



2023-24 FISHING REGULATION PROPOSALS

The department 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. A two-year cycle could also allow more time to evaluate the effectiveness of fishing regulation changes. 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 department 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 2023/2024 Montana Fishing Regulations with associated information on biological rationale and regulation type.

Note: *New language is in italics*. Deleted language is indicated by a ~~striketrough~~. Changes are highlighted in yellow. Page numbers refer to the 2022 Fishing Regulations booklet.

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PROPOSAL #1: Ice Fishing Shelters, Statewide

Page 20 delete:

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 wasted materials before they leave for the day.

Removal: Daily removal of shelters is required on: Browns Lake (near Ovando), Echo Lake (near Anaconda), Georgetown Lake.

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 delete:

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 Clark Canyon Reservoir, Deadman's Basin, Hauser Reservoir, Lake Frances and Lake Helena 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 wasted materials before they leave for the day.

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

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 77 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 Bearpaw Lake and Beaver Creek Reservoir 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 wasted materials before they leave for the day.~~

~~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 Reservoir, Baileys 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 #36.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Changing the identification language was scoped at the Region 4 CAC meeting.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement staff initiated the discussion of this regulation proposal concept. The concept was also discussed with CommEd and received support. The proposal has had broad dDepartment review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #2: Use of Attractor, Western and Central Fishing District

Pages 21 and 50 change:

Use of Attractor: A bead fixed on a line or leader two 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 two inches from the eye of a bare hook or artificial fly is considered snagging and is unlawful.

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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, conservation, relevancy, management plan, other):

Clarification, enforcement: clears up unintended enforcement consequences.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Headquarters Enforcement staff helped to develop the language and are supportive of this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

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

Page 22 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 16).
- 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

No scoping or outreach for this proposal has occurred. 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

Controversy is expected from members of the public who transport live crayfish for consumption. Crayfish are commonly collected and transported alive before they are prepared for cooking.

PROPOSAL #4: Northern Pike Spearing, Western Fishing District

Page 21 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 23 add:

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

Page 28 delete:

- **Bull Lake (near Troy)**
- Northern Pike: no limit
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 31 delete:

- ~~**Echo Lake (near Bigfork)**~~
- ~~Spearing: Open for Northern Pike through the ice only, daily limit of 2~~

Page 37 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 38 delete:

- **Lower Thompson Lake**
- Salmon: 10 daily and 20 in possession
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 38 delete:

- **Middle Thompson Lake**
- Salmon: 10 daily and 20 in possession
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 43 delete:

- ~~**Upper Stillwater Lake**~~
- ~~Spearing: open for Northern Pike through the ice only.~~

Page 43 delete

- **Upper Thompson Lake**
- Salmon: 10 daily and 20 in possession
- ~~Spearing: open for Northern Pike through the ice only.~~

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

All populations of northern pike in the Western District are results of unauthorized introductions. Unauthorized Placement of Fish, ARM 12.7.1501 through 12.7.1505 provide the purpose for and management actions because of these illegal introductions, including allowing capture methods other than hook and line.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

There were no objections to the proposal.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed this proposal and believes that removal of exceptions and adding a district-wide spearing through ice regulation removes confusion and improves enforcement ability of this proposed regulation. Region 2 waters where northern pike have been illegally introduced have additional regulations in place.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

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 non-traditional 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.

PROPOSAL #5: Bait Regulations, Western Fishing District

Page21 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, Redside 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 it will help protect sensitive species as well as preventing the spread of aquatic invasive or non-native species.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from Com Ed, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement reviewed and concurred with this proposal. AIS staff reviewed and concurred with this proposal. Region 1 wildlife/non-game reviewed and concurred with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #6: Walleye Standard Regulation, Western Fishing District

Page 23 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 may be 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 29).

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Regulation change to be consistent with current department policy.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

None

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #7: Basin Creek Reservoir, Region 2

Page 24 delete:

Basin Creek Reservoir

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

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, **relevancy**, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

George Grant Trout Unlimited and Anaconda Sportsmen were notified about this possible change.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Regional CommEd and Enforcement have been informed of the proposal and have no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #8: Blanchard Lake, Region 1

Page 28 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

All populations of northern pike in the Western District are results of unauthorized introductions. Unauthorized Introduction ARM rule 12.7.1501 through 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, gill net 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 (clarification, enforcement, conservation, relevancy, management plan, other):

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.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement and CommEd have reviewed this proposed regulation change and concur.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #9: Bootjack Lake, Region 1

Page 28 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Gill net monitoring in Bootjack Lake indicate 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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Other: increases sport fish angling opportunity.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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 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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement and CommEd have reviewed this proposal and have no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

During scoping no concerns were raised by the public.

PROPOSAL #10: Clark Fork River, Region 1

Page 29 delete:

CLARK FORK RIVER

Mouth of Flathead River to mouth of Thompson River

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

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

This smallmouth bass population is the result of unauthorized introductions. Unauthorized Introduction ARM 12.7.1501 through 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, enforcement, conservation, relevancy, management plan, other):

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 Reservoir, Noxon Reservoir and Cabinet Gorge Reservoir) with more restrictive bass regulations.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed this proposal and believes that removal of exceptions reduces confusion and improves enforcement ability of this proposed regulation.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #11: Echo Lake, Region 1

Page 31 delete:

Echo Lake (near Bigfork)

- ~~Spearing: Open for Northern Pike through the ice only. Daily limit of 2.~~

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 2 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 unlimited spearing harvest for northern pike in Echo Lake.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

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 #12: Gold Creek, Region 2

Page 34 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 were less than three redds per year. Since the special regulation went into effect, the bull trout population has continued a downward trajectory. Annual spawning ground surveys have not documented migratory bull trout spawning activity 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 have been reduced to a remnant status and might even be 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 (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy: the circumstances that justified the special regulation have changed. Therefore, the restriction is unnecessary.

Other: this will simplify the regulations and increase fishing opportunity by removing an unwarranted restriction.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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’s Advisory Committee (CAC).

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Regional CommEd and Enforcement have reviewed and do not have concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #13: Kootenai River, Region 1

Page 35 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 may be returned to angler upon request.**
- Burbot: ~~Catch and release.~~

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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. State of Idaho has reinstated a limited harvest fishery for burbot in the Idaho portion of Kootenai River.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #14: Lake Koochanusa, Region 1

Page 36 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 Koochanusa Bull Trout Catch Card must be in possession when fishing for Bull Trout. See Special Fishing Licenses requirements for application information. It is unlawful to possess a live Bull Trout for any reason.
- Kokanee Salmon: 50 daily and 100 in possession

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #15: Lake Mary Ronan, Region 1

Page 37 change:

Lake Mary Ronan

- Kokanee Salmon: 10 daily and in 20 in possession.
- *Northern Pike: no limit, mandatory harvest.*
- 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 hrs (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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 gill net surveys, targeted spring gill net 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 through 12.7.1505 provide the purpose for and management actions because of these illegal introductions. A no limit with mandatory harvest 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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Conservation: mandatory harvest of northern pike could help sustain yellow perch, kokanee and trout.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement and CommEd have reviewed this proposed change and do not have concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

This would be the first mandatory harvest regulation in the state and may be controversial.

PROPOSAL #16: Loon Lake, Region 1

Page 37 delete:

LOON LAKE (near Ferndale)

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

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Loon Lake is a put-grow-and-take rainbow trout fishery dependent on FWP stocking. Rainbow trout are stocked as 1-year old fish (9-10”), 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 (>75 degrees F) and releasing fish in the slot can result in poor post-release survival.

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

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 Enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #17: Lost Lake (Eureka), Region 1

Page 37 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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, enforcement, conservation, relevancy, management plan, other):

Clarification on location.

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 1 enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #18: Placid Lake, Region 2

Page 40 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 may be returned to the angler upon request.

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Regulation change to be consistent with current department policy.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #19: Rattlesnake Creek, Region 2

Page 40 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 *the mouth of Spring Gulch 100 yards downstream of Mountain Water Company Dam.*

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 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.

Spring Gulch is a geographic location that is readily identifiable by the public on the ground and on a map. This makes it a good feature for public use and department enforcement. Moving the boundary upstream to Spring Gulch opens about 1.5 miles of angling opportunity by reducing the closure from 7.5 to 6 miles long and conservatively maintains protection of the most important bull trout area.

Fishing pressure is modest on the 4.5 miles of Rattlesnake Creek currently open from the third Saturday in May to November 30. There were an estimated 883 angler days in 2020 and 1,527 angler days in 2019. The recreational fishery of Rattlesnake Creek is modest as well, with few trout exceeding 12 inches. It is expected that similar fishing pressure would be translated to the 1.5 miles of water that would open.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Enforcement: clarification of landmark

Conservation: conservation of ESA listed bull trout

Relevancy: current landmark in regulations no longer exists

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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's Advisory Committee (CAC).

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Regional CommEd and Enforcement have reviewed and do not have concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

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 closure section as is and to reduce its length more than proposed. Comments on the proposal will help clarify this issue.

PROPOSAL #20: Smith Lake, Region 1

Page 41 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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, enforcement, conservation, relevancy, management plan, other):

Clarification, simplification.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement and CommEd have reviewed this proposal and had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #21: South Fork Flathead River, Region 1

<p><u>Page 42 delete:</u></p> <p>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.</p> <ul style="list-style-type: none">• 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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, Back County Hunters and Anglers.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement has commented that the regulation is difficult to enforce because of the contradictory "safety" rationale. For that reason, Region 1 Enforcement has reviewed and concurs with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #22: 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 92) 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 94-95 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Clarification

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and also 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Enforcement staff initiated the discussion of this regulation proposal concept. The concept was also discussed with regional CommEd staff and received support for modification to improve clarity.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #23: Spearing, Central and Eastern Fishing District

Page 50 change:

Submerged Spearing: In all waters open to fishing, nongame 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 78 change:

Submerged Spearing: In all waters open to fishing, nongame 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

No biological impacts are expected.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Clarification, relevancy: the proposed language clarifies the definitions.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #24: Beaverhead River, Region 3

Page 54 change:

BEAVERHEAD RIVER

Entire River

- Rainbow Trout: ~~1 daily and in possession.~~ *Catch-and-release only.*
- Brown Trout: *5 fish daily and in possession, all fish must be less than 18"; except for Clark Canyon Dam to High Bridge FAS and Barretts Diversion to the mouth Catch-and-release only, see special regulations below.*
- *Artificial lures and single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replaces 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 ~~October 31~~ *September 30.*

Clark Canyon Dam to High Bridge FAS

- *Brown Trout: Catch-and-release only.*
- *Artificial lures and single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replaces 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.*

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 float outfitting on each Sunday from the third Saturday from the third Sunday in May through Labor Day.

Barretts 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

The proposed regulation changes are directly responsive to the biology and abundance of trout populations in the Beaverhead River. Regulations were changed across the entire Beaverhead River in fall 2021 in response to low brown trout abundances in some sections; however, abundances were not low in all sections and, in the absence of a management plan, restrictive regulations that reduced angler opportunity were enacted in reaches with average to above average brown trout abundances. Individual anglers, angling groups, and organizations have expressed concern about regulation changes not being based on fish abundances or biology. The following is the biological rationale for the proposed regulation changes:

- 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 and evaluation of these regulations, which was requested by several groups in scoping meetings. Although there is presently no biological data that suggests harvest and gear type has population-level effects, FWP will prioritize investigation of effects of different gear types and harvest on the trout population throughout the Beaverhead River over the next four years. This specific reach was identified by non-commercial and commercial anglers, conservation districts, and water users to apply this regulation.

- Between Barretts 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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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.

The proposed regulations received good support at all public meetings. The existing 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The regulations were scoped with Region 3 Enforcement and CommEd who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware of, relevant MCA or ARM to justify this change):

This proposal combines suggestions from two public proposals.

A letter with regulation proposals was sent to the Fish and Wildlife Commission from 23 individuals on the respective boards of the Beaverhead Conservation District, Ruby Valley Conservation District, and the Joint Irrigation Board for Clark Canyon Reservoir and Beaverhead River requesting that standard Central District gear and harvest regulations be reinstated on the entire the Beaverhead River because FWP data showed average to above average abundances of brown trout in the upper 17 miles that was managed under standard Central District regulations until last fall. They indicated recently enacted restrictive regulations primarily affected “resident Montana anglers, especially local families in Beaverhead and western Madison counties that the petitioners represent and is contrary to how the petitioners manage (Beaverhead River) habitat for the angling public.”

The regulation proposal was presented to these organizations during scoping. Each group stated the management strategies addressed their concerns (i.e., regulations would be based on trout abundances and biology) and supported the proposed regulations, even though they were more restrictive than what was requested in their petition.

Fishing Outfitters Association of Montana submitted a public regulation proposal following the same rationale as outlined in this proposal.

PROPOSAL #25: Big Hole River, Region 3

Page 56 change:

BIG HOLE RIVER

Entire River

- Catch-and-release for Arctic Grayling

Headwaters to Dickie Bridge

- Combined trout: 5 daily and in possession, no size restriction

Dickie Bridge to ~~BLM Maiden Rock~~ Brownes Bridge FAS

- Catch and release for Rainbow trout December 1 to third Saturday in May.
- Brown Trout: Catch-and-release only.
- Combined trout: 1 daily and in possession, all must be less than 18".
- Artificial lures only. lures and single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hoods 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.
- Open third Saturday in May through September 30.

BLM Maiden Rock to Brownes Bridge FAS

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

- *Artificial lures and single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hoods 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.*

Brownes Bridge FAS to the mouth

- Catch and release for Rainbow trout December 1 to third Saturday in May.
- Brown Trout: Catch and release only.
- *Artificial lures and single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hoods 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.*
- *Combined trout: 1 daily and in possession, all must be less than 18".*
- *Open April 1 through September 30.*

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

The proposed regulation changes are directly responsive to the biology and abundance of trout populations in the Big Hole River. Regulations were changed in the middle and lower portions of the Big Hole River in fall 2021 in response to low brown trout abundances resulting in restrictive regulations that reduced angler opportunity and harvest. The following is the biological rationale for the regulation changes given the current trout population abundance in these sections of the river:

- Combined trout harvest is proposed to only include 1 fish less than 18". Current trout abundance, particularly brown trout abundance, is below long-term averages in this reach of river. A 1 trout limit restricts harvest adequately to limit angler impacts on the fish population. The under 18-inch size requirement protects age 4 and older fish allowing harvest primarily on smaller, pre-spawning age classes.
- 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 which has no gear restrictions.
- Dickie Bridge to Brownes Bridge FAS: open from third Saturday in May through September 30. Trout abundance within this section is well below long-term average. The public has been very supportive of the spawning closure on the Big Hole River implemented in 2021 in response to declining brown trout numbers. This change expands the geographic range of the current spawning closure and adjusts the timing of the closure to include the rainbow trout spawn in the spring. The department believes spawning closures are appropriate for both rainbow trout and brown trout due to low abundance of both species. When fish population numbers increase to near long-term average, this restriction would be reassessed and less restrictive regulations will be considered.

- Brownes Bridge FAS to the mouth: open from April 1 through September 30. Combined brown and rainbow trout abundance in this section is below long-term average. However, the spawning closure on this lowest section of the river would only cover the spawning and egg incubation time for brown trout. This section of the river suffers from dewatering in the late summer and often experiences drought related hoot-owl or full fishing closures in late July and August. Anglers expressed concern that having the fishing season closed in the spring would lead to an extremely truncated fishing season. Further, the rainbow trout abundance in this section of the river is only slightly below the long-term average and trending upward. Having a variable spawning closure among reaches of the river will also allow FWP to evaluate the effectiveness of the rainbow trout spawning closure over the next 4 years. If the fish population recovers more quickly in upper section, a similar spawning closer could be enacted on the lower reach of the river. If there is no difference in the rate at which fish populations recover between the reaches, the rainbow trout spawning closure in the middle section of the river could be removed.

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

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation: sport fish conservation.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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, which encompassed between 100 and 200 individuals and included state legislators and county commissioners.

The regulation proposals were well supported during all public meetings. Each group stated the management strategies addressed their concerns (i.e., regulations would be based on trout abundances and biology) and supported the proposed regulations. The public also generally supported implementing less restrictive fishing regulations when the population improves and abundance increases to levels near long-term averages.

Fishing Outfitters Association of Montana and one individual submitted a public regulation proposal following the same rationale as outlined in this proposal.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The regulations were scoped with Region 3 Enforcement and CommEd, no concerns were raised.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #26: Clark Canyon Reservoir, Region 3

Page 60 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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 all of the meetings. No changes were suggested during the public scoping process.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

These regulations were scoped with Region 3 Enforcement who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #27: Crystal Lake, Region 4

Page 60 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and also 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 4 Enforcement and CommEd reviewed the proposal and had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #28: Ferguson Lake, Region 3

Page 61 add:

FERGUSON LAKE (Big Hole drainage):

- Combined trout limit 2 daily and in possession.

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

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

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposed regulations were scoped with Region 3 Enforcement staff who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

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

PROPOSAL #29: Missouri River, Region 3

Page 67 change:

Missouri River

Toston Dam to Canyon Ferry Reservoir

- **Big Spring-Localized** spawning areas closed as posted from March 1 through June 15.

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

The proposed regulation will protect aggregations of spawning rainbow trout. Large rainbow trout spawning concentrations are no longer present in this reach, but the concentration at big spring is still significant and is posted each year.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Clarification

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

No prior public outreach

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 3 Enforcement staff agree the proposed change will reduce confusion by anglers.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #30: Pelican Point Pond #1, Region 4

Page 69 delete:
~~PELICAN POINT POND #1 (largest pond on Pelican Point FAS near Cascade)~~
• Northern Pike: no limit.

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy: regulation is no longer relevant.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Region 4 hosted a Region 4 CAC meeting on May 12, 2022, hosted a public meeting in Lewistown on May 17, 2022, and also 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Region 4 Enforcement and Comm Ed did not have any concerns with this proposal.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #31: Red Rock River, Region 3

Page 69 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.”

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 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 its un-named spring tributaries where spawning fish concentrate are presently open during spawning and are seasonally targeted by anglers.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation: conservation action for sport fish.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

These regulations were scoped with Region 3 Enforcement who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #32: Ruby River, Region 3

<p><u>Page 69 add:</u></p> <p>RUBY RIVER</p> <p>Upstream from Ruby Reservoir</p> <ul style="list-style-type: none">• Combined Trout: all may be cutthroat trout. <p>Confluence with Sweetwater Creek to Ruby Reservoir</p> <ul style="list-style-type: none">• <i>Open third Saturday in May through November 30.</i> <p>Downstream from Ruby Dam</p> <ul style="list-style-type: none">• <i>Rainbow Trout: Catch-and-release only.</i>• <i>Brown Trout: 1 daily and in possession, must be less than 18"</i>• Closed the Entire year just below Ruby Dam (that portion of the Ruby River from its confluence with the Ruby Dam outlet channel upstream to the dam, including the outlet channel).
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Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Otolith 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.

Rainbow trout harvest is proposed to change from one fish daily to catch-and-release because of their limited distribution near Ruby Dam, near historically low abundances the past five years, and a population skewed towards old fish that has lower than normal recruitment.

Brown trout harvest is proposed to only include fish less than 18" to protect 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 post-spawning survival of adult brown and rainbow trout. Harvest of brown trout would be contingent on their density; based on densities between the 5th and 25th percentile of the long-term dataset, regulations that allow harvest of 1 brown trout less than 18" would apply to the entire Ruby River downstream of Ruby Dam.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation: to provide conservation of sport fish.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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 changes during all the meetings. No changes were suggested during the public scoping process.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

These regulations were scoped with Region 3 Enforcement who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

An organization with habitat management authority on Ruby River (Ruby Valley Conservation District) sent a regulation proposal to the Fish and Wildlife Commission from 23 individuals on the respective boards of the Beaverhead Conservation District, Ruby Valley Conservation District, and the Joint Irrigation Board for Clark Canyon Reservoir and Beaverhead River requesting that trout population management and regulations on the Beaverhead River be based on biology and trout abundance.

Fishing Outfitters Association of Montana submitted a regulation proposal to make rainbow trout catch and release following the same rationale as outlined in this proposal.

PROPOSAL #33: Ruby River Reservoir, Region 3

Page 69 add:

RUBY RIVER RESERVOIR

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

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

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation: sport fish conservation.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

The proposed regulation changes were scoped during meetings with the Region 3 Citizens Advisory Council, 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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

These regulations were scoped with Region 3 Enforcement who had no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #34: Shields River, Region 3

Page 70 change:

SHIELDS RIVER

Upstream from Chadbourne Diversion

- 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 above the Chadbourne Diversion 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 may be returned to the angler upon request.*

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

Regulation change to be consistent with current department policy.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

This change has not been scoped with the public.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #35: Wise River, Region 3

Page 72 add:

WISE RIVER
Entire River

- *Catch-and-release for Arctic Grayling*
- *Combined trout limit 2*

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (+- 1000; 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 (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation: sport fish and native fish conservation.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #36: Yellowstone River, Region 5

Page 73 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 may be 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 HWY 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 HWY 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 (clarification, enforcement, conservation, relevancy, management plan, other):

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 (HWY 212 bridge). Wardens report that ~10% of people are already using 2 poles in this stretch of river.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The Region 5 Enforcement and admin staff have reviewed the proposal and indicated no concerns.

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #37: Shelter Removal, Eastern Fishing District

Page 77 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 Reservoir, Baileys 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

Relevancy

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #38: Dead Bait, Eastern Fishing District

Page 78 change:

Dead Bait

- 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 85 add:

FORT PECK RESERVOIR

- *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.*

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

Other: increased sport fish opportunity.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Proposal from the public.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #39: Paddlefish, Intake Bypass Channel

Page 83 add:

4) Paddlefish snagging is prohibited within entire length (2.0 miles) of the Intake Bypass Channel (closure defined as sections of the bypass channel with streambanks on both sides).

Page 88 add:

Intake Bypass Channel:

Paddlefish snagging is prohibited within entire length (2.0 miles) of the Intake Bypass Channel (closure defined as sections of the bypass channel with streambanks on both sides).

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

The Intake Bypass Channel, at Intake Diversion Dam on the Yellowstone River, is a new fish passage route completed April 9, 2022. Objectives for the project are:

- Improve upstream and downstream passage for pallid sturgeon.
- Improve upstream and downstream passage for other native species (paddlefish, shovelnose sturgeon, sauger and blue sucker).
- Channel meets physical and hydraulic criteria parameters (depth, velocities, and flow splits) within the channel.
- Maintain water diversions into the Lower Yellowstone Project Main Canal.

Pallid sturgeon inadvertently snagged within the bypass channel by paddlefish anglers could negatively impact pallid sturgeon migrations through the channel and reduce the project’s success criteria.

Furthermore, fish migrations and hydraulic performances will be intensively monitored the first eight years of bypass operation (2022-2029). Prohibiting paddlefishing within the bypass channel is intended to 1) reduce paddlefish angler impacts to pallid sturgeon and other native species migrations and, 2) reduce conflicts between paddlefish anglers and monitoring crews.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Conservation and enforcement at a new habitat structure.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Coordination discussions with Bureau of Reclamation and monthly Technical Advisory Committee meetings for the Intake project (committee includes at least one representative from U.S. Bureau of Reclamation, U.S. Geological Survey, U.S. Fish & Wildlife Service, Montana FWP, Montana DNRC, and Lower Yellowstone River Irrigation District).

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

Reviewed by RRAM

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

The Intake Project is a federal response by the U.S. Bureau of Reclamation (BOR) and the U.S. Army Corps of Engineers to the endangered species act to improve conditions for the federal listed endangered pallid sturgeon. BOR has requested closure of paddlefishing within the bypass channel for at least the eight years of intensive fish and hydraulic monitoring. This will reduce the risk and potential biases induced by paddlefish anglers on the monitored fish passage success within the bypass channel.

PROPOSAL #40: Missouri River, Region 6

page 83 change:

3) Yellowstone River from Bighorn River confluence to Intake Dam (not including Intake FAS), downstream of Intake FAS to North Dakota state line, Powder River downstream of Highway 10 bridge, and Missouri River downstream of Fort Peck Dam (Yellow Tag)

- **Missouri River from Fort Peck Dam to North Dakota state line: Open to snagging for paddlefish 7 days/week from May 15th through June 30th from 6:00am to 9:00 pm (MST) unless closed earlier by FWP.**
 - **Missouri River will close within 24-hours of the announcement that the 1,000 fish harvest target has been approached .**
 - **An unused yellow Paddlefish tag is required to fish for Paddlefish on the Missouri River.**
 - **It is unlawful to release a Paddlefish when fishing on the Missouri River.**

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

The Missouri River from Fort Peck Dam to the North Dakota border is managed under the Yellow Tag paddlefish fishery. These fish are part of the Sakakawea stock that spend much of their lives in Lake Sakakawea in North Dakota.

Radiotelemetry has demonstrated that a small percentage of the Sakakawea paddlefish stock migrates up the Missouri River on normal or average runoff years. This is due to the regulated flow of the

Missouri River caused by operation of Fort Peck Dam. Most paddlefish migrate up the unregulated Yellowstone River to spawn. Exceptions occur when the Missouri River discharge is higher than base operation caused by runoff from the Milk River or spill from Fort Peck Dam. These water years are infrequent. On these years, a higher percentage of paddlefish will migrate up the Missouri River.

As a result of low numbers of paddlefish in the Missouri River, traditionally, few anglers pursue paddlefish. Anglers that do pursue paddlefish do not want to be restricted by the mandatory Catch and Release Days that are present on the Yellowstone River.

Mandatory reporting would remain a requirement for all fish harvested on the Missouri River. FWP would enhance efforts for anglers to report their harvested paddlefish and collect important biological information from harvested fish.

If approved, this proposal will require a focused investigation by FWP to quantify paddlefish harvest on the Missouri River below Fort Peck Dam. This could include angler creel surveys at know harvest locations throughout the season. Additionally, FWP would work with the Fort Peck Tribes to better quantify paddlefish harvest by tribal and nontribal anglers.

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Other: increased angling opportunity.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

This proposal was discussed at the Region 6 CAC Meeting on May 31, 2022 at the Fort Peck State Fish Hatchery.

The Region 6 CAC requested this proposal.

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None

PROPOSAL #41: Fort Peck Reservoir, Region 6

Page 85 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 (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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 (clarification, enforcement, conservation, relevancy, management plan, other):

Other: enhanced sport fishing opportunity.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

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

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

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 bowfishing to this sometimes-congested activity may cause user conflicts and potential safety issues.

PROPOSAL #42: Home Run Pond, Region 6

Page 85 change:

HOME RUN POND (Glasgow):

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

Rationale (biological justification for proposing this change. Include how this change addresses a fisheries management problem):

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

Regulation Type (clarification, enforcement, conservation, relevancy, management plan, other):

Opportunity: increased sport fish opportunity.

Public Engagement (summary of any public scoping or outreach that has been completed as it relates to this change. Includes public meetings, sporting group meetings, surveys, etc.):

Interdivisional Review (most likely input from Enforcement, but input from CommEd, Legal, Wildlife may also be appropriate. Multiple divisions will review in Helena via RRAM):

The proposal has had broad Department review.

Nonbiological Information (is there an organized advocacy for this change, controversy, other information that decision makers should be aware, relevant MCA or ARM to justify this change):

None