



September 17, 2021

Montana Trout Unlimited
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P.O. Box 7186
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Montana Fish and Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701

Re: Montana Trout Unlimited comments on *Proposed 2022 Fishing Regulation Changes*

To Whom It May Concern:

Thank you for the opportunity to provide comments on the *Proposed 2022 Fishing Regulation Changes*. We appreciate the opportunity to be involved in the process through discussions with state and regional staff, and we wanted to be sure to continue our participation in the process by offering formal written feedback requested by the Commission. We fully understand that we are working through an off-cycle regulation change that requires certain criteria to be met. We appreciate that effort and commitment to the process as we go through these needed off-cycle regulation changes.

Founded in 1964, Montana Trout Unlimited is the only statewide grassroots organization dedicated solely to conserving, protecting, and restoring Montana's coldwater fisheries. Montana Trout Unlimited is comprised of 13 chapters across the state and represents approximately 4,500 Trout Unlimited members and supporters. Several of our chapters and local members helped inform the comments on the proposed changes that are found below.

Montana Trout Unlimited has great interest in the effects of any proposed changes to Montana's fishing regulations, especially given the increasing challenges facing our native fish resources by threats like climate change, historic low flows and warming water temperatures, competition, and predation from introduced species, and increasing water-based recreation pressure. We continue to promote fisheries management that preserves and improves populations of wild fish, with a significant priority on native fish species, such as cutthroat trout, bull trout, and grayling. We also appreciate the need to balance those efforts with opportunity. We recognize fishing regulations are one tool which we can use to accomplish the goals native and wild fish conservation and providing angling opportunities that benefit the resource.

Montana Trout Unlimited offers our support for the following proposals in the *Proposed 2022 Fishing Regulation Changes*:

- *Proposals in Western District (Big Creek, Lion Creek, and Woodward Creek)*: We have reviewed the existing regulations for both the North Fork of the Flathead and the Swan Rivers and affirm that these protections for the mouths of tributaries are adequately protected. We support the proposed clarification.
- *Proposal on Swan Lake*: Again, we have reviewed these clarifications and support the modification proposed here. We would suggest that the Department voluntarily do more to advance education of the angling public regarding bull trout identification. We remain concerned that there is some bycatch happening by anglers targeting lake trout on Swan Lake (and other waterbodies) and will work with Department staff on ideas to include basic identification guides within the Western District regulation book.
- *Proposal on Lake Mary Ronan*: We remain committed to ensuring that the spread of nonnative, invasive species like northern pike are actively addressed in regulations. This is a simple clean up, and we support this proposal.
- *Proposal on Red Rock Creek*: We have worked closely with a diverse coalition of partners for decades on Arctic Grayling recovery and habitat restoration throughout the Upper Missouri Basin, including in the Centennial Valley. We believe that this regulation change is a step in the right direction for native fish conservation and support the change to increase the length of the seasonal closure.
- *Proposal on Basin Creek Reservoir*: Opening Basin Creek Reservoir to public use is an exciting new opportunity for water-based recreation and access in southwest Montana. We have reviewed this proposal and support the harvest limit on this waterbody. Within the rationale for this change, we strongly support the continued evaluation of this regulation to assess its efficacy in balancing opportunity and conservation.

Montana Trout Unlimited supports modifications to the following proposals to the *Proposed 2022 Fishing Regulation Changes*:

- *Proposal on Big Coulee Creek*: First and foremost, we join the Department in celebrating the success of the Westslope Cutthroat Trout population recovery in Big Coulee Creek. While we do support opening the waterbody to angling opportunity, we would urge the Department to modify the proposal by applying a catch and release restriction for Westslope Cutthroat to the Central District Standard Daily Limit for Combined Trout on this waterbody. Overall population recovery for Westslope Cutthroat Trout in the Upper Missouri River Basin is making progress, but there is much more work to be done to conserve the native species within this population range. Therefore, we strongly do not support harvest as a responsible path forward here.

Lastly, we understand that we are only tackling off-cycle regulation changes in 2021 for the upcoming fishing season in 2022, and that those changes must meet one of the five criteria established by the Department. Nonetheless, we wanted to take this opportunity to reiterate some of our global concerns as we go into the next round of regulation changes. Montana is coming off a challenging year that has been dominated by low flows and elevated water temperatures in virtually every coldwater fishery in the state. Montana Trout Unlimited would continue to support more aggressive, and where appropriate permanent and mandatory timing, temperature, and flow triggers that initiate Hoot Owl or similar angling restrictions on our coldwater streams and rivers. Once again, there were many challenges in implementing Hoot Owl restrictions on several waterbodies under the current system, mainly as a result of public push back from needed protections for our fishery resources. In the end, fish populations suffered from water-based recreation pressure under lethal water temperatures. We continue to support more predictable and lower temperature and flow triggers, including the consideration of permanent and mandatory ones for certain waterbodies with chronic and predictable water temperature issues, for Hoot Owl and angling restrictions that better protect our fishery resources. We are ready and willing to engage with the department and stakeholders in reviewing long-term temperature and flow data, as well as the relevant literature on these parameters as they impact native and wild trout health or morbidity. We also are eager to help educate the public on these issues and inform anglers about Hoot Owl angling restrictions or closures.

Please do not hesitate to contact us with any questions or if you need additional information regarding the comments that we have submitted (via email at clayton@montanatu.org or by phone at 406-543-0054). Again, we thank you for the opportunity to comment, and we appreciate the open public process used by the Fisheries Division to make these changes.

Respectfully,



David Brooks
Executive Director
Montana Trout Unlimited



Clayton Elliott
Conservation Director
Montana Trout Unlimited

cc:

FWP Director Hank Worsech
FWP Deputy Director Dustin Temple
Fisheries Division Administrator Eileen Ryce
Natural Resource Policy Advisor to the Honorable Greg Gianforte, Michael Freeman
FWP Regional Fish Biologists

2022 Fishing Regulation Comments Submitted via FWP Website

Name:	City/Town:	State	Comment	Department Response
james francis mccormack	stevensville	MT	Fishing with single, barbless hooks should be required on all the tributaries of the Bitterroot River. I've witnessed numerous trout, especially smaller individuals, with damaged mouths because of the use of trebles. This is particularly impactful on the smaller streams because the fish are usually smaller than within the East, West & main forks of the river.	Gear restrictions are typically considered during the four year regulations review cycle unless there is a demonstrated conservation or resource need. The department will note this comment for consideration in the next cycle, scheduled to begin review in 2023.
Keith Shein	Cameron	MT	I'm writing to encourage the Commission to include the Madison River with those already scheduled for selected closures to encourage brown trout spawning. With the population of brown trout significantly diminished in the Madison (as in other Montana rivers), it makes no sense to exclude the Madison from closures to encourage spawning. It's clear that commercial interests want no closures of any kind if it means possible loss of revenue, and even if it means the Madison eventually crashes from too much pressure. But the Commission can't only consider commercial voices. Conservationists also deserve to be heard, and the Commission's primary mission is to protect our fisheries. Please be sensible and enact closures on the Madison to encourage spawning and help bring the population back.	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fwf/news/commissionagendas/2021/august-20-2021-fw-commission-meeting
Richard Tramp	Townsend	MT	Would you consider stocking perch in Canyon Ferry to help the trout and ever thing else. I hope the new limit on walleye will help the future size of the walleye. We still need to in the future reduce the limit on walleye to five. And hold the limit on the fish over 15 inches. Thank you	Fisheries management decisions for Canyon Ferry are outlined in the Upper Missouri River Reservoir Fisheries Management Plan. Management goals and criteria can be found here: https://fwp.mt.gov/conservation/fisheries-programs/upper-missouri-management-plan

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Christopher M Hyle	Butte	MT	<p>Jerry Creek, a tributary to the Big Hole River, had sustained a truly remarkable cutthroat trout population from at least 1996 to 2018. Average size of these Cutts was 14 inches with the expectation of a few 18 to 20 inch fish per outing. Then in 2020, through a series of human and natural stresses the population crashed. First: Allowing the keeping of one Cutthroat per day in the Central district had the effect of removing the larger fish from this stream, Second: Covid. The Jerry Creek campground was full from early spring to late fall with campers taking their one Cutt per day for 70 plus days. Simply devastating to the fish population. Third: many anglers cannot identify trout species leading to additional Cutthroat harvest. Fourth: The historic drought of 2021 has drastically reduced stream flow and holding water for trout. I have fished this stream with my sons and father- in- law for 25 years, and my evidence may be anecdotal, but nonetheless true. I surveyed this fragile yet precious fishery recently to see how badly the resource had been damaged. The Cutts are still in there, but average size is now 4 inches. I am strongly recommending making this a catch and release stream for Cutthroat trout. Birch creek further downstream was similarly affected, but Jerry Creek could once again be the treasure is was until recently. Please give this thoughtful consideration.</p>	<p>The department conducts periodic surveys on Jerry Creek and has not observed a substantial decline in cutthroat numbers. FWP staff will continue data collection and will propose a regulation change if there is evidence of overharvest.</p>

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Mike Gentry	Lake Oswego	OR	I am encouraged by the proposed regulations affecting brown trout populations on the Big Hole and Beaverhead rivers. However, I am puzzled by the lack of similar proposals for the Madison. Its brown trout are affected by similar factors and face similar risks and pressures, and would benefit from similar protective measures. I urge a reconsideration of that omission.	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fw/news/commissionagendas/2021/august-20-2021-fw-commission-meeting
David Shimek	Shepherd	MT	Please consider allowing fishermen to clean fish on boats at Fort Peck. Right now it is illegal to clean fish in the boat. So many times the cleaning stations are closed or simply there aren't any. It is still easy to clean and separate fish and identify them in bags.	Currently all fish in possession must be whole with head, skin, fins, and tail attached. Gills and entrails may be removed (page 80). The department will note this comment for consideration in the next cycle, scheduled to begin review in 2023.
David Bricker	Ennis	MT	You need to reconsider the incredibly short-sighted decision to open the Madison River to year-round fishing especially in light of the decline in brown trout populations in SW MT. Reinstate and closed season until the third Saturday in May.	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fw/news/commissionagendas/2021/august-20-2021-fw-commission-meeting

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Donald Smith	Cameron	MT	close fishing on Madison river from November through May. Wade fishing only from dam to Lyons. Reduce pressure on river. Too many boats. Looks like a parade of boats all summer. Give the fish a break. Publish the fish count when available.	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fwf/news/commissionagendas/2021/august-20-2021-fw-commission-meeting
John Cody Montgomery	Sandpoint	ID	Avid western MT ice angler. The limit of two lines through the ice, especially for warmwater species and in areas where pike retention is desirable, is counter to managing pike. Not allowing pike for use as bait is also surprising. Pike are considered a nuisance in the western mt district, so lets treat them as such. Why western mt is treated differently for ice fishing has never been explained to me, especially for pike.	Liberal Northern pike restrictions are in place to limit the number of pike in many Western District waters; however, many of those waters also contain bull trout. With the threatened status of bull trout the department has concerns that allowing multiple lines increases the risk of bycatch of bull trout. The department has not considered the use of pike as bait and will make note to assess for the next full review of the fishing regulations beginning in 2023. The commenter is also invited to provide specific waterbodies for use of multiple lines to catch pike during public scoping in 2023.
Todd M Samson	Helena	MT	The new reg changes seem well thought out to me, I like them. However, I would like to see Basin Reservoir go from a 1 fish limit to catch and release. It seems unnecessary to harvest cutthroats at all, especially in a semi-urban area. Catch and release would set an early precedent on the reservoir and	FWP has baseline population monitoring data for Basin Creek Reservoir and will continue to monitor to determine if additional fishing restrictions are needed. Current population data indicates that low levels of harvest may

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			lower the numbers of users on a municipal watershed.	benefit the size structure of the cutthroat population.
mike pearce pearce	sheridan	MT	I have fished in Montana since 1979 and lived here since 2008. Catch and release should be applied to all wild rivers and trout in Montana while these fish habitats are being attacked by heat, low water and fire contamination. These fish are a finite resource and the prevailing climate conditions will not sustain these fish for long. Just look at the depression of many of the California fisheries for evidence.	The department recognizes that low flows and warm water temperatures can have adverse impacts to trout fisheries. Since Montana manages nearly all rivers for wild fish this proposed regulation would substantially impact angling opportunity. The department recommends the commenter provide recommendations for specific waterbodies during the next full regulation review process beginning in 2023.
Mark V Hurwitz	Burlingame	CA	Thank you for your work protecting Montana's wild-hatched fish. I am concerned that no additional protections have been proposed for the Madison river. Limitations on other rivers will push even more fishermen into the already-overused Madison area. As a home owner and Montana taxpayer in the Madison valley, the long-term health of the river is of great concern to me.	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fw/press/commissionagendas/2021/august-20-2021-fw-commission-meeting
al simpson	ennis	MT	the Madison River is in deep trouble, and i am disappointed that nothing has been done to address the steep decline of trout numbers in the fishery. at a minimum, i would suggest that fish counts be done annually to build a better data base. sections for spawning protection should be set aside, as well as fixed sanctuary sections year long. a cap needs to be applied to outfitters to prevent the daily zoo that	The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's

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			occurs at access sites, and to reduce fishing pressure. not sure how to address the wade sections, but there too are overfished. please don't wait another 2-3 years to address the problems present. thank you, al	<p>recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fw/news/commissionagendas/2021/august-20-2021-fw-commission-meeting</p> <p>Fish populations in the Madison River are monitored annually on a river section near Norris each spring and on river sections near Pine Butte and Varney each fall. Other Madison River sections may be sampled periodically.</p>
Jack McGuire	Big Sky	MT	We need help on Madison and Gallatin. Need to restrict number of fishing days to permit spawning . Also how about stocking Hebgen.	<p>The commission took action on proposed brown trout regulations at its August meeting. The department recommended not implementing additional restrictions for brown trout on the Madison because the public largely was not supportive of implementing more restrictions. Additional rationale for the department's recommendation can be found here (click on Southwest Montana Brown Trout Fishing Regulations): https://fwp.mt.gov/about-fw/news/commissionagendas/2021/august-20-2021-fw-commission-meeting</p> <p>Hebgen Lake was last stocked with rainbow trout in 2016 after a detailed study revealed that nearly 90% of the rainbow trout population were wild fish. Rainbow trout abundance has remained steady since stocking was stopped. A creel survey was completed last year and that information</p>

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				along with annual monitoring will be used to inform management decisions.
Greg Hinkle	Thompswon Falls	MT	Western District, Noxon Reservoir, increase daily limit of Smallmouth Bass to 8. Thank you.	Clark Fork River reservoirs, including Noxon Rapids Reservoir, are managed for both largemouth and smallmouth bass with conservative bag limits and spawning closures in place. The department will note this comment for consideration in the next cycle, scheduled to begin review in 2023.
Robert Sain	Bozeman	MT	All looks good and makes since to me. thank you	Thank you!