

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, August 27, 2026 6:23:14 PM
Last Modified: Thursday, August 27, 2026 6:39:19 PM
Time Spent: 00:16:05
IP Address: 66.135.81.77

Page 1

Q1

Contact information

Name:	Scott Yeats
City/Town:	Columbia Falls
State/Province:	MT
Email Address:	wthunter2@hotmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

I wanted to comment on the proposed changes to daily limits on Flathead Lake and in the western fishing district. I am in favor of removing limits for all non-native fish species and do not want to see fisheries for illegal and impactful species, such as smallmouth bass, being encouraged. Outside influence should not ruin attempts to return fisheries to their native state. Smallmouth bass are of course here to stay, but anything that can be done to limit their populations and spread is appreciated. It seems like only a matter of time until they take over the entire Flathead system and the longer we can delay that the better it will be. I applaud Montana Fish, Wildlife and Park,'s efforts to manage these fisheries in the face of a lot of opposition and negative comments.

Q3

Respondent skipped this question

Optional: Upload your comments

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, August 28, 2026 9:27:51 AM
Last Modified: Friday, August 28, 2026 9:55:01 AM
Time Spent: 00:27:10
IP Address: 199.155.53.77

Page 1

Q1

Contact information

Name:	Patrick Hagemeister
City/Town:	Miles City
State/Province:	MT
Email Address:	deerhunter_1975@hotmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

I would like to see the return of the plastic paddlefish identification tags. It made it easy to claim your harvested paddlefish by immediately being attached to the fish's dorsal fin. The paper or Etag was very cumbersome being in a wet environment marking out or validating with the phone. The plastic tag made it easier to tell who's fish was who's with the ID numbers matching on your fishing license, especially while multiple fish were tied up to one spot. And it continues to aid in identification of ownership when you keep a portion of the dorsal and tag with the meat after cleaning and transporting it back home. Please consider bring back the Plastic Paddlefish Harvest Tag. Thank you.

Q3

Respondent skipped this question

Optional: Upload your comments

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 31, 2026 5:15:14 PM
Last Modified: Monday, August 31, 2026 5:19:34 PM
Time Spent: 00:04:19
IP Address: 216.129.235.237

Page 1

Q1

Contact information

Name:	Cole Sampson
City/Town:	Ennis
State/Province:	MT
Email Address:	cole.sampson305@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

I am a fishing guide on the Madison River and advocate for barbless hooks for the entire river and catch and release fishing to protect our resource! Thank you.

Q3

Respondent skipped this question

Optional: Upload your comments

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, August 31, 2026 6:42:08 PM
Last Modified: Monday, August 31, 2026 6:48:54 PM
Time Spent: 00:06:46
IP Address: 179.64.121.46

Page 1

Q1

Contact information

Name:	Daniel Sullivan
City/Town:	Ennis
State/Province:	MT
Email Address:	Dannysullivan0403@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

I strongly endorse single barbless hooks and catch and release only.

Q3

Respondent skipped this question

Optional: Upload your comments

#5

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 08, 2026 10:05:21 AM
Last Modified: Tuesday, September 08, 2026 10:28:38 AM
Time Spent: 00:23:16
IP Address: 184.166.180.100

Page 1

Q1

Contact information

Name:	Brian McGeehan
City/Town:	Bozeman
State/Province:	MT
Email Address:	brian@montanaangler.com

Q2

Please comment on 2027-2028 Fishing Regulations

Regarding the upcoming proposal on fishing regs. My recommendation would be to follow the lead on many other states including Wyoming and treat scent infused lures as bait. Products like Berkeley Gulp are very effective and trout tend to swallow them readily resulting in similar mortality as live baits. I'm OK with spray on scent - but not the scent infused products in areas that are regulated to not allow artificial, dead or live bait. Basically if a product is purchased with infused scent, it should be treated as artificial bait.

Recommended language:

ARTIFICIAL BAIT: Unless noted in exceptions. Artificial Bait includes any natural or synthetic food such as sausage, corn or marshmallows, any products that are derivatives of natural foods, any other creations like doughs and pastes, or any artificial baits that are infused with scents. Scents that are applied to not scented lures are not considered artificial bait.

DEAD BAIT: See District Specific Regulations (Pages 21-22 [Western], 48-49 [Central], 73-74 [Eastern])

LIVE BAIT: See District Specific Regulations (Pages 21-22 [Western], 48-49 [Central], 73-74 [Eastern]) Page 5:

HOOK: A hook is a single, double, or treble point attached to a single shank or an artificial lure.

SINGLE-POINTED HOOK: Means 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 cutoff the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble or double hook must be replaced with a single hook.

LIVE BAIT: Remove current definition

LURE: Any item designed to attract fish. These include, but are not limited to flies, hard plastic or wood lures (stick baits, plugs, crankbaits, etc.), metal spoons, lead head jigs/lures, bladed lures, spinners, all soft plastic imitations (except those infused with artificial scents), and spinner baits. Lures are considered single devices regardless of the number of hooks. For Western and Central Fishing District Streams and Rivers, unless otherwise noted in excep

Q3

Respondent skipped this question

Optional: Upload your comments

#6

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, September 14, 2026 9:25:16 AM
Last Modified: Monday, September 14, 2026 9:27:25 AM
Time Spent: 00:02:08
IP Address: 76.75.9.64

Page 1

Q1

Contact information

Name:	John Sampson
City/Town:	Ennis
State/Province:	MT
Email Address:	john@madisonrr.com

Q2

Please comment on 2027-2028 Fishing Regulations

I am in support of catching release and Barbless single hooks on the entire reach of the Madison River. From the moment it leaves Yellowstone Park to where it conflucenes with the Jefferson.

Q3

Respondent skipped this question

Optional: Upload your comments

#7

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, September 14, 2026 10:13:58 AM
Last Modified: Monday, September 14, 2026 10:22:02 AM
Time Spent: 00:08:04
IP Address: 104.28.49.79

Page 1

Q1

Contact information

Name:	Carl Hubbell
City/Town:	Whitefish
State/Province:	MT
Email Address:	carlhubbell44@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

In reference to the 28" minimum for harvest of bull trout from Hungry Horse Reservoir and in in concern for the historic low bull trout redd counts, any harvest of bull trout of any size seems entirely unnecessary. The fish are obviously struggling, angler pressure is on the rise and of course contributing to the strain on bull trout. Please restrict harvest entirely on bull trout from Hungry Horse and give this fantastic fishing resource a chance to rebound.

Q3**Respondent skipped this question**

Optional: Upload your comments

#8

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 15, 2026 11:13:03 AM
Last Modified: Tuesday, September 15, 2026 11:22:25 AM
Time Spent: 00:09:22
IP Address: 72.250.178.228

Page 1

Q1

Contact information

Name:	Ron Loomis
City/Town:	kalispell
State/Province:	MT
Email Address:	montanabirddogs@yahoo.com

Q2

Please comment on 2027-2028 Fishing Regulations

smallmouth bass 15 limit is already too many fish..you will be encouraging want and waist...You need a slot limit 17" or bigger goes back..You have a trophy fishery started dont mess it up...Yes you have worldclass Smallmouth..Please, Please help it stay and grow

Q3**Respondent skipped this question**

Optional: Upload your comments

#9

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 15, 2026 4:53:01 PM
Last Modified: Tuesday, September 15, 2026 5:17:46 PM
Time Spent: 00:24:45
IP Address: 65.131.207.155

Page 1

Q1

Contact information

Name: Robert Hickey jr
City/Town: Kalispell
State/Province: MT
Email Address: gunner@cyberport.net

Q2

Please comment on 2027-2028 Fishing Regulations

Proposal 3: Small Mouth have daily limit 15 daily 15 in possession
Proposal 9: Northern Pike have 15 daily limit 15 in possession 1 fish over 26"
Proposal 11: Small Mouth Bass have 15 Daily Limit 15 in Possession
Noxon Walleye 5 fish per day 10 in possession 1 fish over 20"
Please note: These species are established, self-sustaining and currently require zero dollars to exist. Thanks Bob

Q3

Respondent skipped this question

Optional: Upload your comments

#10

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 15, 2026 6:07:58 PM
Last Modified: Tuesday, September 15, 2026 6:27:10 PM
Time Spent: 00:19:11
IP Address: 174.215.17.89

Page 1

Q1

Contact information

Name:	Kirk Rasmussen
City/Town:	Kalispell
State/Province:	MT
Email Address:	kirkasmussen86@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

Truly astonishing that we are still excepting that mass suppression on Lake Trout in Flathead Lake is the easy I dont wanna fight for out fisheries because the tribe thinks its right... when all it is is a cash cow! Let the fish regulate themselves. Yes the are introduced but "man" us did it we keep thinking we can reinvent the wheel is is not possible. People want to catch fish that they want eat period. There also needs to be consideration on putting a limit on warm water species. Walleye in Noxon need to have a limit a resource (yes not native) gives fisherman something to catch and eat... less then 1% of fisherman are after only native fish sorry but true. Yes we want to keep them but just opening every other species for mass kill is a real lazy way to regulate... manage the fish that we have responsibly so that us the ones paying to fish can catch fish to eat responsibly. And honestly the treble situation in the flathead is a complete joke. there is no proven study to the mortal effect of trebles compared to single hooks. taking away almost every hook in a store thay you can buy and use without modifications is absolutely ridiculous... every youth going fishing not having the capability to "fix" a perfectly good lure. We need to pump the brakes on trying to fix the unfixable! Manage what we have created. Big fish eat small fish self management. Flathead had become a nursery of tiny fish because of mismanaged limits. I don't have all the answers but I do know that man needs to step up acknowledge that we made the mistakes that brought this and we can not just turn them around by misinformed law making thinking irrationally. Manage what we have they are here and not going anywhere.

Q3

Respondent skipped this question

Optional: Upload your comments

#11

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 15, 2026 6:24:49 PM
Last Modified: Tuesday, September 15, 2026 6:50:33 PM
Time Spent: 00:25:44
IP Address: 172.56.201.61

Page 1

Q1

Contact information

Name:	Tim Jacobs
City/Town:	Kalispell
State/Province:	MT
Email Address:	mrtimrj@yahoo.com

Q2

Please comment on 2027-2028 Fishing Regulations

Time to start managing the Walleye in Noxon Reservoir. I would suggest a 5 fish daily limit with 10fish possession limit with 1 fish over 20in.

Thank you for your time and dedication to this great state we live in.

Q3**Respondent skipped this question**

Optional: Upload your comments

#12

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, September 17, 2026 9:34:36 PM
Last Modified: Thursday, September 17, 2026 9:41:34 PM
Time Spent: 00:06:58
IP Address: 174.234.15.77

Page 1

Q1

Contact information

Name:	Henry Bieler
City/Town:	Choteau
State/Province:	MT
Email Address:	hank.21.b@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

I would like to see the Madison River be fully barbless to protect fish and anglers alike.

Q3

Respondent skipped this question

Optional: Upload your comments

#13

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 22, 2026 10:08:21 AM
Last Modified: Tuesday, September 22, 2026 10:09:47 AM
Time Spent: 00:01:26
IP Address: 47.5.26.224

Page 1

Q1

Contact information

Name:	Wade Fredenberg
City/Town:	Kalispell
State/Province:	MT
Email Address:	gocatswf1956@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

Flathead Valley Trout Unlimited (FVTU) wishes to comment on the tentative 2027-2028 Fishing Regulations package that will be before the Commission October 15th for final approval.

FVTU strongly endorses the proposed Emergency "Catch and Kill" Regulation on Brown Trout in the Flathead River drainage. The scourge of Bucket Biology has caused more damage to fisheries in the Flathead than any other factor in this century and must be dealt with in the strongest way possible.

FVTU also supports the tentative regulations that drop possession limits on Lake Trout and Smallmouth Bass in the Western District. We endorse the tentative regulations that eliminate daily limits on illegally introduced Northern Pike and Smallmouth Bass as well as Rainbow Trout in Flathead Lake.

However, we also proposed in our past comments that similar regulations should be extended to the Flathead River and Swan Lake, eliminating daily limits on Pike, Bass and Rainbow Trout there as well. In addition, we see inconsistency between daily lake trout limits on Flathead Lake (100 fish) and Swan Lake (20 fish).

We appreciate the Agency Response to our proposals that such changes would add complexity to the regulations and be unlikely to result in population changes to those species. But we continue to believe that a consistent approach to nonnative species management needs to be applied in waters that have nearly identical objectives under the Statewide Fisheries Management Plan.

The public continues to get very mixed messages from the tentative regulations before you. Native Westslope Cutthroat Trout and Bull Trout in the Flathead and Swan are strongly adfluvial, using both the Rivers and the Lakes. For fishing regulations to have any chance of being truly effective at a population level a consistent approach to fishing regulations must be applied systemwide. That is what is called for in the management prescriptions. Thank you for considering our concerns.

Q3

Respondent skipped this question

Optional: Upload your comments

#14

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, September 22, 2026 11:32:13 AM
Last Modified: Tuesday, September 22, 2026 11:36:22 AM
Time Spent: 00:04:08
IP Address: 69.144.145.42

Page 1

Q1

Contact information

Name:	Will Israel
City/Town:	Helena
State/Province:	MT
Email Address:	director@mogamt.org

Q2

Please comment on 2027-2028 Fishing Regulations

Montana Fish and Wildlife Commission
c/o Commission Liaison Jesse May
PO Box 200701
Helena, MT 59620-0701

September 22, 2026

RE: Public Comment - 2027-2028 Fishing Regulation Proposals
October 14, 2026 Fish and Wildlife Commission Meeting

Dear Commissioners:

The Montana Outfitters and Guides Association (MOGA) submits the following comment on the proposed 2027-2028 fishing regulation package. MOGA is the statewide trade association representing licensed outfitters and guides, a community with a direct and daily stake in the health of Montana's fisheries and the regulations that govern them.

RECOGNITION OF FWP'S RESPONSIVE PROCESS

MOGA commends the Department for the thoroughness and transparency of its scoping process. FWP received more than 260 public comments and 92 formal proposals during the April-May 2026 scoping period, and the record reflects that many of those comments resulted in meaningful changes to the final package. The revision to hook and lure definitions, removing soft plastics from the artificial bait category in direct response to overwhelming public opposition, is a clear example of the agency listening and adjusting accordingly. This kind of responsiveness strengthens public trust in the regulatory process and reflects well on FWP's commitment to collaborative management. MOGA supports the overall 44-proposal package as presented and appreciates the work that went into developing it.

MADISON RIVER: SUPPORT FOR CONTINUED SCIENCE-BASED ASSESSMENT

MOGA supports FWP's data-driven decision to defer action on Madison River mainstem spawning closures pending further monitoring and assessment. The health of the Madison fishery is a long-term priority for our members, who are among the most frequent observers of conditions on that river. We encourage FWP to continue its population and recruitment monitoring and to evaluate future management options based on the strongest available science.

Licensed outfitters and guides can be a meaningful source of observational data on fish behavior, spawn timing, and angling pressure. MOGA would welcome the opportunity to contribute to FWP's assessment work as the Department evaluates this river going forward.

BULL TROUT TRIBUTARY PROTECTIONS

MOGA understands and generally supports the conservation rationale behind the new bait and gear restrictions proposed for Fishtrap Creek, Graves Creek, Vermillion River, and West Fork Thompson River, as well as the seasonal and size adjustments for Hungry Horse Reservoir. Bull trout recovery is a shared priority.

CONCLUSION

MOGA is committed to supporting regulations that protect fish populations for future generations. We appreciate the Commission's consideration of this comment and welcome continued dialogue.

Respectfully submitted,

Will Israel
Executive Director

Montana Outfitters and Guides Association
2021 11th Ave, Ste. 12, Helena, MT 59601
(406) 449-3578 office
director@mogamt.org
montanaoutfitters.org

Q3

Optional: Upload your comments

Respondent skipped this question

#15

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, September 09, 2026 7:38:55 AM
Last Modified: Wednesday, September 23, 2026 2:24:25 PM
Time Spent: Over a week
IP Address: 98.97.165.145

Page 1

Q1

Contact information

Name:	Mark Fuller
City/Town:	Coram
State/Province:	MT
Email Address:	fullerfishing@gmail.com

Q2

Please comment on 2027-2028 Fishing Regulations

Dear Fish and Wildlife Commissioners,

I am writing to comment in support of Proposals 9, 10 and 13 in the proposed 2027–2028 fishing regulations.

I support Proposal 9, which would remove the harvest limit for northern pike in Flathead Lake. Northern pike are an illegally introduced species in Flathead Lake, and I support regulations that encourage their removal where their presence conflicts with management goals for native trout populations.

I also support Proposal 10 and increasing the harvest of rainbow trout in Flathead Lake. As with northern pike, I support using harvest regulations as a management tool where nonnative fish populations conflict with the long-term management and conservation of native trout in the Flathead system.

Finally, I support Proposal 13 and the proposed changes to the bull trout season and harvest regulations on Hungry Horse Reservoir. The South Fork Flathead and Hungry Horse system supports an incredibly valuable bull trout fishery. The declining redd counts outlined by FWP are concerning, and changing the harvest season to reduce pressure on migrating bull trout is a reasonable step toward protecting this population.

This is one of Montana's exceptional remaining bull trout fisheries, and I believe we should consider any reasonable regulations necessary to maintain a healthy, viable population. Protecting this fishery now will help ensure that future generations have the opportunity to experience it.

Thank you for considering my comments.

Q3

Respondent skipped this question

Optional: Upload your comments

#16

COMPLETE

POOR QUALITY

Flagged for the following:

!gibberish

Collector:

Started:

Last Modified:

Time Spent:

IP Address:

Web Link 1 (Web Link)

Wednesday, September 23, 2026 4:35:05 PM

Wednesday, September 23, 2026 4:36:20 PM

00:01:14

35.150.71.159

Page 1

Q1

Contact information

Name:

City/Town:

State/Province:

Email Address:

Clayton Elliott

Butte

MT

clayton@basinstrategies.com

Q2

Please comment on 2027-2028 Fishing Regulations

Please see attached comments submitted on behalf of Montana Trout Unlimited.

Q3

Optional: Upload your comments

2026-09-21 27-28FishRegCommissionMTUComments FNL.pdf (201.4KB)

#17

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, September 23, 2026 10:39:40 PM
Last Modified: Wednesday, September 23, 2026 10:49:33 PM
Time Spent: 00:09:52
IP Address: 72.175.129.150

Page 1

Q1

Contact information

Name:	Scott Vollmer
City/Town:	Gallatin Gateway
State/Province:	MT
Email Address:	vollmerscott@yahoo.com

Q2

Please comment on 2027-2028 Fishing Regulations

Dear Commissioners,

I am submitting this comment in support of the 2027-2028 fishing regulations package. In addition, I would like to thank the Department, particularly Region 3, for listening to comments during the scoping period and adjusting their proposals based on these comments. Many criticize the Department for not "listening to them" yet fail to recognize when the Department does adjust based on a preponderance of comments that are provided. I am providing this comment to serve as a counterweight to these complaints and a recognition of the excellent work from the fisheries department. Thank you for your time.

Scott Vollmer
MOGA President Elect

Q3

Respondent skipped this question

Optional: Upload your comments

#18

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, September 24, 2026 9:16:14 AM
Last Modified: Thursday, September 24, 2026 9:18:24 AM
Time Spent: 00:02:10
IP Address: 173.181.7.249

Page 1

Q1

Contact information

Name:	Montana Chapter of Backcountry Hunters and Anglers
City/Town:	Missoula
State/Province:	MT
Email Address:	montana@backcountryhunters.org

Q2

Please comment on 2027-2028 Fishing Regulations

Comments provided in attached PDF

Q3

Optional: Upload your comments

BHA Fisheries Comment 2026.pdf (2.6MB)

#19

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, September 24, 2026 10:11:44 AM
Last Modified: Thursday, September 24, 2026 10:15:26 AM
Time Spent: 00:03:42
IP Address: 216.211.179.54

Page 1

Q1

Contact information

Name:	Jim Vashro
City/Town:	KALISPELL
State/Province:	MT
Email Address:	jsjvash@montanasky.us

Q2

Please comment on 2027-2028 Fishing Regulations

Comments by Flathead Wildlife, Inc. (FWI) on proposed 2027-2028 Fishing Regulations.

Flathead Wildlife still objects to the removal of the "Tentative Regulation Meeting" in mid-summer for the FW Commission and angling public to review and suggest changes to regulation proposals before going to final comment. At that point, all possible regulations were still on the table. In the current system, scoping is the only chance for anglers to suggest new regulations or changes and the full scope of FWP proposals is unknown. No one knows how FWP will deal with scoping comments and suggestions until final proposals are published. At that point it is an either (new)/or (old) choice and is not as responsive to angler concerns.

Proposal 1. Definition of Single pointed Hook, Lure and Bait. FWI supports the removal of plastic lures from the "Bait" definition. In general, plastic lures are quickly detected and rejected by fish, thus avoiding deep hooking. A few brands of scented/chemically infused plastic lures are swallowed on occasion but that appears to be rare.

Proposal 13. Hungry Horse Reservoir Bull Trout Length Restriction and Season Change. Flathead Wildlife supports a 28" minimum length and shortening the season to July 1-September 1. The Hungry Horse/South Fork bull trout fishery is more about angling opportunity than harvest. The response to scoping comments notes that reservoir harvest is already limited. However, a July 1 opener will allow more spawning adults to leave the reservoir before fishing commences. Response to comments noted that wilderness bull trout redd counts are decreasing while some redd counts (reservoir tributaries?) are stable. The graph also shows that angling effort is greatly increasing on the South Fork Flathead. That may be where more restrictions are needed.

Proposal 14. Little Bitterroot Lake Kokanee Harvest Limit. Flathead Wildlife does not support the proposed limit reduction from 20 to 10 salmon daily. Little Bitterroot Lake is one of the most popular kokanee fisheries in Region 1. While it is prudent to monitor the impact of salmon egg take on kokanee numbers, there is nothing yet to indicate how much egg take will reduce kokanee abundance. Lower abundance is somewhat self limiting, as abundance and catch rates go down anglers fish and catch less. Also, in other lakes kokanee have been planted back to offset egg take rather than limiting angler harvest. There haven't been any kokanee planted since 2020. In addition, it took more than 20 years after the introduction of mysis shrimp for a deepwater, oversize (12"-20") kokanee fishery to develop that are feeding deep on mysis. It is unknown whether genetics or behavior creates that fishery. Oversize kokanee are a small part of the fishery but some anglers keyed in on them, quickly reducing abundance. A 2 over 12" salmon limit was placed to protect those larger salmon in rough proportion to their abundance (about 10%) and to encourage anglers to fish for the shallow, more abundant smaller salmon. If the daily limit is dropped to 10 salmon, some anglers will cull their catch and focus on the deep fish, further depleting the oversize salmon fishery. If the limit is dropped to 10 salmon daily, a limit of only 1 salmon over 12" should be instituted to keep harvest within 10%. In addition, in the past the oversize salmon were spawned together (big-on-big) and planted back into Little Bitterroot Lake. That was stopped. As spawning commences that practice should be brought back. The larger salmon produce more eggs and possibly better quality due to their mysis diet.

Proposal 15. Little Bitterroot Lake Rainbow Trout Length Restriction. FWI supports increasing the length limit to 28". There are some wild hybrid rainbows in Little Bitterroot that can grow to trophy lengths. There is a small but avid group of anglers who fish for those rainbows. The regulation change incorrectly states that triploid Gerrard rainbows will continue to be stocked, those are no longer available, increasing the need to protect and enhance the existing wild population.

Proposals 16, 19, 20. Graves Creek Gear Restriction (single pointed hooks). Also Vermillion River (#19), West Fork Thompson River (#20) and existing single point hook restrictions in the Flathead River drainage. Single point (barbed) hook restrictions were instituted in the Flathead system 6 years ago on the premise that requiring single rather than treble hooks would reduce hook scarring. There was also the premise that hook scarring somehow increased fish mortality. There are numerous catch and release scientific studies. There hasn't been shown a significant decrease in hook scarring between single and treble barbed hooks and no correlation between hook scarring and fish mortality other than standard handling mortality. Also, creel surveys at the time showed the majority of anglers were already using single pointed hooks (flies). At the time, FWP stated it would review survey data after 4 years to see if hook scarring had decreased and, correspondingly, fish abundance had increased. There has been no review provided after 6 years yet more streams are being proposed for a single pointed hook restriction.

Streams like the Vermillion River, West Fork Thompson River and Graves Creek show very low levels of angling. It hasn't been shown whether fishing of any type is impacting fish abundance.

If it is true that barbed hooks are causing excessive hook scarring and subsequent fish mortality, then FWP should go to single barbless hooks. Studies do show that single barbless hooks reduce hook scarring although they may penetrate deeper and increase mortality slightly. If FWP considers angling to be a problem on Graves Creek and Vermillion River which are a high priority for bull trout in the lower Clark Fork, then FWP should consider closing the streams to fishing.

Flathead Wildlife does support the restriction on bait in those streams since scientific studies do show that bait greatly increases catch and release mortality through deep hooking.

Proposal 21. McGregor Lake Crayfish Harvest Restriction. Flathead Wildlife opposes increasing the daily crayfish limit from 20 to 100.

McGregor Lake grows outsize crayfish that have provided a very popular fishery. It was thought that the crayfish were native, in 2021 the limit was reduced to 20 crayfish daily due to concerns over reduced abundance, illegal commercial harvest, wanton waste and impacts from illegally introduced smallmouth bass. Recent surveys show the crayfish are non-native so FWP proposes to increase the limit to 100 daily, all while acknowledging there are still concerns over reduced abundance, illegal commercial harvest, wanton waste and impacts from smallmouth bass. It would seem that since the crayfish are non-native, FWP has little concern for the fishery.

Additional Comments

Loon Lake (Ferndale). Flathead Wildlife had protested the removal of the 12"-22" slot limit on rainbow trout. FWP's response to comments was that surveys had shown few trout over 18" and none over 22", therefore it didn't meet trophy lake standards. Loon lake was not being managed as a trophy fishery, it was managed as a quality fishery with more opportunity to catch 12" and larger fish. Any rainbows over 22" are quickly harvested. Previously with no length restrictions it was difficult to catch rainbows over 12".

Looking at FWP survey data, few (3) rainbows were caught in 2025 so it is difficult to say definitively that there has been no impact on fish size. Anecdotal angler accounts say there are fewer quality rainbows. And anglers are keying on larger rainbows trying to spawn on the boat ramp in spring, they are very vulnerable to legal and illegal catch. A survey 12 years ago showed more rainbows and more mid-size rainbows (14"). As far as the difficulty in releasing fish successfully in summer due to warm water temperatures, Loon Lake is no warmer than other valley floor lakes and fish quickly dive to deeper, cooler depths.

Submitted by Jim Vashro, president, on behalf of the Board of Flathead Wildlife, Inc.

Q3

Respondent skipped this question

Optional: Upload your comments



Public Comment on Montana's Statewide Fisheries Management Plan

To: Montana Fish and Wildlife Commission and Montana Fish, Wildlife & Parks

Re: Statewide Fisheries Management Plan—coldwater-fish protection and invasive northern pike management

The Montana Chapter of Backcountry Hunters and Anglers submits this comment to respectfully request that the Commission revise the Statewide Fisheries Management Plan and associated fishing regulations to adopt three preventative, science-based measures:

1. **Lower the statewide hoot-owl trigger to 68°F (20°C), measured as a daily maximum for three consecutive days, for waters managed principally for coldwater salmonids—while retaining more protective, species-specific triggers where they already apply; and**
2. **Make the existing regulation for 5th percentile low flows a mandatory fishing closure criteria; and**
3. **Adopt a mandatory kill-and-report, no-release rule for northern pike in the Clark Fork River watershed where the management objective is trout conservation and pike suppression, coupled with a lawful disposal pathway and Department monitoring.**

These measures are practical, precautionary, and consistent with FWP's statutory responsibilities and Montana's constitutional commitment to maintain and improve a clean and healthful environment for present and future generations.

The Montana Chapter's more than 3,000 members have a keen interest in both the protection of Montana's river systems, public access to those resources, and to the public's angling opportunities. Our organization is dedicated to protecting the value that wild lands, wildlife and wild fish bring to our great state. We strive to protect large parcels of backcountry fish and wildlife habitat, as well as the opportunity for traditional non-motorized hunting and fishing experiences. An obvious predicate of any hunting or fishing opportunity and access to it, are healthy and sustaining populations.

As the Montana Supreme Court held over 25 years ago: "Our constitution does not require that dead fish float on the surface of our state's rivers and streams before its farsighted environmental protections can be invoked." *MEIC v. DEQ*, 1999 MT 248. The Montana Chapter holds this passage at the core of the following comments.

1. A 68°F hoot-owl trigger is a prudent, science-based preventive standard

- a. ***Hoot-owl restrictions exist to prevent additive mortality when coldwater fish are already under thermal stress.***

Montana's rivers are not merely venues for recreation; they are living coldwater systems that sustain native fish, wildlife, local economies, and the public's enduring connection to the waters of this State. During low-flow, high-temperature periods, a released trout must meet overlapping stresses: it must recover from capture, fight, handling, and hook removal while its metabolism is elevated, dissolved oxygen is lower, refugia are limited, and disease susceptibility may increase. A management system that waits until fish are already near their thermal limits does not prevent the avoidable component of that harm—angler-caused stress. It reacts after the physiological margin for recovery has narrowed.



That is the historical purpose of Montana's drought-related angling restrictions. ARM 12.5.507 conditions restrictions on an agency determination that angling pressure may contribute to excessive fish mortality and that one or more environmental conditions exist. Those conditions include water temperature, flows at or below the fifth percentile of daily mean values, conditions specified in a drought-management plan, and other biological or environmental conditions—including disease and concentrated angling pressure—that may contribute to excessive mortality. The text of the specific regulation are below:



12.5.507 ANGLING RESTRICTION AND FISHING CLOSURE CRITERIA

- (1) The department shall use the following criteria to determine whether to implement angling restrictions in streams:
 - (a) angling pressure as determined by the department has the potential to contribute to excessive fish mortality; and
 - (b) one or more of the following environmental conditions has been determined by the department to exist:
 - (i) in nonnative salmonid streams designated by the department in the Statewide Fisheries Management Plan, daily maximum water temperatures equal to or exceeding 73 degrees Fahrenheit at any time during the day for three consecutive days;
 - (ii) in cutthroat trout streams designated by the department in the Statewide Fisheries Management Plan, daily maximum water temperature equal to or exceeding 66 degrees Fahrenheit at any time during the day for three consecutive days;
 - (iii) in bull trout streams designated by the department in the Statewide Fisheries Management Plan, a daily maximum water temperature equal to or exceeding 60 degrees Fahrenheit at any time during the day for three consecutive days;
 - (iv) stream flows fall to or below the 5th percentile of daily mean values for this day flow level based upon hydrologic records for that water body; or
 - (v) water conditions meet the criteria for angling restrictions as stated in a drought management plan; or
 - (c) other biological or environmental conditions such as, but not limited to, water body pollution, disease, or concentration of angling pressure due to other restrictions or closures that the department determines have the potential to contribute to excessive fish mortality.

The plain language of the rule on its face recognizes a biological reality that should govern the Commission's decision: temperature is not an isolated number. It is one part of a cumulative-risk framework. Low flows intensify temperature stress and reduce habitat; as the Blackfoot Fisheries Management Plan explains, low flows increase water temperatures, while warm water increases metabolic demand and reduces dissolved oxygen. The same materials identify increased vulnerability to pathogens and explain that the loss of wetted riffle habitat diminishes food production, spawning habitat, juvenile habitat, and fish movement between spawning areas and thermal refugia.

With elevated water temperature, metabolic rates increase and dissolved oxygen levels decline, pollutants concentrate and coldwater trout become more susceptible to pathogens like fungal infections and whirling disease. When the wetted-width of the riffle narrows, river productivity rapidly declines and the forage base that sustains thriving trout fisheries is greatly diminished.



b. ***The present 73°F default is inconsistent with FWP's own species-specific approach:***

The current statewide rule establishes a 73°F trigger for designated nonnative-salmonid streams, but a 66°F trigger for designated cutthroat-trout streams and a 60°F trigger for designated bull-trout streams. Each trigger applies after three consecutive days of daily maximum temperatures at or above the stated level.

Those lower thresholds are important. They demonstrate that FWP already accepts, administers, and relies upon precautionary temperature triggers designed around the vulnerability of particular coldwater species. Based on the current status of Montana's fisheries, drought and climate change, the Commission should strengthen those existing protections. More specifically, the Commission should establish 68°F as the baseline protective threshold for coldwater-salmonid waters that do not already receive the 66°F or 60°F protections. A 68°F statewide floor would narrow the present five-degree gap between the onset of recognized high-risk conditions and the default closure trigger while preserving stricter protections for more thermally sensitive native trout and char.

c. **The peer-reviewed evidence supports intervention before 73°F**

Strong scientific support underlies the requested amendments here. For example, Jessica A. Robichaud et al., *Interactive Effects of Fish Handling and Water Temperature on Reflex Impairment of Angled Rainbow Trout*, 274 *Fisheries Research* 106993 (2024). The study experimentally angled 180 rainbow trout across surface-water temperatures of 13°C to 26°C, varied air exposure from 0 to 120 seconds, and assessed burst response, ocular movement, and equilibrium—measures selected as noninvasive indicators of post-release impairment and potential mortality. Rainbow Trout (RBT; *Oncorhynchus mykiss*) were angled and air exposed for a random duration of time ranging between 0 and 120 seconds across a range of water temperatures (12–26°C). The reflex impairment metrics used in this study were selected based on their ability to serve as proxies for post-release mortality.

The study found a statistically significant positive relationship between water temperature and total reflex impairment. Temperature also independently affected burst impairment, equilibrium disturbance, and ocular-movement impairment; air exposure and dehooking time compounded the problem. Above 23°C (73.4°F), reflex impairment was consistently high regardless of the other angling factors. Below 23°C, substantial air exposure still produced moderate impairment, demonstrating that risk does not suddenly begin at 73°F and that the relevant risk is interactive and cumulative. As water temperatures and air exposure duration increased, total reflex impairment also increased ... water temperature ... air exposure ... and dehooking time ... [each] corresponded to a worse reflex impairment score. At water temperatures > 23°C, reflex impairment was consistently high regardless of other angling factors. At temperatures < 23°C, air exposure times of > 69 seconds resulted in moderately high reflex impairment.

The study's measured result at 23°C does not establish 68°F as a biological cliff, and this comment does not contend otherwise. It supports the more defensible management conclusion: a 73°F trigger identifies a point at which consistently severe impairment was observed, not a safe harbor below which continued catch-and-release pressure is biologically harmless. The authors caution that fish caught in warm water may have prolonged recovery and explain that water temperature and air exposure can exacerbate one another. Their conclusion is practical and directly relevant to agency rulemaking: anglers pursuing rainbow trout during warm-water periods should minimize handling and air exposure **or avoid targeting trout altogether.**

Additional Montana-specific evidence supports a precautionary trigger at or below 68°F as well James Boyd's Montana State University thesis grouped captures by water temperature as cold (below



20°C), warm (20–22.9°C), and hot (23°C or higher); found no mortality for the evaluated species below 20°C; and reported higher mortality in the warmer groups, including rainbow trout mortality of 9% in the warm treatment and 16% in the hot treatment. See James Boyd, *Effects of Warm Temperature and Angling on Mortality of Salmonoids in Montana Streams* 9, 31, 41 (M.S. thesis, Montana State University 2008). The three temperature groupings were less than 20 degrees Celsius (cold), 20-22.9 degrees Celsius (warm), and greater than or equal to 23 degrees Celsius (hot). Boyd found that no mortality for any species occurred when water temperatures were less than 20 degrees Celsius. ... mortality of rainbow trout increased to 9% and 16% in warm and hot treatments respectively.

Then there is George Schisler and Eric Bergersen's rainbow-trout study: modeled post-release mortality increased from 15% at 59°F to 33% at 68°F without bleeding and was reported as still higher at 68°F when fish bled. See George Schisler & Eric Bergersen, *Postrelease Hooking Mortality of Rainbow Trout Caught on Scented Artificial Baits* 575 (Colorado Cooperative Fish & Wildlife Research Unit 1996). Those figures are appropriately presented as reported historical support, rather than a stand-alone basis for a categorical statewide rule, because the original study is not attached here and mortality depends on bait, injury, and other study-specific conditions. The study found that mortality probability when hooked with no bleeding at 59 degrees F was 15%. ... mortality probability jumps to 33% at 68 degrees F with no bleeding. ... Light bleeding ... 42%. Heavy bleeding ... 68% mortality probability.

In contrast, FWP's current regulation has no explanation for the scientific history or evidentiary basis for choosing 73°F. Boyd's observation that the drought-closure temperature criteria were derived from literature involving maximum water temperatures of 23°C or less, while maximum summer temperatures observed in many southwest Montana rivers exceeded those temperatures. That history warrants transparent reassessment—not blind retention—of a threshold established under earlier conditions. Nowhere else in the plan does it mention heat related issues to trout nor ongoing studies regarding heat and trout fatality. However, maximum water temperatures currently observed in many rivers in southwest Montana during summer exceed those reported in the literature ($\leq 23^{\circ}\text{C}$).

d. The Blackfoot must receive the 66°F protection required for a designated cutthroat fishery:

The Blackfoot provides the clearest example of why the FWP's fishery designations must control the applicable temperature protections. The Statewide Fisheries Management Plan identifies the Blackfoot as an important westslope-cutthroat fishery: cutthroat trout increased from less than 3% to more than one-third of the mainstem trout community after basin-wide restrictive fishing regulations and restoration work began; native trout recovery has been most pronounced in the mid- and upper basin; and the plan identifies westslope cutthroat trout as an important fishery-health index because of their particular susceptibility to angling.

Over the last 30 years, westslope cutthroat trout have increased from less than 3% of the trout community to over one-third of the mainstem river trout community. Much of this increase has occurred since 1990, when basin-wide restrictive fishing regulations were instituted, and major aquatic restoration activities began. Long-term studies show native trout recovery has been most pronounced in the mid- to upper Blackfoot basin where the primary spawning tributaries for westslope cutthroat trout and bull trout are located. Westslope cutthroat trout provide a useful index to the overall health of the fishery because they are the most likely to be impacted by angling due to their susceptibility to angling compared to other trout species.

The regulatory consequence should be straightforward. Where the Statewide Fisheries Management Plan designates a stream or reach as an important cutthroat-trout fishery, the cutthroat-



specific 66°F threshold must apply. FWP cannot coherently acknowledge that the Blackfoot is a major cutthroat fishery, preserve the 66°F threshold for designated cutthroat waters, and then rely instead on a less protective 71°F trigger in a drought-response plan for the same fishery. A drought plan may add protections; it should not displace the plan designation and protective temperature criterion applicable to cutthroat trout.

FWP's earlier response confirms the mismatch. It explained that the Blackfoot Drought Response Plan uses a 71°F trigger at Bonner because that temperature "coincide[s] with temperatures near 68 degrees in the middle Blackfoot River," which FWP identified as "the primary reach occupied by westslope cutthroat trout." But that explanation concedes the central point: the 71°F gage trigger allows the relevant cutthroat reach to reach at least approximately 68°F before restrictions occur, even though the regulation's cutthroat threshold is 66°F. It does not explain why a designated cutthroat fishery should receive less protection than the 66°F rule provides.

The Blackfoot's local context further demonstrates why the more protective designation must be honored. The drought-plan materials state that bull trout experience thermal stress beginning at 60–65°F, that river temperatures in the 70–78°F range are common in July and August and impose variable stress, and that low flows degrade the riffles that provide core production, spawning, and rearing habitat. Unlike other trout, bulls undergo thermal stress beginning at 60–65°F, above which growth and survival begin to decline.

The Commission should therefore revise the regulations to state expressly that **all important cutthroat-trout fisheries designated in the Statewide Fisheries Management Plan, including the Blackfoot River, must use the 66°F daily-maximum-for-three-consecutive-days threshold.** That directive should apply notwithstanding a less protective temperature criterion in a local drought-response plan. In short, the state cannot become a signatory to a voluntary drought plan that lowers the protection level for threatened species. A local plan may be retained only if it provides equal or greater protection, such as a lower threshold, an earlier closure, or additional restrictions based on flow, disease, or concentrated angling pressure. Any action to the contrary violates the state's constitutional obligations to affirmatively and preventatively protect wild fish.

Requested amendment and transparent decision record:

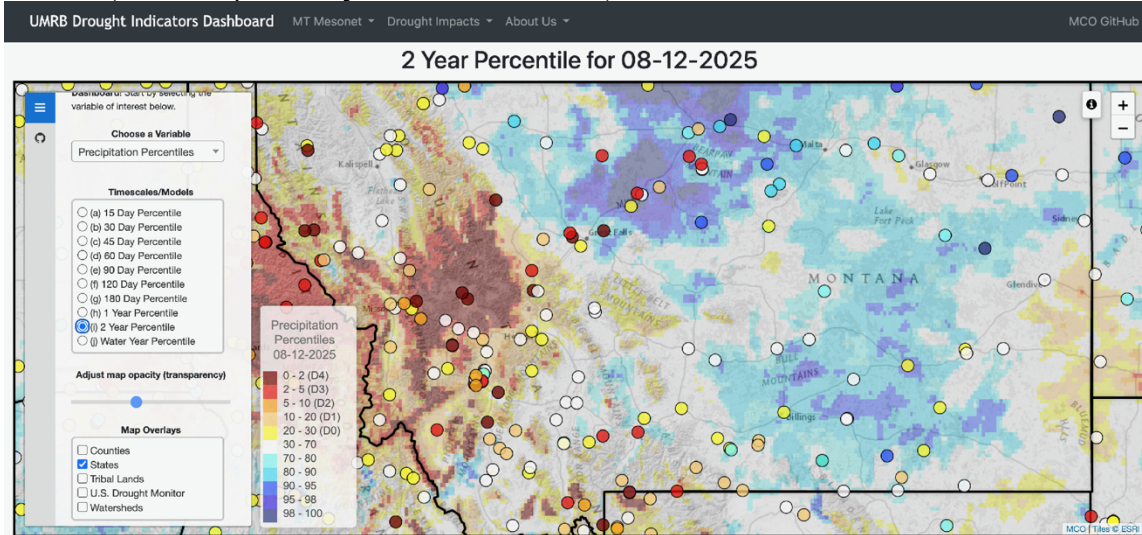
The Commission should amend the statewide standard to require a hoot-owl closure from **2:00 p.m. to midnight after daily maximum water temperatures reach or exceed 68°F for three consecutive days** in streams managed principally for coldwater salmonids. The regulation must further provide that every important cutthroat trout fishery designated in the Statewide Fisheries Management Plan uses the more protective **66°F daily maximum for three consecutive days** threshold, and every designated bull trout water retains the **60°F** threshold. The Blackfoot River must be expressly identified as a designated cutthroat fishery subject to the 66°F criterion.

FWP should publish the biological and administrative record supporting the selected statewide trigger and its implementation protocol. At a minimum, that record should identify the monitoring locations, use of daily maxima, relationship between temperature and low-flow conditions, consideration of dissolved oxygen and angling pressure, species designations, and reopening criteria. If FWP retains 73°F for any coldwater-salmonid water, it should identify the empirical basis for treating the interval between 68°F and 73°F as suitable for unrestricted or less restricted catch-and-release pressure despite evidence that thermal and handling stresses are cumulative. A transparent, evidence-based explanation is essential to reasoned fisheries management and to Montana's constitutional obligation to act before preventable degradation becomes irreversible.

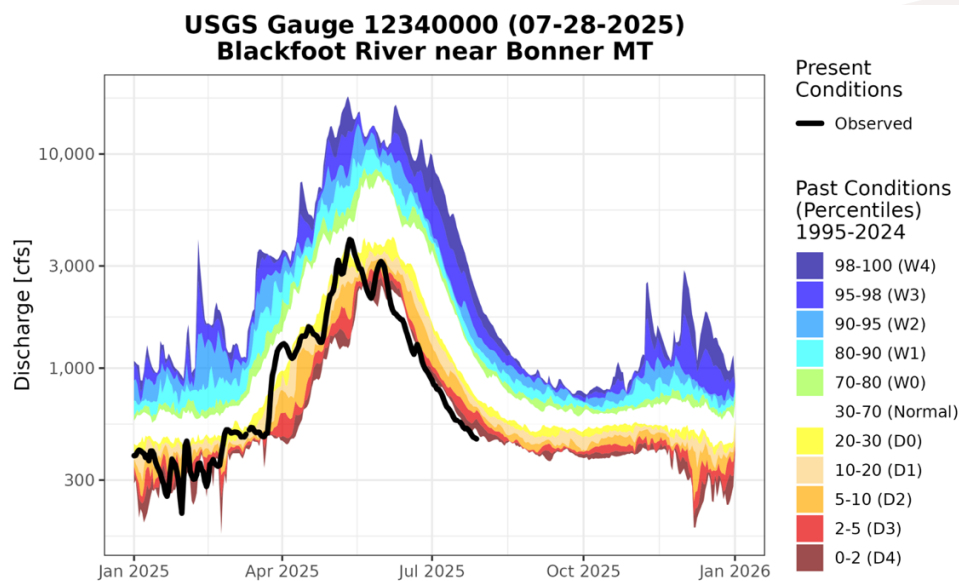


2. The 5th-percentile flow trigger must be mandatory, not merely discretionary:

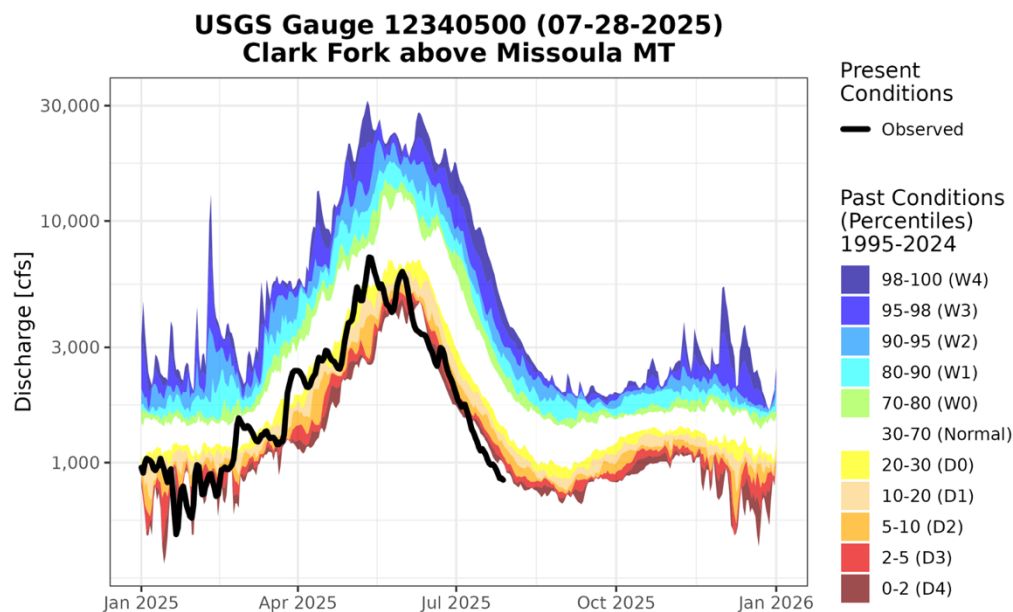
Another major issue that has arisen is that the permissive and discretionary nature of ARM 12.5.507's trigger criteria. More specifically, the 5th percentile flow criteria present in (1)(b)(iv). Over the course of the last several years of extreme drought in Western Montana, flows have consistently been below this criteria on some of the state's most important river systems. For example, in the summer of 2025, much of western Montana experienced historic drought, dropping river flows to the 0 percentile of flows (i.e. never previously recorded flow levels).



The Blackfoot River specifically, was the epicenter of that drought with flows below the 5th percentile for almost the entire summer. Yet, FWP did not take the preventive/preventative protective measures outlined in its Rules to protect the fishery amidst this water crisis and high stress period. Instead, FWP waited for the temperature trigger at the end of the summer to institute its fishing restrictions. This begs the question, why the flow threshold even exists?.



A similar situation played out on the Clark Fork River, which is identified by FWP as a critical part of the State's Bull Trout Recovery Plan.



This data establishes that the majority of both the Clark Fork and Blackfoot watersheds in 2025 experienced surface flows in the 0 percentile. These flows represent the lowest stream flows on record for those waterbodies. And yet, no flow-based fishing protections were given to the fish. And, making this matter worse, FWP refused to even make a call on its 1905 Milltown water right on the Clark Fork for the entire summer.

The rule's flow criterion is not ornamental. It recognizes that exceptionally low flow is independently harmful and also intensifies the thermal and angling-related risks that hoot-owl restrictions are designed to prevent. Yet, during the summer of 2025, the Clark Fork, the Blackfoot, the North Fork Blackfoot, and the Yellowstone experienced extremely high fishing pressure and flows in the 0–5th percentile range without FWP implementing hoot-owl restrictions until much later in the summer when high temperatures compounded the already terrible habitat conditions for fish.

This established non-implementation exposes a structural flaw in the present regulatory language: FWP has already made the policy and biological determination embodied in ARM 12.5.507(a): angling pressure contributes to excessive fish mortality when the rule's listed drought conditions are present. The regulation was adopted to minimize the fishery impacts of angling during periods of extreme heat, low flow, or both. In other words, the factual circumstance described in subsection (b)—a sustained temperature exceedance, fifth-percentile flow, drought-plan trigger, or comparable biological condition—is the condition that activates FWP's preexisting determination that continued angling creates an avoidable additive risk.

a. ***FWP's own recent reports confirm that flow, heat, and angling must be managed together:***

FWP's Blackfoot River Drainage fisheries management plan provides direct, contemporary confirmation that the Blackfoot is not simply a generic nonnative-salmonid water. It classifies the **entire Blackfoot River and tributary drainage** as a "Non-native salmonid sport fishery, cutthroat trout fishery,



bull trout fishery.” The report further directs FWP to enhance the westslope cutthroat trout fishery and migratory bull trout populations throughout the drainage.

This formal designation resolves the Blackfoot classification issue. The management plan cannot classify the entire drainage as a cutthroat trout fishery and then permit a local drought plan to functionally replace the 66°F cutthroat threshold with a 71°F trigger. FWP’s own report acknowledges that the 71°F lower-Blackfoot trigger generally corresponds to about 68°F in the middle Blackfoot—the primary westslope cutthroat reach—yet nevertheless calls that approach conservative. The 71°F threshold in the lower Blackfoot River generally coincides with a lower threshold near 68 F in the middle Blackfoot River, which is the primary reach occupied by westslope cutthroat trout. That is not a reason to avoid the cutthroat-fishery standard; it is the reason to apply it. If 71°F at Bonner corresponds to 68°F in the primary cutthroat reach, a 71°F Bonner trigger necessarily permits the designated cutthroat reach to exceed its 66°F protective threshold before the restriction takes effect.

The same FWP report makes clear that the risk is increasingly consequential. Blackfoot angler use increased from 16,000 angler-days per year in 1989 to more than 90,000 angler-days in 2020. Although FWP reports that prior long-term monitoring did not show population-level effects from earlier pressure, it also expressly identifies the need for additional information on encounter rates and cumulative catch-and-release mortality as the Blackfoot experiences “unprecedented levels of angling pressure”. Additional knowledge regarding encounter rates and cumulative catch-and-release mortality of westslope cutthroat trout would be beneficial to inform management strategies as the Blackfoot River experiences unprecedented levels of angling pressure.

Similarly, in Southwest Montana FWP’s 2025 *Trout Fishery Evaluation for Southwest Montana* reinforces the statewide relevance of this preventative approach. The agency reports that trout abundance in several major southwest Montana rivers has declined to near historic lows; that the region has warmed at twice the global rate over the last century; and that trout have high angling and natural mortality rates at high water temperatures. It specifically recognizes that catch-and-release mortality varies with temperature, species, gear, and location, and that greater recreational pressure combined with greater post-release mortality at high temperature may make catch-and-release a significant component of total mortality. The combination of increased angling pressure coupled with higher post-release mortality rates at high temperatures could cause catch-and-release angling to be a significant component of total mortality.

The 2025 interim report appropriately does not purport to answer every management question before the ongoing studies are complete. But it does confirm that FWP itself regards flow, temperature, fish health, recreational use, gear, harvest, and catch-and-release frequency as connected variables that must be evaluated together to protect trout populations. The Commission should not defer all protective action until the research is complete. The very uncertainty FWP identifies—particularly about cumulative catch-and-release mortality under unprecedented pressure—is a sound reason to apply the existing low-flow and cutthroat protections consistently and to adopt a precautionary 68°F statewide baseline now.

b. *New Montana-centered evidence shows that low flow directly constrains trout recruitment and production:*

The recently submitted Cline et al. study provides unusually relevant evidence because it uses long-term Montana Fish, Wildlife & Parks population monitoring and U.S. Geological Survey flow records across 25 brown -trout and 22 rainbow -trout populations in the northern Rocky Mountains. Although novel and not yet fully peer reviewed, it is powerful, directly relevant empirical evidence, authored by Montana State University, U.S. Geological Survey, and FWP scientists, that the fifth-



percentile flow criterion represents a biologically meaningful warning of production loss—not merely a discretionary convenience.

The study found that juvenile recruitment was consistently and positively associated with summer flows across both brown -trout and rainbow -trout populations, and that higher summer flows expand aquatic habitat, increase food availability, improve floodplain access, and support juvenile survival to recruitment. It also found that low summer flow was negatively correlated with elevated water temperature and that streamflow was the primary driver of trout population dynamics in models containing both variables. The Study also found negative correlations between low summer streamflow and elevated water temperatures ... streamflow consistently emerged as the primary driver of trout population dynamics in models that included both variables.

That evidence reinforces the requested mandatory fifth-percentile safeguard. Under the study's modeled severe-drought scenario—defined as the fifth quantile, or a one-in-twenty-year event—surplus production declined 31% on average across both species. Drought-sensitive populations lost an average of 49% of surplus production in moderate drought and 87% in severe drought. The study further warns that flow thresholds commonly set at the fifth to tenth percentile may be insufficient to sustain productivity as hydrologic conditions become more extreme and variable. Severe drought events (5th quantile, 1-in-20 year) reduced carrying capacity by 13% ... and surplus production by 31% on average. Drought-sensitive populations exhibited steep declines in surplus production, averaging 49% losses under moderate drought and 87% under severe drought. Current minimum flow thresholds—often set at the 5th-10th percentile—may be insufficient to sustain fish productivity under increasingly extreme and variable hydrologic regimes.

This study produces consequential evidence for the Commission to consider: severe low flow reduces carrying capacity and the recruitment-based production needed to sustain trout populations, while also increasing thermal stress. The Commission should therefore treat the fifth-percentile threshold as a minimum protective trigger that requires action, not as a level that can be ignored pending more deterioration or a later temperature threshold.

Requested Amendment:

The Commission should amend the rule to make that relationship express: when a subsection (b) condition is met the angling-pressure criterion in subsection (a) is presumed satisfied unless FWP makes and promptly publishes a site-specific finding, supported by biological evidence, that continuing angling will not contribute to mortality. This presumption is faithful to the rule's preventative purpose, prevents routine inaction, and still permits a transparent, evidence-based exception where the Department can show one is warranted. A rule designed to prevent excessive fish mortality should not allow its principal flow safeguard to go unenforced when the flow trigger has been reached.

The Commission should revise ARM 12.5.507 so that its operative directive is mandatory: **the Department must implement the applicable angling restriction when a subsection (b) condition is met, unless the Department determines that angling pressure will not contribute to excessive fish mortality.**

This requested amendment preserves FWP's professional judgment where it properly belongs—applying the science it has already created and defended. But once those factual determinations are made, the protective consequence should follow. The alternative defeats the rule's stated objective and makes protection dependent on unexplained, ad hoc agency inaction rather than transparent, consistently applied criteria.



The Commission should also replace permissive implementation language with a mandatory directive: when FWP determines that angling pressure may contribute to excessive fish mortality and the applicable temperature, fifth percentile-flow, drought-plan, or other biological criterion is met, FWP **must** implement the applicable angling restriction. Local drought-response plans may supplement this statewide rule only when they provide equal or more protective measures; they may not substitute a less protective temperature trigger for the 66°F cutthroat-fishery criterion.

COMMENT NO. 2

2. The Clark Fork needs a mandatory kill-and-report rule for northern pike

The ecological record supports early, aggressive suppression:

Northern pike (*Esox lucius*) are a nonnative apex predator in the relevant western waters. The submitted peer-reviewed study documents the speed and durability of the harm that can accompany an illegal pike introduction. In Box Canyon Reservoir (BCR), Washington, an illegally introduced pike population grew to more than 10,000 fish by 2010. Intensive and continued gillnet suppression later reduced pike catch per unit effort by approximately 97% and biomass by 98%; nevertheless, native species showed no recovery during the study period. Native-species relative abundance declined 82% and native relative biomass declined 56% between 2004 and 2019. By 2010, the *E. lucius* population was estimated at more than 10,000 individuals. Between 2012 and 2019, a gillnet suppression program was conducted, which reduced the *E. lucius* catch per unit effort in Box Canyon Reservoir by 97% and their biomass by 98%. The relative abundance of native species decreased 82%, whereas the relative abundance of non-native species increased 26% over the entire study period from 2004 to 2019. The relative biomass from native species decreased 56% between 2004 and 2019.

The authors' conclusion is a warning against delay: even after sharply effective suppression, native species had not recovered, and the record suggested that rapid pike-driven changes may have multigenerational and long-lasting effects. Even though the *E. lucius* population in BCR was sharply reduced, their effects on both the native and non-native fish communities were direct and long-lasting. This study strongly suggests that illegally introduced *E. lucius* in BCR had a significant impact on the fish community over a relatively short period of time (7 years; 2004–2011) ... Native species showed no signs of recovery following the colonization and suppression of *E. lucius* in BCR.

The proposed 2027–2028 regulations recognize the same concern in the Lower Clark Fork: bull trout are “especially imperiled” their populations are comparatively small, and the reservoir environment includes nonnative predators including northern pike. FWP also recognizes the importance of protecting bull trout and westslope cutthroat trout in tributary strongholds. Bull trout are especially imperiled in the Lower Clark Fork River drainage and have comparably small population sizes due to the presence of three mainstem dams, their associated reservoir environments which are poor-quality trout habitats and comprised of several non-native predators (smallmouth bass, northern pike, walleye).

Climate-related warming makes this threat more—not less—urgent. A University of Alaska Fairbanks report on a peer-reviewed study found that pike across age classes consumed more fish as temperatures increased and projected a 6%–12% increase in consumption by 2100. Although that study concerns an Alaska river and should not be treated as a Clark Fork population estimate, it reinforces the biological concern that warming can increase invasive-predator pressure on already stressed native fish. Pike of every age class ate more fish as temperatures increased, including a huge 63 percent rise among year-old pike.

A mandatory rule should be targeted, lawful, and paired with agency implementation:



The amendment should apply in Clark Fork waters where FWP has identified **trout conservation as the management objective and pike suppression as the pike-management objective**. This focused approach tracks the proposal made by Montana Trout Unlimited during the regulation process, which identified the Clark Fork upstream of the Flathead confluence as a leading example and offered to work with FWP on a disposal solution that accounts for consumption advisories and waste-of-game requirements. MTU suggests the inclusion of regulations for mandatory harvest of northern pike where (a) the statewide fisheries management plan has identified that the management objectives are for trout and (b) that the management objective for pike is suppression.

The rule should require that every northern pike caught in the defined Clark Fork suppression area be **immediately killed, and not released**. The Commission should simultaneously direct FWP to establish an enforceable, lawful disposal process, which could include designated reporting stations, instructions for relinquishing fish to FWP, or another authorized method that avoids conflicts with waste-of-game law and fish-consumption advisories. The regulation should plainly define its geographic reach, reporting information, and disposal options; include an effective date and annual review; and authorize the Department to refine the designated waters based on monitoring.

This is a reasonable part of an integrated suppression strategy, not a substitute for professional removal, monitoring, and habitat protection. The Washington study supports the proposition that intensive suppression can greatly reduce pike abundance, while also demonstrating why suppression should begin before ecological effects become entrenched. Managing invasive *E. lucius* could depend on the ability to perform intensive and continued gillnet suppression in waters similar to BCR.

FWP has acknowledged implementation concerns in response to a similar request: a no-limit regulation may fail to achieve measurable population change; mandatory harvest can raise compliance, ethical, and waste-of-game concerns where pike are abundant; and catch-kill-report tools have been used where fish are scarce and information is important. Those are implementation issues to solve through a tailored regulation and disposal protocol, not reasons to leave a vulnerable drainage without an early-detection-and-removal tool. Current mandatory catch, kill, and report regulations are viewed differently in that they are a means to collect potentially critical data from fish at locations where they are still low in abundance and difficult for the department to get samples.

Montana law requires preventative, evidence-based stewardship:

Montana's Constitution protects an individual right to a clean and healthful environment. It also directs that "[t]he state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations." *Held v. State*, 2024 MT 312, ¶¶ 22, 36, 560 P.3d 1235.

Most important here, *Held* reiterates that the constitutional right is "contemplated by an affirmative duty upon [the] government to take active steps to realize this right." *Id.* ¶ 36 (quoting *Park Cnty. Env'tl. Council v. Mont. Dep't of Env't Quality*, 2020 MT 303, ¶ 63, 402 Mont. 168, 477 P.3d 288). The Court also confirmed that Montana's environmental protections are anticipatory and preventative, not limited to remedying harm after it becomes irreversible. *Held*, ¶¶ 23–25; see also *Mont. Env't Info. Ctr. v. Dep't of Env't Quality*, 1999 MT 248, ¶¶ 63–64, 77, 296 Mont. 207, 988 P.2d 1236.

The Commission and Department have ample statutory authority and responsibility to act. FWP must supervise the State's fish, enforce laws concerning their protection, preservation, management, and propagation, and may promulgate reasonable rules to carry out Title 87. Mont. Code Ann. § 87-1-201(1)–(2), (8). The Department also must implement programs that manage listed, sensitive, and potential candidate species in a manner that assists their maintenance or recovery. Mont. Code Ann. § 87-1-201(10)(a)(i)–(ii).



Accordingly, the Commission should not treat the absence of a single study selecting precisely 68°F as a justification for retaining a less protective 73°F threshold without explanation. Nor should it treat the difficulty of mandatory pike disposal as a reason to defer a targeted early-suppression regulation in a drainage where it recognizes serious risks to imperiled trout. Where warming water, angling stress, invasive predation, and fragile native-fish populations interact, the constitutional and statutory framework calls for transparent, preventative management based on the best available evidence.

If the Commission concludes that further rulemaking is required to implement these measures, this comment should be treated as a request to initiate that process. Under Mont. Code Ann. § 2-4-315, an interested person may petition an agency for adoption or amendment of a rule; the agency must decide in writing within 60 days whether to deny the petition or initiate rulemaking, and the decision must be based on record evidence and state its reasons.

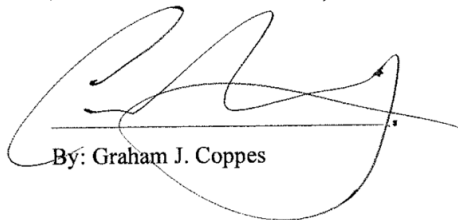
Requested Commission Action

The Montana Chapter of BHA respectfully asks the Commission to:

4. Adopt a **mandatory kill-and-report, no-release rule for northern pike** in designated Clark Fork suppression waters where FWP's management objectives are trout conservation and pike suppression.
5. Pair that rule with a lawful disposal pathway, easy reporting, biological sampling and monitoring, annual public reporting, and professional suppression efforts.
6. Make an express finding that these actions advance FWP's duties to protect, preserve, manage, and propagate fish and to take active steps toward Montana's constitutionally protected clean and healthful environment.

Thank you for considering these comments and for protecting Montana's coldwater fisheries before their decline becomes more difficult—and in some cases impossible—to reverse.

Respectfully,



By: Graham J. Coppes

The Montana Chapter Backcountry Hunters & Anglers





September 24, 2026

Montana Trout Unlimited
312 North Higgins, Suite 200
P.O. Box 7186
Missoula, Montana 59807

Montana Fish and Wildlife Commission
ATTN: 2027/28 Fishing Regulation Proposals
P.O. Box 200701
Helena, Montana 59620-0701

Submitted via online form at fwp.mt.gov

Re: Montana Trout Unlimited written comments on *Proposed 2027-2028 Fishing Regulations*

To Whom It May Concern:

Thank you for the opportunity to provide comments on the *Proposed 2027-2028 Fishing Regulations* that will be discussed by the Montana Fish and Wildlife Commission (Commission) at the October meeting. We appreciated the opportunity to be involved in the scoping process for these proposals as well as discussions with state and regional staff and biologists, public meetings, and stakeholder discussions. Additionally, we wish to continue our participation in the regulation development process by offering formal written feedback as requested by the Commission on the proposals. Thank you in advance for your consideration of these comments.

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

Montana Trout Unlimited has great interest in the impacts of any proposed changes to Montana's fishing regulations, especially given the increasing challenges facing our native fish resources compounded by threats like climate change, prolonged drought, historic low flows and warming water temperatures, competition and predation from non-native introduced species, and increasing water-based recreation pressures. We continue to promote fisheries management approaches grounded in the best available science that preserve and improve populations of wild fish, with a

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significant priority placed on native coldwater fish species, such as cutthroat trout, bull trout, and arctic grayling. We also recognize the department's need to balance those efforts with angler opportunity. Fishing regulations are one tool, alongside habitat protection and enhancement, which helps accomplish the goals of native and wild fish conservation while providing angling opportunities that benefit the public.

Montana Trout Unlimited offers our support for the following proposals in the *Proposed 2027-2028 Fishing Regulations*:

- *Proposal dealing with possession limits for Lake trout in the western fishing district (#2)*: MTU supports the proposed change to lift the current possession limit for lake trout in the western district from forty fish to no possession limit. By all accounts lake trout populations in western Montana remain abundant and are expanding, often at the detriment of native fish species. We support all efforts to increase angler harvest of this species that is biologically defensible, as this proposal is. Further, for this proposal and those dealing below with smallmouth bass possession limits, our organization believes that these harvest limits are an important public education tool and lifting possession limits sends a strong signal that our management goals for these non-native, introduced species is suppression. While we would advocate for more robust suppression activities, we view this gesture as important.
 - *No change from scoped proposal.*
- *Proposals dealing with the management of smallmouth bass across the state (#3-5)*: MTU supports this change in approach across the state to the harvest and possession limit for smallmouth bass, an adept predatory fish whose continued expansion threatens native fish conservation goals statewide. Taken together these proposals expand the ability for anglers to be part of the solution by reducing smallmouth bass populations where they exist, help further public education about the suppression goals for these species in watersheds, and perhaps help to prevent further expansion into native fish waters. We do believe that the approach provided in proposals #3-5, incorporating the changes to the district standards, are preferable to the approach in original scoped proposal #7 (recognizing that it was already removed from consideration); however, we support the goals embodied in this entire package of proposals.
 - *No change from scoped proposal.*
- *Proposal regarding transport of live fish in the Eastern Montana District (#6)*: MTU strongly supports measures intended to reduce the possibility of the spread, propagation, or expansion of non-native fish species and aquatic invasive species in all regions of the state. As such, we support this proposed change which we believe will reduce that risk.
 - *No change from scoped proposal.*
- *Proposal to include tiger trout into the Combined Trout harvest and possession limits in the Central and Eastern District (#8)*: MTU supports the department's proposal to include tiger trout in the combined trout limit in these districts.

- *No change from scoped proposal.*
- *Proposal on Flathead Lake harvest and possession limits (#9-11):* MTU supports these proposed harvest changes to ‘no limit’ for northern pike, rainbow trout, and smallmouth bass in Flathead Lake. We continue to support efforts to enhance native fish (specifically in this case, bull trout and westslope cutthroat trout) conservation within the Flathead drainage, and we believe that the continued expansion of any of these three non-native species remains incongruent with those goals. Further, we support the continued efforts of the Confederated Salish and Kootenai Tribes in their conservation leadership on these native fish restoration goals in the south half of the lake, which are not benefited from different management objectives being pursued north of the reservation boundary. We, along with our chapter in the area (Flathead Valley Trout Unlimited), continue to support the goal of standardizing Flathead Lake regulations across jurisdictional boundaries, and as such, we support these proposals.
 - *No change from scoped proposal.*
- *Proposals to protect bull trout in northwest Montana tributaries with gear restrictions (#12, and 16-20):* We believe that gear restrictions and limitations on the use of live bait have a demonstratable benefit to reducing catch and release mortality for incidental catches of bull trout. The waterbodies in these proposals are important spawning tributaries providing required habitats for bull trout in the lower Clark Fork watershed and have seen significant investment from restoration partners in enhancing their viability for bull trout passage and recruitment/spawning. This regulation change is biologically needed and improves consistency of regulation for bull trout spawning habitats in the watershed.
 - *No change from scoped proposal.*
- *Proposals on seasonal restrictions on various tributaries in region three (scoped proposals #25-27, 34, 36-37, and 39, now 24-26, 31, 33-34, and 38):* In recent regulation packages we have moved the needle on transforming management approaches in this system in response to emerging science on spawning and recruitment sources of fish. Our understanding of these systems, thanks to the leadership of the department’s research unit and fisheries staff, continues to evolve. Better understanding that the origin of a majority of the fish in the mainstem waterbodies in region three, including but not limited to the lower Gallatin, are spawned and recruited in tributaries means that protecting spawning areas from angling seasonally makes sense. Additionally, when the largely district-wide standard general fishing restriction was rolled back a number of years ago, the argument was to increase opportunity outside of warm, hot, and crowded summer seasons for residents. While that made some sense at the time, we now have better information to target those closures in the tributaries that are most critical thanks to the scientific research being completed by the department. With warmer more ice-free spring weather and increased angling pressure, it makes sense to target areas with high concentrations of tributary spawning activity with seasonal closures, thereby

balancing opportunity with resource protection. Therefore, we support this package of proposals.

- *No change from scoped proposal.*
- *Spawning closure components of proposals in southwest Montana (scoped proposals #30 and 31, now #27 and 28):* We support the spawning and full side channel closure elements of these proposals. On the Jefferson River, the inclusion of Parsons Slough in the list of tributary mouth seasonal closures is important given the recruitment importance of these cold-water tributaries in this section of the river as well as the fact that significant restoration activities in Parsons and Willow Springs intended to boost spawning and recruitment have taken place. Regarding the Madison and a reconstructed/restored side channel there, again significant investments have been made to address limiting factors for trout populations in these sections of the Madison and providing some clear protections in the regulations for that habitat enhancement is something we support. We believe that the ‘as posted’ approach makes sense, but it is something that we will likely have to evaluate for its efficacy in being clearly communicated to the public (i.e., continue to evaluate that even with posting of no fishing and wading if there are anglers that are anchoring at the top or bottom of the islands created by the side channels, specifically Hyde Creek and Morgan Gulch, and harming restoration).
 - *Proposals have changed from scoping, and we appreciate that these proposals are specific now to protecting spawning and rearing habitats.*
- *Proposals on native fish species in lakes within the Big Hole River Drainage (scoped proposals #32 and 35, now 29 and 32):* We support proactive resource protection driven approaches in the Big Hole drainage to further native fish restoration and conservation goals, as established in the statewide fish plan. In this case, it means expanding harvest restrictions for Arctic grayling and burbot on both Miner and Pintler lakes. With the continued challenges facing native fish species in this drainage, we believe that further limiting harvest in the lakes is the responsible approach.
 - *No change from scoped proposal.*
- *Proposal on seasonal closure of Missouri River-Big Spring confluence (scoped proposal #33, now #30):* MTU supports the proposal to expand and formalize the seasonal spawning closure at the confluence of Big Spring with the Missouri River to protect both rainbow and brown trout using this tributary. Further, we appreciate the approach of closing “in the spring channel and within 100 yards upstream and downstream” rather than the current “as posted” closure.
 - *No change from scoped proposal.*
- *Proposal to increase cutthroat trout harvest on Red Rock Creek (Scoped proposal #38, now #35):* While we have traditionally supported increased protections for native species in relation to harvest, we do think the department’s rationale here is worthy of support for the change to increase the harvest limit from one to three cutthroat trout in Red Rock Creek.

Particularly given the high level of hybridization of cutthroat in the drainage (reducing arguments for native fish conservation goals here with regard to cutthroat) and the relatively light angler pressure, this change makes sense. And we continue to share the collaborative goals of Arctic grayling within the Red Rock drainage, of which reducing predation from large, hybridized cutthroat trout is an important strategy to achieve. We support this change.

- *No change from scoped proposal.*
- *Proposals dealing with harvest under the adaptive management plans for the Big Hole and Beaverhead rivers and river recreation clarifications (not scoped, now proposals #36 and 37):* MTU has championed the development of rigorous and scientifically-justified adaptive management frame works in southwest Montana, specifically here on the Big Hole and Beaverhead rivers. We greatly commend the biologists in the region for the hard work in the development of these plans and the associated management framework that has accompanied them (and been included in the Statewide Fisheries Management Plan). As such, we must support the proposed changes to the fishing regulations promulgated here affecting the Hogback section of the Big Hole and below Barretts section of the Beaverhead to allow harvest of brown trout. Further, we have reviewed and agree with the proposed river recreation clarifications as proposed here.
 - *Not previously scoped.*
- *Proposal regarding setline limits and season length on the Missouri River between Cow Creek and Beachamp Creek (scoped proposal #40, now #39):* While the primary mission of our organization is to advance policies that support the protection, restoration, and conservation of coldwater species, we have traditionally also advocated for sound management strategies for all native fish species in the state as well. As such, we wish to support this proposal limiting the number of setlines from April 15-June 30th on this section of the Missouri River. We believe that the regulation will reduce unnecessary harm to native populations of sauger and pallid sturgeon in a critical life history stage of spawning aggregation in this section of the river. In our view, the proposed regulation adequately balances angler opportunity with resource conservation for native fish species.
 - *No change from scoped proposal.*
- *Proposal on fishing pole limit on the Missouri River from Cascade to Black Eagle (not previously scoped, now #40):* MTU has been greatly concerned about the proliferation of northern pike in this section of the Missouri River and the potential impacts that will result from continued expansion. In addition to the no-limit harvest, we support any means, including thoughtful gear restriction changes like this, that increase the harvest of northern pike in this section. We commend the parties that brought it forward and support the proposal to increase the number of allowed fishing poles to two per angler.
 - *Not previously scoped.*
- *Proposal on setline limits and season length on the Yellowstone River from*

Billings to Bighorn River (not previously scoped, now #41): We support the proposed change to limit the season length of current setline during critical spawning periods for several native fish species. We appreciate those that brought the proposal forward and are supportive of its adoption.

- *Not previously scoped.*

Montana Trout Unlimited supports and is seeking additional clarifications on the following proposals as drafted to the *Proposed 2027-2028 Fishing Regulations*:

- *Proposals on Definition of Hook (#1):* For several reasons (and consistent with our comments from the last regulation cycle), we think the goal of a simple and clear definition of a lure, bait, and hook in the regulations is important. As such, we continue to support the intent of this proposal, but we think that it would make sense to continue to work through this definition with the angling community. We should ensure that whatever definition results from that discussion is in line with all geographic areas of the regulation book (i.e. the Beaverhead River in addition to the Flathead River sections as well as Eastern Montana) as well as is understood by diverse angling communities.
- *Proposal on Hungry Horse Reservoir Bull trout length restriction and season change (#13):* MTU shares concerns with the department about the continued decline of bull trout populations across western Montana, including here, and feels incumbent to use all tools available, including both habitat conservation and restoration as well as fishing regulations, to support viable populations wherever they exist. As such, we welcome revisions to the bull trout harvest and season structure on Hungry Horse Reservoir. Generally, we support the goals stated in this proposed revision; however, we would still appreciate greater biological reasoning as to how the specifics of the proposal will enhance bull trout conservation in the South Fork of the Flathead, specifically whether these changes are enough given the ongoing population and redd count declines. Certainly, we support whatever restrictive regulations are biologically necessary to maintain a viable bull trout population in the reservoir and South Fork of the Flathead watershed upstream.
 - *No change from scoped proposal.*

Montana Trout Unlimited is neutral to the following proposals in the *2027-2028 Fishing Regulation Public Scoping Proposals*:

- *Various proposal topics, including #7, 14-15, 2-23, and 42-44.*

Thank you again for the opportunity to comment on the regulation proposals. Overall, we believe that the fishing regulation proposals are strong and well-grounded in scientific management of our world class fishery resources. Montana is unique in its approach to wild and native fisheries management, and this proposal continues to build on that legacy. We understand that regulations are but one tool, and we believe that they serve an important function in addition to the long-term focus on habitat protection and enhancement.

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

Respectfully,

A handwritten signature in cursive script, appearing to read "Kelley Willett".

Kelley Willett
Acting Executive Director
Montana Trout Unlimited