



**2022 FWP Fish Removal Projects  
December 14, 2021**

Fish removal is a common method used to manipulate population densities and species composition of a fishery. Fish removals may be used to reduce competition between species, remove undesirable or invasive species, protect species with elevated conservation risk, or to improve the quality of a sport fishery. Removals are often intended to restore or reintroduce native fish to a drainage or to improve an existing fishery. Most removal projects aspire to improve fishing opportunity by reintroducing species better suited for available habitats or by reducing competition with other species. Tools commonly used by FWP for removal include angling regulations, netting and electrofishing, dewatering, construction of barriers, and use of piscicides/chemicals (Table 1).

Table 1: Comparison of fish control or removal methods commonly used for fisheries management.

<b>Control Method</b>	<b>Advantages</b>	<b>Disadvantages</b>	<b>Typical Use</b>
<b>Angling regulations</b>	Allows harvest of fish, and less fish waste	Slow, angling pressure often inadequate for significant change, and many species/sizes not vulnerable	Used where total removal not possible or necessary
<b>Netting and Electrofishing</b>	Can allow for selective removal	Unlikely to eradicate fish and could harm non-targeted species through bycatch	Used in large lakes or rivers where chemicals not feasible, small streams to reduce species competition, or where sensitive/endangered species must be protected
<b>Dewatering of pond/reservoir</b>	May be low cost and allows for less mechanical effort or use of chemical	Water remains in pools, detrimental to aquatic community, and often environmentally disruptive	Removal of most fish and serves to prep waterbody for piscicide use or more efficient mechanical removal
<b>Physical barriers</b>	Relatively permanent	Doesn't block downstream migration, less effective under floods, high cost, isolates populations	Block upstream migration of undesirable species and create closed system for piscicide use or mechanical removal
<b>Piscicides/Chemicals</b>	Effective in complex habitats, avoidance by fish difficult	Kills many non-target gilled organisms	Removal of entire fish assemblage

## CURRENT PROJECTS

There are 13 fish removal projects proposed for 2022 (Table 2). One project already has commission approval through the Future Fisheries Improvement Program. Of the 13 projects proposed for 2022, 10 are intended to improve or conserve native species populations and 3 are intended to remove illegal introductions. Use of chemical for removal is proposed for 6 projects, mechanical removal in 5 projects, and both chemical and mechanical removal in 2 projects. To date, the 13 proposed projects have received different levels of public review. Three projects have completed EAs and public review and 10 projects have EAs pending.

## AUTHORITY FOR REMOVAL

The commission may approve fish removal projects through its broad authority to set policy for the conservation, protection, management, and propagation of fish species under MCA 87-1-301(1)(a). Approval for fish removal projects varies depending on the type of project, be it Future Fisheries Improvement Program, aquatic invasive species, or others. For all projects, the department solicits public input through the MEPA process and seeks approval from the commission.

In June the commission reviewed 22 fish removal projects which were scheduled to occur or had preparation work scheduled for the 2021 field season. Fourteen removal projects were approved by the commission while 8 were previously approved by previous commission action. The status of those projects is summarized in Table 3 below.

After the December commission meeting, the department intends to use the Statewide Fisheries Management Plan process for commission approval for most fish removal projects. The department plans on reviewing and updating the management plan in 2022 and seek commission approval late 2022 or early 2023. Updating the plan will include extensive public meetings, as required by Senate Bill 360. The department expects to seek commission approval for fish removal projects during management plan review every four years. Commission approval for some projects will still be needed outside the management plan process due to unforeseen circumstances (e.g., illegal introductions, immediate conservation needs).

**Table 2. Proposed Fish Removal Projects 2022**

Site	Region	Purpose	Removal type	Species targeted for removal	Impacts to opportunity	Project status	Funding	Needs commission approval?
Bender Creek	R3	WCT conservation	Chemical	Brook trout	A fishable brook trout population is not present due to previous treatments. A fishable population of WCT is expected 1-3 years after treatment.	EA completed in 2017 and stream treated in 2017 and 18. EDNA indicate brook trout still present in the stream. Mechanical removals planned to target brook trout; if eDNA indicate continued presence the stream will be treated again.	Barrier construction cost \$25,000 (FFIP, MT Trout Foundation, TU). Treatment cost less than \$1,000 plus staff time (GL/DJ base funding).	No. FFIP funded barrier in 2016.
Mill Creek Meadow Spring Creek	R3	YCT conservation	Mechanical	Brook trout, rainbow trout	The spring creek sees minimal fishing pressure. Brook trout jeopardize the cutthroat fishery in adjacent Mill Creek, with is a popular YCT fishery. Brook trout currently in the stream are stunted and do not provide high quality fishing.	EA in preparation	Completed by staff through general license funding.	Yes
Unnamed Pond	R7	Illegal Introduction	Chemical	Goldfish	Private pond with no public access, so no expected impact to opportunity.	Working out details with landowner	Completed by staff through general license funding.	Yes
Big Rock Creek (Thompson River)	R1	WCT conservation	Mechanical or chemical	Brown trout, hybrid cutthroat, rainbow trout, brook trout	Due to difficulty for access there is limited fishing pressure. The stream is more accessible near the confluence with the Thompson River so there could be some limited impacts to opportunity there.	Early stages of planning and EA	Northwestern Energy, Avista, FFIP. Funding has not been secured.	Yes

Site	Region	Purpose	Removal type	Species targeted for removal	Impacts to opportunity	Project status	Funding	Needs commission approval?
Bryant Creek	R3	WCT conservation	Chemical	Brook trout	Fishing opportunity for brook trout would be lost. WCT are present in the headwaters and will be used to repopulate downstream to a fish barrier. A fishable population of WCT is expected 1-3 years after brook trout removal. Anglers displaced during treatment and reintroduction could fish the nearby Big Hole River.	EA in preparation	Barrier construction cost \$35,000 (FFIP, TU, Forest Service RAC). Treatment cost less than \$1,000 plus staff time (GL/DJ base funding).	Yes
Schultz Creek	R3	WCT conservation	Chemical	Hybridized cutthroat trout	Schultz Creek receives minimal fishing pressure. Fishing opportunity would be lost for 1-2 years before nonhybridized cutthroat are established.	EA completed in 2015 and treated in 2015 and 16. Restocked in 2017. Genetic testing indicated hybrid fish still present.	Completed by staff through general license funding.	Yes
Unnamed Pond near Big Sandy	R6	Illegal Introduction	Chemical	Goldfish	Private pond with no public access, so no expected impact to opportunity.	Confirmed goldfish presence in October. Compiling information for EA.	Completed by staff through general license funding.	Yes
Unnamed Pond near Lewistown	R4	Illegal Introduction	Mechanical	Northern pike, yellow perch	Small pond on DNRC land receives minimal fishing pressure. Once pike and perch numbers decline the department will stock rainbow trout to provide public fishing opportunity.	EA in preparation	Completed by staff through general license funding.	Yes
Big Camas Creek	R4	WCT conservation	Mechanical	YCT	Minimal impacts to opportunity expected as few YCT are caught by anglers. Removing YCT is expected to reduce hybridization with WCT and lead to an improved fishery.	EA update pending	Completed by staff through general license funding.	Yes

Site	Region	Purpose	Removal type	Species targeted for removal	Impacts to opportunity	Project status	Funding	Needs commission approval?
McVey Creek	R3	WCT and Arctic Grayling conservation	Mechanical or chemical	Brook trout	The WCT population has repopulated rapidly following treatment in 2010 with high densities of fish which are achieving large sizes. This fishery will be temporarily unavailable as treatment occurs but will recover quickly. The grayling in McVey Creek provide a unique fishery on the downstream end of the project on public land (DNRC).	EA completed prior to treatment in 2010. EA will be updated to accommodate additional action. WCT and grayling will be salvaged and re-stocked after treatment.	Barrier already in place. Work will be completed by staff through general license funding.	Yes
Ray Creek	R3	WCT conservation	Mechanical	Brook trout	Minimal impacts to opportunity expected due to low fishing pressure.	Population assessment ongoing and EA pending.	Completed by staff through general license funding.	Yes
Dutchman Creek	R3	WCT conservation	Mechanical	Brook trout	Minimal impacts to opportunity expected due to low fishing pressure.	Population assessment ongoing and EA pending.	Completed by staff through general license funding.	Yes
Rainbow Lake (Ten Lakes Scenic Area)	R1	WCT conservation	Chemical	Yellowstone cutthroat trout	Fishing opportunity for YCT would be lost. Lake would be restocked with WCT and a fishable population expected within 2-3 years.	EA in preparation.	Bonneville Power Administration (BPA) funded, in current BPA contract. Expected cost \$40,000.	Yes

Table 3: Status of projects reviewed or approved by the commission at the June commission meeting.

Site	Region	Purpose	Removal type	Status
Doolittle Creek	R3	Westslope cutthroat trout (WCT) conservation	Piscicide, Mechanical	Treatment delayed. Plan to treat in 2022.
Shields River	R3	Yellowstone Cutthroat Trout (YCT)	Mechanical, Piscicide	EA prepared, expected release for public comment winter 2022 and expected treatment summer 2022 or 2023.
French Creek	R3	Westslope cutthroat trout, Arctic grayling restoration.	Piscicide	2 <sup>nd</sup> treatment complete summer 2021.
NF Spanish Creek	R3	Westslope cutthroat trout, arctic grayling restoration.	Piscicide	Treatment completed in summer 2021.
Selway Creek	R3	Westslope cutthroat trout, arctic grayling restoration	Piscicide	Treatment postponed due to wildland fire. Expected treatment in summer 2022.
Cottonwood Creek	R3	Westslope cutthroat trout restoration	Piscicide	1 <sup>st</sup> treatment completed in 2021.
South Fork Sixteenmile Creek	R3	Westslope cutthroat trout restoration	Piscicide	2 <sup>nd</sup> treatment completed.
Reser Reservoir	R6	Sport fish restoration and habitat enhancement for largemouth bass, black crappie, and bluegill.	Dewatering, Mechanical, Piscicide	Reservoir is getting drawn down further to complete dam repair. Monitoring will continue to determine if removal is necessary.
Flathead River Tributaries (7 tributaries)	R1	Ongoing maintenance removal of rainbow trout for WCT conservation. Removal occurs during spawning season.	Electrofishing	Work not completed in 2021 due to fish removal policy change. Removals expected to resume in 2022.
Cooney Creek	R1	Westslope cutthroat trout conservation project in a tributary to the Swan River.	Electrofishing	USFS led project, work occurred as planned in 2021.

Site	Region	Purpose	Removal type	Status
Red Butte Creek	R1	Westslope cutthroat trout conservation project in a tributary to the Swan River. USFS is the lead agency on the project.	Electrofishing	USFS led project, work occurred as planned in 2021.
Smith Creek	R1	Westslope cutthroat trout conservation project in a tributary to the Swan River. USFS is the lead agency on the project.	Electrofishing	USFS led project, work occurred as planned in 2021.
Swan Lake	R1	Maintenance removal of lake trout in Swan Lake for the benefit of listed bull trout. USFWS project lead.	Gill netting	USFWS still drafting EA. Currently unsure when lake trout removal will occur.
Martin Creek	R1	Westslope cutthroat trout restoration	Piscicide	Treated fall 2021.
NF Blackfoot	R2	Westslope cutthroat trout restoration	Piscicide	Project suspended due to litigation against USFS. The department is coordinating with USFS and other partners to implement the project.
Unnamed Koi Pond, Bitterroot Valley	R2	To remove illegally introduced koi. The pond is at risk of flooding into the Bitterroot River.	Piscicide	Pond treated fall 2021.
Andrus Creek	R3	Westslope cutthroat trout restoration. Recent invasion of rainbow trout impacting the pure population.	Piscicide	1 <sup>st</sup> treatment in fall 2021.
Unnamed Private Pond, Bridgers	R3	Walleye and perch illegally stocked into a private pond.	Piscicide	Pond treated fall 2021.

Site	Region	Purpose	Removal type	Status
Brushy Fork	R5	Yellowstone cutthroat conservation by reducing competition with non-native species.	Mechanical	EA getting updated to meet project objectives.
Buffalo Creek	R5	Yellowstone cutthroat conservation through removal of rainbow trout.	Piscicide	Department coordinating with NPS and USFS to complete the project.
Arapooish	R5	Sport fish restoration to improve bass fishery and water quality.	Mechanical, piscicide	Planning for removal ongoing.
Unnamed Pond, near Zortman	R6	Removal of illegally introduced goldfish.	Piscicide	Pond treated summer 2021.



## Montana Code and Administrative Rules Related to Fish Removal

**87-1-201. Powers and duties.** (1) Except as provided in subsection (12), the department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. The department possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) Except as provided in subsection (12), the department shall enforce all the laws of the state regarding the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources is under the control of the department and is available for appropriation to the department.

(4) The department may discharge any appointee or employee of the department for cause at any time.

(5) The department may dispose of all property owned by the state used for the protection, preservation, management, and propagation of fish, game, fur-bearing animals, and game and nongame birds that is of no further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be credited to the fish and game account in the state special revenue fund.

(6) The department may not issue permits to carry firearms within this state to anyone except regularly appointed officers or wardens.

(7) Except as provided in subsection (12), the department is authorized to make, promulgate, and enforce reasonable rules and regulations not inconsistent with the provisions of Title 87, chapter 2, that in its judgment will accomplish the purpose of chapter 2.

(8) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or outside of the state.

(9) (a) The department shall implement programs that:

(i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under [87-5-107](#) or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.;

(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under [87-5-107](#) or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species;

(iii) manage elk, deer, and antelope populations based on habitat estimates determined as provided in [87-1-322](#) and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [87-1-323](#). In implementing an elk management plan, the department shall, as necessary to achieve harvest and population objectives, request that land management agencies open public lands and public roads to public access during the big game hunting season.

(iv) in accordance with the forest management plan required by [87-1-622](#), address fire mitigation, pine beetle infestation, and wildlife habitat enhancement giving priority to forested lands in excess of 50 contiguous acres in any state park, fishing access site, or wildlife management area under the department's jurisdiction.

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) Any management plan developed by the department pursuant to this subsection (9) is subject to the requirements of Title 75, chapter 1, part 1.

(d) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing.

(10) The department shall publish an annual game count, estimating to the department's best ability the numbers of each species of game animal, as defined in [87-2-101](#), in the hunting districts and administrative regions of the state. In preparing the publication, the department may incorporate field observations, hunter reporting statistics, or any other suitable method of determining game numbers. The publication must include an explanation of the basis used in determining the game count.

(11) The department shall report current sage grouse population numbers, including the number of leks, to the Montana sage grouse oversight team, established in [2-15-243](#), and the environmental quality council, established in [5-16-101](#), on an annual basis. The report must include seasonal and historic population data available from the department or any other source.

(12) The department may not regulate the use or possession of firearms, firearm accessories, or ammunition, including the chemical elements of ammunition used for hunting. This does not prevent:

- (a) the restriction of certain hunting seasons to the use of specified hunting arms, such as the establishment of special archery seasons;
- (b) for human safety, the restriction of certain areas to the use of only specified hunting arms, including bows and arrows, traditional handguns, and muzzleloading rifles;
- (c) the restriction of the use of shotguns for the hunting of deer and elk pursuant to [87-6-401](#)(1)(f);
- (d) the regulation of migratory game bird hunting pursuant to [87-3-403](#); or
- (e) the restriction of the use of rifles for bird hunting pursuant to [87-6-401](#)(1)(g) or (1)(h).

From <[https://leg.mt.gov/bills/mca/title\\_0870/chapter\\_0010/part\\_0020/section\\_0010/0870-0010-0020-0010.html](https://leg.mt.gov/bills/mca/title_0870/chapter_0010/part_0020/section_0010/0870-0010-0020-0010.html)>

**87-1-301. Powers of commission.** (1) Except as provided in subsections (6) and (7), the commission:

(a) shall set the policies for the protection, preservation, management, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department related to fish and wildlife as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) except as provided in [23-1-111](#) and [87-1-303](#)(3), shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water, except as provided in [23-1-111](#) and [87-1-209](#)(2) and (4);

(f) except as provided in [23-1-111](#), shall review and approve the budget of the department prior to its transmittal to the office of budget and program planning;

(g) except as provided in [23-1-111](#), shall review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000;

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in [87-1-322](#) and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [87-1-323](#). In developing or implementing an elk management plan, the commission shall consider landowner tolerance when deciding whether to restrict elk hunting on surrounding public land in a particular hunting district. As used in this subsection (1)(h), "landowner tolerance" means the written or documented verbal opinion of an affected landowner regarding the impact upon the landowner's property within the particular hunting district where a restriction on elk hunting on public property is proposed.

(i) shall set the policies for the salvage of antelope, deer, elk, or moose pursuant to [87-3-145](#); and

(j) shall comply with, adopt policies that comply with, and ensure the department implements in each region the provisions of state wildlife management plans adopted following an environmental review conducted pursuant to Title 75, chapter 1, parts 1 through 3.

From [https://leg.mt.gov/bills/mca/title\\_0870/chapter\\_0010/part\\_0030/section\\_0010/0870-0010-0030-0010.html](https://leg.mt.gov/bills/mca/title_0870/chapter_0010/part_0030/section_0010/0870-0010-0030-0010.html)

**87-1-283. Native Montana fish species enhancement program.** (1) In order to enhance populations of native Montana fish species through habitat restoration, reductions in species competition, and natural reproduction, the department shall, through its future fisheries improvement program, restore habitats and spawning areas and reduce species competition in rivers, lakes, and streams for Montana's native fish species.

(2) In order to implement this section, the department may expend revenue from the native Montana fish species enhancement program for one additional full-time employee and one contractor to assist the review panel.

(3) The department shall also work with the department of transportation to implement enhancement of native Montana fish species by providing annual updates to the state transportation improvement program regarding possible additions to projects that will benefit the enhancement effort. State transportation improvement plan funds expended for native Montana fish species must be accounted for separately and reported annually.

From <[https://leg.mt.gov/bills/mca/title\\_0870/chapter\\_0010/part\\_0020/section\\_0830/0870-0010-0020-0830.html](https://leg.mt.gov/bills/mca/title_0870/chapter_0010/part_0020/section_0830/0870-0010-0020-0830.html)>

**87-1-702. Powers of department relating to fish restoration and management.** The department is hereby authorized to perform such acts as may be necessary to the establishment and conduct of fish restoration and management projects as defined and authorized by the act of congress, provided every project initiated under the provisions of the act shall be under the supervision of the department, and no laws or rules or regulations shall be passed, made, or established relating to said fish restoration and management projects except they be in conformity with the laws of the state of Montana or rules promulgated by the department, and the title to all lands acquired or projects created from lands purchased or acquired by deed or gift shall vest in, be, there remain in the state of Montana and shall be operated and maintained by it in accordance with the laws of the state of Montana. The department shall have no power to accept benefits unless the fish restoration and management projects created or established shall wholly and permanently belong to the state of Montana, except as hereinafter provided.

From <[https://leg.mt.gov/bills/mca/title\\_0870/chapter\\_0010/part\\_0070/section\\_0020/0870-0010-0070-0020.html](https://leg.mt.gov/bills/mca/title_0870/chapter_0010/part_0070/section_0020/0870-0010-0070-0020.html)>

**87-5-715. Extermination or control of transplanted or introduced wildlife or feral species posing threat.** Any wildlife or feral species transplanted or introduced in the state may be exterminated or controlled by the department if the commission determines that the species poses harm to native wildlife or plants or to agricultural production.

From <[https://leg.mt.gov/bills/mca/title\\_0870/chapter\\_0050/part\\_0070/section\\_0150/0870-0050-0070-0150.html](https://leg.mt.gov/bills/mca/title_0870/chapter_0050/part_0070/section_0150/0870-0050-0070-0150.html)>

**80-7-1008. Invasive species management area -- authorization.** (1) Except as provided in [80-7-1015](#), when an invasive species is identified as infesting or threatening an area, the department with jurisdiction over that invasive species may designate and administer an invasive species management area for a specific area of land or for a body or bodies of water for a specific or indeterminate amount of time to prevent and control the infestation or spread of that invasive species.

(2) To the extent practicable, prior to the designation of an invasive species management area, the department making the designation shall coordinate with all of the departments in order to further the purposes of this part.

(3) The designation of an invasive species management area must specify:

- (a) the invasive species present or considered threatening; and
- (b) the method or methods for preventing the introduction of the species or controlling or eradicating the species, including regulations pertaining to:
  - (i) the use of quarantine measures;
  - (ii) the movement of vessels and equipment within, to, and from the area; and
  - (iii) whether check stations will be used to inspect and clean vessels and equipment moving within, to, or from the area. Mandatory inspections of any interior portion of a vessel or equipment that may contain water may occur only if the use of mandatory inspections is included as part of quarantine measures established pursuant to subsection (3)(b)(i).
- (4) As far as practical, signs indicating that an invasive species management area is in place must be posted in an effective manner at access points to the designated area and along the boundaries and within the area. The signs must include information about the specific regulations that apply to the area. The signs must be paid for with funds from the invasive species account established in [80-7-1004](#). The departments may coordinate with any other governmental entity for the posting of signs.

From <[https://leg.mt.gov/bills/mca/title\\_0800/chapter\\_0070/part\\_0100/section\\_0080/0800-0070-0100-0080.html](https://leg.mt.gov/bills/mca/title_0800/chapter_0070/part_0100/section_0080/0800-0070-0100-0080.html)>

## **Administrative Rule Subchapter: 12.7.15 Unauthorized Placement of Fish**

### **12.7.1501 GENERAL PURPOSE**

- (1) As determined by the department, these rules pertain to the department's response to the detection of a species of fish in public waters where the department has not authorized the presence of that species. These rules are intended to cover all placement of unauthorized species into the public waters, including from outside or inside the state through introduction or transplantation. Unauthorized species refers to any live fish found in public waters without authorization by the department.
- (2) Unauthorized fish in public waters is of significant concern and is likely to have many adverse impacts, including but not limited to:
  - (a) adverse impacts on native, wild and stocked fish populations;
  - (b) potential to spread disease;
  - (c) degradation of water quality;
  - (d) degradation of aquatic habitat;
  - (e) increased fishery management costs;
  - (f) loss of angling opportunities and quality; and
  - (g) harm to local and regional tourism economies.

(3) The department and commission shall make prevention of and response to unauthorized species a priority.

(4) During efforts to respond to unauthorized species, the department will endeavor to protect the previously existing fishery and suppress or eradicate the unauthorized species to maintain the existing management objectives for that fishery.

History: [87-5-704](#), MCA; [IMP](#), [87-5-701](#), [87-5-704](#), [87-5-713](#), [87-5-715](#), MCA; [NEW](#), 2014 MAR p. 1592, Eff. 7/25/14.

From <<http://www.mtrules.org/gateway/RuleNo.asp?RN=12%2E7%2E1501>>

#### **12.7.1502** DEPARTMENT'S INITIAL RESPONSE AND ACTION PLAN

(1) The department shall begin an initial investigation within 30 days after the report of the presence of an unauthorized species in an attempt to confirm that an unauthorized placement has occurred and to estimate the distribution, abundance, age structure, and potential population expansion of the unauthorized species.

(2) The department shall prepare an action plan for responding to an unauthorized species. The action plan will identify the department's immediate and long-term management objectives for the unauthorized species and the management actions that may be implemented to achieve those objectives. The management objectives shall be based on a risk and feasibility assessment, with consideration for the following:

(a) the risk that the unauthorized species could expand into connected or nearby waters;

(b) the current distribution of the unauthorized species and the proximity of those populations to the new placement;

(c) the probability that the unauthorized species will survive and propagate;

(d) the impact that the unauthorized species might have on the existing fishery, especially threatened or endangered species, native species, game species, and important forage species;

(e) the immediate and long-term impacts that the unauthorized species might have on previously existing angling opportunities; and

(f) the immediate and long-term economic impacts that the unauthorized species might have on the department, the public, and the economy.

(3) To protect existing fisheries, local economies, wildlife enjoyment, and angler opportunities, the department shall attempt eradication or suppression of the unauthorized species if determined to be practical and necessary based on a risk and feasibility assessment, as set forth in this rule.

(4) The department shall attempt to identify and cite any individuals responsible for the unauthorized placement and seek penalties and restitution pursuant to the penalties and fines outlined in law.

History: [87-5-704](#), MCA; [IMP](#), [87-5-701](#), [87-5-704](#), [87-5-713](#), [87-5-715](#), MCA; [NEW](#), 2014 MAR p. 1592, Eff. 7/25/14.

From <http://www.mtrules.org/gateway/RuleNo.asp?RN=12%2E7%2E1502>>

### **12.7.1503** MANAGEMENT ACTIONS

(1) The department's action plan for responding to a confirmed unauthorized species may include, as determined by the department, the following management actions for eradication or suppression:

(a) prohibit or discontinue stocking the water body if the presence of the unauthorized species reduces the effectiveness of the stocking effort;

(b) prohibit or discontinue stocking of any forage fish species that benefits the unauthorized species;

(c) modify angling regulations for the immediate and connected water bodies with unauthorized species including:

(i) liberalizing or removing daily angling limits;

(ii) enacting catch-and-release fishing;

(iii) extending or removing the angling season;

(iv) allowing capture methods other than hook and line;

(v) instituting mandatory catch-and-kill regulations; or

(vi) closing the water to all fishing.

(d) deny applications for fishing contests that target the unauthorized species, except in cases where the department determines the contest is an essential tool for suppression or eradication and requires that the contest has catch-and-kill rules;

(e) authorize commercial harvest or economic harvest incentives for the unauthorized species if statutory authority is provided and is prescribed by a management plan;

(f) implement physical control measures to reduce the population of unauthorized species, including:

(i) installation of fish barriers;

(ii) removal using chemical or mechanical methods;

(iii) netting spawning fish;

(iv) habitat manipulation (e.g., reservoir drawdown);

(v) removing illegal species when encountered incidental to other management or survey activities; or

(vi) disturbing spawning areas to reduce survival.

(g) implement angler harvest incentive programs.

History: [87-5-704](#), MCA; [IMP](#), [87-5-701](#), [87-5-704](#), [87-5-713](#), [87-5-715](#), MCA; [NEW](#), 2014 MAR p. 1592, Eff. 7/25/14.

From <<http://www.mtrules.org/gateway/RuleNo.asp?RN=12%2E7%2E1503>>

#### **12.7.1504** ADAPTIVE MANAGEMENT APPROACH FOR UNAUTHORIZED SPECIES

(1) The department may amend its management objectives for a body of water if after a reasonable period of time the department concludes that:

(a) the management actions have succeeded and the department has accomplished the management objectives and that continued implementation of the existing action plan is no longer necessary; or

(b) the management actions have failed to accomplish the management objectives, and that continued implementation of the existing action plan is unlikely to accomplish the desired outcome.

(2) Revisions to the management objectives may prescribe management actions that are more tolerant or less tolerant of the presence of the unauthorized species and must include a rationale for any changes. The department shall report any revisions to the management objectives to the commission.

History: [87-5-704](#), MCA; [IMP](#), [87-5-701](#), [87-5-704](#), [87-5-713](#), [87-5-715](#), MCA; [NEW](#), 2014 MAR p. 1592, Eff. 7/25/14.

From <<http://www.mtrules.org/gateway/RuleNo.asp?RN=12%2E7%2E1504>>

#### **12.7.1505** REPORTING REQUIREMENTS

(1) The department shall maintain an electronic repository utilizing a standardized format to document the initial investigation and subsequent management actions taken in response to each unauthorized species.

(2) Documentation must include, but is not limited to:

(a) results of the department's initial investigation to confirm the presence of the unauthorized species and information collected on the distribution, abundance, age structure, and potential population expansion of the unauthorized species;

(b) the action plan for responding to the unauthorized species, including the management objectives and potential management actions;

(c) a summary of management actions taken to respond to the unauthorized species; and

(d) changes to any action plan taken under the adaptive management approach.

(3) The electronic repository shall be updated on an annual basis to include all new unauthorized species and changes to documentation regarding previously reported unauthorized species.

(4) The electronic repository will be made available to the public.



History: [87-5-704](#), MCA; IMP, [87-5-701](#), [87-5-704](#), [87-5-713](#), [87-5-715](#), MCA; NEW, 2014 MAR p. 1592, Eff. 7/25/14.

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