



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: August 25, 2022

Agenda Item: Amend Angling Restriction and Fishing Closure Administrative Rules 12.5.507 and 12.5.508

Action Needed: Final

Time Needed on Agenda for this Presentation: 5 minutes

Background: In 2008 the commission adopted ARM 12.5.502, authorizing the department to implement angling restrictions or angling closures during periods of drought pursuant to criteria in ARM 12.5.507. These rules are intended to minimize fishery impacts from angling during periods of extremely high temperature, low flow, or both. In most years, angling restrictions and closures as defined in these rules may be used on only one or two waters; in extreme years, such as 2021, they are used much more extensively, with 33 restrictions or closures implemented.

The commission is proposing amendments to these rules to incorporate criteria for cutthroat trout fisheries and to provide additional guidance for when a restriction or closure will be implemented or lifted in waters identified in the Statewide Fisheries Management Plan. Other proposed changes are intended to avoid scenarios where restrictions or closures would be implemented or lifted over a short period of time before a closure or restriction would be re-implemented or lifted again (i.e., an on-again-off-again scenario). For example, a hoot owl restriction may be in place on a river section and rain or a short-term weather event may push water temperature and/or flow above reopening criteria. But, water conditions are expected to only improve for a handful of days before hot temperatures are predicted again. Currently, under this type of scenario the department may lift a restriction for a few days before restricting again when conditions deteriorate. This minimizes benefit to the fishery because it fails to minimize angling impact during what is still a stressful time. It also increases public confusion because the public would not have a clear understanding of when a restriction has been lifted or when one has been implemented. Adjusting the rule to allow the department additional flexibility to delay implementation or lift a restriction during what are expected to be short-term events provides clarity to when restrictions will be implemented or lifted and better protects fisheries from angling impacts during drought.

Public Involvement Process & Results: The proposed rule amendments will be posted on July 8, 2022. Public comment will be taken, including a public hearing, until August 5, 2022. All public comments will be provided to the commission for their consideration and posted for with all other August 25 public meeting materials.

Proposed Motion: I move the Fish and Wildlife Commission adopt the proposed amendments to ARM 12.5.507 and 12.5.508 to incorporate criteria for cutthroat trout fisheries and adjusting criteria to allow the department flexibility to delay implementation or lifting a restriction during short-term events.