



2024 FISHING REGULATION PROPOSALS

FWP recently adopted a new fishing regulation process, moving from a four-year cycle to a two-year cycle. Previously, each year the department would review and update the fishing regulations based on established criteria, and every four years the department would use a rigorous public process to update the fishing regulations. Implementing a two-year process is expected to reduce staff time needed for fishing regulation evaluation while providing more opportunity for public input. With this change a new regulations booklet will be printed only on odd-numbered years, with any changes made outside the printing cycle updated on the department website and through other public outreach and posting. The 2024 booklet will be the last booklet printed outside of the new process. FWP will propose regulation changes outside of the typical regulation cycle if they meet the following criteria:

- 1) Enforcement: regulation change is needed to improve enforcement efforts, to prevent illegal take, or to clarify intent to reduce innocent violations;
- 2) Conservation: regulation change is needed to conserve or protect the population of any species, but primarily Threatened and Endangered species;
- 3) Relevancy: regulation no longer has a real management purpose or value and there is little public following, constituency or controversy;
- 4) 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 proposal typically based upon goals or management objectives defined through a publicly vetted process.

The 42 proposals below are the department proposals for the 2024 Montana Fishing Regulations with associated information on biological rationale and regulation type.

Note: *New language is in italics*. Deleted language is indicated by a ~~strikethrough~~. Changes are highlighted in yellow. Page numbers refer to the 2023 Fishing Regulations booklet.

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PROPOSAL #1: Ice Fishing Shelters, Statewide

Page 18 change:

Shelters: It is unlawful to use any ice fishing shelter not conforming to the following rules:

Definition/Use: Any hut or enclosure constructed of any material, except ice or snow, for the purpose of ice fishing.

Identification: Identification must be painted on or otherwise affixed to all unattended shelters in legible, 2-inch letters plainly visible at a distance of 100 feet. Identification must include the owner's name and address, name and phone number, or an individual identifying number issued by the department. Attended shelters at Brown's Lake and Georgetown Lake must also be identified.

Inspection: Each closed shelter shall have a door that an officer may readily open from the outside for inspection when it is occupied.

Waste and Rubbish Disposal: Owners and occupants of shelters are required to keep their shelters (and the area immediately around them) free from rubbish and trash. Anglers must remove waste materials before they leave for the day.

Removal: Daily removal of shelters is required on some waterbodies. See district exceptions.

Removal After the Season: The owner of an ice fishing shelter shall remove it from the ice before it becomes irretrievable at the end of the season, or within five days from receipt of notification from FWP to remove the shelter.

Page 49 changes:

Shelters:

Identification: Attended shelters at Clark Canyon Reservoir, Deadman's Basin, Hauser Reservoir, Lake Frances and Lake Helena must also be identified.

Daily Removal: Daily removal of shelters is required on Fitzpatrick Lake, Deadmans Basin, and Helena Valley Regulating Reservoir.

Page 74 changes:

Shelters:

Identification: Attended shelters at Bearpaw Lake and Beaver Creek Reservoir must also be identified.

Removal After the Season: The owner of an ice fishing shelter shall remove it from the ice before it becomes irretrievable at the end of the season, or by March 1 within five days from receipt of notification from FWP to remove the shelter. Shelters may remain on the ice after March 1 but must be removed daily if not occupied overnight. Exceptions may apply to specific waterbodies, see *Exceptions below.*

Exceptions: Arapooish Pond, Beaver Creek Reservoir, Bearpaw Lake, Bailey Reservoir, Fresno Reservoir, Dry Fork Reservoir, Faber Reservoir and Lake Elmo. These waterbodies will require removal of an ice fishing shelter from the ice before it becomes irretrievable at the end of the season, or by March 1. Shelters may remain on the ice after March 1 but must be removed daily if not occupied overnight.

Rationale:

In consultation with Enforcement, it was deemed that the language for definition, identification and inspection was unnecessary. The removal change in the Eastern District is addressed in Proposal #39.

Regulation Type:

Relevancy, enforcement: The Enforcement Division does not deem this language warranted.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations in the Statewide Fisheries Management Plan states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” By reducing unnecessary requirements from the fishing regulations, they become simpler which improves angler compliance.

Public Engagement:

Changing the identification language was scoped at the Regional CAC meetings.

Nonbiological Information:

None.

PROPOSAL #2: Use of Attractor, Statewide

Page 19 addition:

Use of Attractor: A bead fixed on a line or leader 2 inches or less from the eye of a bare hook is considered an artificial lure. Fishing with a bead **that serves as an attractor** more than 2 inches from the eye of a bare hook or artificial fly is considered snagging and is unlawful.

Rationale:

The regulation to limit foul hooking of fish (i.e., snagging) while bead fishing was adopted for the 2022 fishing regulations. The intent of this regulation was to restrict the use of an attractant bead to a length of 2 inches or less from the eye of a hook to minimize snagging of fish. An unintended consequence of the regulation was that it made it unlawful to use a bead that was not intended to be used as an attractant. For example, beads are commonly used on fishing lines as a stopper to keep from reeling angling rigs up into the rod guides or as a stopper for a slip bobber. This change in language is intended to preserve the original intent of the regulation to reduce incidence of snagging while bead fishing and allowing for the use of beads as non-attractants for other angling methods.

Regulation Type:

Clarification, enforcement: clears up unintended enforcement consequences.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations in the Statewide Fisheries Management Plan states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer improving angler compliance.

Public Engagement:

This issue was discussed with anglers who are routinely known to use this technique, they were supportive of the clarification language.

Nonbiological Information:

None.

PROPOSAL #3: Handling and Transporting Legally Taken Fish, Western Fishing District

Page 19 add:

Handling and Transporting Legally Taken Fish

While a person is fishing, or while on the water or on the ice:

- All fish in possession must be visibly identifiable to species.
- All fish in possession must be whole with head, skin, fins, and tail attached. Gills and entrails may be removed (see Disposal of Dead Fish and Fish Entrails on page 20).
- This doesn't prohibit the consumption of fish on the ice or water. However, the fish consumed are part of your daily limit.

Once off the water or ice, fish may be dressed and filleted for transport to your permanent residence, unless size limits apply, under the following conditions:

- All fish can be counted and identified. Two fillets will be counted as one fish. If the catch is frozen prior to transport, each fish or fillet must be packaged so it can be counted.
- Salmonids (trout, salmon, Arctic grayling, char, and whitefish): the entire skin must be attached to the fillet for identification.

Transport of any live fish or live aquatic invertebrates (including crayfish) is unlawful in the Western Fishing District.

Rationale:

This regulation is intended to minimize the risk of inadvertently transporting non-native or invasive crayfish species to other waterbodies. Prohibiting use of crayfish for live bait is proposed by the department in proposal #5.

Whereas crayfish play critical ecosystem roles, serve as prey to over 300 species, including many birds and economically important sport fishes, crayfish species are some of the most invasive animals in the world. Once established they are very hard to eradicate.

Crayfishes can be ecosystem engineers, creating or destroying habitats by burrowing, disturbing sediments, and decimating aquatic vegetation. When introduced outside their native range, crayfish can have significant and detrimental effects on their environment from removing aquatic vegetation, to spreading disease and pathogens.

Montana is home to very few crayfish species, and their native range in Montana is very small. Most crayfish in the state have been introduced (intentionally or unintentionally), or their ranges have expanded because of their behavior, in the last few decades. The FWP Aquatic Invasive Species Program annually surveys for some of the most invasive species, like rusty and red swamp crayfish, but there are many other species we do not want in Montana (e.g., the marbled crayfish). The pet trade, crayfish boils, and bait release are common vectors for the spread of crayfish.

In 2021 and 2022, during the first statewide crayfish survey in Montana, crayfish were discovered exhibiting lesions that are the result of crayfish plague in 60 sites in over 20 waterbodies. Crayfish plague is endemic to North American crayfish, and until 2021, no crayfish in North America had ever shown clinical signs of this disease. Although North American crayfish are chronic carriers of the plague, they typically do not show clinical signs of disease or exhibit unusual behaviors when infected. Conversely, where introduced, it has caused one of the most severe global wildlife pandemics. The pathogen has decimated native crayfish species in Europe and Asia and threatens other freshwater

crayfish worldwide. Outside of North America, crayfish plague typically leads to rapid death of most native crayfishes and has wreaked ecological and economic havoc, extirpating native crayfish populations and crashing formerly commercially harvested populations. Extensive research has been conducted on crayfish plague in Europe. In contrast, within North America, the plague has generated little interest because of its perceived lack of impacts here. Crayfish plague is responsible for the collapse of crayfisheries (recreational and commercial) in Asia, Scandinavia, and Europe, where native crayfish were extirpated and commercial losses were significant.

This discovery in Montana has vast ecological and management implications, including for transport of crayfish, species interactions, shifts in species composition, and behavior.

Currently, investigations are looking at the effects that the crayfish plague is having on individuals and populations, but until more is known, there is a risk of spreading infected crayfish around the state or spreading this pathogen to uninfected waters or populations.

Also, as recreational crayfishing increases in popularity in many states, disease outbreaks will likely raise questions from the public about what is happening and why, whether the crayfish are safe to eat, what the disease means for the future of specific crayfish populations, and what agencies intend to do about it.

Regulation Type:

Conservation.

Statewide Management Plan:

This proposal conforms to management direction outlined in the Statewide Fisheries Management Plan. Section 1.6.22 Crayfish which describes crayfish as one of the most invasive species groups in the world and raises concerns over crayfish sustainability. The proposal is consistent with Section 1.2 Aquatic Invasive Species and Fish Health. It is also consistent with Section 2.10 Fisheries Management of Lower Clark Fork, specifically McGregor Lake.

Public Engagement:

This proposal is expected to be controversial due to the popularity of foraging for crayfish, where crayfish are captured and transported alive prior to cooking.

Nonbiological Information:

None.

PROPOSAL #4: Northern Pike Spearing, Western Fishing District

Page 24 add:

- **Spearing:** All waters are closed to spearing of game and non-game fish except *open for spearing northern pike through the ice or* as otherwise noted under District Exceptions.

Page 25 add:

- Northern Pike: 15 daily and in possession. *All waters open for spearing through the ice or as otherwise noted in District Exceptions.*

Page 30 delete:

Bull Lake (near Troy)

- Northern Pike: no limit
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 33 delete:

Echo Lake (near Bigfork)

- ~~Spearing: Open for Northern Pike through the ice only, daily limit of 2~~

Page 39 delete:

Lower Stillwater Lake

- Yellow Perch: no limit, only 10 daily over 10 inches. No possession limit.
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 40 delete:

Lower Thompson Lake

- ~~Kokanee sSalmon: 10 daily and 20 in possession~~
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 40 delete:

Middle Thompson Lake

- ~~Kokanee sSalmon: 10 daily and 20 in possession~~
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 45 delete:

Upper Stillwater Lake

- ~~Spearing: open for Northern Pike through the ice only.~~

Page 45 delete:

Upper Thompson Lake

- Kokanee salmon: 10 daily and 20 in possession
- ~~Spearing: open for Northern Pike through the ice only.~~

Rationale:

All populations of northern pike in the Western District are results of unauthorized introductions. Unauthorized Placement of Fish, ARM 12.7.1501 to 12.7.1505 provide the purpose for and management

actions because of these illegal introductions, including allowing capture methods other than hook and line.

Submerged spearing was not included in the Western District Standard because that regulation would put boat anglers and submerged spearers in direct conflict. Most lakes in Northwest Montana that have Northern Pike are not large and have limited habitat to effectively find northern pike. Additionally, they contain other targeted recreational species. Submerged spearers will undoubtedly disrupt angling for recreational species other than the northern pike where they are spearing (bass, yellow perch, trout). Spearing through ice includes technical and time-consuming operations to cut the hole and set up the tent, hence that technique is generally not mobile.

There was considerable negative comment during the proposal to make ice spearing district wide but was accepted because there were so many exceptions (9) that made the regulation booklet confusing. It is expected a district wide submerged spearing proposal will also have negative comment.

Including opportunity where conflict is less likely adds more exceptions to the Western District northern pike standard.

Regulation Type:

Opportunity, relevancy: increases sport fish opportunity and is consistent with unauthorized introduction policies.

Statewide Management Plan:

This proposal conforms to management direction outlined in Section 1.0 Montana Fisheries Management of the Statewide Fisheries Management Plan with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. The proposal is consistent with the management of northern pike west of the continental divide (Section 1.6.15 of the Statewide Plan) "Since all populations in western Montana are from illegal introductions, liberal harvest regulations, including unlimited harvest in some drainages, are in place to encourage harvest and suppress populations. In many drainages spearing is allowed to promote additional harvest".

Public Engagement:

This proposal was discussed during scoping at the following meetings: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

There were no objections to the proposal.

Nonbiological Information:

Though not formally organized, there is a significant group of northern pike spearers that have expressed keen interest in approval of this proposed regulation and have gone so far as to make recommendations for spearing holes to improve safety for non-spearing anglers.

This regulation allows for additional nontraditional harvest opportunity, clarifies, and simplifies the regulations by removing seven regulation exceptions. Northern pike ice spearers have requested additional opportunities in the Western District that also would add more exceptions without this proposed regulation. This proposed regulation is relevant to Unauthorized Placement of Fish, ARM 12.7.1501.

DRAFT

PROPOSAL #5: Bait Regulations, Western Fishing District

Page24 change:

Bait Regulations

Dead Bait

- **No** trout, salmon, whitefish, **and or** sculpins may **not** be used whole or in parts/pieces as dead bait
- The eggs of char, cisco, Arctic grayling, salmon, or trout may be used as bait. **Other parts/pieces of salmonids may not be used as bait.**
- Only non-game fish native to the Western Fishing District (large scale sucker, longnose sucker, northern pikeminnow, peamouth chub, redbelt shiner, longnose dace) may be captured and used as dead bait. All other non-game fish caught or purchased must be preserved by freezing, salting, or brining.
- Parts/pieces of bass or yellow perch may be used as bait if edible portions are not wasted.
- **No amphibians or reptiles may be captured and used as dead bait.**
- **Dead crayfish (whole, parts, or pieces) may be used as bait on all waters not restricted to artificial lures only.**

Live Bait

- No fish species may be used as live bait in the Western Fishing District. Possession of live bait fish or use of live bait fish is prohibited in the Western Fishing District.
- **No amphibians, reptiles, or crayfish may be used as live bait in the Western Fishing District.**
- Live animals such as meal worms, red worms, night crawlers, leeches, maggots, **crayfish, reptiles, amphibians,** and insects may be used as bait on all waters not restricted to artificial lures only.
- Leeches may only be imported into Montana from FWP-approved leech dealers. Anglers who import leeches must have in their possession a bill-of-sale (a receipt) from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.

Rationale:

Most amphibians, reptiles and crayfish in the Western Fishing District are listed as species of concern (alligator lizard, western skink, western toad, leopard frog, Idaho giant salamander, Coeur d'Alene salamander), rare/distribution not fully known (Columbia spotted frog, Rocky Mountain tailed frog, Pacific chorus frog, tiger salamander) or aquatic invasive/non-native species. By removing their use as bait will help protect sensitive species as well as preventing the spread of aquatic invasive or non-native species.

Whereas crayfish play critical ecosystem roles, serve as prey to over 300 species, including many birds and economically important sport fishes, crayfish species are some of the most invasive animals in the world. Once established they are very hard to eradicate.

Crayfishes can be ecosystem engineers, creating or destroying habitats by burrowing, disturbing sediments, and decimating aquatic vegetation. When introduced outside their native range, crayfish can

have significant and detrimental effects on their environment from removing aquatic vegetation, to spreading disease and pathogens.

Montana is home to very few crayfish species, and their native range in Montana is very small. Most crayfish in the state have been introduced (intentionally or unintentionally), or their ranges have expanded because of their behavior, in the last few decades. The FWP Aquatic Invasive Species Program annually surveys for some of the most invasive species, like rusty and red swamp crayfish, but there are many other species we do not want in Montana (e.g., the marbled crayfish). The pet trade, crayfish boils, and bait release are common vectors for the spread of crayfish.

In 2021 and 2022, during the first statewide crayfish survey in Montana, crayfish were discovered exhibiting lesions that are the result of crayfish plague in 60 sites in over 20 water bodies. Crayfish plague is endemic to North American crayfish, and until 2021, no crayfish in North America had ever shown clinical signs of this disease. Although North American crayfish are chronic carriers of the plague, they typically do not show clinical signs of disease or exhibit unusual behaviors when infected. Conversely, where introduced, it has caused one of the most severe global wildlife pandemics. The pathogen has decimated native crayfish species in Europe and Asia and threatens other freshwater crayfish worldwide. Outside of North America, crayfish plague typically leads to rapid death of most native crayfishes and has wreaked ecological and economic havoc, extirpating native crayfish populations and crashing formerly commercially harvested populations. Extensive research has been conducted on crayfish plague in Europe. In contrast, within North America, the plague has generated little interest because of its perceived lack of impacts here. Crayfish plague is responsible for the collapse of crayfisheries (recreational and commercial) in Asia, Scandinavia, and Europe, where native crayfish were extirpated and commercial losses were significant.

This discovery in Montana has vast ecological and management implications, including for transport of crayfish, species interactions, shifts in species composition, and behavior.

Currently, investigations are looking at the effects that the crayfish plague is having on individuals and populations, but until more is known, there is a risk of spreading infected crayfish around the state or spreading this pathogen to uninfected waters or populations.

Also, as recreational crayfishing increases in popularity in many states, disease outbreaks will likely raise questions from the public about what is happening and why, whether the crayfish are safe to eat, what the disease means for the future of specific crayfish populations, and what agencies intend to do about it.

Regulation Type:

Conservation: conserves and protects sensitive species by reducing harvest and spread.

Statewide Management Plan:

This proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with Section 1.2 Aquatic Invasive Species and Fish Health.

Public Engagement:

This proposal was discussed during the following regulation scoping meetings: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

DRAFT

PROPOSAL #6: Walleye Standard Regulation, Western Fishing District

Page 25 change:

Walleye

All walleye caught must be killed immediately, kept and the entire fish ~~turned into~~ **presented to** FWP. Anglers who catch walleye in the Western Fishing District are required to report the catch to FWP within 24 hours (406-752-5501). Anglers will be asked to provide location, date, and time of capture and may be asked to provide their full name, ALS number, and phone number. Anglers are required to ~~turn in present~~ the whole walleye to a FWP office within 10 days of capture (frozen is allowed) during regular business hours. **Edible portions of the fish are returned to the angler upon request.** Does not include Clark Fork Reservoirs downstream of Thompson Falls Dam, see Exceptions for the Clark Fork River (page 31).

Rationale:

Regulation change to be consistent with current department policy.

Regulation Type:

Relevancy

Statewide Management Plan:

This proposal conforms to management direction outlined in the Statewide Fisheries Management Plan Section 1.4.7 Illegal and Unauthorized Fish Introductions. This proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with the Management Direction for Walleye in section 1.6.20 and conforms to management direction outlined for the Lower Clark Fork River Drainage management in section 2.10.

Public Engagement:

None.

Nonbiological Information:

None.

PROPOSAL #7: Basin Creek Reservoir, Region 2

Page 26 delete:

BASIN CREEK RESERVOIR

- ~~Cutthroat Trout: 1 daily and in possession, artificial lures only.~~

Rationale:

Butte-Silver Bow County will no longer allow public access to the reservoir, therefore there is no need for specific waterbody regulations. The reservoir is a water supply to Butte, the County is concerned about the fire danger posed by public access in the heavily timbered drainage.

Regulation Type:

Relevancy: regulation no longer needed because waterbody is not accessible by the public.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations in the Statewide Fisheries Management Plan states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language simpler thus improving angler compliance. Keeping a regulation in the book for a waterbody that is closed to fishing will confuse the public on the status of the waterbody. Basin Creek Reservoir will continue to be managed in the best interest of wild-native westslope cutthroat trout but will not be open to the public. The reservoir and connected tributaries are a conservation population of westslope cutthroat trout, conserving and enhancing these populations is in Section 2.5 the Upper Clark Fork Drainage.

Public Engagement:

The proposal is supported by Butte-Silver Bow County. George Grant Trout Unlimited and Anaconda Sportsmen were scoped and provided no feedback. The proposal was presented at a Region 2 Citizen Advisory Committee (CAC) meeting and a public meeting in Missoula.

Nonbiological Information:

None.

PROPOSAL #8: Blanchard Lake, Western District, Region 1

Page 30 change:

BLANCHARD LAKE (near Whitefish)

- Northern Pike: 5 daily and in possession, 4 less than 28 inches and 1 greater than 36 inches.
- Largemouth bass: 1 daily and in possession, must be over 22 inches.

Rationale:

All populations of northern pike in the Western District are results of unauthorized introductions. Unauthorized Introduction ARM rule 12.7.1501 to 12.7.1505 provide the purpose for and management actions because of these illegal introductions. Restrictive regulations meant to improve northern pike fishing opportunities are counter to these ARM rules. Additionally, gillnet surveys in Blanchard indicate that pike are abundant with a catch rate of 10.25 fish/net night. The average size of pike in Blanchard Lake is low with a mean length of 12 inches and a maximum observed length of 24 inches indicating that the existing regulation is not achieving its intended objective.

Adding largemouth to the bass regulation is a clarification for the species of bass in Blanchard Lake.

Regulation Type:

Relevancy: northern pike restrictions are not necessary and counter to management policies for unauthorized introductions.

Clarification: addition of "largemouth" clarifies that this regulation is specific to largemouth bass and does not include smallmouth bass.

Statewide Management Plan:

This proposal conforms to management direction outlined in the Statewide Fisheries Management Plan Section 1.4.7 Illegal and Unauthorized Fish Introductions and to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with the management direction for black bass in Section 1.6.2 and northern pike section 1.6.15. The proposal also reflects management direction as outlined for the Flathead River Drainage in Section 2.4.

Public Engagement:

This proposal was discussed during scoping meetings: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #9: Bootjack Lake, Western District, Region 1

Page 30 delete:

BOOTJACK LAKE (near Whitefish)

- ~~Open April 1 through November 30~~
- Combined trout: 1 daily and in possession, 22 inch minimum.
- Artificial lures only.

Rationale:

Gillnet monitoring in Bootjack Lake indicates the rainbow trout fishery is robust enough to withstand additional angling pressure with catch rates of 3.3 rainbow trout per net night. Restrictive harvest and terminal tackle regulations minimize harvest and angling mortality on this lake. Unmaintained winter access will limit angling pressure.

Regulation Type:

Relevancy: survey work indicates that this restrictive regulation is no longer warranted.

Other: increases sport fish angling opportunity.

Statewide Management Plan:

This proposal is consistent with Section 1.4.2 Fishing Regulations: "Fishing regulations are intended to preserve, protect, and enhance fish populations while allowing public opportunity to catch and harvest fish." This proposal also is consistent with Section 2.4 Flathead River Drainage.

Public Engagement:

This proposal was discussed during the following scoping meetings: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region One 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

During scoping no concerns were raised by the public.

PROPOSAL #10: Clark Fork River, Western District, Region 1

Page 31 delete:

CLARK FORK RIVER

~~Mouth of Flathead River to mouth of Thompson River~~ **Thompson Falls Dam**

- Open entire year.
- Catch-and-release for Cutthroat Trout.
- ~~Bass: open entire year, 5 daily and in possession, no size limit.~~

~~Mouth of Thompson River~~ **Thompson Falls Dam to Idaho Border (Includes Thompson Falls, Noxon Rapids, and Cabinet Gorge Reservoirs)**

- Open entire year.
- Combined trout: standard lake daily and possession limits apply.
- Catch-and-release for cutthroat trout.
- Bass: 5 daily and in possession; except June 15 through July 15 only 1 daily and in possession, 22 inch minimum.
- **Walleye: no limit. Catch, keep and report of walleye not required (see page 25).**
- Hook and Line: 2 lines with up to 2 hooks per line all year.

~~Thompson Falls Dam to Idaho border~~

- ~~Walleye: no limit. Catch, keep, and report of walleye not required (see pg 25).~~

Rationale:

This smallmouth bass population is the result of unauthorized introductions. Unauthorized Introduction ARM 12.7.1501 to 12.7.1505 provides the purpose for and management actions because of these illegal introductions.

The standard bass regulation is consistent with the Clark Fork River (general Western District regulation) and Flathead River (Flathead Indian Reservation, no limit in harvest) bass regulations upstream of this area.

Regulation Type:

Clarification, relevancy: The removal of this specific regulation simplifies regulations and allows additional harvest opportunity for bass in a portion of Sanders County. It also provides clarity by removing a third regulation that is no longer relevant. Additionally, it allows for consistent regulations with known start and stop points. Directly downstream of this area, the Clark Fork River is comprised of three impoundments (Thompson Falls Reservoir, Noxon Rapids Reservoir and Cabinet Gorge Reservoir) with more restrictive bass regulations.

Statewide Management Plan:

This proposal conforms to management direction outlined in the Statewide Fisheries Management Plan Section 1.4.7 Illegal and Unauthorized Fish Introductions. This proposal also conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes

management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with the management direction for black bass in Section 1.6.2. The proposal also reflects management direction as outlined in Section 2.10 Lower Clark Fork River Drainage.

Public Engagement:

These regulation changes were scoped during the following public meetings: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

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PROPOSAL #11: Copper Mountain Park Pond, Western District, Region 2

Page 32 addition:

COPPER MOUNTAIN PARK POND (in Butte)

- *Open to fishing for anglers 14 years of age or younger and senior citizens 62 years of age or older.*
- *One rod per angler.*
- *One trout daily and in possession.*

Rationale:

This pond was first stocked in 2020 to give local kids a recreational opportunity after local sports leagues, camps, etc. were canceled due to COVID. Over the past several years, constituents have asked if it was a “kids fishing pond”, because other anglers were observed at the pond. The pond has no natural reproduction, is less than 1.5 acres and can hold very few fish. To maintain a quality fishing opportunity for children this pond needs a regulation that limits angling pressure. When the potential regulation was brought to the attention of the County Parks Department, they were supportive but indicated the pond was also being used by the local Veterans Home. Allowing Senior Citizens to fish the pond would allow the Veterans Home to continue to utilize the pond but still limit angling pressure on the small pond.

Regulation Type:

Relevancy
Sport fish opportunity

Statewide Management Plan:

This proposal is consistent with Chapter 1.5 Youth and Family Fishing in the Statewide Fisheries Management Plan. This proposal is also consistent with Section 1.4.2 Fishing Regulations: “Fishing regulations are intended to preserve, protect, and enhance fish populations while allowing public opportunity to catch and harvest fish.”

Public Engagement:

Management of this pond requires coordination with the county. The County Parks Department manages the property the pond is on. They also manage water in the pond for irrigation. The county is supportive of the regulation. The regulation proposal was also scoped at Anaconda Sportsmen’s May 2023 meeting and the May 2023 general membership meeting for George Grant Trout Unlimited. There was no feedback regarding the proposed change. Several members (including the president) of the Skyline Sportsmen were also at these meetings. The proposal was presented at a Region 2 Citizen Advisory Committee meeting.

Nonbiological Information:

None.

PROPOSAL #12: Echo Lake, Western District, Region 1

Page 33 delete:

~~ECHO LAKE (near Bigfork)~~

- ~~Spearing: Open for northern pike through the ice only. Daily limit of 2.~~

Rationale:

Echo Lake contains illegally introduced populations of northern pike and smallmouth bass that have the potential to adversely affect the popular largemouth bass and kokanee fisheries. There is no biological reason to protect northern pike with a two fish limit, as harvest of these fish will likely benefit the other sport fish fisheries.

Deletion of the “Spearing” language along with the proposed change to allow spearing through the ice in all western district lakes allows for additional spearing harvest for northern pike in Echo Lake.

Regulation Type:

Conservation, relevancy, opportunity: this change will increase opportunity for northern pike harvest. The restrictive regulation is not necessary on this unauthorized population. With the potential for increase in harvest of northern pike there could be an increase in sport fish conservation.

Statewide Management Plan:

This proposal conforms to management direction for in Section 2.3 Swan River Drainage. Strategies specifically for northern pike in Echo Lake: Provide liberal harvest regulations to benefit other sport fish populations in the lake. The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with the management direction for Section 1.6.15 Northern Pike.

Public Engagement:

This proposal was discussed at the following: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

The northern pike population is the result of an illegal fish introduction. However, the introduction occurred many years ago and the pike population is well established. The Unauthorized Placement of Fish ARM directs FWP to make efforts to remove illegally introduced fish, and this regulation change would be in compliance with the ARM.

PROPOSAL #13: Gold Creek, Western District, Region 2

Page 36 delete:

GOLD CREEK (tributary to Blackfoot River)

- Catch-and-release for cutthroat trout.
- Combined trout: 3 daily, only 1 rainbow trout over 14 inches, any size brown trout.
- Artificial lures only, including within 100-yard radius of the mouth.

Rationale:

This regulation change will remove a special regulation that is no longer warranted. The current restriction was enacted in 2008 in response to increasing fishing pressure and decreasing bull trout abundance in Gold Creek. When the regulation was enacted, annual redd counts for bull trout were less than three redds per year. Since the special regulation went into effect, the bull trout population has continued to decline. Annual spawning ground surveys have not documented redds from migratory bull trout spawning since 2017. Furthermore, electrofishing surveys completed throughout Gold Creek in 2015 and 2019 did not capture any bull trout. Collectively, these data suggest that bull trout are likely extirpated from the Gold Creek drainage. The special regulation did not elicit the intended response of “helping to ensure bull trout persistence,” so it is no longer biologically justified. Retaining the restriction within a 100-yard radius of the mouth will remain consistent with other bull trout congregation areas in the Blackfoot watershed and provide protections for bull trout that may use lower Gold Creek as thermal refugia.

Regulation Type:

Relevancy: the circumstances that justified the special regulation have changed. Therefore, the restriction is unnecessary. The proposed change will simplify the regulations and increase fishing opportunity by removing an unwarranted restriction.

Statewide Management Plan:

This proposal conforms to management direction in Section 2.7 Blackfoot River Drainage. The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. The proposal is also consistent with the management direction in Section 1.6.3 Bull Trout.

Public Engagement:

Feedback was solicited from Big Blackfoot Chapter of Trout Unlimited who were either in support of the change or had no concerns about the proposal. This regulation idea was discussed at a public meeting in Missoula and with the Region 2 Citizen Advisory Committee (CAC).

Nonbiological Information:

None.

PROPOSAL #14: Kootenai River, Western District, Region 1

Page 37 change:

KOOTENAI RIVER

Libby Dam to Idaho Border

- Bull trout: As per the District Standard Regulations, the Kootenai River is closed to angling for bull trout; any bull trout caught must be released promptly, with little or no delay.
- Brown trout: No limit. All brown trout caught between Libby Dam and Kootenai Falls must be killed immediately, kept, and the entire fish ~~turned~~ **presented** into FWP. Anglers who catch brown trout upstream of Kootenai Falls are required to report the catch to FWP within 24 hours (406-752-5501). Anglers may be asked to provide their full name, ALS number, phone number, date and time of capture, and location on the river. Anglers are required to ~~turn in~~ **present** the whole brown trout to a FWP office during regular business hours and within 10 days of capture. **Edible portions of the fish are returned to angler upon request.**
- ~~Burbot: Catch and release.~~

Rationale:

The changes to the brown trout regulations are to become consistent with current department policy.

The burbot regulation change is because hoop trapping data indicate burbot abundance is increasing, likely due to hatchery releases in Idaho moving upstream into the Montana portion of the river. The State of Idaho has reinstated a limited harvest fishery for burbot in the Idaho portion of Kootenai River.

Regulation Type:

Relevancy, opportunity: reinstate limited burbot harvest opportunity in response to increase in abundance.

Statewide Management Plan:

This proposal conforms to management direction outlined in Section 1.6.4 Burbot. This proposal also conforms to management direction outlined in Section 2.1 Kootenai River Drainage. Management direction includes: monitor population status and trend, identify hatchery contributions from conservation aquaculture stocking efforts in Idaho, and consider reinstating harvest based on population status. The proposal also conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders.

Public Engagement:

This proposal was discussed at: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

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PROPOSAL #15: Lake Koocanusa, Western District, Region 1

Page 38 delete:

LAKE KOOCANUSA

- ~~Rainbow Trout: Adipose clipped fish less than 22 inches must be released (see location of adipose fin on the Rainbow Trout color plate at the back of this booklet).~~
- Bull trout: Catch-and-release only (all bull trout must be released immediately). A Lake Koocanusa Bull Trout Catch Card must be in possession when fishing for bull trout. See bull trout under obtain a license for application information. It is unlawful to possess a live bull trout for any reason.
- Kokanee salmon: 50 daily and 100 in possession.

Rationale:

Hatchery Gerrard rainbow trout are no longer marked with an adipose fin clip beginning in 2020. The original purpose of the adipose clip regulation was to evaluate the contribution of the hatchery Gerrards to the trophy fishery.

Regulation Type:

Relevancy: Hatchery Gerrard rainbow trout are no longer adipose clipped prior to release.

Statewide Management Plan:

This proposal conforms to the management direction outlined in Section 2.1 Lake Koocanusa: Maintain put-grow-and-take for Gerrards with the same regulation to augment the trophy rainbow fishery and monitor recreational fishery all year including creel surveys and during derbies that target trophy trout to inform future management options. The proposal also conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders.

Public Engagement:

The proposal was discussed at the following: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #16: Lake Mary Ronan, Western District, Region 1

Page 39 change:

LAKE MARY RONAN

- Kokanee salmon: 10 daily and in 20 in possession.
- *Northern pike: no limit.*
- Spearing: open for northern pike.
- Northern Pike: all northern pike caught must be killed immediately, kept and the entire fish turned in to FWP. Anglers who catch northern pike in Lake Mary Ronan are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location on the lake. Anglers are required to turn in the whole northern pike to a FWP office within 10 days of capture during regular business hours. Edible portions of the fish may be returned to the angler upon request.

Rationale:

The catch, kill, submit regulation was necessary to collect information on northern pike that were illegally introduced in 2014. Following the introduction, pike were difficult to capture due to very low densities. This made evaluation of the population impossible. Of interest was whether pike were reproducing in the lake. This could be determined by analyzing otolith (ear bone) microchemistry. As a result of this regulation, it was determined that pike have established a reproducing population in Lake Mary Ronan. This regulation is therefore no longer necessary. Now the northern pike population can be monitored during standardized spring gillnet surveys, targeted spring gillnet surveys and Merwin trap netting in October.

All populations of northern pike in the Western District are results of unauthorized introductions. Unauthorized Introduction ARM 12.7.1501 to 12.7.1505 provide the purpose for and management actions because of these illegal introductions. A no limit regulation maximizes angling pressure on this species and disincentivizes additional illegal introductions. Lake Mary Ronan is an important brood lake for kokanee salmon, any action that may help reduce the northern pike population may help sustain the broodstock.

Regulation Type:

Relevancy: the regulation can be simplified since the existing language is no longer necessary.

Conservation: no limit of northern pike could help sustain yellow perch, kokanee, and trout.

Statewide Management Plan:

This proposal conforms to management direction in Section 2.4 Flathead River Drainage. The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal is also consistent with the management direction in Section 1.6.15 Northern Pike.

Public Engagement:

This proposal was discussed at: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

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PROPOSAL #17: Loon Lake, Western District, Region 1

Page 39 delete:

~~LOON LAKE (near Ferndale)~~

- ~~• Combined trout: 4 less than 12 inches and only 1 over 22 inches daily and in possession.~~

Rationale:

Loon Lake is a put-grow-and-take rainbow trout fishery dependent on FWP stocking. Rainbow trout are stocked as 1-year old fish (9 to 10 inch), and likely grow into the current slot during the first summer. Anglers catch very few fish over 20 inches. Angling from shore is popular with the public and a 4-H camp on the lake. Summer surface temperatures are very warm (over 75 degrees F) and releasing fish in the slot can result in poor post-release survival.

FWP conducted periodic gillnet sampling on Loon Lake between 2014 to 2022. Sinking and floating gillnets were set in deeper and shoreline areas of Loon Lake. Experimental mesh gillnets caught a total of 56 rainbow trout ranging in size from 294 to 520 millimeter (11.5 to 20.5 inch). Only one of these fish was small enough (under 12 inch) for an angler to keep, and none of the fish were large enough (over 22 inch) to keep under current regulations. The regulation is proposed to give anglers more opportunity to keep fish.

Regulation Type:

Relevancy, opportunity: based on survey data the restrictive regulation is no longer necessary and by eliminating the regulation it will increase harvest opportunity.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that "The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers." This proposal makes the regulation language clearer improving angler compliance and removes an unnecessary regulation.

Public Engagement:

This proposal was discussed at: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #18: Lost Lake (Eureka), Western District, Region 1

Page 39 change:

LOST LAKE (*near* Eureka)

- Open April 1 through November 30.
- Combined trout: 1 daily and in possession, 22-inch minimum.
- Artificial lures only.

Rationale:

Seasonal closure is not necessary. Lost Lake periodically winterkills so removing the seasonal closure provides additional opportunity for anglers to harvest fish in the eventuality that the fish do not survive winter.

Regulation Type:

Clarification: on location.

Relevancy, opportunity: The restrictive regulation is not necessary, removing the seasonal restriction increase angling opportunity.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer improving angler compliance. This proposal also conforms to management direction outlined in Section 2.1 Kootenai River Drainage.

Public Engagement:

The proposal was discussed during open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #19: Placid Lake, Western District, Region 2

Page 42 change:

PLACID LAKE

- Catch-and-release for bass.
- Kokanee salmon: 10 daily and 20 in possession.
- Snagging: open for kokanee salmon October 15 through December 31; 20 daily and 40 in possession.
- Northern Pike: no limit. All northern pike caught must be killed immediately, kept and the entire fish turned in *presented* to FWP. Anglers who catch northern pike in Placid Lake are required to report the catch to FWP within 24 hours (406-542-5500). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location on the lake. Anglers are required to *turn in present* the whole northern pike to a FWP office within 10 days of capture during regular business hours. Edible portions of the fish are returned to the angler upon request.

Rationale:

Regulation change to be consistent with current department policy.

Regulation Type:

Relevancy.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal clarifies the language based on current FWP policy.

Public Engagement:

The proposal was presented at a Region 2 Citizen’s Advisory Committee meeting and a public meeting in Missoula.

Nonbiological Information:

None.

PROPOSAL #20: Rattlesnake Creek, Western District, Region 2

Page 42 change:

RATTLESNAKE CREEK AND TRIBUTARIES (near Missoula)

Entire River-Creek

- Catch-and-release for cutthroat trout.
- Combined trout: 3 daily and in possession, only 1 rainbow trout over 14 inches, any size brown trout.
- Artificial lures only, including within 100-yard radius of mouth.

Downstream from the mouth of Beeskove Creek

Closed to fishing from the mouth of Beeskove Creek to 100 yards downstream of the former location of the Mountain Water Company Dam, *as posted.*

Rationale:

Mountain Water Company Dam on Rattlesnake Creek was removed in 2020. A new boundary for the closure is needed since the dam can no longer be used as a landmark. The closure was originally in place to protect Missoula's water supply (and then backup water supply) coming from the Rattlesnake drainage. Missoula no longer needs or anticipates needing the water supply from Rattlesnake Creek, but the angling closure was maintained to help conserve a small and now declining bull trout population. Bull trout are listed as threatened under the Endangered Species Act (ESA). Time is needed to develop a conservation strategy and determine what effects the dam removal will have on the population. Bull trout spawn and rear in about 4 miles of the creek below Beeskove Creek where the water is cold and move throughout the creek during the year. Bull trout are probably most susceptible to incidental catch during spawning or when concentrated in cooler waters in late summer – early fall. Disruption of spawning or excessive catch-and-release mortality could affect the population.

The former dam site will be used as the new closure boundary to be consistent with the current regulation. The location will be identified by posting one or more signs.

Regulation Type:

Enforcement: clarification of landmark.

Conservation: conservation of ESA listed bull trout.

Relevancy: current landmark in regulations no longer exists.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that "The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers." This proposal provides updates to the language based on current landmarks.

Public Engagement:

Numerous members of the public, sport\conservation groups, and public agencies have been involved in habitat and fishery management of Rattlesnake Creek. The dam removal, the creek's location in Missoula, the presence of a native bull trout population, and the popularity of the National Recreation Area have maintained the discussion and focus on how to manage the fishery. Groups involved include Westslope Chapter and Montana Trout Unlimited, Hellgate Hunters and Anglers, City of Missoula, U.S. Forest Service, and U.S. Fish & Wildlife Service. This regulation idea was discussed at a public meeting in Missoula and with the Region 2 Citizen Advisory Committee (CAC).

Nonbiological Information:

With the need to redefine the boundary of the closure, the primary debate is balancing angling opportunity with protection of bull trout. There is interest to maintain the current closure section and to reduce its length. Area landowners and homeowners have also raised concerns related to increased public use and conflict between anglers and other recreational users.

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PROPOSAL #21: Smith Lake, Western District, Region 1

Page 43 change:

SMITH LAKE (near Kalispell)

- Yellow perch: no limit, only 10 daily over 10 inches. No possession limit.
- *Northern pike: no limit*
- *Northern pike: 50 daily and 100 in possession.*

Rationale:

A 50 fish limit on northern pike in Smith Lake is inconsistent with other lakes where pike suppression is the management goal. A no limit regulation is consistent with Bull Lake regulations. This regulation change is not anticipated to impact harvest rates but will simplify fishing regulations.

Regulation Type:

Clarification, simplification.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer improving angler compliance. This proposal also conforms to management direction outlined in Section 2.4 Flathead River Drainage and with management direction in Section 1.6.15 Northern Pike.

Public Engagement:

The proposal was discussed at: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #22: South Fork Flathead River, Western District, Region 1

Page 44 change:

SOUTH FORK FLATHEAD RIVER

Hungry Horse Dam downstream to Devil's Elbow mouth and tributaries

~~Closed entire year.~~

Devil's Elbow downstream to mouth and tributaries.

- Catch-and-release for Cutthroat Trout.
- Rainbow Trout: 5 daily and in possession.
- Extended season open December 1 to third Saturday in May with artificial lures and/or maggots only.

Rationale:

Hungry Horse Dam was constructed in 1953 and represents an upstream migration barrier to all fish species in the downstream Flathead River (South and Middle Forks). The reach of stream below Hungry Horse Dam does not contain spawning and rearing habitat for native or sensitive fish species. Snorkel surveys reveal a diverse fish assemblage below the dam including native and non-native sport fish. The existing closure of this reach has no biological rationale, but rather was likely implemented as a safety measure. The canyon downstream of the dam is very deep and the water is very swift. Angling opportunities are limited, but the closure is not biologically justified. Enforcement has had issues with ticketing anglers for a safety precaution while kayakers and swimmers are using the same area.

Regulation Type:

Relevancy: based on survey information and input from Enforcement this regulation is no longer necessary.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that "The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers." This proposal makes the regulation language clearer improving angler compliance.

Public Engagement:

This proposal was discussed at: open house Kalispell 5/9/2022, open house Thompson Falls 5/10/2022, open house Libby 5/19/2022, CAC meeting Region 1 5/17/2022, Flathead Wildlife Inc. 5/25/2022, letters of invitation with discussion points and request for comment/proposals to Walleyes Unlimited Kalispell, Trout Unlimited Kalispell, Backcountry Hunters and Anglers.

Nonbiological Information:

None.

PROPOSAL #23: Stillwater River, Western District, Region 1

Page 44 change:

STILLWATER RIVER AND TRIBUTARIES (Flathead River drainage)

- Open entire year from mouth of Sunday Creek to **lower Stillwater Lake confluence with Flathead River.**

Rationale:

The fishery in the Stillwater River downstream of Lower Stillwater Lake is primarily comprised of nongame and non-native fish species. Salmonids, native and non-native, do use this stretch of river but abundance is low and there is no spawning habitat. Anglers in this section of river will likely target northern pike, trout, and nongame native minnows.

Regulation Type:

Relevancy.

Statewide Management Plan:

This proposal conforms to management direction outlined Section 2.4 Flathead River Drainage. Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer, improving angler compliance. This proposal is also consistent with the management direction in Section 1.6.15 Northern Pike.

Public Engagement:

This proposal was included in a scoping meeting on 5/16/2023 at the Kalispell Regional Office. There was no opposition to the possibility and positive comments from the attending public.

Nonbiological Information:

Several anglers have expressed interest in northern pike fishing on this portion of the river prior to the third Saturday in May.

PROPOSAL #24: Whitefish River, Western District, Region 1

Page 48 change:

WHITEFISH RIVER

- Open entire year from Whitefish Lake to **State Highway 40 Bridge confluence with Stillwater River.**

Rationale:

The fishery in the Whitefish River downstream of the Highway 40 bridge is primarily comprised of nongame and non-native fish species. Salmonids, native and non-native, do use this stretch of river but abundance is low. Anglers in this section of river will likely target northern pike, trout, and nongame native minnows.

Regulation Type:

Relevance.

Statewide Management Plan:

This proposal conforms to management direction outlined in Section 2.4 Flathead River Drainage. Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer, improving angler compliance. This proposal is also consistent with management direction in Section 1.6.15 Northern Pike.

Public Engagement:

This proposal was included in a scoping meeting on 5/16/2023 at the Kalispell Regional Office. There was no opposition to the possibility and positive comments from the attending public.

Nonbiological Information:

Several anglers have expressed interest in northern pike fishing on this portion of the river prior to the third Saturday in May.

PROPOSAL #25: Bait Regulations, Central Fishing District

Pages 50 and 51 change:

Bait Regulations

- *Live fish may not be used as bait in the Central Fishing District unless the waterbody is listed under the "Live Bait" section below.*
- Game fish, including yellow perch, may not be used as bait except as authorized below under "Dead Bait." See "Game Fish" in definitions (page 5) for complete list of game species.
- It is unlawful to release live bait of any kind into Montana waters; do not empty any live bait containers at your fishing site.
- Collection methods: Non-game fish may be taken for use as live bait in the following manner:
 - with hook and line; or
 - with seines no larger than 12 feet x 4 feet; or
 - with minnow traps (the dimensions shall not exceed 24 inches x 12 inches x 12 inches); or
 - with cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet x 3 feet).
- See "Dead Bait" and "Live Bait" sections below for details on possession and use of non-game bait fish.
- Collection Locations: Non-game fish for use as live bait may be taken from waters where live fish may be used as bait (see water list under "Live Bait"). Non-game fish may be collected from water open to angling in the Central District but must be ~~dead before transporting~~ *killed upon collection and may not be used as live bait.*
- *On waters in the Central Fishing District that do not allow the use of live bait fish, possession of live bait fish is prohibited, except for commercial bait seiners when using a commercial bait seining permit while collecting fish on approved commercial bait seining waters.*
- On waters within the Central Fishing District that do not allow the use of live bait and are not restricted to artificial flies and lures, Sculpins (*genus Cottus*) may be collected and used as dead bait. Collection screens or nets may not exceed four (4) feet in length on any side. Sculpins must be killed immediately upon collection and may not be used as live bait. [Note: Sculpins (*genus Cottus*) may not be used for bait in the Western Fishing District.
- All unattended fishing devices (crayfish traps, minnow traps, fish traps, setlines, etc.) must have the angler's name and phone number or name and individual identifying number issued by the department attached.
- Areas within the Central Fishing District that have been identified as contaminated with Eurasian watermilfoil have additional bait restrictions as described below.

Dead Bait

- Non-game fish (see "Collection methods" above) that are freshly killed or have been preserved by freezing, salting, or pickling may be used as bait on all waters not restricted to artificial lures only. Heads and entrails of non-game fish may also be used as bait.
- Whole game fish may not be used as bait. Parts/pieces of bass, burbot (ling), channel catfish, crappie, northern pike, paddlefish, sauger, shovelnose sturgeon, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- The eggs of Salmonids (char, cisco, Arctic grayling, salmon, or trout) may be used as bait. Other parts/pieces of *Salmonids* may not be used as bait.

Live Bait

- **Live fish may not be used as bait in the Central Fishing District unless the waterbody is listed under the “Live Bait” section below.**
- Live bait may not be imported into Montana, except by permit for use in Bighorn Lake and Afterbay Reservoir.
- Bait fish collected in the Bighorn River drainage of Wyoming may be imported under a permit issued by FWP for use only in Bighorn Lake. For a permit, contact the FWP Fisheries Division at 2300 Lake Elmo Drive, Billings, MT 59105, or call (406) 247-2940.
- Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians, and insects may be used as bait on all waters not restricted to artificial lures only. Transport of invasive species is unlawful.
- Leeches may only be imported into Montana from FWP-approved leech dealers. Anglers who import leeches must have in their possession a bill-of-sale (a receipt) from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.
- Non-game fish species that may be collected and possessed and used as live bait in the Central Fishing District include only the following: fathead minnow, flathead chub, western silvery minnow, plains minnow, emerald shiner, longnose dace, lake chub, creek chub, longnose sucker, and white sucker. All other non-game fish species (not listed above) must be released immediately at the collection site or killed prior to transporting away from the collection site (see “Dead Bait” page 50). See pages 87-88 for live bait fish identification. Be proactive, bait fish that cannot be positively identified should not be used as live bait.
- The non-game fish species listed above may be used as live fish bait only in the following waters:
 - Bighorn Lake and Afterbay Reservoir
 - Bighorn River – Afterbay Dam to the cable 600 feet downstream, and downstream from the Bighorn FAS
 - Clarks Fork Yellowstone River and tributaries, except the Rock Creek drainage – downstream from the bridge at Bridger
 - Marias River and tributaries downstream from I-15
 - Missouri River downstream from Morony Dam
 - Muddy Creek drainage near Vaughn, including all streams and drainage canals
 - Teton River and tributaries downstream from I-15
 - Tiber Reservoir (Lake Elwell), Toole and Liberty counties
 - Yellowstone River and all streams and ditches in the drainage downstream from the mouth of the Clarks Fork (except the section of the Bighorn River between the cable 600 feet downstream from Afterbay Dam and the Bighorn FAS).

Rationale:

The modifications above were suggested by Enforcement staff to increase clarity of the Central District bait regulations.

Regulation Type:

Clarification.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer improving angler compliance.

Public Engagement:

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and hosted a public meeting in Great Falls on May 24, 2022, where staff scoped the proposed change with meeting participants. No opposition was received for the concept of the modifications to improve clarity.

Nonbiological Information:

None.

DRAFT

PROPOSAL #26: Spearing, Central and Eastern Fishing District

Page 50 change:

Submerged Spearing: In all waters open to fishing, non-game fish may be taken with rubber or **spring pneumatic** propelled spears by persons swimming or submerged. Game fish species may be taken with rubber or **spring pneumatic** propelled spears by persons swimming or submerged but only from designated waters. **Spearing may be used through the ice for designated species in designated waters.**

Ice Spearing: **Spearing may be used through the ice for designated species in designated waters.**

Page 74 change:

Submerged Spearing: In all waters open to fishing, non-game fish, northern pike, burbot (ling), walleye and whitefish may be taken with rubber or **spring pneumatic** propelled spears by persons swimming or submerged. **Spears or gigs may be used through the ice for non-game fish, Northern Pike, Walleye, Sauger and Burbot (Ling).**

Ice Spearing: **Spears or gigs may be used through the ice for non-game fish, northern pike, walleye, sauger and burbot (ling).**

Rationale:

No biological impacts are expected.

Submerged spearing was not included in the Western District Standard because that regulation would put boat anglers and submerged spearers in direct conflict. Most lakes in Northwest Montana that have northern pike are not large and have limited habitat to effectively find northern pike. Additionally, they contain other targeted recreational species. Submerged spearers will undoubtedly disrupt angling for recreational species other than the northern pike where they are spearing (bass, yellow perch, trout). Spearing through ice includes technical and time-consuming operations to cut the hole and set up the tent, hence that technique is generally not mobile.

Regulation Type:

Clarification, relevancy: the proposed language clarifies the definitions.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal makes the regulation language clearer improving angler compliance.

Public Engagement:

Scoped extensively during 2022. No concerns were raised by the public.

Nonbiological Information:

None.

DRAFT

PROPOSAL #27 Beaverhead River, Central District, Region 3

Page 53 change:

BEAVERHEAD RIVER

Entire River

- *Catch-and-release for rainbow trout.*
- Brown trout: 5 fish daily and in possession. All fish must be less than 18"; see exceptions below.
- *Artificial lures and single-pointed hooks only. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*

Clark Canyon Dam to High Bridge FAS

- *Catch-and-release only for brown trout.*
- *Artificial lures and single-pointed hooks only. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*

Clark Canyon Dam to Pipe Organ Bridge

- Open third Saturday in May through *September 30.*

High Bridge FAS to Henneberry FAS

- Closed to float fishing by nonresidents and float outfitting on each Saturday from the third Saturday in May through Labor Day.

Henneberry FAS to Pipe Organ Bridge

- Closed to float fishing by nonresidents and floating outfitting on each Sunday from the third Saturday in May through Labor Day.

Barrets Diversion to the mouth

- *Open April 1 through September 30.*
- *Brown trout: Catch-and-release only.*

Highway 91 South Bridge (Tash Bridge) to Selway Bridge

- Closed to float outfitting from the third Saturday in May through Labor Day.

Rationale:

The proposed regulation changes are directly responsive to the biology and abundance of trout populations in the Beaverhead River and will help inform upcoming studies by Montana State University. They update the current regulations that were adjusted in June of this year.

Rainbow trout harvest is proposed to change from one fish daily to catch-and-release because of their limited distribution near Clark Canyon Dam, near historically low abundances the past five years, and a

population skewed towards old, large fish (about 50% are over 18") that has lower than normal recruitment.

Brown trout harvest is proposed to only include fish less than 18" to protect age-4 and older fish in the spawning population and focus harvest on pre-spawning age classes (age-2 and 3) that have a negative effect on the survival of post-spawn brown and rainbow trout. The standard Central District limit of 5 fish daily and in possession would apply unless otherwise specified. Combined with the below, this would allow harvest of brown trout less than 18" in 13.7 miles of the Beaverhead River that presently has above average brown trout abundances.

The long-standing closure between Clark Canyon Dam and Pipe Organ Bridge would be changed to begin on October 1 instead of November 1. Over the coming biennial cycle, overwinter releases are expected to drop from 600-800 cfs during the irrigation season to the minimum allowed flow of 25 cfs on October 1, making highly concentrated brown and rainbow trout vulnerable to stress-induced mortality associated with angling during the ongoing extreme drought. Brown trout in the Beaverhead River begin spawning in late October and rainbow trout in late March, with eggs in the gravel and susceptible to trampling until the third Saturday in May. The 8-mile reach in question supports between 200 and 500 trout redds per mile while the remaining 8 miles of the upper Beaverhead River has between 0 and 100 redds per mile.

Catch-and-release for brown trout and artificial lures and single pointed hooks is proposed to be retained in the upper 1.7 miles of the Beaverhead River because 1) monitoring indicates most fish there are greater than 18" and would be subject to catch-and-release and 2) retaining restrictive gear regulations in this reach will allow statistical comparison of different regulations.

Between Barrett's Diversion and the mouth, catch-and-release only for brown trout and a spawning closure from October 1 to April 1 is proposed because of abundances below the 5th percentile of the long-term dataset. Combined with the above, this would require catch-and-release for brown trout in 68.3 miles of the Beaverhead River.

The populations will continue to be monitored and future regulation proposals will be made based on biological assessment.

Regulation Type:

Conservation, relevancy: provides for sport fish conservation and a diversity in angling opportunities.

Statewide Management Plan:

This proposal conforms to management direction outlined in the adaptive management plan for the Beaverhead River in Section 2.13 of the Statewide Fisheries Management Plan.

Public Engagement:

The proposed regulation changes were included as part of scoping in the 2022 adaptive management plan for the river. Scoping meetings were held with the Region 3 Citizen Advisory Committee, George Grant Trout Unlimited, Chuck Robbins Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Club, Beaverhead Outdoors Association, Fishing Outfitters Association of Montana, Montana Trout Unlimited, Big Hole Watershed Committee, Beaverhead Watershed Committee, Big Hole River

Foundation, Ruby Valley Strategic Alliance, Ruby Valley Conservation District, Beaverhead Conservation District, Mile High Conservation District, Clark Canyon Joint Irrigation Board, and the Ruby Valley Water Users Association. The adaptive management plan and the associated regulation proposals were generally well-supported, although concerns were raised over the dates associated with spawning closures. As part of the adaptive management strategy, the public also generally supported implementing less restrictive fishing regulations once the population improves, and abundances increase to levels near long-term averages.

The regulations (catch-and-release, artificial lures, and single hooks only) in the upper 1.7 miles of the Beaverhead River have not been scoped with the public and were added to facilitate data collection and statistical comparison of different gear types and regulations.

Nonbiological Information:

None.

DRAFT

PROPOSAL #28: Big Hole River, Region 3

Page 55 change:

BIGHOLE RIVER
Entire river
<ul style="list-style-type: none">Catch-and-release for Arctic grayling.
Headwaters to Dickie Bridge
<ul style="list-style-type: none">Combined trout: 5 daily and in possession, no size restriction.
Dickie Bridge to the Mouth <i>Brownes Bridge FAS</i>
<ul style="list-style-type: none">Open April 1 through Sept. 30.Catch-and-release only.Artificial lures <i>only and single pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.</i>
<i>Brownes Bridge FAS to the Mouth</i>
<ul style="list-style-type: none"><i>Open April 1-Sept. 30.</i><i>Catch-and-release only.</i>

Rationale:

The proposed regulation changes are an update to changes that were made in June 2023. The changes are in direct response to the emergency conditions on the Big Hole and will help inform upcoming studies by Montana State University.

Brown trout abundance is at an all-time low and rainbow trout abundance has also recently declined. When combined, the total trout abundance is the lowest since records began in 1969. Therefore, the proposal is for catch and release only for all trout downstream of Dickie Bridge.

Dickie Bridge to Brownes Bridge FAS: artificial lures only. This section has been artificial lures only since the mid-1980s. The public has been supportive of keeping these regulations in place. Having a section of the river remain artificial lures only also allows the evaluation of fish mortality compared to the section downstream that has no gear restrictions.

Dickie Bridge to Brownes Bridge and Brownes Bridge to the mouth: open from April 1 through Sept 30. This regulation is intended to protect spawning brown trout from the potential impacts of angling and protect incubating brown trout eggs from the potential impacts of trampling. It is recommended only when trout abundances are below objective.

Population monitoring will continue on these waters and any future department regulation proposals will be made based on biological data.

Regulation Type:

Conservation, relevancy: provides for sport fish conservation and a diversity in angling opportunities.

Statewide Management Plan:

This proposal conforms to management direction outlined in the adaptive management plan for the Big Hole River in Section 2.14 of the Statewide Fisheries Management Plan.

Public Engagement:

The proposed regulation changes were included as part of scoping in the 2022 adaptive management plan for the river. Scoping meetings were held with the Region 3 Citizen Advisory Committee, George Grant Trout Unlimited, Chuck Robbins Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Club, Beaverhead Outdoors Association, Fishing Outfitters Association of Montana, Montana Trout Unlimited, Big Hole Watershed Committee, Beaverhead Watershed Committee, Big Hole River Foundation, Ruby Valley Strategic Alliance, Ruby Valley Conservation District, Beaverhead Conservation District, Mile High Conservation District, Clark Canyon Joint Irrigation Board, and the Ruby Valley Water Users Association. The adaptive management plan and the associated regulation proposals were generally well-supported, although concerns were raised over the dates associated with spawning closures. As part of the adaptive management strategy, the public also generally supported implementing less restrictive fishing regulations once the population improves, and abundances increase to levels near long-term averages.

Nonbiological Information:

None.

PROPOSAL #29: Clark Canyon Reservoir, Central District, Region 3

Page 59 add:

CLARK CANYON RESERVOIR

- Burbot (ling): 3 over 23 inches daily and in possession.
- Combined trout: 3 daily and in possession.

Clark Canyon Reservoir un-named spring channels (south end of reservoir)

- *Open third Saturday in May through November 30.*

Rationale:

Otolith microchemistry work used to assign hatchery or wild origin to Clark Canyon Reservoir rainbow trout indicated 50 to 100% were wild fish spawned in tributaries; the average wild contribution by sampling year was 73% and by cohort was 75%. FWP annually stocks between 250,000 and 350,000 rainbow trout in the Clark Canyon Reservoir.

Recruitment of rainbow trout to Clark Canyon Reservoir is uneven among years and there has been increased angler effort targeting spawning fish in tributaries to the reservoir. Seasonally closing areas where rainbow trout spawn is intended to improve recruitment of wild fish and overall abundance of rainbow trout in the reservoir fishery by reducing harvest and catch-and-release mortality of adult fish and angler redd trampling mortality of embryos. This regulation is also intended to improve wild brown trout abundances in Clark Canyon Reservoir by providing protection during brown trout spawning season. The Red Rock River is already closed during spawning periods but several of adjacent un-named spring tributaries where spawning fish concentrate are presently open during spawning and are seasonally targeted by anglers.

Regulation Type:

Conservation: sport fish conservation by restricting fishing during spawning seasons in sensitive locations.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal conforms to management direction outlined in Section 2.11 the Red Rock River Drainage by “enhancing the wild rainbow trout fishery” in Clark Canyon Reservoir with an angling regulation that “protects wild spawning fish.”

Public Engagement:

The proposed regulation changes were scoped during meetings with the Region 3 Citizen Advisory Committee, George Grant Trout Unlimited, Chuck Robbins Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Club, Beaverhead Outdoors Association, Fishing Outfitters Association of Montana, Montana Trout Unlimited, Beaverhead Watershed Committee, Big Hole Watershed Committee, Big Hole River Foundation, Ruby Valley Strategic Alliance, Ruby Valley Conservation District,

Beaverhead Conservation District, Silverbow-Mile High Conservation District, Clark Canyon Joint Irrigation Board, and the Ruby Valley Water Users Association, which encompassed between 100 and 200 individuals and included state legislators and county commissioners.

There was good support for the proposed regulations during the meetings. No changes were suggested during the public scoping process.

Nonbiological Information:

None.

DRAFT

PROPOSAL #30: Crystal Lake, Central District, Region 4

Page 59 add:

CRYSTAL LAKE (Fergus County)

- March 1 through August 31 – Central District Standard Daily and Possession limits.
- September 1 through February 28 – Trout: no limit.

Rationale:

Crystal Lake is a popular summer camping and fishing destination that is annually stocked with approximately 1,000 rainbow trout. Summer anglers enjoy the opportunity that is created by the annual stocking effort, however as water levels drop in Crystal Lake, environmental conditions deteriorate, and rainbow trout do not survive the low water conditions. Intent of the proposed change is to allow anglers to harvest the fish that remain in Crystal Lake after the summer fishing season has concluded. Fish that are not removed by anglers are not expected to survive.

Regulation Type:

Other: provides more harvest opportunity prior to poor conditions for survival.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “Fishing regulations are intended to preserve, protect, and enhance fish populations while allowing public opportunity to catch and harvest fish.” Stocked fish are not expected to survive Crystal Lake habitat conditions, and this proposal allows opportunity to catch and harvest fish that will not survive until next fishing season.

Public Engagement:

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and hosted a public meeting in Great Falls on May 24, 2022, where staff scoped the proposed change with meeting participants. No opposition was received for the concept of removing rainbow trout harvest restrictions from September 1 through February 28.

Nonbiological Information:

None.

PROPOSAL #31: Elk Springs Creek, Central District, Region 3

Page 60 change:

ELK SPRINGS CREEK (Red Rock Lakes National Wildlife Refuge)

- ~~Closed to angling from May 15 to June 15.~~
- *Open entire year except May 1 through June 14.*
- Artificial lures only.

Rationale:

The proposed change increases protection for grayling, which are in decline and susceptible to angling during spawning season. Arctic grayling abundances and distributions in the Centennial Valley are near historical lows. The proposed spawning closure minimizes angling effects when grayling are most vulnerable, which will help achieve the conservation goals outlined in the Statewide Fisheries Management Plan and the Upper Missouri River Arctic Grayling Conservation Strategy.

Regulation Type:

Clarification, conservation.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” The proposal is intended to increase consistency between spawning closures for Arctic grayling in adjacent streams. Long-term, self-sustaining persistence of conservation populations is identified as the main goal for Arctic grayling in the upper Missouri River Basin in Section 1.6.1 Arctic Grayling and is consistent with the Upper Missouri River Arctic Grayling Conservation Strategy. The proposal is also consistent with management objectives in Section 2.11 Red Rock River Drainage.

Public Engagement:

No scoping or outreach has been conducted.

Nonbiological Information:

None.

PROPOSAL #32: Ferguson Lake, Central District, Region 3

Page 60 add:

FERGUSON LAKE (Big Hole drainage):

- *Combined trout: 2 daily and in possession.*

Rationale:

Ferguson Lake is a mountain lake accessible via a short 1.5-mile trail that has been expanded to include ATV's, side-by-sides, and other motorized vehicles. The expansion of the trail has led to individuals bringing more boats to the lake. For a mountain lake, the lake is extremely productive and has the potential to grow trophy sized fish. It is stocked on a 4-year cycle by helicopter. The heavy fishing pressure the lake is now receiving is limiting the number of fish that survive to 4 and 5 years old. Netting data suggest that few westslope cutthroat trout survive to recruit to older age classes in Ferguson Lake where in other lakes stocked westslope cutthroat trout readily survive to age 6. An age 3 cutthroat in Ferguson Lake is between 14 and 18 inches long. This proposed regulation would hopefully limit harvest and allow a portion of the stocked fish to survive to ages 4, 5 and 6 and reach trophy size while still allowing anglers to keep fish for consumption.

Regulation Type:

Conservation: sport fish conservation, this proposed change should improve the quality of the sport fishery.

Statewide Management Plan:

This proposal conforms to management direction outlined in Section 2.14 Big Hole River Drainage.

Public Engagement:

The proposed regulation changes were scoped during meetings with Skyline Sportsmen Association (Butte), Anaconda Sportsmen Club, and Big Hole Watershed Committee and various anglers that are known to frequent the lake for fishing.

Favorable support was given at all public meetings.

Nonbiological Information:

During public meetings concern was strongly expressed for travel management changes by the Forest Service at the lake.

PROPOSAL #33: Pelican Point Pond #1, Central District, Region 4

Page 68 delete:

PELICAN POINT POND #1 (largest pond on Pelican Point FAS near Cascade)
• Northern Pike: no limit.

Rationale:

The Pelican Point Pond exception to the Central District standard; northern pike: no limit, was implemented in response to northern pike detection in Pelican Point Pond. The detection was a result of an illegal introduction. Efforts to eradicate northern pike from Pelican Point Pond appear to have been successful. Annual fisheries surveys from 2017 through 2022 have not detected a northern pike. Based on the surveys, staff believe pike have been eradicated therefore the Pelican Point Pond exception to the Central District standard, northern pike: no limit, is not biologically necessary.

Regulation Type:

Relevancy: regulation is no longer relevant.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal simplifies the regulations by removing a regulation that is no longer necessary.

Public Engagement:

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and hosted a public meeting in Great Falls on May 24, 2022, where staff scoped the proposed change with meeting participants. No opposition was received for the concept of removing the special regulation during any of the three meetings.

Nonbiological Information:

None.

PROPOSAL #34: Red Rock River, Central District, Region 3

Page 68 add:

RED ROCK RIVER

Lima Dam to Clark Canyon Reservoir *and all un-named spring tributaries*

- Open third Saturday in May through the end of November 30.
- Combined trout: 3 daily and in possession, only 1 over 18 inches.

Rationale:

Otolith (ear bone) microchemistry work used to assign hatchery or wild origin to Clark Canyon Reservoir rainbow trout indicated 50 to 100% were wild fish spawned in tributaries; the average wild contribution by sampling year was 73% and by cohort was 75%. FWP annually stocks between 250,000 and 350,000 rainbow trout in the Clark Canyon Reservoir.

Recruitment of rainbow trout to Clark Canyon Reservoir is uneven among years and there has been increased angler effort targeting spawning fish in tributaries to the reservoir. Seasonally closing areas where rainbow trout spawn is intended to improve recruitment of wild fish to the population. This regulation is also intended to improve wild brown trout abundances in Clark Canyon Reservoir by providing protection during brown trout spawning season. The Red Rock River is already closed during spawning periods but several of its un-named spring tributaries where spawning fish concentrate are presently open during spawning and are seasonally targeted by anglers.

Regulation Type:

Conservation: conservation action for sport fish.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal conforms to management direction outlined in the Section 2.11 Red Rock River Drainage by “enhancing the wild rainbow trout fishery” in Clark Canyon Reservoir with an angling regulation that “protects wild spawning fish.”

Public Engagement:

The proposed regulation changes were scoped during meetings with the Region 3 Citizen Advisory Committee, George Grant Trout Unlimited, Chuck Robbins Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Club, Beaverhead Outdoors Association, Fishing Outfitters Association of Montana, Montana Trout Unlimited, Beaverhead Watershed Committee, Big Hole Watershed Committee, Big Hole River Foundation, Ruby Valley Strategic Alliance, Ruby Valley Conservation District, Beaverhead Conservation District, Silverbow-Mile High Conservation District, Clark Canyon Joint Irrigation Board, and the Ruby Valley Water Users Association, which encompassed between 100 and 200 individuals and included state legislators and county commissioners.

There was good support for the proposed regulations at all the public meetings. No changes were suggested during the public scoping process.

Nonbiological Information:

None.

DRAFT

PROPOSAL #35: Ruby River Reservoir, Central District, Region 3

Page 68 add:

RUBY RIVER RESERVOIR

Ruby River Reservoir tributaries (Garden, Peterson, Barton Gulch, and Davey creeks).

- ◆ ***Open third Saturday in May through November 30.***

Rationale:

Otolith (ear bone) microchemistry work used to assign hatchery or wild origin to Ruby Reservoir Rainbow Trout indicated 44 to 100% were wild fish spawned in the upper Ruby River and tributaries; the average wild contribution by sampling year was 75% and by cohort was 78%. FWP annually stocks between 55,000 and 65,000 rainbow trout in the Ruby Reservoir.

Recruitment of rainbow trout to the Ruby Reservoir is uneven among years and there has been increased angler effort targeting spawning fish in tributaries to the reservoir. Seasonally closing areas where rainbow trout spawn is intended to improve recruitment of wild fish to and overall abundance of rainbow trout in the reservoir fishery by reducing harvest and catch-and-release mortality of adult fish and angler redd trampling mortality of embryos. This regulation is also intended to improve wild brown trout abundances in Ruby Reservoir by providing protection during brown trout spawning.

Regulation Type:

Conservation: sport fish conservation.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal conforms to management direction outlined in Section 2.12 Ruby River Drainage by “protecting wild spawning fish” that support the Ruby Reservoir rainbow trout fishery.

Public Engagement:

The proposed regulation changes were scoped during meetings with the Region 3 Citizen Advisory Committee, George Grant Trout Unlimited, Chuck Robbins Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Club, Beaverhead Outdoors Association, Fishing Outfitters Association of Montana, Montana Trout Unlimited, Beaverhead Watershed Committee, Big Hole Watershed Committee, Big Hole River Foundation, Ruby Valley Strategic Alliance, Ruby Valley Conservation District, Beaverhead Conservation District, Silverbow-Mile High Conservation District, Clark Canyon Joint Irrigation Board, and the Ruby Valley Water Users Association, which encompassed between 100 and 200 individuals and included state legislators and county commissioners.

There was good support for the proposed regulations at all the public meetings. No changes were suggested during the public scoping process.

Nonbiological Information:

None.

DRAFT

PROPOSAL #36: Shields River, Central District, Region 3

Page 69 change:

SHIELDS RIVER

Entire River

- Smallmouth bass: All smallmouth bass caught must be killed immediately, kept and the entire fish ~~turned in~~ *presented to* FWP. Anglers who catch smallmouth bass in the Shields River are required to report the catch to FWP within 24 hours (406-577-7900). Anglers will be asked to provide location, date, and time of capture and may be asked to provide their full name, ALS number, and phone number. Anglers are required to ~~turn in~~ *present* the whole smallmouth bass to a FWP office within 10 days of capture (frozen is allowed) during regular business hours. *Edible portions of the fish are returned to the angler upon request.*

Rationale:

Regulation change to be consistent with current department policy.

Regulation Type:

Relevancy.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal clarifies the language based on current department policy.

Public Engagement:

This change has not been scoped with the public.

Nonbiological Information:

None.

PROPOSAL #37: Wise River, Central District, Region 3

Page 72 add:

WISE RIVER

Entire River

- *Catch-and-release for Arctic grayling.*
- *Combined trout: 2 daily and in possession.*

Rationale:

The Wise River is a cold and relatively sterile tributary to the Big Hole River. Because of its large size and the volume of cold water it delivers to the Big Hole River, it is an important tributary stream and migratory fish from the Big Hole are known to use it for spawning and rearing. In the lower reaches of the river, rainbow trout are the dominant trout followed by brook trout with only a few brown trout. In the upper reaches (from Lacy Creek upstream) the fishery is dominated by brook trout with a few cutthroat-rainbow hybrids and even fewer brown trout. Mountain whitefish, burbot, longnose sucker and Arctic grayling are also present throughout the river. Rainbow trout abundance ranges from 850 per mile in the lower river to 56 per mile in the upper river (average length 8.4-inches). Brook trout abundance ranges from 640 to 1,770 per mile from the lower to the upper river (average length 7.2 inches). Annual monitoring of the Wise River trout population is not conducted so it is unclear if there is a declining trend in adult trout abundance. Recent angling pressure data on the Wise River suggests that it supports approximately 3,100 angler days per year (Big Hole River supports 128,000 angler days per year). There is no data available for fish harvest on the Wise River. Although there is limited trend data on the Wise River, its low productivity warrants a lower limit for brown, rainbow, and cutthroat trout. Additionally, brown trout numbers are significantly below the long-term average in the Big Hole River and the Wise River is used by Big Hole River fish for spawning. Reducing the brown trout limit on the Wise River could potentially benefit the brown trout population in the Big Hole. It would be prudent to maintain the current district standard of 20 brook trout because this species is the most common and abundant in the upper watershed and reducing harvest could lead to additional stunting of all trout in the upper river. The catch-and-release regulation for Arctic grayling will provide this species of special concern additional protection.

Regulation Type:

Conservation: sport fish and native fish conservation.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. This proposal conforms to management direction outlined in Section 2.14 Big Hole River Drainage through an angling regulation that proposes to “maintain present numbers and sizes” of wild trout in the Wise River while limiting harvest of brown trout. This proposal is also consistent with management direction in Section 1.6.1 Arctic Grayling.

Public Engagement:

This proposed regulation change was submitted by a member of the public. The Wise River has limited data but, the consensus is that this proposal could provide some additional protection for both the sport fish and native fish in the system.

Nonbiological Information:

None.

DRAFT

PROPOSAL #38: Yellowstone River, Central District, Region 5

Page 72 change:

YELLOWSTONE RIVER

Yellowstone National Park Boundary to Pine Creek Bridge

- Catch-and-release for cutthroat trout.

Yellowstone National Park Boundary to Springdale Bridge FAS

- Smallmouth bass: All smallmouth bass caught must be killed immediately, kept and the entire fish **turned presented in** to FWP. Anglers who catch smallmouth bass in the Yellowstone River above Springdale Bridge FAS are required to report the catch to FWP within 24 hours (406-577-7900). Anglers will be asked to provide location, date, and time of capture and may be asked to provide their full name, ALS number, and phone number. Anglers are required to **turn in present** the whole smallmouth bass to a FWP office within 10 days of capture (frozen is allowed) during regular business hours. **Edible portions of the fish are returned to angler upon request.**

Springdale Bridge FAS to the North Dakota Border

- Smallmouth bass: 10 daily and in possession.

From Hwy 212 Bridge downstream to the I-90 Bridge

- **Hook and Line: 2 lines with 2 hooks per line all year.**

Rationale:

The change to the smallmouth bass regulation is to be consistent with current agency policy.

The hook and line change would alleviate confusion and enforcement issues between the Highway 212 (Laurel) and I-90 (Billings) bridges. Currently, on the Clarks Forks of the Yellowstone River downstream from the bridge at Bridger to the confluence with the Yellowstone River, an angler can have 2 lines with 2 hooks. On the Yellowstone River downstream from the confluence to the I-90 bridge (~17 miles), an angler is restricted to 1 line. At the I-90 bridge, 2 lines are permitted again where the Eastern Fishing District begins. Allowing 2 poles on the Yellowstone from Highway 212 bridge in Laurel (just upstream of the confluence with the Clarks Fork) would reduce angler confusion and enforcement issues and have no negative influence on the fishery.

Regulation Type:

Enforcement, relevancy: The addition of an exception allowing 2 poles on the Yellowstone River between Laurel and Billings increases regulation consistency and clarity and provides an easy start location (Highway 212 bridge). Wardens report that ~10% of people are already using 2 poles in this stretch of river.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations that "The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers." This proposal clarifies the

language based on current department policy and simplifies a regulation that is confusing for the public. This will increase compliance by anglers.

Public Engagement:

Region 5 held a public scoping meeting on 05/25/2022 in which nobody attended.

Nonbiological Information:

None.

DRAFT

PROPOSAL #39: Shelter Removal, Eastern Fishing District

Page 74 change:

Removal After the Season: The owner of an ice fishing shelter shall remove it from the ice before it becomes irretrievable at the end of the season, or **by March 1 within five days from receipt of notification from FWP to remove the shelter. Shelters may remain on the ice after March 1 but must be removed daily if not occupied overnight. Exceptions may apply to specific waterbodies, see Exceptions below.**

Exceptions: Arapooish Pond, Beaver Creek Reservoir, Bearpaw Lake, Bailey Reservoir, Fresno Reservoir, Dry Fork Reservoir, Faber Reservoir and Lake Elmo. These waterbodies will require removal of an ice fishing shelter from the ice before it becomes irretrievable at the end of the season, or by March 1. Shelters may remain on the ice after March 1 but must be removed daily if not occupied overnight.

Rationale:

Anglers state that some of the best ice fishing occurs after March 1 on several reservoirs in the Eastern Fishing District. Suggested proposal above matches language for ice shelter removal in the Western and Central fishing districts.

Regulation Type:

Relevancy.

Statewide Management Plan:

Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.” This proposal is aimed at increasing compliance by anglers.

Public Engagement:

Region 6 CAC meeting held at the Fort Peck State Fish Hatchery, May 31, 2022.

Nonbiological Information:

None.

PROPOSAL #40: Dead Bait, Eastern Fishing District

Page 75 change:

Dead Bait

- Non-game fish (see “Collection Methods” above) that are freshly killed or have been preserved by freezing, salting or pickling may be used as bait on all waters not restricted to artificial lures only. Heads and entrails of non-game fish may also be used as bait.
- Whole game fish may not be used as bait.
- Parts/pieces of bass, burbot (ling), channel catfish, crappie, northern pike, paddlefish, sauger, shovelnose sturgeon, walleye, or yellow perch may be used as bait if edible portions are not wasted.
- The eggs of Salmonids (char, cisco, Arctic grayling, salmon, or trout) may be used as bait. Other parts/pieces of Salmonids may not be used as bait **unless noted under waterbody exception.**

Page 81 add:

FORT PECK RESERVOIR

Fort Peck Dam to Beauchamp Creek and CMR Trail 837

- **Dead cisco can be used as bait. Can only be collected from the Missouri River downstream of Fort Peck Dam (in Montana) or in Fort Peck Reservoir.**
- Sauger/walleye: 5 daily, only 2 may be sauger. Possession limit is 10, only 4 may be sauger.
- Spearing: chinook salmon and lake trout may be taken by spear or gig through the ice Dec. 1 through March 31.
- Snagging: allowed only for chinook salmon from Oct. 1 through Nov. 30.

Rationale:

The public requested this change to allow for increased opportunity. To avoid issues related to transport of live fish the collection for bait is restricted to the immediate waters only and restricted only to dead bait.

Regulation Type:

Opportunity: increased sport fish opportunity.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. Section 1.4.2 Fishing Regulations states that “The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers.”

Public Engagement:

Proposal from the public.

Nonbiological Information:

None.

DRAFT

PROPOSAL #41: Fort Peck Reservoir, Eastern District, Region 6

Page 81 add:

FORT PECK RESERVOIR

Fort Peck Dam to Beauchamp Creek and CMR Trail 837

- Sauger/walleye: 5 daily, only 2 may be a sauger. Possession limit is 10, only 4 may be a sauger.
- Spearing: chinook salmon and lake trout may be taken by spear or gig through the ice December 1 through March 31.
- Snagging: allowed only for chinook salmon from October 1 through November 30.
- *Bow and Arrow: allowed for chinook salmon from October 1 through October 15.*

Rationale:

This proposal would provide added opportunity to harvest spawning chinook salmon using archery equipment. Biologically, it is anticipated that this would have limited impact on the population. However, FWP collects spawning fish for hatchery propagation to perpetuate the fishery and the addition of the bowfishing season could negatively impact the ability to collect spawning fish for propagation. FWP crews are actively electrofishing all known areas where salmon congregate in early morning hours through mid-morning. A potential conflict could occur if bow fishermen are targeting salmon throughout the night and early morning (common practice for bow fishing) in the limited areas where fish congregate.

The proposal is to allow a two-week bowfishing season and monitor to ensure that it is not negatively impacting FWP's ability to collect fish.

Regulation Type:

Opportunity: to enhance sport fish opportunity.

Statewide Management Plan:

The proposal conforms to management direction outlined in Chapter 1.0 Introduction to Montana Fisheries Management, which describes management with a holistic approach including the habitat, the aquatic community, anglers, and stakeholders. Section 1.4.2 Fishing Regulations states that "The goal of fishing regulations is to make them effective but also as simple as possible to improve understanding and compliance by anglers."

Public Engagement:

This proposal was submitted by the public during the public scoping period in 2022.

Nonbiological Information:

Social considerations: the primary locations where salmon are snagged (as part of the legal snagging season starting October 1) are Duck Creek boat ramp and Fort Peck Marina boat ramp and docks. In addition to snagging, anglers are actively angling for salmon. Areas are limited and are commonly boat docks and boat ramps. Adding bow fishing to this sometimes congested activity may cause user conflicts and potential safety issues.

DRAFT

PROPOSAL #42: Home Run Pond, Eastern District, Region 6

Page 81 change:

HOME RUN POND (Glasgow):

- ~~Open to fishing for anglers 14 years of age or younger only. One rod only per child angler.~~

Rationale:

Increases opportunity for families to enjoy fishing this popular urban pond.

Regulation Type:

Opportunity: increased sport fish opportunity.

Statewide Management Plan:

This proposal is consistent with Section 1.5 Youth and Family Fishing and is consistent with section 1.4.2 Fishing Regulations: "Fishing regulations are intended to preserve, protect, and enhance fish populations while allowing public opportunity to catch and harvest fish."

Public Engagement: None

Nonbiological Information:

None.