeasure at how vague this section is in regards to live bait and live bait fish. Nightcrawlers, grasshoppers, maggots and leeches are legal baits and since this section does not state it is referencing “live bait fish” throughout, it can be interpreted however one wants to interpret it. I do not want a misunderstanding of interpreting this section to allow outlawing the use of nightcrawlers, grasshoppers, maggots and leeches anywhere they are currently legal.

Page 21 Montana statute 87-3-205 FWP may designate waters where traps, seines, or nets may be used for taking nongame fish and Dolly Varden trout.

In a conversation with Eric Roberts (FWP) on January 22, 2019, he told me this Montana statute was no longer in effect. Because of that, this section in the draft should be removed.

Page 27-28 Unauthorized placement of fish.
This section states there have been more than 600 illegal fish introductions in more than 250 bodies of water in Montana. Obviously, bucket biologists do not fear the consequences of their actions should they be caught. I would like to see FWP work with the Montana legislature to increase the monetary reward and penalty for someone convicted of this crime. I believe organizations and individuals could be found in Montana that would donate money to bring the reward up to $50,000 or more (for example) for each conviction of a bucket biologist. I don't believe the current reward is enough for someone to "rat" out someone illegally moving fish. I would also like to see a convicted bucket biologist lose hunting, fishing and trapping privileges in Montana for life. If FWP is really serious about trying to stop this nonsense, then make the penalties a true deterrent. In addition, make the species illegally introduced into a body of water a mandatory kill species if caught by a fisherman and remove all daily limits on it in that body of water. In extreme cases (most likely in a lake or pond), close the fishing season on the water affected if it is public water and use rotenone to poison the illegally introduced species.

Page 31 Private fish ponds (permit and application fee required)
What is the reason for not including Yellowstone cutthroat trout in the statement "As an example, the stocking of rainbow trout in private ponds within tributary drainages that support or are connected to habitats that support westslope cutthroat trout will not be allowed due to the risk of genetic hybridization." According to FWP, Yellowstone cutthroat trout are also listed as a species of concern and rainbow x Yellowstone cutthroat hybrids seem to be something FWP also wants to discourage. Is the reason Yellowstone cutthroat trout are not included in this statement because rainbows are already allowed to be stocked in private ponds within tributary drainages that support Yellowstone cutthroat trout?

Page 34 Background and discussion-fish passage obstruction and fish entrainment in irrigation ditches.
I have enclosed a letter I sent to Larry Peterman (FWP) on November 30, 2000 regarding an irrigation ditch north of Williams Bridge on the Gallatin River. This ditch is on Ted Turner property south of Gallatin Gateway. As far as I know, this ditch is still not screened and is trapping (and killing) trout from the Gallatin River. We all know the amount of fish trapped in irrigation ditches across Montana is substantial. On page 388 of the draft it is stated "The operation of irrigation diversions and ditches in the Upper Yellowstone Drainage leads to the entrainment of hundreds of thousands, if not millions of fish each year". Many of these fish are lost to fishermen and, in extreme cases can lead to reduced harvest limits and recreational opportunity. It has been over 18 years since my letter to FWP regarding the Turner irrigation ditch and the problem seems to me to be just as bad now as it was back then. I understand currently there are improvements being made to screening devices to address this problem but those improvements can't come quick enough to stop this unnecessary loss of fish. I urge FWP to encourage and fully support efforts to keep fish out of irrigation ditches.

Page 49-50 Special issues, challenges or initiatives.
I am adamantly against changing the name of the Fishing Access Site Program in the future to "Water Recreation Access Program". Fishermen have supported the FAS Program in the past and that will not stop in the future. I don't believe much of an effort has been made to get other users of fishing access sites to pay their fair share for maintenance, although they have a very obvious impact on the sites. FWP is not going to stop the bird watching, camping, recreational floating or any use other than fishing at any future sites so instead of trying to be politically correct and inclusive, just leave the program name alone! People know what is allowed at a FAS and changing the name of the program isn't going to accomplish anything. It is a feel good proposal that is meaningless!

Page 51 River Recreation Management and Commercial Use Permitting
I have enclosed a letter I wrote August 3, 2005 regarding conflicts between commercial floating companies and myself on the Gallatin River. Although I have made many phone calls to various agencies throughout the years, the conflicts on the Gallatin River continue to this day. In fact, the conflicts are worse today than they were when I wrote the letter in 2005. Fishermen are slowly being forced from this river (although we are the one's paying to use it) by the never ending floating of commercial and (now) recreational floaters. The agencies I have contacted realize there are issues but are unwilling to address them. I doubt adoption of this draft into final form will start the process to address the problems on the Gallatin, even though conflicts certainly exist.

The upper and lower Madison River is another river where conflicts exist. Outfitter use of the upper river is out of control and, even though there is currently an effort at rule making, nothing is going to be done to put the cat back into the bag. Nothing in this draft will reduce non-commercial fishing use vs. commercial fishing use. One thing FWP is good at is allowing a conflict like this to increase to the point of no return before an effort is made to correct the problem. The outfitter issue on the Madison should have been addressed long before now. The lower river conflict is between fishermen and the "bikini hatch". Once again, the group of people paying to use the resource are forced to deal with an unlimited number of people floating recreationally. No limits on the number of floaters are in place and with the increasing population in the Gallatin Valley, this conflict is only going to get worse. A commercial business in Bozeman is even offering to get people to the river. Since when is a commercial business allowed to hijack a public river with as many clients as they can drum up? Where is the mechanism in this draft that will address this conflict? These conflicts tend to make resident fishermen go somewhere else, even though they have as much right to use the river as anyone else.

Float fishing vs. wade fishing on other rivers in southwest and southcentral Montana is also becoming more of an issue. Outfitters, their clients and many recreational floating fishermen now monopolize fishing runs and holes and make it impossible for a wading fisherman to fish those areas. This is especially prevalent on the Bighorn and to a lesser extent on the Stillwater (R5) and also the Boulder (R5) during higher water flows. Recreational non-fishing floaters now think they can monopolize white water sections of rivers. Recreational non-fishing floaters (in canoe's, rubber rafts and kayak's) are also becoming bolder when it comes to wading fishermen. They have attempted to push me out of several rivers when they would not move over in the channel, even though there has been plenty of room for them to pass by. My youngest nephew and I have had kayakers float into a hole that we have been fishing and they have tried (unsuccessfully) to force us to stop fishing so they could play in the hole. Again, I am a paying user and I have had just about enough of this kind of behavior aimed towards anglers like myself or my family members. Mark my word, some day, somewhere this type of conflict is going to end up in a major fight on the river if it hasn't happened already. As a paying user of rivers, I certainly have a right to fish without being intimidated by user groups in boats. I will not be intimidated, I will not go away and I will not back down from outfitter and recreational floaters wishing to push me off the river.

Page 90-91 Special management issues on Swan Lake.
If FWP believes unknown spawning areas likely exist on Swan Lake, I would suggest using the method fisheries managers' use on Yellowstone Lake in Yellowstone National Park to deal with the illegal lake trout introduction. Capture adult lake trout and fit them with telemetry equipment. Follow the signals during spawning to locate additional spawning areas. The additional information obtained may allow for more efficient lake trout removals.

Page 122 Flint Creek. …indicates that over 50% of the trout moving that attempt to migrate downstream of Allendale… indicates that over 50% of the trout that attempt to migrate downstream of Allendale

Page 143 The map should be of the Bitterroot River Drainage.

Page 166 Special management issues
Fix S ince then, to Since then,

Page 180 Red Rock River
The Centennial Valley…6,000 ft of elevation at remains…
The Centennial Valley…6,000 ft of elevation and remains…

Page 202 Big Hole River
Habitat S tudies should be Studies

Page 214 Jefferson River and Tributaries (Twin Bridges to Cardwell and Cardwell to confluence with Madison River).
I am not against the restrictive regulations on these sections of the Jefferson River while trout numbers recover from drought impacts. I would like to see the regulations set to the standard central fishing district trout limits once the population rebounds with increased water flow and lower river temperatures.

Page 219 Madison River and Tributaries-Yellowstone National Park to Elk Creek
I strongly support the rainbow trout and brown trout management direction to simplify the regulations and allow for harvest opportunities while maintaining fish numbers and sizes. The upper river should be open to the standard catch limits. Trout population monitoring isn't showing an issue with numbers or condition of fish but FWP insists on managing this fishery socially. The problem I have with this is that for so many years, FWP has given in to the outfitting community and their "don't kill a trout" mentality. Now, to try to get a sensible harvest of trout in this portion of this river is going to be extremely difficult. Harvesting fish in the upper Madison is supported biologically and would be healthy for the fishery but FWP has allowed outfitters to believe they alone should be allowed to socially manage the river. What it looks like to most of us is that the outfitting community is the managing agency instead of FWP. Good luck changing that perception…..

Page 225 Gallatin River and Tributaries-YNP to Sheds Bridge FAS.
I strongly support the rainbow trout and brown trout management direction to maintain present numbers and sizes. I also strongly support increasing angler harvest to reduce numbers if necessary to maintain fish growth. Again, FWP will have a hard sell to increase the harvest due to the "trout are too valuable to catch only once" mentality. It is my wish FWP will do what is correct biologically for this river.

Page 390-391 Shields River and Tributaries-(Upstream and Downstream of Chadbourne Diversion).
It is stated in the habitat needs and activities: work to improve stream flow and water temperatures. I would stress to FWP that if ways to keep water in smaller tributaries were found, those waters would help increase stream flow and may lower water temperatures.

Page 392-393 Restrictive regulations on the Boulder River and Tributaries and Stillwater River and Tributaries for rainbow trout and brown trout.
I am totally against (and have been since these regulations were put in place) restrictive regulations on these rivers for rainbow trout and brown trout. According to the definition on page 59, restrictive regulations are put in place to restrict harvest to meet conservation goals for and to protect native species, or to maintain or alter the size structure of a fish population to meet angler demands. First of all, rainbow trout and brown trout in these rivers are not native species in need of protection. Second, there is not a biological need to maintain or alter the size structure of these populations to meet angler demands. I know that because of conversations I have had with fisheries personnel in Region 5. The reason for the restrictive regulation is purely political. Again, when is FWP going to start managing fisheries based **ONLY** on biology, and not on political correctness (don't you dare kill a precious trout)?

Page 406 Bighorn River-Downstream of Yellowtail Reservoir, management direction for brown trout and rainbow trout.
I do not support the current management direction or the proposed management direction on the Bighorn River. The upper river is full of trout, but I don't believe there is much in the way of diversity when it comes to size structure. I believe one (of many) reasons for this is the number of outfitters working this river. Once again, the vast majority of them are opposed to harvesting **ANY** trout. Basic biology states that a river system can only support so many pounds of fish per a certain distance. This is because of the typical food supply. More mouths to feed means smaller average size fish. Less mouths to feed means larger average size fish. Outfitted clients might be happy catching a boat load of 14" to 16" trout but this river could produce better quality fish and, in fact, has in the past under regulations other than artificial lures only. I would like to see FWP make an effort to educate fishermen and outfitters alike on the benefits to this river system (as well as other river systems) that increased harvest and elimination of an artificial lures only regulation would provide.

Page 411. Pryor Creek was not damned by an irrigation ditch flume which was blown out in 2011. Pryor Creek was dammed by an irrigation ditch flume which was blown out in 2011.

Page 454. 10. A shotgun-style start for boat tournaments on rivers can be extremely dangers and must be evaluated by tournament sponsors. It can also be extremely dangerous.

Page 468 Bull Trout (native; federal ESA threatened species; Montana Species of Concern) lake trout brown trout lake trout, brown trout

In many places throughout the draft, dewatered tributaries are mentioned. I would like to see FWP work with other government agencies and private landowners to come up with a plan to address those dewatered tributaries. FWP seems concerned with "climate change" and the effect it may have on the amount and temperature of water in rivers. I believe the lower water levels and higher summer temperatures could be partially mitigated if the cooler volume of water from these dewatered tributaries were allowed to flow into the affected rivers. If water users are agreeable to leave more water in the tributaries, this may benefit the river system as a whole.

The issue of didymosphenia geminate (didymo) is mentioned in this draft. The problem with didymo is the covering of the river bed by mats of the diatom. I have personally fished in rivers affected by this diatom and know the impact it has on fishing. Mats covering the river bed certainly impact the insect life which reduces available food to fish. Strands of this diatom breaking loose from the river bed make casting a line incredibly frustrating. I would like FWP to make an effort to reach out to researchers and others looking for a solution to this problem. If a

solution could be found to solve this problem, fish populations will certainly respond in a positive manner.

In the central fishing district, there are the standard trout limits and then there are various exceptions. I am adamantly opposed to these various exceptions. The trout limit should be the standard limit of 5 trout, only 1 over 18" throughout the district. The only time an exception should be made is when there is a proven, biological reason for a lower limit. Notice I did not say social or political, I said biological. This would accomplish a couple things. First of all, enforcement would definitely be easier for FWP wardens. Secondly, it is stated in the draft of the desire to simplify regulations. This is especially true on the upper Madison. My reasons for supporting a standard 5 trout 1 over 18" limit throughout the central fishing district are pretty simple. Many of us fish several different rivers during a fishing trip. If I harvest three 16" fish and a 19" fish on river A which has a 5 fish limit with 1 over 18" and then go to river B later that day which has a 5 fish limit with only 1 over 14", I am violating the law according to the current regulation booklet. It is stated in the regulation booklet that "Anglers who move from one fishing water to another may possess the limit of fish allowed only for the water on which they are currently fishing." That prevents me from legally fishing river B, even though I have a valid license which allows me to fish river B. Also, I know the catch and release crowd will scream bloody murder over a proposal like this because they will claim allowing people to take a standard limit of trout will decimate the trout population. To this I say hogwash! The reality on the ground is that the vast majority of fishermen don't harvest any fish. A prime example of this is the Bighorn River. Standard limits apply on the river and if the trout population was suddenly declining because living trout were being converted into fillets, the outfitters would be screaming. They aren't…The fact is that the anti-harvest fishermen and outfitters conveniently ignore the biology of trout and harvest. They promote a doom and gloom scenario of trout-less rivers to **FORCE** fisheries managers and the FWP Commission to support their argument of no harvest.

Immediately after page 494, another glossary is listed. It is the same as the Appendix B glossary starting on page 488.

Dale L. Martin
2308 Locust Street
Billings, Montana
59101
(406) 690-5331

COMMENTS ON THE STATEWIDE FISHERIES MANAGEMENT PROGRAM AND GUIDE

I commend MFWP FIsheries Division for the transparency and professionalism exemplified in this Statewide Management Program & Guide (SMPG). Your unequivocal commitment to basing management direction and decisions on sound, scientifically-established principles and data collection is key to sustaining Montana's world-renowned fisheries resources. By emphasizing native species, wild populations and the habitat quality needed to support them, the Department (MFWP) has set a high bar for fisheries management that will serve Montana citizens well. This is especially important today as our fisheries face many environmental threats and pressures from increasing human uses and demands for natural resources.

With regard to native species management, I strongly support the Westslope and Yellowstone Cutthroat Trout Conservation Programs. I am encouraged to see the Fisheries Division establish long-term goals to have approximately 20% of the historically-occupied habitat in major drainages restored to secure conservation populations of these native trout. The SMPG objectives for re-building metapopulations and maintaining diverse life histories of native cutthroats (resident, fluvial and adfluvial) in order to boost species resiliency across landscapes are further evidence of good science-based policies. Montana’s cutthroat trout are an irreplaceable part of our natural heritage and deserve this special conservation emphasis in the SMPG.

Conserving and restoring westslope cutthroat trout populations in the upper Missouri River Basin where the species is most imperiled will require a focused, continuous effort. Considerable progress has been made toward this goal -- much has been learned about preserving the genetic integrity of these unique native trout populations and reducing threats from introduced rainbow and eastern brook trout. I encourage the Fisheries Division to expand these efforts and to maintain the restoration projects that have been accomplished to date.

Montana’s non-game fish species, including prairie fish of the Eastern District, play important roles in their respective ecosystems. Thank you for recognizing their contribution to the biodiversity of the state’s aquatic habitats. Although funding is limited, there will continue to be a need to monitor these fish communities and increase our understanding of their ecology.

I agree with MFWP's classification of walleye as a **non-native species** in Montana based on peer-reviewed science. Furthermore, I support the SMPG's balanced approach to managing walleye as a non-native species that both provides desired recreational harvest opportunities as well as constitutes a threat to established high-value salmonid and non-salmonid fisheries. I believe the Department must continue to emphasize the wild trout fishery of the Missouri River from Holter Dam to Cascade and take appropriate actions to suppress walleye populations whenever necessary to protect the multi-million dollar economic benefits of the rainbow/brown trout fishery that exists there.

Although the SMPG makes several references to the potential for climate change to affect aquatic habitats and threaten Montana fisheries resources, I believe this subject warrants further discussion and elucidation. Scientists have recently been revising the magnitude and predicted timescale of the oncoming changes to hydrology and temperature regimes in the western US. In order for the Department to be able to react and adapt to these effects on aquatic habitats, it needs to explore scenarios of severe or sustained drought and record high temperatures that will stress fisheries resources and force significant shifts in species composition or persistence at low, middle and high elevation habitats. Priorities need to be set for where instream flow protection will be most critical to offset warmer water temperatures,

which lentic and lotic habitats will offer the best refugia for imperiled species under altered climate regimes, and how to accommodate the inevitable transition to new recreational fisheries as Montana's rivers and reservoirs experience warming and altered flow patterns. I understand that many of these changes are not entirely predictable. Nevertheless, I think the SMPG needs to contemplate various adaptive strategies that will be needed to address the known threats that climate change will pose to Montana's sport fisheries.

With respect to earlier snowmelt, faster runoff and longer low-flow seasons, the best remediation strategies appear to be based on watershed/floodplain restoration to increase natural storage capacity. The Nature Conservancy (TNC) is actively engaged in identifying and prioritizing critical basins in Montana where natural floodplain functions can be restored to raise water tables and augment late season flows. These efforts include enhancing riparian vegetation, rebuilding floodplains, re-establishing river access to floodplains and side channels at high flows, and experimentation with beaver-mimicry structures to slow runoff and increase water storage. The French Gulch project, a cooperative effort led by the Big Hole Watershed Committee is a good example of the restoration opportunities that the SMPG should be highlighting as a hedge against the impacts of climate change. I would like to see the Department partnering with TNC, other conservation organizations and federal agencies in a broader, coordinated effort to enhance watershed resiliency where it has the most potential to offset the adverse effects of climate change on Montana's fishery resources.

Thank you for the opportunity to comment on this important programmatic document.

Michael Enk
PO Box 1408
Great Falls, MT 59403

George Grant TU
PO Box 563
Butte, MT 59703

Cold Clean Fishable Water

RE: Comments on walleye management for Statewide Fisheries Management Program and Guide, and Upper Missouri River Reservoir Management Plan

Dear Fish, Wildlife and Park and Fish & Wildlife Commissioners,

Thank you for the opportunity to comment on potential changes to the Statewide Fisheries Management Program and Guide (SFMPG). George Grant Chapter of Trout Unlimited (GGTU) whom represents 400 members here in Montana would also like for you to consider these comments in regard to the Upper Missouri River Reservoir Management Plan (UMRRMP). The comments herein are only about management changes for walleye that Montana Fish, Wildlife and Parks (FWP) is potentially considering. Because walleye have been introduced to wild and native trout waters in Montana and these non-native fish are highly predacious on trout, as well as other prey species, it is sometimes necessary for us to consider how walleye are managed as part of our mission to conserve trout.

It has become clear that proponents of changing walleye management and designation in various ways intend to do so within the context of the SFMPG and the UMRRMP. GGTU supports the continued stocking of rainbow trout at recent historic levels in the reservoir system. We also recognize that costs for this stocking greatly increased with the illegal introduction of walleye to Canyon Ferry Reservoir in the 1980s. Stocking of larger, older age-class rainbows became necessary to diminish the amount of predation by walleye on this wild trout fishery. Even though the introduction of walleye was illegal and managing walleye as a sport fish while maintaining a very modest (and declining) trout fishery in the reservoir has been a costly endeavor for FWP, GGTU is no longer pushing for suppression of walleye. FWP data clearly show that after a short lag time, once the walleye population in the reservoir system increased, it has resulted in a significant decline in Yellow perch and rainbow trout, both of which have historically been very popular and productive fisheries. Having diminished these prey species and reached fairly dense capacities, walleye have, it appears, stunted in size ranges. This phenomenon has happened throughout the western U.S. in reservoirs, like Canyon Ferry, where water levels fluctuate significantly between full and low pool each year. We are unaware of any management tools or practices that can prevent or remedy the stunting of walleye in such a system. (For reference, please see: Thomas E. McMahon and David H. Bennett, "Walleye and Northern Pike:Boost or Bane to Northwest Fisheries?," Fisheries, Vol. 21, No. 8, Aug. 1996).

Nonetheless, GGTU is open to experimenting with different management tools in the Upper Missouri River reservoirs aimed at diversifying the age- and size-class of walleye, especially to encourage fewer fish but a higher percentage of larger, eating-sized and, even, trophy walleye. Having thoroughly reviewed the UMRRMP and SFMPG on this issue, GGTU believes that FWP already has in place the proper means of evaluating when changes in

walleye management should occur and what those changes might be. Specifically, we support the practice of using a three-year running average of gill net surveys to evaluate if or when triggers have been hit on any given species that would result in a management change. GGTU also supports the department's assessments of implementing different slot or daily (and possession) limits to try to alter walleye population dynamics within the reservoir system. We would even consider supporting some 'pilot' project to forego the three year survey average before trying some walleye slot and/or catch limit changes. We recognize that it is possible that should such management changes actually work, reducing the total number of walleye in the reservoirs while increasing their size, it could reduce the number of piscivorous-sized walleye that occasionally flush down below Holter dam and pose the risk of negatively impacting the wild trout fishery from Holter to Cascade (more on that below). Regardless of the changes in walleye management that the department considers for the reservoirs, GGTU strongly contends that you must continue to consider the possibility of taking aggressive actions to prevent the walleye fishery or an explosion of it if there's further decimation of the perch and rainbow populations. Surveying and triggers to forestall that outcome need to remain in place.

With regard to Walleye regulations below Holter Dam on the Missouri River GGTU strongly endorses maintaining unlimited harvest for walleyes between Holter Dam and Cascade. This regulation makes sense for several reasons: 1.) it helps reduce the risk of increasing walleye predation on salmonids in this reach; 2.) it serves as a potential control for the walleye population that has been allowed to flourish in Canyon Ferry Reservoir and then move downstream into the river; and, 3.) it unequivocally states that the primary fishery management objective of FWP for the river fishery between Holter Dam and Cascade is to maintain a world-class wild trout population.

When Montana TU asked the Montana Fish, Wildlife and Parks Commission to institute a regulation on the Missouri River between Holter Dam and Cascade that allows unlimited harvest on walleyes, critics, predictably, charged that it resulted from anti-walleye prejudice. We are hearing those claims again as the issue of lifting the unlimited harvest regulation is being pressed on FWP, as well as changes in other regulations for walleye or, even, the unsubstantiated claim that walleye are native to parts of Montana. The idea that MTU or its members are anti-walleye is nonsense. Montana TU is fine with walleye fisheries where they currently exist as a result of historic stocking, such as in the many reservoirs in eastern and central Montana. On the other hand, it's reasonable fishery management not to manage for this highly predacious fish in one of the nation's best wild trout tail waters. Because the walleye population has exploded in Canyon Ferry Reservoir, the result of an illegal introduction in, it appears, the 1980s, the fish have been washing downstream through Holter and Hauser Reservoirs and into the Missouri River. Though adverse impacts to the tail water trout fishery haven't been detected yet, there is some likelihood at some point predation and competition could harm the wild trout population. Because the trout fishery in the river below Holter is one of the most popular in the state, accounting for roughly 12% of trout angling in Montana, and generating tens of millions of dollars annually for Montana's economy, it is reasonable to ask FWP to demonstrate that this reach of river will be managed first and foremost for wild trout. And they can do that by allowing anglers to harvest without limits any walleyes caught in this reach. Whether this regulation will measurably reduce the walleye population is not certain. But on the other hand, if this fish is able to gain a stronger foothold in the river, it will be helpful to

have this tool, and, importantly, have FWP demonstrate that wild trout are the priority in the superb tail water reach of this great river.

GGTU has become aware that there are proponents of designating walleye as a native fish east of the Continental Divide. There is no good evidence for this claim. Nonetheless, I would like to go through the literature that is being cited in support of a native designation for walleye to clearly demonstrate the spuriousness of the argument. Maps taken from multiple walleye research papers play claim that walleye are native to parts of Montana. Proponents use a map from Review and Assessment of Walleye Genetics and Stocking in Alberta by Fiona D. Johnston and Andrew J. Paul, "Figure 1. The native distribution of walleye in North America" on page 2 of the report (extracted from a paper by Billington 1996), which has a large, unspecific bubble across most of North America indicating where walleye could be native. We do not believe this map is a representation of where walleye naturally occurred. Rather, it appears to demonstrate the geophysical range where walleye could have occurred naturally because of past glaciations. The report then includes a state-by-state analysis of walleye distribution, in which the authors state the stronger and direct conclusion about Montana that: "Walleye are not considered native to this state (page 36)." That unequivocal statement is based on direct communication with Montana FWP biologists. The map proponent's reference in the Canadian Science Advisory Secretariat Science Advisory Report, titled "Science Advice From a Risk Assessment of Walleye (Sander vitreus) in British Columbia (2010)," which shows North American distribution of walleye, including to the Continental Divide in Montana, is taken directly from another report – Hartman 2009. The "Science Advice…" piece provides no original evidence for walleye being native to Montana. It is mostly a warning about the high risk walleye pose to B.C. aquatic ecosystems and explicitly states that "once introduced this species is very difficult to eliminate suggesting that proactive measures are needed if its spread is deemed undesirable," as well as inferring that walleye are an aquatic invasive species because of their negative impacts on native fish (2).

Hartman's "Biological Synopsis of Walleye," from which the map in the above publication was taken is a 2009 risk assessment of the impacts of walleye moving into nonnative areas. The abstract therein is unequivocal that "walleye are top predators and will eat almost any living organism they can get into their mouths(v)," as well as the fact that "ecosystem effects of these introductions have been wide-ranging and remain difficult to predict or control(1)." The author elaborates on the impacts walleye have on other fish in a separate section (5.2) of his report. Nativism aside, these are facts we recommend FWP consider seriously in regard to managing walleye in Montana. On nativism, the Hartman synopsis, while reproducing a map that has the eastern portion of Montana shaded as "native walleye," explicitly states that "(n)atural distribution includes the eastern parts of Nebraska, North and South Dakota(3)." There is no other mention of native distribution of walleye in the western U.S., nor in Montana specifically. Furthermore, text within this report makes it very clear that the area shaded as "native walleye" on the map is an exaggeration of actual natural distribution of walleye. The author states that in B.C. "walleye occur naturally only in the north-eastern corner of the province(4)," whereas the map has nearly all of B.C. shaded. This seems to confirm that the shading, as with other publications, represents a very generalized geophysical extent of possible post-glacial walleye habitat, not evidence of natural walleye distribution. It's also worth noting that Hartman claims walleye are not native to anywhere in Alberta province of Canada at elevations exceeding 1,000m(4). This, too, provides a strong

refutation of the notion that walleye could be native to eastern Montana, which is almost entirely above 1,000m and similar in other climatic and physical features to Alberta, CA. Hartman further infers that walleye are not native to Montana (in the headwaters of the Missouri-Mississippi River basin or Columbia River basin) when he cites previous researchers' work demonstrating that this species "were first introduced in the United States northwest in the 1940s and 1950s, and now occur throughout the upper Mississippi and Columbia River basins(4)." The phrase "now occur" would lead us to the conclusion that walleye did not previously 5 occur in the upper Mississippi and Columbia River basins.

Proponents of designating walleye as a native fish in Montana lean heavily on chapter 4, "Distribution and Population Genetics of Walleye and Sauger," (Billington, Wilson, and Sloss), which appears in the American Fisheries Society publication Biology, Management, and Culture of Walleye and Sauger (2011). This chapter deals, almost entirely, with the genetic marker studies that have been done on sauger and walleye to determine evolutionary divergence and distribution. None of those studies have been conducted in or included Montana populations of fish. Furthermore, the map showing "Boundaries of the natural distribution of walleye" (page 107) is nearly identical to the one in the Johnson and Paul (above) document. Both show the extent to which postglacial meltwater during and after the Pleistocene created isolated and connected waterways that could have allowed the distribution of walleye or sauger species from Missourian or Mississipian refugia. There is no direct evidence that walleye inhabited the entire range illustrated in the map, especially not into Montana. It's worth noting that proponents of the native walleye in Montana claim, in reference to Biology, Management, and Culture of Walleye and Sauger make the exaggerated claim that there "are 25 individuals listed as reviewers from across the US and Canada who apparently had input into this document...and it being published by the American Fisheries Society...it is probably the most current, comprehensive and widely accepted publication in existence today."

This publication is a collection of papers, only one of which has anything to do with walleye in Montana. That is the Billington paper I have described herein. While it is a current, comprehensive and well-reviewed publication on walleye and sauger, it is not devoted to their native distribution and, more importantly, it does not provide any data to support the notion that walleye are native to Montana. Just the opposite. Based on the above studies, proponents claim that "findings and more recent data and analysis" are far more conclusive than the fact that Lewis & Clark did not observe walleye in Montana. But, none of the studies above include actual findings, data or analysis regarding native walleye in our state. They simply reproduce the same, very generic map of geophysical distribution of potentially walleye-friendly water after the last Ice Age. There is not one shred of evidence in these studies that walleye were present in Montana before they were moved to our state deliberately by people. In addition to the lack of direct evidence for walleye naturally inhabiting Montana within the literature proponents have presented, there are other circumstances that argue strongly against the notion of walleye being native to this state.

As cited above, FWP has firmly concluded that "walleye are not considered native to this state." Regardless of post Ice Age melt water, neither walleye nor sauger could have or did distribute above the Great Falls of the Missouri River. It was an impassable physical barrier to natural distribution. There are no fossil or historical records even hinting at the possibility that walleye made it above that physical barrier. Although there is no similar physical barrier on the

Yellowstone to prevent walleye from having naturally ascended that watershed, there was a temperature barrier. Because of cold water temperatures, Yellowstone cutthroat trout inhabited the Yellowstone River as far downstream as the mouth of the Powder River. Yellowstone cutthroat depend on water temperatures, chemistry, and conditions that are not suitable for walleye. Nowhere have the two species overlapped. Thus, the clear evidence of Yellowstone cutthroat in the Yellowstone River is equally clear evidence that walleye were not and could not have been present even two hundred years ago, much less as a native species.

Finally, proponents of the unsupported notion that walleye are native to eastern Montana dispute the most conclusive study on the subject, a 1995 paper by MSU biology professor William Gould. Proponents disparage as "a bit far-fetched" Gould's claim that walleye were most likely introduced to Nelson Reservoir in the early 1920s from a population of walleye that was "over 1100km away. As walleye aficionados, these proponents should not be at all surprised that walleye could easily be transported over 1100km. Walleye eggs are easily transported. We also have a rich history of transporting less hardy fish much greater distances, including brown trout being moved across the Atlantic Ocean from their native European rivers to North America. In short, MTU agrees with FWP's long-standing, sound conclusion that walleye are not native in Montana.

Again, we appreciate your commitment to continue wise, science-based management of our fisheries. You will be hearing similar comments from many of our members and chapters. Please contact me anytime if you have questions, need clarification, or wish to share thoughts on these comments.

Sincerely,

Mark Thompson
President GGTU

MONTANA WILDLIFE FEDERATION

Protecting Montana's wildlife, land, waters and hunting & fishing heritage for future generations.

Eric Roberts, FWP Fish Management Bureau Chief
Eileen Ryce, FWP Fisheries Division Administrator
Montana Fish, Wildlife and Parks
Fisheries Division
PO Box 200701
Helena, MT 59620

January 30, 2019

RE: State Fisheries Management Program and Guide

Dear Fish, Wildlife and Parks Fisheries Division,

The Montana Wildlife Federation (MWF) is Montana's oldest and largest sportsmen-wildlife conservation organization. We work to protect Montana's public lands, clean waters, and abundant fish and wildlife for the benefit of the hundreds of thousands of Montanans and people all over the nation who hunt, fish, and value Montana's outdoor heritage. We appreciate the opportunity to comment on FWP's Statewide Fisheries Management Program and Guide.

Overall, MWF supports the the Statewide Fisheries Management Program and Guide as written. The Program and Guide provides a comprehensive high level view of fisheries programs, strategies, opportunities and challenges across Montana.There are several references to existing management plans that provide more guidance on specific waters. Additionally, MWF is pleased to see the inclusion of applicable laws, rules and policies at the end of each Fisheries Management Program Component, which helps establish program direction and helps define management sideboards as well as the rule of law to enact or enforce programs.

Under the section Monitoring Fish Populations and Ecological Health, MWF would emphasize the need to maintain long term monitoring and survey programs such as the Statewide Mail Creel Survey to measure user trends and capture data on waters not commonly surveyed. MWF hopes that despite the current funding difficulties, priority will be placed on maintaining such programs. In view of changes in personal means of communications, MWF supports the concept of using platforms such as email instead of mailed surveys to improve the survey efficiency and reduce cost.

Page 27 refers to Unauthorized Placement of Fish which is a current priority of MWF. However, that wording is not descriptive to many anglers. The term "Illegal Fish Introductions" would be better recognized by anglers, is more descriptive and covers 99% of the introductions that occur. There are several laws, rules and policies that are not included at the end of the section including ARM12.7.1501-1505, and MCA 87.5.601-606 (TIPMONT) and MCA 87.5.721 (penalties). FWP needs to place more emphasis on prevention through education and also for detection and conviction of those illegally planting fish. FWP needs to develop a funding source to aid regions in chemically removing illegal fish, both as a deterrent and to restore lost fishing opportunity.

The Aquatic Habitat Program is the bedrock for most other programs. MWF appreciates FWP acknowledging the threat of climate change, the way it may influence water quantity and quality and impact suitable habitat for many fish species.

The Water Recreation and Access Program will gain increasing priority as Montana's population increases, tourist visitation increases and private land use changes. Montana enjoys the best stream access laws in the nation, the public will increasingly need public points to legally access water. Funding for site acquisition and development has not kept pace with demand and ways to increase funding are needed. Likewise, the program acknowledges that a substantial amount of use is by non-anglers. Those people place demands on sites while not contributing funding through fishing license fees. Water access is important to most Montanans and visitors, new revenue sources need to be developed to help fund that use. FWP needs to develop resources to measure use changes and conflicts, to develop strategies to mitigate conflict and funding to implement user management programs.

Finally, MWF would like to emphasize that FWP's current management direction for walleye is appropriate and that there should be no change or designation of the species as "native" to the State of Montana. The department currently has the tools to manage the species where appropriate while continuing suppression efforts to protect other valuable fisheries.

Thank you for the opportunity to comment on FWP's Statewide Fisheries Management Program and Guide.

Sincerely,

Dave Chadwick
Executive Director

Pat Barnes Trout Unlimited
P.O. Box 275
Helena, MT 59624

January 8, 2019

Eileen Ryce, FWP Fisheries Division Administrator
Eric Roberts, FWP Fish Management Bureau Chief
Montana Fish & Wildlife Commission
Department of Fish, Wildlife, and Parks
1420 E. 6th Ave.
Helena, MT 59620

Dear Montana Fish and Wildlife Commission,

On behalf of the Pat Barnes Chapter of Trout Unlimited, we want to thank you for allowing us opportunity to comment on potential changes to the Statewide Fisheries Management Program and Guide. We hope that our comments and concerns were considered during the public comment period for the Upper Missouri River Management Plan. The following comments are in regard to potential changes in walleye management proposed to FWP. Specifically, we are concerned about two potential management considerations that are being advocated for by Walleyes Unlimited. Please see below.

Walleye regulations below Holter Dam on the Missouri River

As one of Montana's most productive cold-water trout fisheries, we think it is of the utmost importance to protect this fishery and maintain a policy of walleye suppression below Holter Dam. As you are likely aware, Walleyes Unlimited is advocating for changes to suppression regulations of walleye in this reach of the Missouri River. Pat Barnes Trout Unlimited supports nothing less than a full suppression management plan for walleye, with the goal of maintaining the highly productive trout fishery that is currently available to anglers.

We believe that walleye suppression make sense for several reasons. First, it reduces the risk of predation on salmonids in this reach. Second, it serves as a potential control area for walleye populations that have been allowed to flourish in the upstream reservoirs. Third, it goes with the current primary fishery management objective of maintaining a world-class trout fishery in the Holter Dam tail water.

Designation of walleye as native east of the Continental Divide

We are aware that Walleyes Unlimited has proposed that FWP designate walleye as a native fish to the waterways of Montana east of the Continental Divide. Pat Barnes

Trout Unlimited does not support this change to the fisheries management plan because there is no good evidence maintaining this claim. We support the peer-reviewed science that guides FWP's current classification of walleye as a non-native species in the Upper Missouri River. This illegally introduced species has been allowed do flourish, and it is our concern that a designation as a native fish will allow for further unwanted spread of walleye, especially in the Missouri River below Holter Dam.

It has come to our attention that additional peer reviewed articles have been presented to FWP biologists and the commission, supporting that walleye are in fact a native specie to Montana east of the divide. After reviewing these articles we completely disagree with this opinion as there is no *specific* findings, data, or analysis in these studies regarding the status of walleye as native in Montana.

Thank you again for taking the time to hear, collect, and analyze the public comment regarding the fisheries in our state. It is important to note that Pat Barnes Trout Unlimited is not anti-walleye. Our chapter consists of 483 members who support Trout Unlimited's mission of protecting the cold water resources and salmonids that populate the waterways of the local Helena area. We do not wish to advocate in a manner that causes disruption of other fisheries in the state, but we wish to protect the cold water resources and trout fisheries that are currently prospering in our area. Anything that is perceived as a threat to Montana's cold water resources needs to be considered with the utmost importance, especially the Missouri River below Holter Dam.

Sincerely,

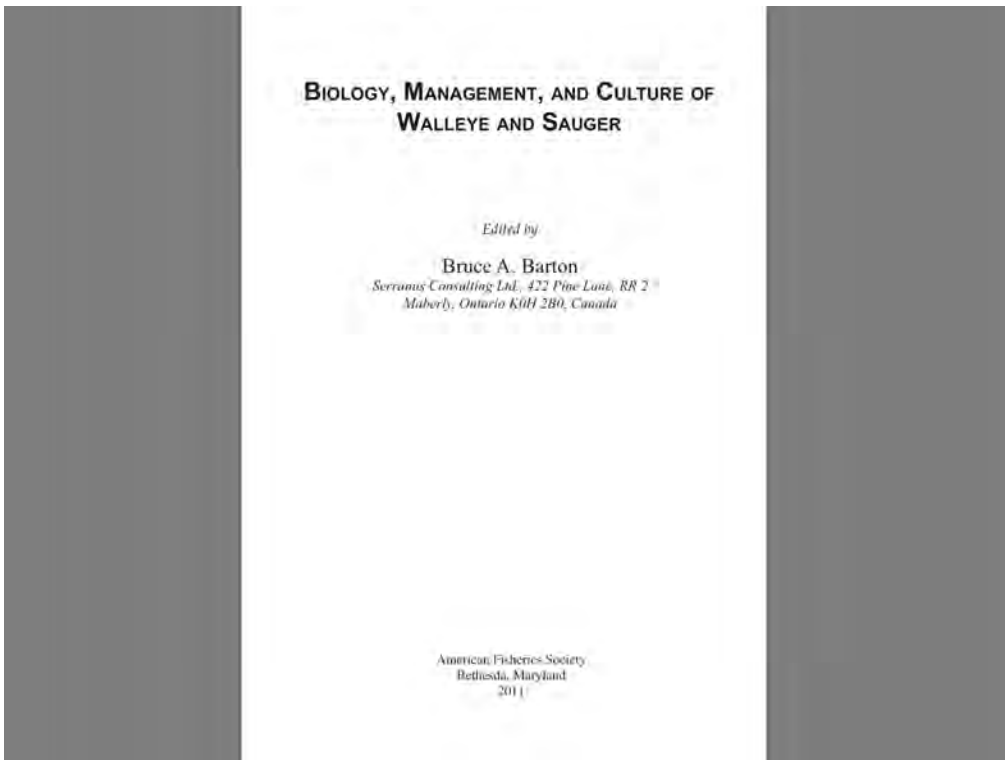
Taylor Todd
PBTU Conservation Chair
(406) 438-6445
taylorjtodd@gmail.com

The following are the pertinent sections of the **Draft Statewide Fisheries Management Guide** being presented to the FWP Commission at the Dec 10, 2018 meeting that need revision **prior to approval and being sent out for public comment. (Note: The commission ignored the request and has gone ahead and approved the Draft plan putting it out for public comment with a deadline of January 13) We need the public to comment and be informed about the significance of the following:**

I have four concerns:

1. **Page 4-5. Montana Fisheries Resource.** This states Montana is home to 91 species of fish; 59 native to the state….and the chart on page 9 says "walleye" are "introduced" to Montana. This is not correct and needs to be changed. There is substantial documentation that has been published by credible sources that clearly show the native range of walleye includes the area east of the Continental Divide in Montana. The sources of that supporting data include:

   Biology, Culture, and Management of Walleye and Sauger edited by Bruce A Barton and copyrighted in 2011 by the American Fisheries Society


BIOLOGY, MANAGEMENT, AND CULTURE OF WALLEYE AND SAUGER

Edited by

Bruce A. Barton

Serramus Consulting Ltd., 422 Pine Lane, RR 2
Maberly, Ontario K0H 2B0, Canada

American Fisheries Society
Bethesda, Maryland
2011

   Note: There are 25 individuals listed as reviewers from across the US and Canada who apparently had input into this document. Based on this and it being published by the American Fisheries Society….it is probably the most current, comprehensive and widely accepted publication in existence today.

   Note: This document also says it was funded in part by contributions of the Mt FWP.

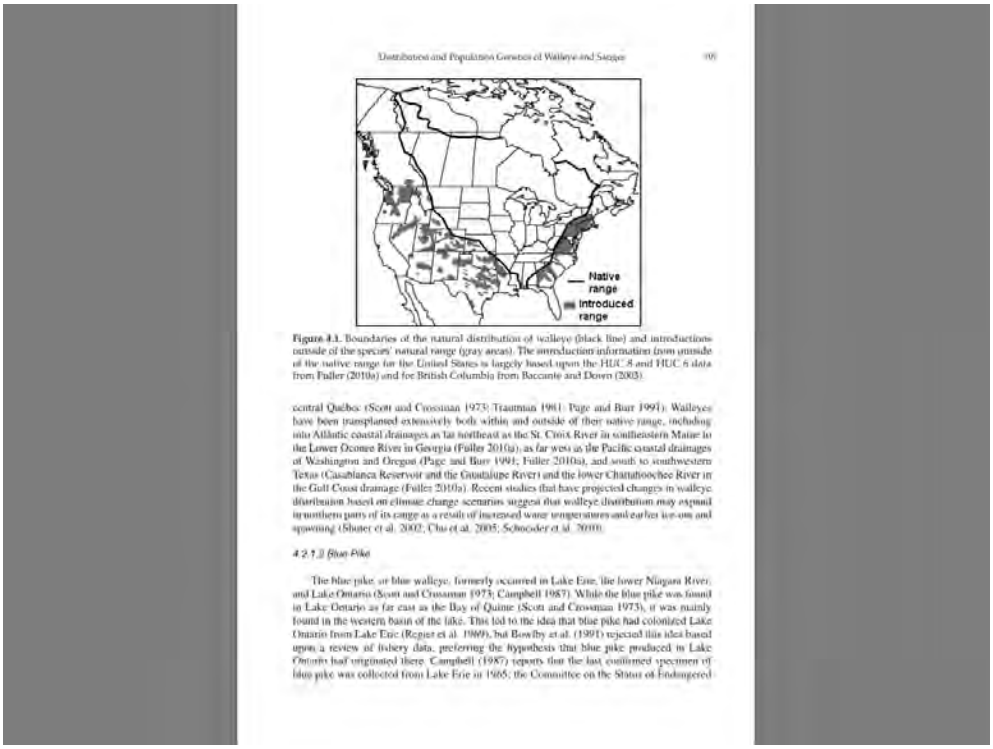


Figure 4.1. Boundaries of the natural distribution of walleye (black line) and introductions outside of the species' natural range (gray areas). The introduction information from outside of the native range for the United States is largely based upon the HUC 8 and HUC 6 data from Fuller (2010a) and for British Columbia from Baccante and Down (2003).

central Québec (Scott and Crossman 1973; Trautman 1981; Page and Burr 1991). Walleyes have been transplanted extensively both within and outside of their native range, including into Atlantic coastal drainages as far northeast as the St. Croix River in southeastern Maine to the Lower Oconee River in Georgia (Fuller 2010a), as far west as the Pacific coastal drainages of Washington and Oregon (Page and Burr 1991; Fuller 2010a), and south to southwestern Texas (Casablanca Reservoir and the Guadalupe River) and the lower Chattahoochee River in the Gulf Coast drainage (Fuller 2010a). Recent studies that have projected changes in walleye distribution based on climate change scenarios suggest that walleye distribution may expand in northern parts of its range as a result of increased water temperatures and earlier ice-out and spawning (Shuter et al. 2002; Chu et al. 2005; Schneider et al. 2010).

4.2.1.3 Blue Pike

The blue pike, or blue walleye, formerly occurred in Lake Erie, the lower Niagara River, and Lake Ontario (Scott and Crossman 1973; Campbell 1987). While the blue pike was found in Lake Ontario as far east as the Bay of Quinte (Scott and Crossman 1973), it was mainly found in the western basin of the lake. This led to the idea that blue pike had colonized Lake Ontario from Lake Erie (Regier et al. 1969), but Bowlby et al. (1991) rejected this idea based upon a review of fishery data, preferring the hypothesis that blue pike produced in Lake Ontario had originated there. Campbell (1987) reports that the last confirmed specimen of blue pike was collected from Lake Erie in 1965; the Committee on the Status of Endangered

Figure 1 above clearly shows the "**native range"** of walleye in Montana includes the area east of the Continental Divide.

It is our hope that the *Biology, Management, and Culture of Walleye and Sauger* will serve to benefit students, researchers, managers, other professionals, and inquisitive anglers for years to come. I am certain that it will provide the reader with a thorough understanding of the past and current management and culture of walleye and sauger, which should lead to improvements in these valuable fishery resources.

Patrick Hanchin
Steering Committee Chair
Walleye Technical Committee
North Central Division
American Fisheries Society

Barton, B. A., editor. 2011. Biology, management, and culture of walleye and sauger. American Fisheries Society, Bethesda, Maryland.

Chapter within the Book

Billington, N., C. C. Wilson, and B. L. Sloss. 2011. Distribution and population genetics of walleye and sauger. Pages 105–132 *in* B. A. Barton, editor. Biology, management, and culture of walleye and sauger. American Fisheries Society, Bethesda, Maryland.

The following publication from Alberta, CA in 2006 also clearly shows the “native range” of walleye including portions of Montana east of the continental divide.

> **Review and Assessment of Walleye Genetics and Stocking in Alberta** by Fiona D Johnston and Andrew J Paul, G8 Legacy Chair in Wildlife Biology, University of Calgary, Calgary AB
>
> – figure 1 on page 2 clearly shows walleye being native east of the Continental Divide in Montana.

numerous waterbodies both within and outside of their native range (Figure 3) (Billington 1996, Billington and Maceina 1997, Scott and Crossman 1998, Perrin et al. 2003). However, in recent years debate has arisen over the appropriateness of stocking as a management technique (Busack and Currens 1995, Incerpi 1996, Waples 1999). This is because concerns have been raised with regard to the effects of fish introductions on the genetic diversity of native populations (Evans and Willox 1991, Phillip 1991, Ferguson et al. 1995, Miller and Kapuscinski 2003, Page et al. 2005).

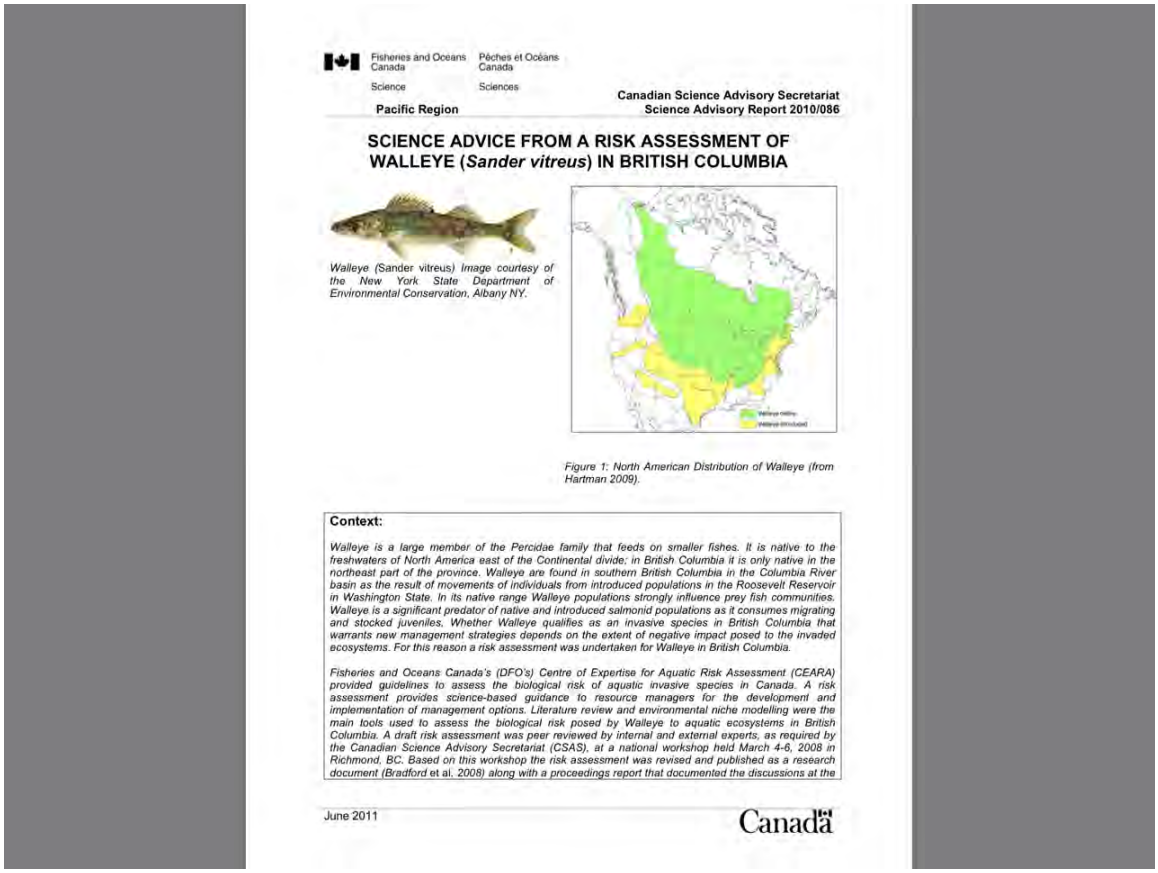
Figure 1. The native distribution of walleye in North America (extracted from Billington 1996).

2

Johnson, FD and Paul A.J. 2006. Review and assessment of walleye genetics and stocking in Alberta. Technical report (T-2006-002) produced by Alberta Conservation Association, Edmonton, Alberta, CA. 91pp+ App.

Figure 1 from the following publication from British Columbia, CA in 2010 also shows the “native range” of walleye including portions of Montana east of the continental divide.

Science Advice From Risk Assessment of Walleye (Sander vitreus) in British Columbia
Canadian Science Advisory Secretariat – Science Advisory Report 2010/086. Page 1 of this document shows a map clearly showing the native range of walleye including east of the Continental Divide in Montana.



Fisheries and Oceans Canada | Pêches et Océans Canada
Science | Sciences
Pacific Region
Canadian Science Advisory Secretariat
Science Advisory Report 2010/086

SCIENCE ADVICE FROM A RISK ASSESSMENT OF WALLEYE (*Sander vitreus*) IN BRITISH COLUMBIA

Walleye (Sander vitreus) Image courtesy of the New York State Department of Environmental Conservation, Albany NY.

Figure 1: North American Distribution of Walleye (from Hartman 2009).

Context:

Walleye is a large member of the Percidae family that feeds on smaller fishes. It is native to the freshwaters of North America east of the Continental divide; in British Columbia it is only native in the northeast part of the province. Walleye are found in southern British Columbia in the Columbia River basin as the result of movements of individuals from introduced populations in the Roosevelt Reservoir in Washington State. In its native range Walleye populations strongly influence prey fish communities. Walleye is a significant predator of native and introduced salmonid populations as it consumes migrating and stocked juveniles. Whether Walleye qualifies as an invasive species in British Columbia that warrants new management strategies depends on the extent of negative impact posed to the invaded ecosystems. For this reason a risk assessment was undertaken for Walleye in British Columbia.

Fisheries and Oceans Canada's (DFO's) Centre of Expertise for Aquatic Risk Assessment (CEARA) provided guidelines to assess the biological risk of aquatic invasive species in Canada. A risk assessment provides science-based guidance to resource managers for the development and implementation of management options. Literature review and environmental niche modelling were the main tools used to assess the biological risk posed by Walleye to aquatic ecosystems in British Columbia. A draft risk assessment was peer reviewed by internal and external experts, as required by the Canadian Science Advisory Secretariat (CSAS), at a national workshop held March 4-6, 2008 in Richmond, BC. Based on this workshop the risk assessment was revised and published as a research document (Bradford et al. 2008) along with a proceedings report that documented the discussions at the

June 2011
Canada

DFO. 2011. Science Advice from a Risk Assessment of Walleye (*Sander vitreus*) in British Columbia. DFO Can. Sci. Advis. Sec. Sci. Advis. Rep. 2010/086.

Canadian Manuscript Report of
Fisheries and Aquatic Sciences 2888

2009

A BIOLOGICAL SYNOPSIS OF WALLEYE
(*Sander vitreus*)

by

G.F. Hartman[1]

Fisheries and Oceans Canada
Science Branch, Pacific Region
Pacific Biological Station
3190 Hammond Bay Road
Nanaimo, BC
V9T 6N7

[1]Fisheries Research and Education Services
1217 Rose Ann Drive, Nanaimo, B.C. V9T 3Z4

1988). The presence of a third mtDNA group in South Indian Lake, Manitoba, western Lake Superior, Hay River, NWT, and South Dakota supports the possibility of a third refugium in the upper Missouri River (Ward et al. 1989).

2.0 DISTRIBUTION

2.1 GLOBAL NATIVE DISTRIBUTION

Walleye is widely distributed in North America (Figure 2).. It is usually confined to fresh water and occurs only rarely in brackish water. In the U.S., walleye occur naturally from New Hampshire, south to Pennsylvania and west of the Appalachians to the gulf coast in Alabama. Natural distribution includes the eastern parts of Nebraska, North and South Dakota (Lee et al. 1980).

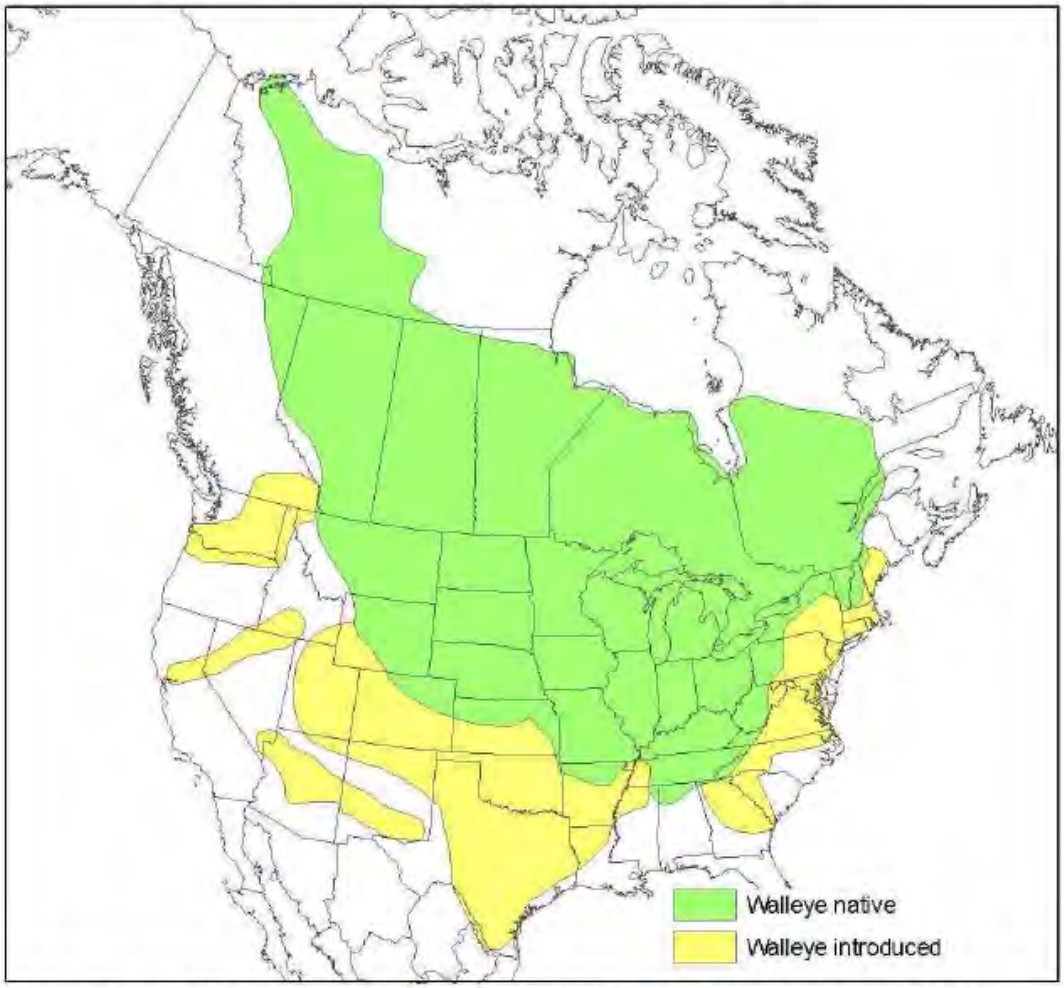


Figure 2. The North American distribution of walleye from Bradford et al. (2008)

I find it pretty interesting that multiple credible sources – Billington (1996), Bradford et al (2008), Hartman (2009) and now the American Fisheries Society document in 2011 all have the same conclusion of the native range of walleye includes an area in Montana east of the Continental Divide – yet the Montana FWP apparently has not accepted this as being valid or credible?

I read the report the FWP has used from someone associated with the Biology Department at MSU that was done in 1995 that resulted in the current FWP position that walleyes are not native and were introduced. However, I also found it quite interesting to read this report and see that it in fact documents that there was a presence of walleye prior to any known introduction. The author speculates that sometime prior to their recorded presence someone apparently introduced the species from the closest known population some 1100km away in SD….in the early 1920's. Frankly sounds a bit far-fetched to me.

I would have to argue, that simply because Mr. Lewis or Mr. Clarke never documented seeing a walleye on their trip in 1803-1806, does not prove they did not exist. I have to believe the above studies based on findings and more recent data and analysis is more credible than anything and with the decision of walleye being native by this group of experts in the field, I would have to seriously question how it can be refuted.

Also, in reading the summary of this report the comment is made that ….."These factors suggest walleyes are not indigenous to Montana." The report identified 17 collections on the Missouri below Great Falls and the Lower Yellowstone that did not document the presence of walleye. Given the life cycle of walleye and the migration habits it would possible today to check some of those areas and probably not find walleyes at various times of the year. So not finding them in one of the 17 collections doesn't prove they never existed.

It was also interesting to see in this report walleyes were stocked in the Missouri River below Great Falls in 1933….yet according the to the FWP FishMT website data 300,000 walleye were stocked 5/12/1933 in the Missouri River, listing 14 counties from Richland to Broadwater County. That is quite a difference so how thorough was the research and what is accurate?

When you consider all the data and see the most current and widely accepted and recognized data from two Canadian Providences and the American Fisheries Society that I believe is a nationally known and recognized authority on Fisheries Management, I find it hard to accept that the FWP would reject it or basically determine that none of these sources are credible or acceptable.

The study done by the MSU Biology Department in 1995 is the opinion of one individual and is not conclusive proof. See summary comments and conclusion for this report:

William R. Gould

Biology Department
Montana State University
Bozeman, MT 59717

November 28, 1995

Summary

The evidence strongly indicates walleye are not native to Montana. They were found in only one location (Nelson Reservoir) prior to known introductions of out of state stocks by the Montana Fish and Game Department. This population in Nelson Reservoir is not believed to be a relict surviving glaciations or the result of early post glacial invasion. When this population was first reported, its nearest known conspecific population was located downstream over 1100 km away. These factors suggested walleye were not indigenous to Montana. This conclusion that walleye were introduced into Montana agrees with the previous evaluation of Brown (1971).

Does something done some 20 + years ago make it more credible than the scientific studies and evaluations done using advanced technologies and analysis and documented by multiple fisheries experts in the publications referenced above?

In addition to the concern above, I also have three other concerns dealing with what is currently in the current plan that is proposed to be left as is in the new Draft "Guide".

2. **Page 17-18 . The Fishing Regulation setting process** and policies outlined in this guide have failed and it needs to be changed. The four year cycle is not adequate to properly conserve, preserve, or protect our fisheries. (Consider Lake Francis, chart attached, as just one example) Several of the central Montana fisheries are failing and nothing has been done. The department needs to be more responsive and timely with actions necessary to sustain our fisheries.

Fishing Regulations Regulation Setting Process as outlined in DRAFT Statewide Fisheries Management Guide being presented to the FWP Commission Dec 10. 2018.

The Fish and Wildlife Commission (Commission) has statutory authority to establish seasons, bag-limits, possession-limits and season-limits for any species of game fish.

It may also declare a closed season on any fish threatened with undue depletion for any cause. Collectively, these limits and seasons are referred to as "fishing regulations." The regulation-setting process is conducted on a four-year cycle with off-cycle changes made when specific criteria are met. Every fourth year FWP seeks input from the angling public and fisheries and enforcement staff about ideas and concerns that might be addressed by regulation changes. FWP staff uses the best information available to evaluate regulation requests and makes regulation recommendations to the Commission. The Commission also evaluates regulation proposals and decides which proposals will be advanced for public review. The Commission makes a final decision based on input from the public and FWP staff. With the exception of emergency or time-sensitive changes, the regulations adopted by the Commission go into effect the following March 1st. These changes are captured in the Fishing Regulation booklet for that year.

FWP does not formally solicit ideas from the public during the other three years of the cycle, although the public is free to submit ideas throughout the four-year cycle. The reason for a formal public process occurring every fourth year is to give new regulations time to work, and to reduce time that staff and the public must devote to the regulation setting process.

During the off-years, FWP may consider regulation changes generated by FWP fisheries and enforcement staff. There are criteria for the types of regulation changes that are considered during off-years.

Proposals that meet one or more of the following criteria are eligible for presentation to the Commission during off-cycle years:

1) Clarifications: regulation change is needed to clarify intent of regulation or to correct typos or other errors that led to erroneous information in regulations;

2) Enforcement: regulation change is needed to improve enforcement efforts, to prevent illegal take, or to clarify intent to reduce innocent violations;

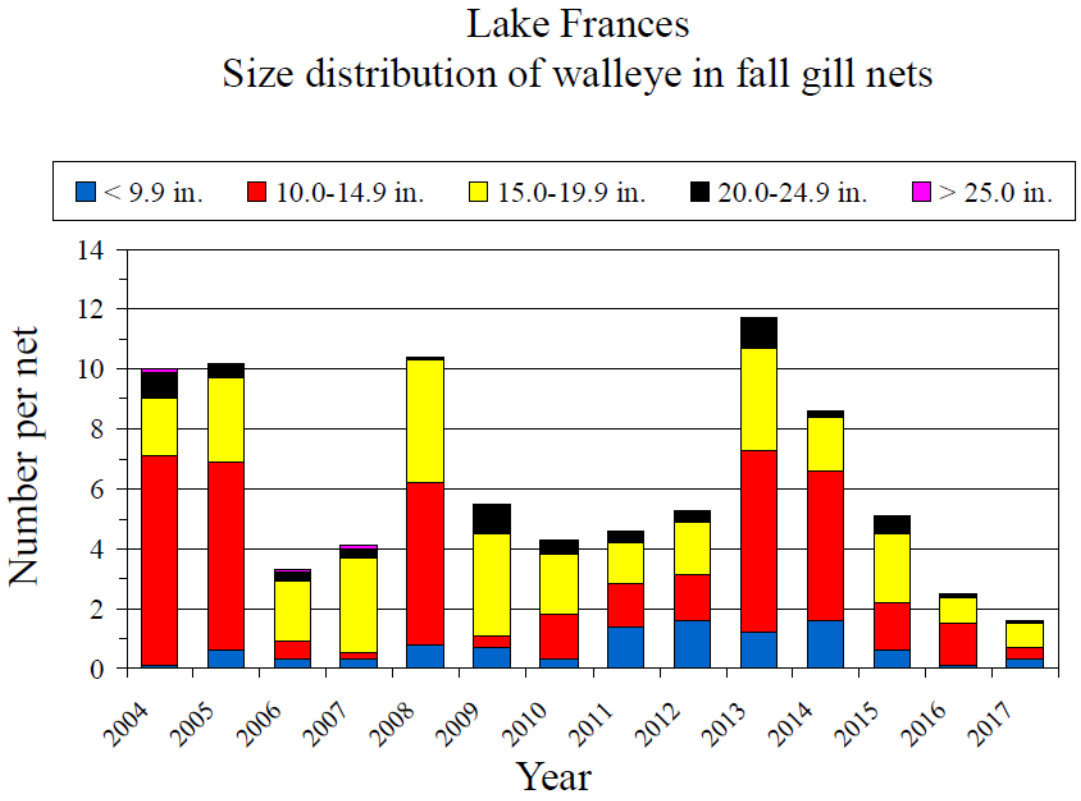
3) Conservation: regulation change is needed to conserve or protect the population of any species, but primarily Threatened and Endangered species;

4) Relevancy: regulation no longer has a real management purpose or value and there is little public following, constituency or controversy;

5) Management Plans: FWP has committed to implementing certain regulation changes if certain events transpire, (e.g., changes in fish populations, angling pressure, catch rates, etc.), with proposals typically based upon goals or management objectives defined through a publicly vetted process.

Attachment for examples <u>of failure of 4 year regulation setting process and management</u>:

The following is the FWP fall netting data on Lake Francis by Valier, MT showing a very significant decline in the quality of the fishery for a multitude of years after the last management change to cut the stocking in to half of what it had been – starting with 2012.



I have asked for the 2018 data, but it has not yet been made available. Since the stocking was cut in ½ beginning in 2012, the fishery has gone downhill every year since 2013 with nothing being done to mitigate the downward trends. Had something been done to revise stocking, reduce limits, incorporate a slot to protect the prime spawners – after seeing the trends and results in 2015, I don't believe we would have had to see it decline to the point it is now.

The <u>same things can be seen on other fisheries</u>….like the current situation on <u>Holter for the perch</u>…we saw the numbers go from 66+ fish per net down to 7 fish per net in 2018 with no changes to reduce limits once they were raised to the 50 fish daily and no possession limit. This is because of the UMRMP targets saying until they get a 3 year running average of less than 10 per net, they won't do anything. I have got to believe that had the limits been reduced once the downward trend became so obvious we would not had such a rapid decline in the fishery like we are seeing right now. The plan should have been adapted and regulations changed to conserve and protect the fisheries and that has not been done under the current management plan, and statewide regulation policies.

3. **Page 59 - The definitions** should include an additional "trophy" designation and a revision. What is defined in this guide for a "quality" fishery is not what most people would consider a "quality" fishery. There is a significant difference between what I believe a "quality" fishery is vs. a "trophy" fishery. For the purposes of overall objectives we need that distinction.

   The DRAFT PLAN as written is as follows:

59 A. Put and Take. A management approach using stocking of catchable size hatchery fish to provide high angler catch rates. Used where long-term survival and growth are limited due to habitat characteristics or high harvest rates.

B. Put, Grow and Take. A management approach using hatchery fish and growth after stocking to provide angling opportunities. Used where long-term survival and growth are not limiting but spawning and rearing capacity are.

C. Liberal Regulations. Exceptions to Fishing District Standard regulations are put in place to allow greater harvest to limit impacts of one species on another, to reduce densities of a species to produce larger fish for angling purposes, or to allow for enhanced harvest opportunity on very abundant fish populations.

D. Restrictive Regulations. Exceptions to Fishing District Standard regulations are put in place to restrict harvest to meet conservation goals for and to protect native species, or to maintain or alter the size structure of a fish population to meet angler demands.

E. Quality. A management approach that changes, by regulation, the size and/or numbers of fish which may be harvested in order to provide increased catch rates for larger fish which are considered quality or trophy size. This type of management may be applied to water areas or to specific species.

F. Conservation. A management approach to protect and rebuild the viability of a native fish population. This type is used in situations where management efforts are actively underway to protect and rebuild populations.

G. Family Fishing Water. A management approach applied to a water body emphasizing family-oriented fishing opportunities typically with greater harvest opportunities and simplified regulations.

H. Suppression. A management approach that relies on one or more means to reduce or eliminate the presence of a species. The may include liberal angler harvest limits and/or incentives, commercial fishing, and mechanical or chemical removal. Applied to situations where the species being suppressed compromises fishery goals (native and/or recreational fisheries).

I. General. A general management approach applied to waters which do not fit the designations above and are often considered harvest fisheries. Fishing is managed through natural production and no special regulations are applied.

A "quality" fishery is where there are reasonable numbers of fish with a good cross section of multiple year classes of fish that give an angler the opportunity to catch some nice eating size fish as well has having a chance for a trophy fish. For example, a "quality" fish per the FWP netting charts show for example a 15" – 19.9" walleye as being a quality fish and I believe that is on target.

I believe (Anderson and Weithman)1978, published information that attempted to better define what a quality fishery is. I believe they referenced a Proportional Stocking Density of 30-60 being the desired goal for a quality fishery.

A "trophy" fishery is where the primary goal is to have a great opportunity to catch a trophy, but not necessarily catch reasonable numbers of the "quality" fish. They talk about managing Holter as a "trophy" fishery but do not define what they really mean.

Most anglers I take walleye fishing want to keep a few nice fish to eat. There primary goal is not to necessarily catch a trophy fish. That typically is a secondary goal for most and the trophy fish is not something most will keep to eat.

4. **Page 245 - The Draft Plan language regarding the Missouri River Dearborn Section** address some overall goals and management that was adopted by the FWP Commission in 2011 – contrary to recommendations of the FWP staff regarding walleye in the river below Holter Dam.

I have no problem with giving priority to the non-native trout in the upper section of this river and would never support anything I felt was detrimental to the trout population. We have historically seen changes in walleye numbers with the higher water flow/flushing years, but they have never gotten out of line. (On average less than 1%). There has never been any documentation that the walleye population in the river has been detrimental to the trout numbers. In fact the trout numbers have been outstanding and sustained at very high levels. I found it somewhat ironic that the Commission acted to establish "no limit" on walleyes to protect the trout, but then they also increased the daily limits for trout in 2012.

In addition, the "no limit" below Holter Dam essentially establishes a no possession limit on walleye in central Montana. It creates a situation where it makes it practically impossible to enforce other limits. In fact, it has been reported that people have been observed filleting fish at the fish station at Holter that were clearly over and above the limits on Holter, but when questioned, simply responded that they caught them all below the Dam.

I have to think that the plan should not have the language of Management Type being "Suppression" for the river below Holter Dam. That is not needed and all it has done is reduced the quality of the walleye fishing in the lower section of the river. The Management Type being "Liberal" and/or "Restrictive" would allow the department some latitude and get rid of the negative stigma with a Department who wants to suppress or eradicate the walleye (a native fish) from this system by having a "no limit" on walleyes below Holter Dam and a 20 fish limit from Cascade to Black Eagle.

I believe it would make better sense to have the limit consistent with whatever the limit is on Holter. In the event of an unusually high water flushing year, putting higher than desired numbers that flushed through, the Commission could implement a temporary "emergency order" to temporarily remove the limits as warranted. I doubt we will ever realistically see that happen, because the flushing in the high water years we have experienced for decades has never created a problem.

Page 245 Chart in DRAFT Plan.

FISHERIES MANAGEMENT DIRECTION FOR THE MISSOURI RIVER- DEARBORN DRAINAGE

Water	Miles/acres	Species	Recruitment Source	Management Type	Management Direction
Missouri River - Holter Dam to Cascade Bridge	35 miles	Rainbow trout, Brown trout	Wild	Restrictive Regulations	Management priority is to maintain trout populations numbers within range observed since 1982 and with a sustainable proportion of larger sized fish available to anglers.
		Mountain whitefish (N)	Wild	General	Maintain population numbers within range observed since 1982. As workload allows, determine limiting factors controlling the population level.
	⇨	Walleye	Wild	Suppression ⇦	Maintain high harvest to protect wild trout fisheries. Recruitment primarily occurs from flushing from upstream reservoirs.
		Burbot (N)	Wild	General	Monitor population through hoop net sampling protocol.
Habitat needs and activities: Cooperate with water management agencies to maintain minimum flows of 4,100 cfs to maintain side channel habitat. During drought, strive to maintain minimum flows of 2,900 cfs to maintain mainstem riffle habitat.					

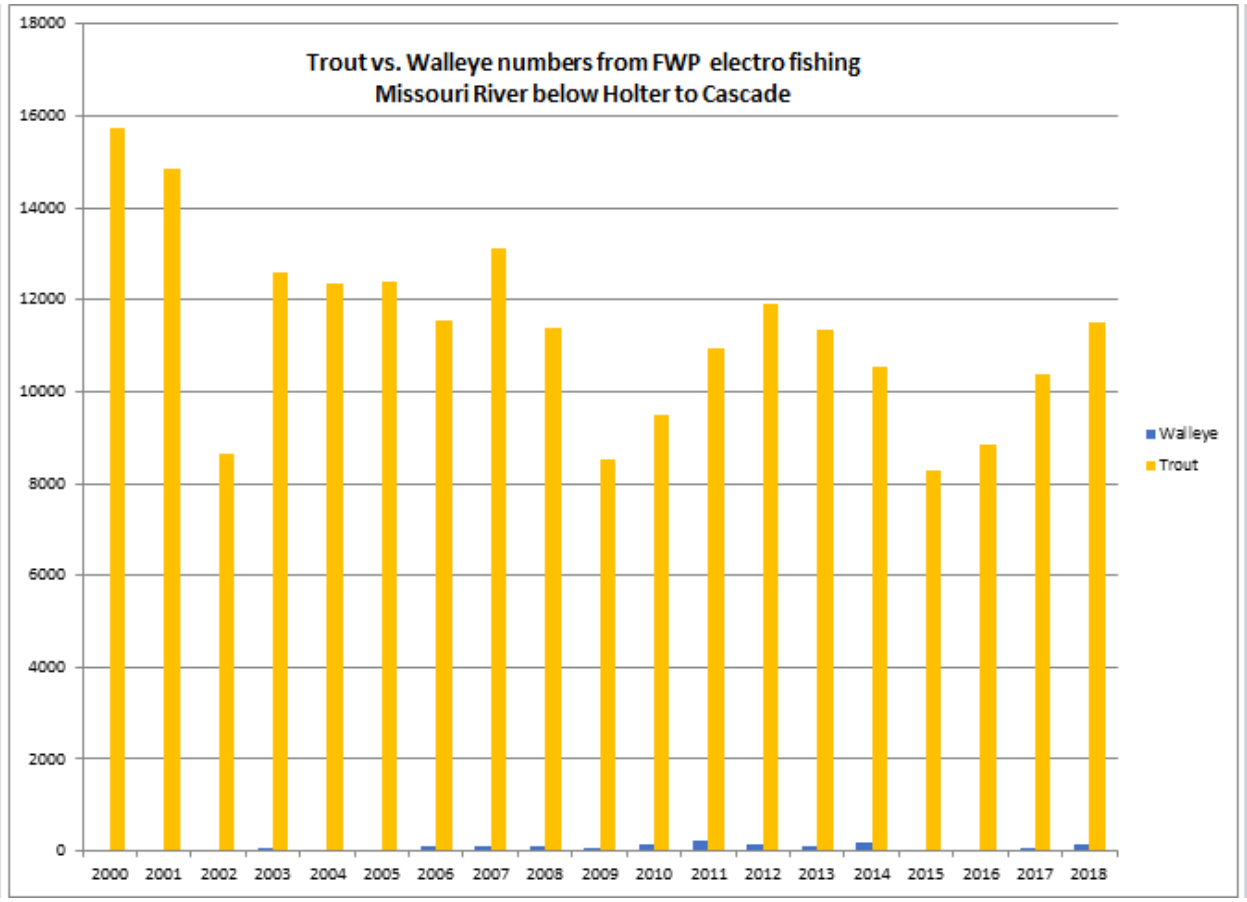
Cascade to Black Eagle Dam:

Water	Miles/acres	Species	Recruitment Source	Management Type	Management Direction
		Mountain whitefish (N)	Wild	General	Maintain population numbers within historic range. As workload allows, determine limiting factors controlling the population level.
	⇨	Walleye	Wild	Liberal Regulations ⇧	Provide high harvest opportunities above the Central District standard daily and possession limits to protect wild trout fisheries.
Habitat needs and activities: Cooperate with water management entities/agencies to maintain minimum flows of 4.100 cfs					

Since the “no limit” on walleyes below Holter has been put in place, my personal experience in fishing the lower river section below Cascade has gone downhill and is nothing what it used to be. At best, I now catch maybe 20% on a good day, what I used to….to the point it is almost not even worth the effort.

Bottom line, the regulation has not been scientifically or biologically shown to be needed. In fact the documentation and testimony of FWP staff that exists shows the population of walleyes in the river below Holter have shown no detrimental effects to the trout fishery that exists there. Trout numbers have continued to be very high and the walleye numbers have been relatively very marginal.

Chart to put into perspective numbers of trout and walleye from FWP Electro Fishing below Holter:

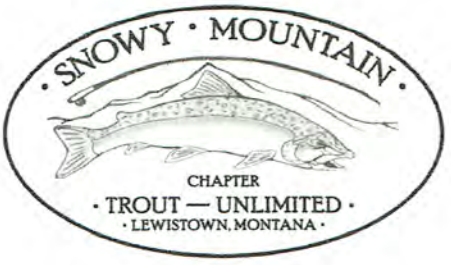


Note: On the average, walleyes are .79%, (less than 1%) of the total numbers of trout handled during the electro fishing done at Craig and Cascade each year. High water flusing in 2011 and 2018 shows a slight increase, but it also shows the increase from flushing for the trout as well.

There is a significant number of river miles below what is considered the prime, blue water trout stream below Holter that has been adversely affected by the no limit regulation for no good reason.

Note: Kind of ironic after taking action to protect the trout in the river below Holter, they then changed fishing regulatioins that increased daily limits for trout over 33% in 2012 Fishing Regulations.

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: No limit.
Cascade Bridge to Black Eagle Dam
• Walleye: 20 daily and 40 in possession.



302 8th St., North
Lewistown, MT 59457
January 30, 2019

Martha Williams, FWP Director
Eileen Ryce, FWP Fisheries Division Administrator
Eric Roberts, FWP Fish Management Bureau Chief
Montana Fish & Wildlife Commission
Department of Fish, Wildlife and Parks
1420 East 6th Avenue
Helena, MT 59620

RE: Comments on walleye management for Statewide Fisheries Management Program and Guide, and Upper Missouri River Reservoir Management Plan

Dear Fish, Wildlife and Park and Fish & Wildlife Commissioners:

Thank you for the opportunity to comment on potential changes to the Statewide Fisheries Management Program and Guide (SFMPG). Snowy Mountain Trout Unlimited (SMTU) would also like for you to consider these comments regarding the Upper Missouri River Reservoir Management Plan (UMRRMP). The comments herein are about management changes for walleye that Montana Fish, Wildlife and Parks (FWP) is potentially considering.

SMTU joins national Trout Unlimited and Montana Trout Unlimited in working to protect, conserve, and restore coldwater fisheries and their habitats, especially in regard to wild and native trout. Because walleye have been introduced to wild and native trout waters in Montana and these non-native fish are highly predacious on trout, as well as other prey species, it is sometimes necessary for us to consider how walleye are managed as part of our mission to conserve trout. It has become clear that proponents of changing walleye management and designation in various ways intend to do so within the context of the SFMPG and the UMRRMP. Our comments and recommendations on these matters fall into three categories.

Walleye regulations within the Upper Missouri River Reservoirs

SMTU supports the continued stocking of rainbow trout at recent historic levels in the reservoir system. Stocking of larger, older age-class rainbows is necessary to diminish the amount of predation

by walleye on this wild trout fishery. We believe that FWP already has in place the proper means of evaluating when changes in walleye management should occur and what those changes might be. Regardless of the changes in walleye management that the department considers for the reservoirs, SMTU strongly contends that you must continue to consider the possibility of taking aggressive actions to prevent the walleye fishery, or an explosion of it, if there's further decimation of the perch and rainbow populations. Surveying and triggers to forestall that outcome need to remain in place.

Walleye regulations below Holter Dam on the Missouri River

SMTU strongly endorses maintaining unlimited harvest for walleyes between Holter Dam and Cascade. This regulation makes sense for several reasons: 1.) it helps reduce the risk of increasing walleye predation on salmonids in this reach; 2.) it serves as a potential control for the walleye population that has been allowed to flourish in Canyon Ferry Reservoir and then move downstream into the river; and, 3.) it unequivocally states that the primary fishery management objective of FWP for the river fishery between Holter Dam and Cascade is to maintain a world-class wild trout population.

We are fine with walleye fisheries where they currently exist as a result of historic stocking, such as in the many reservoirs in eastern and central Montana. On the other hand, it's reasonable fishery management not to manage for this highly predacious fish in one of the nation's best wild trout tailwaters. Because the walleye population has exploded in Canyon Ferry Reservoir, the result of an illegal introduction in, it appears, the 1980s, the fish have been washing downstream through Holter and Hauser Reservoirs and into the Missouri River. Though adverse impacts to the tailwater trout fishery haven't been detected yet, there is some likelihood at some point predation and competition could harm the wild trout population. Because the trout fishery in the river below Holter is one of the most popular in the state, accounting for roughly 12% of trout angling in Montana, and generating tens of millions of dollars annually for Montana's economy, it is reasonable to ask FWP to demonstrate that this reach of river will be managed first and foremost for wild trout. And they can do that by allowing anglers to harvest without limits any walleyes caught in this reach. Whether this regulation will measurably reduce the walleye population is not certain. But on the other hand, if this fish is able to gain a stronger foothold in the river, it will be helpful to have this tool, and, importantly, have FWP demonstrate that wild trout are the priority in the superb tailwater reach of this great river.

Designation of walleye as native fish east of the Continental Divide

SMTU has become aware that there are proponents of designating walleye as a native fish east of the Continental Divide. There is no good evidence for this claim. Montana TU has conducted a review of the literature that is being cited in support of a native designation for walleye and found that it clearly demonstrate the spuriousness of the argument. None of the studies include actual findings, data or analysis regarding native walleye in our state. They simply reproduce the same, very generic map of geophysical distribution of potentially walleye-friendly habitat after the last Ice Age. There is no evidence in these studies that walleye were present in Montana before they were moved to our state deliberately by people.

In addition to the lack of direct evidence for walleye naturally inhabiting Montana within the literature proponents have presented, there are other circumstances that argue strongly against the notion of walleye being native to this state. As cited above, FWP has firmly concluded that "walleye are not

considered native to this state." Regardless of post-Ice Age meltwater, neither walleye nor sauger could have or did distribute above the Great Falls of the Missouri River. It was an impassable physical barrier to natural distribution. There is no fossil or historical records even hinting at the possibility that walleye made it above that physical barrier. Although there is no similar physical barrier on the Yellowstone to prevent walleye from having naturally ascended that watershed, there was a temperature barrier. Because of cold water temperatures, Yellowstone cutthroat trout inhabited the Yellowstone River as far downstream as the mouth of the Powder River. Yellowstone cutthroat depend on water temperatures, chemistry, and conditions that are not suitable for walleye. Nowhere have the two species overlapped. Thus, the clear evidence of Yellowstone cutthroat in the Yellowstone River is equally clear evidence that walleye were not and could not have been present even two hundred years ago, much less as a native species. In short, SMTU agrees with FWP's long-standing, sound conclusion that walleye are not native in Montana.

We appreciate your commitment to continue wise, science-based management of our fisheries.

Sincerely,

Michael Chapman

Michael Chapman
President, Snowy Mountain Chapter of Trout Unlimited

Cc:
Tim Aldrich
Dan Vermillion
Richard Stoker
Logan Brower
Shane Colton