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2020 FISHING REGULATION PROPOSALS

October 17, 2019

Helena, MT

The fish regulation-setting process is conducted on a four-year cycle with off-cycle changes made when specific criteria are met. Every fourth year FWP seeks input from the angling public and fisheries and enforcement staff about ideas and concerns that might be addressed through regulations changes. FWP staff uses the best information available to evaluate regulation requests and makes recommendations to the Fish and Wildlife Commission. The commission also evaluates regulation proposals and decides which proposals will be advanced for public review. The commission makes a final decision based on input from the public and FWP staff. Except for emergency or time-sensitive changes, the regulations adopted by the commission go into effect the following March and printed in the Fishing Regulation booklet for that year.

FWP conducts full review every four years in order to give new regulations time to work and to reduce the time that staff and the public must devote to the regulation setting process. During off-years, the department may consider regulation changes generated by FWP staff. Off-cycle changes must meet one or more of the following criteria in order to bring a proposed change to the commission:

- 1) Clarifications: regulation change is needed to clarify intent of regulation or to correct typos or other errors that led to erroneous information in regulations;
- 2) Enforcement: regulation change is needed to improve enforcement efforts, to prevent illegal take, or to clarify intent to reduce innocent violations;
- 3) Conservation: regulation change is needed to conserve or protect the population of any species, but primarily Threatened and Endangered species;
- 4) Relevancy: regulation no longer has a real management purpose or value and there is little public following, constituency or controversy;
- 5) 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.

Since the last 4-year review in 2015, 21 regulation changes have been adopted by the commission that met one or more of the criteria outlined above.

Tentative 2020 fishing regulation proposals were presented at the August commission meeting. The department accepted public comment on the tentative proposals from August 19 through September 15. During the public comment period the department hosted 12 open houses and an online survey. The online survey had 245 respondents who provided 417 individual comments. Additionally, there were 41 emails or letters sent with comments and 4 written comments provided at open houses.

The department is recommending adoption of 41 of the tentative proposals presented in August. The department recommends removing two proposals (Proposal 5 for Dry Bridge Pond and Proposal 13 for spearing bass at Seeley Lake) and modifying one proposal (Proposal 33 for the Missouri River below Holter Dam).

Listed below are proposals as presented in August and brief summaries of comments, FWP response to comments, and FWP recommendations for each proposal. All submitted comments can be found in separate documents, with one containing all results and comments provided through the online survey and the other document containing all other email, letter, and written comments that were provided. Both of these documents are provided as part of the commission package.

Note: *New language is in italics.* Deleted language is indicated by a ~~striketrough~~. Page numbers refer to the 2019 Fishing Regulations booklet.

Statewide Regulations

(Proposal 1) Definition of Snagging

Page 22 change:

Snagging: A technique of angling in which a hook or hooks are cast, ~~trolled or lowered~~ into the water and manipulated to embed the hook or hooks into the body of the fish. You have snagged a fish if: (a) you are fishing in a manner that the fish does not voluntarily take the hook in its mouth, or (b) if you accidentally hook the fish in a part of the body other than the mouth.

Rationale: This proposal would eliminate the option of trolling snagging hooks from boats. This proposal could reduce the risk of injury to non-target species while snagging, especially during Paddlefish season. Numbers of endangered Pallid Sturgeon are increasing in the lower Missouri and Yellowstone Rivers, increasing the potential of capture by both bait anglers and snagging. It would still be lawful to snag from a boat while anchored to shore or while drifting.

Summary of Comments: The proposal was well supported, with some concerns about snagging from a drifting boat and value statements about snagging.

Response to Comments: The proposal is expected to reduce injury to non-target species, particularly the endangered Pallid Sturgeon, from active trolling from boats.

Recommendation: Adopt as proposed.

Western Fishing District

(Proposal 2) Western District Bass Standard Regulation

Page 28 change:

~~Bass: 5 daily and 10 in possession, no size limit. Largemouth Bass: 5 daily and in possession, only 1 greater than 12 inches. Third Saturday in May through June 30: 1 daily and in possession, must be over 22 inches.~~

Smallmouth Bass: 15 daily and in possession, no size limit all year.

Remove the following waters from Exceptions:

Page 29 remove:

~~ABBOT LAKE~~

- ~~• Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~

Page 32 remove:

CHURCH SLOUGH

- Open entire year.
- Combined trout: 5 daily and in possession, only 1 over 22 inches.
- Catch-and-release for Cutthroat Trout.
- Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.
- Hook and Line: 2 rods and/or lines with up to 2 hooks per line all year.

Page 36 remove:

ECHO LAKE (near Bigfork)

- Bass: Third Saturday in May through June 30, 1 daily and in possession, must be over 22 inches. From July 1 to third Saturday in May, 5 daily and in possession, only 1 over 12 inches.
- Sparring: open for Northern Pike through the ice only, daily limit of 2.

FENNON SLOUGH

- Open entire year.
- Combined trout: 5 daily and in possession, only 1 over 22 inches.
- Catch-and-release for Cutthroat Trout.
- Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.

Page 37 remove:

FLATHEAD RIVER

Confluence of the North and Middle forks (near Blankenship Bridge) downstream to Flathead Lake

- *Open entire year.*
- *No intentional fishing for Bull Trout.*
- Catch-and-release for Cutthroat Trout.
- Northern Pike: ~~extended season for Northern Pike from December 1 through February 28; artificial lures only (see definition on page 20). February 28 to third Saturday in May closed to intentional fishing for Northern Pike.~~
- ~~Combined trout Rainbow Trout: 5 daily and in possession.~~
- Whitefish: 100 daily and in possession.
- Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.
- ~~Extended season for Whitefish and Lake Trout, and catch and release for other game fish, except Northern Pike, from December 1 through the third Saturday in May with artificial lures (see definition on page 20) and/or maggots only. From the mouth of the Stillwater River downstream to Flathead Lake, no maggots and no scented artificial lures (infused, saturated or applied).~~
- *From December 1 to third Saturday in May, maggots and artificial lures only (see definition on page 20), no artificial lures can be scented (infused, saturated, or applied).*

FLATHEAD RIVER SLOUGHS

Brenneman, Church, Egan, Fennon, Half Moon, McWennegar, Mill, and Rose Creek

- Open entire year.
- ~~Combined Rainbow Trout: 5 daily and in possession, only 1 over 22 inches.~~
- Catch-and-release for Cutthroat Trout.
- ~~Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~
- Hook and Line: 2 rods and/or lines with up to 2 hooks per line *and no bait restrictions* all year.

Page 41 remove:

LAKE MARY RONAN

- Kokanee Salmon: 10 daily and 20 in possession.
- ~~Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~
- Northern Pike: no limit.
- Spearing: open for Northern Pike.
- *Northern Pike: All Northern Pike caught must be killed immediately, kept and the entire fish turned in to FWP. Anglers who catch Northern Pike in Lake Mary Ronan are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide their full name, ALS number, phone number, date and time of capture, and location on the lake. Anglers are required to turn in the whole Northern Pike to a FWP office within 10 days of capture during regular business hours. Edible portions of the fish may be returned to the angler upon request.*

LITTLE BITTERROOT LAKE aka Bitterroot Lake

- Kokanee Salmon: 20 daily and 40 in possession, no more than 2 daily and 4 in possession over 12 inches.
- ~~Bass: No daily or possession limit for entire year.~~

Page 44 remove:

PETERSON LAKE

- ~~Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~

Rationale: Smallmouth Bass have been illegally introduced throughout western Montana over the past several years, with 18 confirmed illegal introductions in the Western Fishing District. Smallmouth Bass can outcompete native fish and other game fish for limited resources. Liberalizing Smallmouth Bass limits for unauthorized stocking is consistent with the Unauthorized Placement of Fish Rule (ARM 12.7.503) which allows liberalizing or removing daily angling limits for immediate and connected waterbodies with unauthorized species. Largemouth Bass populations are more habitat limited and have not shown as extensive negative fishery impacts as Smallmouth Bass. A 12-inch size restriction for Largemouth Bass is expected to allow harvest of younger fish while allowing opportunity to harvest a memorable Largemouth Bass. Waterbodies historically managed for both Largemouth and Smallmouth Bass will

continue to be managed for both species and will continue special regulations to maintain those fisheries. Waterbodies where exceptions for bass will remain (regulations will not change) are: Blanchard Lake, Cabinet Gorge Reservoir, Frenchtown Pond, Horseshoe Lake (near Ferndale), Noxon Rapids Reservoir, Placid Lake, and Upsata Lake.

Summary of Comments: Many comments outside of the scope of the proposal were received, particularly on waterbodies that are not included in the rule change and a general misunderstanding of the proposal. Concerns were raised over misidentification of bass and how this may lead to over harvest of Largemouth Bass with no spawning closure for Smallmouth Bass. Many comments raised the need for more education on how to discern between Smallmouth and Largemouth Bass. Most comments were based on broad concerns over bass management and did not offer water-specific options. Some comments supported more liberal Smallmouth Bass limits or no possession limits to reduce the threat of unauthorized introduction.

Response to Comments: The Department will address the need for more education to help anglers discern between largemouth and smallmouth bass. Fisheries managed for both Smallmouth and Largemouth Bass will continue to be managed as such. The liberalization of Smallmouth Bass regulations elsewhere will help address concerns related to illegal introductions. Conservative regulations for Largemouth Bass are expected to maintain and likely improve most Largemouth Bass fisheries.

Recommendation: Adopt as proposed.

(Proposal 3) Bull Lake Northern Pike

Page 32 add:

BULL LAKE (near Troy)

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

Rationale: This proposal provides opportunity for spearing Northern Pike through the ice. Anglers from the Bull Lake area have requested additional opportunity to harvest Northern Pike. Anglers also requested allowing additional lines through the ice to harvest pike, but the department deemed that this would increase the risk of bycatch of other sport fish and native fish (including Bull Trout). Northern Pike in Bull Lake are a result of an unauthorized introduction and the liberal limit and providing spearing opportunity for additional harvest fall within the Unauthorized Placement of Fish ARM (ARM 12.7.503).

Summary of Comments: The proposed rule was well supported. Many comments desired additional opportunity for spearing in open water and allowing use of more lines through the ice.

Response to Comments: The proposed rule provides opportunity for Northern Pike spearing through the ice. The department has concerns that allowing additional lines increases the bycatch of other species. Additional opportunities to harvest Northern Pike may be explored following evaluation of impacts of winter spear fishing.

Recommendation: Adopt as proposed.

(Proposal 4) Clark Fork River Bass and Cutthroat

Page 34 change:

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.*

Mouth of Thompson River to Idaho Border (includes Thompson Falls, Noxon Rapids, and Cabinet Gorge Reservoirs)

- Open entire year.
- Combined trout: ~~5 daily and 10 in possession, only 1 over 22 inches.~~ Standard lake daily and possession limits apply.
- *Catch-and-release for Cutthroat Trout: 3 daily and in possession, no size limit.*
- *Bass: 5 daily and in possession; except June 15 through July 15 only 1 daily and in possession, 22 inch minimum.*
- *Walleye: No limit.*
- Hook and Line: 2 lines with up to 2 hooks per line all year.

Page 32 change:

CABINET GORGE RESERVOIR

(See Clark Fork River Mouth of Thompson River to Idaho Border)

- ~~Bass: 5 daily and in possession except from June 15 through July 15 only 1 daily and in possession, must be over 22 inches.~~

Page 44 change:

NOXON RAPIDS RESERVOIR

Birdland Bay Bridge to Noxon Rapids Dam

(See Clark Fork River Mouth of Thompson River to Idaho Border)

- ~~Bass: 5 daily and in possession except from June 15 through July 15 only 1 daily and in possession, 22 inch minimum.~~

Page 47 add:

THOMPSON FALLS RESERVOIR

(See Clark Fork River Mouth of Thompson River to Idaho Border)

Rationale: This proposal will standardize the way bass are managed on the three lower Clark Fork River reservoirs and it will standardize how Cutthroat Trout are managed on the entire Clark Fork River. This proposal will maintain an exception to the proposed Western District Bass regulations in order to continue management for Largemouth and Smallmouth Bass.

Changing the Cutthroat Trout to catch-and-release only will standardize how Cutthroat Trout are managed in the system. Cutthroat Trout are catch-and-release only from the headwaters to the Thompson River and catch-and-release at the Idaho border.

Summary of Comments: Overall, the proposal was well supported. Some comments were received that were out with the scope of the proposal or did not understand what was being proposed.

Response to Comments: The proposal will help to standardize how Cutthroat Trout are managed on the Clark Fork River. The proposal will standardize bass regulations for the Clark Fork River reservoirs and maintains an exception, which includes seasonal fishing restrictions, in order to continue management of Largemouth and Smallmouth Bass.

Recommendation: Adopt as proposed.

(Proposal 5) Dry Bridge Pond

Page 36 remove:

~~DRY BRIDGE POND~~

- ~~• Catch and release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.~~

Rationale: Trout stocked into Dry Bridge Pond do not survive summer conditions. Removing this exception would maximize public fishing opportunity prior to summer fish kills. Fish kills are typically reported in July.

Summary of Comments: Although this proposal was strongly supported, concerns were raised that this change would de-emphasize the value of the Dry Bridge Pond as a Family Fishing Pond and would decrease fishing opportunity for kids.

Response to Comments: The department appreciates the concerns that were raised and sees the value in maintaining Dry Bridge Pond as a Family Fishing Pond.

Recommendation: Remove proposal and maintain the regulation that is currently in place.

(Proposal 6) East Fork Reservoir

Page 36 add:

EAST FORK RESERVOIR

- Cutthroat Trout: 2 fish daily and in possession, only 1 over 14 inches.*

Rationale: Data suggests that high angler harvest may be a limiting factor to the quality of the Cutthroat Trout fishery. Relative abundance of Westslope Cutthroat in gill net surveys has declined over the past decade and harvest estimates from a recent tagging study estimate an annual harvest rate of approximately 20%, which is a high rate of harvest for a population with low relative abundance. Westslope Cutthroat are typically more vulnerable to angling than other species and populations can be susceptible to overharvest. Bull Trout abundance has increased over the same period of time; however, angler harvest appears to be more a limiting factor to Cutthroat recruitment than predation by Bull Trout. Modifications of the number of fish stocked and size of fish at stocking has had no perceptible impact to the fishery.

Summary of Comments: The proposal was well supported with few written comments. Written comments opposed the department's management of trout.

Response to Comments: The proposal is expected to improve the Cutthroat Trout fishery.

Recommendation: Adopt as proposed.

(Proposal 7) Flathead River Gear Restriction

Page 37 change:

FLATHEAD RIVER

Mainstem Flathead and tributaries, from confluence of North and Middle Forks to Highway 2 bridge upstream of Teakettle FAS

- *Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*

Confluence of the North and Middle forks (near Blankenship Bridge) downstream to Flathead Lake

- *Open entire year.*
- *No intentional fishing for Bull Trout.*
- *Catch-and-release for Cutthroat Trout.*
- *Northern Pike: ~~extended season for Northern Pike from December 1 through February 28; artificial lures only (see definition on page 20). February 28 to third Saturday in May closed to intentional fishing for Northern Pike.~~*
- *~~Combined trout Rainbow Trout: 5 daily and in possession.~~*
- *Whitefish: 100 daily and in possession.*
- *~~Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~*
- *~~Extended season for Whitefish and Lake Trout, and catch and release for other game fish, except Northern Pike, from December 1 through the third Saturday in May with artificial lures (see definition on page 20) and/or maggots only. From the mouth of the Stillwater River downstream to Flathead Lake, no maggots and no scented artificial lures (infused, saturated or applied).~~*
- *From December 1 to third Saturday in May, maggots and artificial lures only (see definition on page 20), no artificial lures can be scented (infused, saturated, or applied).*

Rationale: Population monitoring in the Flathead River and the forks of the Flathead show an average 43% of Westslope Cutthroat Trout greater than 12 inches show some sign of hook related scarring. This is an indication that fish are caught and released repeatedly. Estimates show angling pressure is steadily increasing. Westslope Cutthroat Trout populations are relatively low density (300-500 total fish per mile, 30-60 Cutthroat Trout greater than 12 inches per mile) and the high incidents of multiple catch-and-release events per fish could be leading to

increased mortality. Restricting gear to single-pointed hooks only is expected to reduce handling stress and hook-related injury to Westslope Cutthroat Trout and Bull Trout. This proposal provides the greatest amount of protection with the least impactful amount of regulation. This regulation does not limit any particular angling opportunity but potentially reduces handling stress of sensitive fish species.

Other proposed changes for this proposal are intended to simplify the regulations by omitting language that is no longer relevant. Additional discussion on the removal of the Bass exception can be found under the changes to the Western District standard bass regulations.

Summary of Comments: Overall, the proposal was well supported. Several comments suggested that the proposal be extended to the entire river and that it include restrictions for barbless hooks. Concerns were raised that science does not backup the proposal and that education could be used as an alternative to the proposal.

Response to Comments: Monitoring data shows that 43% of the Westslope Cutthroat Trout greater than 12 inches show signs of hooking injuries, indicating that the fish have been caught and released repeatedly. Relative abundances of cutthroat are low and with increasing fishing pressure there are concerns that without a change to the terminal tackle regulations that mortality could increase. This proposal provides protection to the fish while limiting impacts to angling opportunity. The department has concerns that extending the proposal to the entire river and extending it to include a barbless hook requirement would reduce angling opportunity.

Recommendation: Adopt as proposed.

(Proposal 8) Flathead River Sloughs

Page 37 change:

FLATHEAD RIVER SLOUGHS

Brenneman, Church, Egan, Fennon, Half Moon, McWennegar, Mill, and Rose Creek

- Open entire year.
- ~~Combined~~ *Rainbow Trout*: 5 daily and in possession, ~~only 1 over 22 inches.~~
- Catch-and-release for Cutthroat Trout.
- ~~Bass: 1 daily and in possession from the third Saturday in May through June 30, must be over 22 inches. 5 daily and in possession from July 1 to the third Saturday in May, only 1 over 12 inches.~~
- Hook and Line: 2 rods and/or lines with up to 2 hooks per line *and no bait restrictions* all year.

Rationale: This change is intended to clarify and simplify the regulations. Additional discussion on removing the Bass exception can be found under the Western District standard bass regulation proposal.

Summary of Comments: The proposal was well supported. Comments in opposition raised concerns about bass management and Rainbow Trout impacts to native trout.

Response to Comments: The proposal will help to clarify and simplify the regulations. Proposed changes to the Western District bass regulations are expected to improve Largemouth Bass populations in the sloughs. The proposed change to Rainbow Trout is expected to improve fishing opportunity for Rainbow Trout while minimizing impacts to native trout.

Recommendation: Adopt as proposed.

(Proposal 9) Middle Fork Flathead River Gear Restriction

Page 42 change:

MIDDLE FORK FLATHEAD RIVER

Mainstem and tributaries including headwaters to confluence with North Fork Flathead River (near Blankenship Bridge)

- *Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*

Non-wilderness portion (beginning near confluence with Bear Creek)

NOTE: Montana/Glacier National Park boundary is the ordinary high water mark on the park side of the river.

- Closed to angling June 1 through September 30 within a 150-yard radius of the Bear Creek stream mouth.
- Catch-and-release for Cutthroat Trout.
- ~~Rainbow Trout~~ ~~Combined trout~~: 5 daily and in possession.
- Extended ~~Whitefish~~ season and ~~catch and release for trout~~ open December 1 to third Saturday in May with artificial lures (see definition on page 20) and/or maggots only.

Rationale: Population monitoring in the Flathead River and the forks of the Flathead show an average 43% of Westslope Cutthroat Trout greater than 12 inches show some sign of hook related scarring. This is an indication that fish are caught and released repeatedly. Estimates show angling pressure is steadily increasing. Westslope Cutthroat Trout populations are relatively low density (300-500 total fish per mile, 30-60 Cutthroat Trout greater than 12 inches per mile) and the high incidents of multiple catch-and-release events per fish could be leading to increased mortality. Restricting gear to single-pointed hooks only is expected to reduce handling stress and hook-related injury to Westslope Cutthroat Trout and Bull Trout. This proposal provides the greatest amount of protection with the least impactful amount of regulation. This regulation does not limit any particular angling opportunity but potentially reduces handling stress of sensitive fish species.

Other proposed changes for this proposal are intended to simplify the regulations by omitting language that is no longer relevant.

Summary of Comments: Overall, the proposal was well supported. Several comments suggested that the proposal be extended to the entire river and that it include restrictions for barbless hooks. Concerns were raised that science does not backup the proposal and that education could be used as an alternative to the proposal.

Response to Comments: Monitoring data shows that 43% of the Westslope Cutthroat Trout greater than 12 inches show signs of hooking injuries, indicating that the fish have been caught and released repeatedly. Relative abundances of cutthroat are low and with increasing fishing pressure there are concerns that without a change to the terminal tackle regulations that mortality could increase. This proposal provides protection to the fish while minimizing impacts to fishing opportunity. The department has concerns that extending the proposal to the entire river and extending it to include a barbless hook requirement would reduce angling opportunity.

Recommendation: Adopt as proposed.

(Proposal 10) North Fork Flathead River Gear Restriction

Page 43 change:

NORTH FORK FLATHEAD RIVER

NOTE: Montana/Glacier National Park boundary is the middle of the river.

Mainstem and tributaries including headwaters to confluence with Middle Fork Flathead River (near Blankenship Bridge)

- *Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*
- Closed to angling June 1 through September 30 within a 150-yard radius of the Big Creek stream mouth unless posted at a greater distance.
- Catch-and-release for Cutthroat Trout.
- *Rainbow Trout* ~~Combined trout~~: 5 daily and in possession.
- Extended season for ~~whitefish and catch-and-release for trout~~ open December 1 to third Saturday in May with artificial lures (see definition on page 20) and/or maggots only.

Rationale: Population monitoring in the Flathead River and the forks of the Flathead show an average 43% of Westslope Cutthroat Trout greater than 12 inches show some sign of hook related scarring. This is an indication that fish are caught and released repeatedly. Estimates show angling pressure is steadily increasing. Westslope Cutthroat Trout populations are relatively low density (300-500 total fish per mile, 30-60 Cutthroat Trout greater than 12 inches per mile) and the high incidents of multiple catch-and-release events per fish could be leading to increased mortality. Restricting gear to single-pointed hooks only is expected to reduce handling stress and hook-related injury to Westslope Cutthroat Trout and Bull Trout. This proposal provides the greatest amount of protection with the least impactful amount of regulation. This regulation does not limit any particular angling opportunity but potentially reduces handling stress of sensitive fish species.

Other proposed changes for this proposal are intended to simplify the regulations by omitting language that is no longer relevant.

Summary of Comments: Overall, the proposal was well supported. Several comments suggested that the proposal be extended to the entire river and that it include restrictions for

barbless hooks. Concerns were raised that science does not backup the proposal and that education could be used as an alternative to the proposal.

Response to Comments: Monitoring data shows that 43% of the Westslope Cutthroat Trout greater than 12 inches show signs of hooking injuries, indicating that the fish have been caught and released repeatedly. Relative abundances of cutthroat are low and with increasing fishing pressure there are concerns that without a change to the terminal tackle regulations that mortality could increase. This proposal provides protection to the fish while minimizing impacts to fishing opportunity. The department has concerns that extending the proposal to the entire river and extending it to include a barbless hook requirement would reduce angling opportunity.

Recommendation: Adopt as proposed.

(Proposal 11) Racetrack Pond

Page 44 add:

RACETRACK POND

- Catch-and-release for trout, except anglers 14 years of age or younger may take 3 *combined* trout, *including Cutthroat Trout* daily and in possession.
- *Artificial lures only (see definition on page 20), except anglers 14 years of age or younger may use bait.*

Rationale: The management direction for Racetrack Pond is to encourage youth angling and promote quality angling opportunity by managing harvest and stocking. This regulation change would require that anglers aged 15 and older use artificial lures, making it easier for these anglers to release fish that will survive. Anglers 14 and younger would still be able to use bait and harvest fish. Racetrack Pond is now managed as an FAS (previously it was managed by the City of Missoula) and increased angling is expected.

Summary of Comments: The proposal was well supported. Supporting comments supported encouraging more youth fishing. Those in opposition preferred additional restrictions or were opposed to stocking.

Response to Comments: The proposal is expected to encourage youth and family angling.

Recommendation: Adopt as proposed.

(Proposal 12) River's Edge Pond

Page 44 add:

River's Edge Pond

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

Rationale: This pond is a newly constructed community fishery. The proposed regulation is consistent with other community ponds in the Region. This regulation has been successful at maintaining quality at other community fisheries.

Summary of Comments: The proposal was well supported. Comments in opposition were opposed to stocking.

Response to Comments: The proposal helps to encourage youth and family angling.

Recommendation: Adopt as proposed.

(Proposal 13) Seeley Lake Bass Spearing

Page 45 add:

SEELEY LAKE

- Kokanee Salmon: 10 daily and 20 in possession.
- Bass: no daily or possession limit for the entire year.
- Northern Pike: no limit.
- Spearing: open for Northern Pike *and Bass*.
- Snagging: open for Kokanee Salmon October 15 through December 31, 20 daily and 40 in possession.

Rationale: This regulation provides additional opportunity to harvest Smallmouth Bass, which were illegally introduced into Seeley Lake. Spearing is already allowed on Seeley Lake for Northern Pike, so spearing is not a new regulation for this waterbody. Largemouth Bass were previously stocked in Seeley Lake, but the fishery was marginal. Following the illegal introduction of Smallmouth Bass, bass management has focused on suppression of both species and the department has focused Largemouth Bass management to nearby Placid and Upsata Lakes.

Summary of Comments: Several comments were received in opposition to allowing spearing for bass on Seeley Lake, especially for Largemouth Bass. Comments in support wanted increased spearing opportunity and increased harvest of Smallmouth Bass.

Response to Comments: This proposal was put forward at the request from a member of the public who wanted increased spearfishing opportunity at Seeley Lake. The department appreciates the public coming forward and making us aware that although there may be some desire for this expanded opportunity overwhelmingly public sentiment is opposed to the proposal.

Recommendation: Remove the proposal and maintain the regulation that is currently in place.

(Proposal 14) Silver's Lagoon

Page 45 add:

SILVER'S LAGOON aka McCormick Pond (Missoula)

- Open to fishing for anglers 14 years of age or younger, *holders of a “Resident Person with Disability Conservation License” and holders of a “Permit to Hunt from a Vehicle” with the proper prerequisite fishing license. One rod per angler.*
- Open April 1 through October 30.
- Combined trout, including Cutthroat Trout: 1 fish daily and in possession.

Rationale: This change allows use of the pond by handicap anglers outside of special events. The pond currently provides handicap access infrastructure and the City of Missoula would like to encourage more use by disabled anglers. The City of Missoula has observed a demand for increased handicapped opportunities and has invested in infrastructure at the pond.

Summary of Comments: The proposal was well supported. Comments in opposition were against fish stocking.

Response to Comments: The proposal helps to provide additional opportunity for handicapped anglers.

Recommendation: Adopt as proposed.

(Proposal 15) South Fork Flathead River Gear Restriction

Page 46 change:

SOUTH FORK FLATHEAD RIVER

South Fork Flathead River and tributaries, including headwaters to confluence with Flathead River (does not include Hungry Horse Reservoir)

- *Single-pointed hooks only. No treble or double hooks. Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.*

Mainstem upstream of Hungry Horse Reservoir (from Crossover Boat Ramp south and upstream to the Confluence of Youngs and Danaher Creeks)

- Bull Trout: catch-and-release from third Saturday in May through July 31. A Hungry Horse/South Fork Flathead Bull Trout Catch Card must be in possession when fishing for Bull Trout. See Special License requirements for application information. All Bull Trout must be released immediately. It is unlawful to possess a live Bull Trout for any reason.

Meadow Creek bridge to Spotted Bear foot bridge and tributaries

- Catch-and-release for Cutthroat Trout.
- Artificial lures only (see definition on page 20).

Hungry Horse Dam downstream to Devil’s Elbow and tributaries

- Closed entire year.

Devil’s Elbow downstream to mouth and tributaries

- Catch-and-release for Cutthroat Trout.
- *Rainbow Trout: 5 daily and in possession.*

- Extended season ~~for Whitefish and catch and release for trout~~ open December 1 to third Saturday in May with artificial lures (see definition on page 20) and/or maggots only.

Rationale: Population monitoring in the Flathead River and the forks of the Flathead show an average 43% of Westslope Cutthroat Trout greater than 12 inches show some sign of hook related scarring. This is an indication that fish are caught and released repeatedly. Estimates show angling pressure is steadily increasing. Westslope Cutthroat Trout populations are relatively low density (300-500 total fish per mile, 30-60 Cutthroat Trout greater than 12 inches per mile) and the high incidents of multiple catch-and-release events per fish could be leading to increased mortality. Restricting gear to single-pointed hooks only is expected to reduce handling stress and hook-related injury to Westslope Cutthroat Trout and Bull Trout. This proposal provides the greatest amount of protection with the least impactful amount of regulation. This regulation does not limit any particular angling opportunity but potentially reduces handling stress of sensitive fish species.

Other proposed changes for this proposal are intended to simplify the regulations by omitting language that is no longer relevant.

Summary of Comments: Overall, the proposal was well supported. Several comments suggested that the proposal be extended to the entire river and that it include restrictions for barbless hooks. Concerns were raised that science does not backup the proposal and that education could be used as an alternative to the proposal.

Response to Comments: Monitoring data shows that 43% of the Westslope Cutthroat Trout greater than 12 inches show signs of hooking injuries, indicating that the fish have been caught and released repeatedly. Relative abundances of cutthroat are low and with increasing fishing pressure there are concerns that without a change to the terminal tackle regulations that mortality could increase. This proposal provides protection to the fish while minimizing impacts to fishing opportunity. The department has concerns that extending the proposal to the entire river and extending it to include a barbless hook requirement would reduce angling opportunity.

Recommendation: Adopt as proposed.

(Proposal 16) St. Regis Community Park Pond

Page 46 add:

ST REGIS COMMUNITY PARK POND

- *Open to fishing for anglers 14 years of age or younger; one rod per child.*
- *Combined trout, including Cutthroat Trout: 1 fish daily and in possession.*

Rationale: This proposal is expected to enhance this waterbody as a kid's fishing pond. Based on previous stocking, fish are targeted and harvested shortly after stocking which limits opportunities for kids. Restrictive regulations are intended to limit harvest by more experienced anglers and improve fishing opportunity for kids and provide a positive angling experience for young people learning to fish.

Summary of Comments: The proposal was well supported. Comment in opposition did not support fish stocking.

Response to Comments: The proposal helps to encourage youth angling.

Recommendation: Adopt as proposed.

(Proposal 17) Swan River

Page 47 change:

SWAN RIVER

- *No intentional fishing for Bull Trout.*
- *Catch-and-release for Cutthroat Trout.*
- Closed to angling June 1 through September 30 within a 300-yard radius of the Woodward Creek and Lion Creek stream mouths, unless posted at a greater distance.
- Walleye: All Walleye caught must be killed immediately, kept and the entire fish turned in to FWP. Anglers who catch Walleye in Swan Lake and Swan River are required to report the catch to FWP within 24 hours (406-752-5501). Anglers must provide ~~the angler's~~ *their* full name, ALS Number, phone number, date and time of capture, and location on lake or river. Anglers are required to turn in the whole Walleye to a FWP office within 10 days of capture during regular business hours.

Piper Creek Bridge downstream to Swan Lake

- ~~Catch and release for Cutthroat Trout and Rainbow Trout.~~
- Artificial lures only (see definition on page 20).

Swan Lake outlet downstream to the Highway 35 Bridge

- Open entire year.
- ~~Catch and release for Cutthroat Trout.~~

Rationale: Monitoring in the Swan River shows reduced abundance of Westslope Cutthroat Trout. Implementing catch-and-release for Cutthroat Trout and promoting harvest of Rainbow Trout is intended to help the Cutthroat Trout population. Rainbow Trout are thought to be partially responsible for the decline in Cutthroat Trout abundance.

Summary of Comments: The proposal was well supported. Comments in opposition focused on walleye management or wanted to stock Cutthroat Trout.

Response to Comments: The proposal helps to protect the Cutthroat Trout population. The department is not proposing any changes to Walleye management in the Swan at this time. To the extent possible, the department will rely on natural reproduction to maintain native trout populations.

Recommendation: Adopt as proposed.

(Proposal 18) Thompson River

Page 47 change:

THOMPSON RIVER

Entire river

- *Open to fishing entire year.*
- Catch-and-release for Cutthroat Trout and Rainbow Trout.
- Brown Trout: 3 daily and in possession, any size.
- Artificial lures only (see definition on page 20), except angler 14 years of age or younger may use bait.

~~Upstream from mouth of Little Thompson River~~

- ~~Closed to fishing December 1 to third Saturday in May.~~

~~Mouth of Little Thompson River to the confluence with the Clark Fork River~~

- ~~Extended season for whitefish and catch and release for trout open December 1 to third Saturday in May with artificial lures (see definition on page 20) and/or maggots only.~~

Rationale: The previous exception was intended to protect Cutthroat Trout and Rainbow Trout that spawned in the upper river while allowing harvest of Brown Trout. Brown Trout are now the dominant species upstream of Little Thompson River, so the closure is not needed anymore. Opening angling for the entire year allows for more opportunity to harvest Brown Trout and is not expected to negatively affect Cutthroat Trout or Rainbow Trout populations.

Summary of Comments: The proposal was well supported. Comments opposing this proposal preferred increased harvest of Rainbow Trout to reduce impacts to Westslope Cutthroat Trout or stock more fish. Supporting comments acknowledged the shift in Brown Trout populations or preferred additional harvest of both Rainbow and Brown Trout.

Response to Comments: The proposal will provide more opportunity for Brown Trout harvest and is not expected to negatively impact Cutthroat or Rainbow Trout. Population densities of Rainbow Trout are much higher than Cutthroat Trout and increasing harvest of Rainbow Trout would not be expected to improve Cutthroat abundance in the river. Additionally, Rainbow Trout densities have declined throughout much of the Thompson River concurrent with a recent increase in Brown Trout abundance. As Brown Trout have increased, native Cutthroat Trout have remained consistently low, while Bull Trout have begun to decline. Fish are not stocked into the Thompson River; trout populations are maintained through natural reproduction.

Recommendation: Adopt as proposed.

(Proposal 19) Warm Spring Wildlife Management Area (WMA) Gravel Pit Pond

Page 48 change:

WARM SPRINGS WILDLIFE MANAGEMENT AREA (WMA)

Gravel Pit Pond adjacent to Highway 48

- Open ~~entire year~~ *second Friday in June at 5 p.m. through November 30.*
- Combined trout: 2 daily and in possession.

- Bait may be used.

Rationale: The Anaconda Kiwanis Club sponsors annual fishing days at the Gravel Pit Pond adjacent to Highway 48 for kids and handicapped adults. The event is held on the evening of the second Friday in June as well as the following Saturday. FWP hatcheries typically stock fish into the pond one to two weeks prior to the event to allow fish to acclimate. This pond is small and shallow, and fish are extremely vulnerable to angling pressure. Some local anglers begin fishing the pond immediately after they find out it has been stocked, which limits opportunity and degrades the experience for the event participants. The current regulation specifies that the pond is open the entire year. We are proposing to change this so that the pond opens the day of the fishing event and remains open through the end of the traditional fishing season. Limiting angling to this period is not expected to limit any significant opportunity except to those fishing prior to the annual fishing event. Fish are typically depleted in the pond by late summer and use by anglers after this period is rare based on past observations.

Summary of Comments: The proposal was well supported. Comment in opposition did not support stocking.

Response to Comments: The proposal will help to maintain fish in the pond for the annual fishing days event sponsored by the Anaconda Kiwanis Club.

Recommendation: Adopt as proposed.

Central Fishing District

(Proposal 20) Central Fishing District Standard Channel Catfish Regulation

Page 57 change:

Channel Catfish: 10 daily and 20 in possession.

Page 72 remove:

~~MUSSELLSHELL RIVER~~

~~**From the Highway 3 bridge at Lavina downstream to Fort Peck Reservoir**~~

- ~~Sauger/Walleye: 5 daily, only 2 may be Sauger. Possession limit is 10, only 4 may be Sauger.~~

~~**Downstream from where North and South Forks meet**~~

- ~~Channel Catfish: 10 daily and in possession.~~

Rationale: This proposal removes the lone exception for Channel Catfish in the Central Fishing District. Channel Catfish populations in the Central Fishing District are relatively sparse when compared to the Eastern Fishing District and this regulation is expected to protect population expansion efforts in the Musselshell River and provide additional protection to Channel Catfish populations in the Missouri River above Fort Benton, above Billings on the Yellowstone River, and above Hardin on the Bighorn River.

Summary of Comments: The proposal was well supported. There were no written comments in opposition.

Response to Comments: The proposal will provide protection to Channel Catfish populations.

Recommendation: Adopt as proposed.

(Proposal 21) Central Fishing District Standard Sauger Regulation

Page 57 add:

Sauger/Walleye: 5 daily, *only 2 may be Sauger*. Possession limit is 10, *only 4 may be Sauger*.

Page 62 remove:

BIGHORN RIVER

Entire river

- ~~Sauger/Walleye: 5 daily, only 1 may be a Sauger. Possession limit is 10, only 2 may be Sauger.~~
- A State of Montana fishing license is required for all anglers to fish on the Bighorn River within the boundaries of the Crow Reservation. A tribal permit is not required.

Page 68 remove:

MARIAS RIVER

- ~~Sauger/Walleye: 5 daily, only 2 may be Sauger. Possession limit is 10, only 4 may be Sauger.~~
- Combined trout: 5 daily and in possession, only 1 over 18 inches.
- Mountain Whitefish: 35 daily and in possession.
- Hook and Line/Setlines: 2 lines with up to 2 hooks per line all year.

Page 71 remove:

MISSOURI RIVER

Morony Dam to Fort Benton

- ~~Sauger/Walleye: 5 daily, only 2 may be Sauger. Possession limit is 10, only 4 may be Sauger.~~
- Smallmouth Bass: 10 daily and in possession.
- Hook and Line/Setlines: 6 lines with 6 hooks per line all year.

Page 72 remove:

MUSELLSHELL RIVER

From the Highway 3 bridge at Lavina downstream to Fort Peck Reservoir

- ~~Sauger/Walleye: 5 daily, only 2 may be Sauger. Possession limit is 10, only 4 may be Sauger.~~

Downstream from where North and South Forks meet

- ~~Channel Catfish: 10 daily and in possession.~~

Page 76 remove:

YELLOWSTONE RIVER

Yellowstone National Park Boundary to I-90 Bridge at Billings

- ~~Sauger/Walleye: 5 daily, only 1 may be a Sauger. Possession limit is 10, only 2 may be Sauger, includes tributary streams.~~

Rationale: Adjusting the Central District Sauger regulations removes exceptions from 5 waterbodies. All but one waterbody (Yellowstone River above Billings) already had the proposed regulation in place. This change is expected to simplify the regulations and is not expected to adversely impact Sauger populations.

Summary of Comments: The proposal was well supported. Opposition comments had concerns with eradicating Walleye and Sauger or causing declines in Sauger.

Response to Comments: The proposal will simplify the regulations since this proposed regulation was already in place on all of the impacted waterbodies except for one. This change is not expected to negatively impact Sauger populations.

Recommendation: Adopt as proposed.

(Proposal 22) Ackley Lake Tiger Muskie

Page 58 add:

ACKLEY LAKE

- *Tiger Muskie: 2 daily and 4 in possession, must be over 36 inches.*

Rationale: Tiger Muskie were stocked in 2015 as biocontrol of the sucker population. Sucker densities have declined as expected; however, rainbow trout catch rates have also declined. Increasing the rate of Tiger Muskie is expected to reduce the rate of predation on stocked Rainbow Trout while maintaining the 36-inch minimum length limit should maintain biocontrol of the sucker population.

Summary of Comments: The proposal was well supported; however, comments did raise concerns over lost opportunity to fish for trophy tiger muskie.

Response to Comments: It is anticipated that the proposal will help balance the Tiger Muskie population which became unbalanced as a result of higher than expected survival of stocked Tiger Muskies, resulting in over predation of stocked Rainbow Trout. This proposal is intended to be in place temporarily until the population becomes balanced, at which time it will be proposed to revert back to the Central District standard.

Recommendation: Adopt as proposed.

(Proposal 23) Big Hole River

Page 60 change:

BIG HOLE RIVER

Dickie Bridge to Melrose Bridges (Salmon Fly FAS)

- Artificial lures only (see definition on page 20); *maggots allowed December 1 to third Saturday in May.*

- ~~Extended season for Whitefish and Catch-and-release for trout open December 1 to the third Saturday in May with artificial lures (see definition on page 20) and/or maggots.~~

Melrose Bridges (Salmon Fly FAS) to the mouth

- ~~Extended season for Whitefish and Catch-and-release for trout open December 1 to the third Saturday in May with artificial lures (see definition on page 20) and/or maggots.~~

Rationale: With year around fishing allowed on the Big Hole the specialized restrictions are no longer necessary. This proposal is intended to clarify a confusing regulation.

Summary of Comments: Concerns were raised over impacts to brown trout, but overall the proposal was well supported.

Response to Comments: Monitoring does not indicate that angler harvest is a limiting factor for the Brown Trout population. This proposal is intended to clarify a confusing regulation.

Recommendation: Adopt as proposed.

(Proposal 24) Big Spring Creek

Page 60 remove:

~~BIG SPRING CREEK (near Lewistown)~~

~~Upstream of the US Highway 191 bridge, including East Fork Big Spring Creek downstream from the Reservoir~~

- ~~Catch and release only for all trout.~~

Rationale: A catch-and-release regulation was implemented in the early 2000s due to of PCB contamination in Big Spring Creek. The PCB cleanup was completed in 2013 and fish tissue testing in 2016 showed that fish from Big Spring Creek can be safely consumed in limited quantities. A fish consumption advisory of one meal per month will remain in place.

Summary of Comments: Overall the proposal was well supported, however, concerns were raised that lifting the catch and release restriction would potentially harm the trout population due to over harvest.

Response to Comments: It is not anticipated that lifting the catch and release restriction will result in a level of harvest that will negatively impact the population. The proposal recognizes the success of the PCB clean-up in the creek and standardizes the regulation.

Recommendation: Adopt as proposed.

(Proposal 25) Bighorn Lake and Afterbay Reservoir

Page 62 remove:

~~BIGHORN LAKE AND AFTERBAY RESERVOIR~~

- ~~Bass: 10 daily and 20 in possession.~~

- Shovelnose Sturgeon: 2 daily and in possession.
- Sauger/Walleye: 6 daily (only 3 may be Sauger) and 12 in possession (only 3 may be Sauger).
- Channel Catfish: 6 daily and in possession.
- Burbot (ling): 3 daily and in possession.
- Hook and Line: 2 lines with 2 hooks per line on open water and 6 lines with 1 hook per line through the ice.
- Anglers obtaining live bait fish in Montana may use them only in the Montana portion of the lake.

Rationale: Current regulations for Afterbay Reservoir reflect the regulations for upstream Bighorn Lake; however, the fisheries between the waterbodies are substantially different. Afterbay Reservoir is managed as a put-grow-take Rainbow Trout fishery with other species flushing in during years where the Yellowtail Dam spillway is used. The reservoir has extreme daily and weekly elevation fluctuation and rarely maintains sustainable populations of fish. With this proposal standard Central Fishing District regulations would apply.

Summary of Comments: The proposal was well supported. No written comments were received.

Response to Comments: The proposal will standardize the Afterbay Reservoir regulations with the Central Fishing District and recognizes the differing management strategies for Bighorn Lake and Afterbay Reservoir.

Recommendation: Adopt as proposed.

(Proposal 26) Boulder River (near Big Timber)

Page 62 remove:

~~BOULDER RIVER AND TRIBUTARIES (near Big Timber)~~

~~**River and Tributaries from the mouth upstream to Hawley Creek**~~

- ~~Combined trout: Only 1 fish over 14 inches.~~

~~**River and Tributaries upstream of Hawley Creek**~~

- ~~Combined trout: Only 1 fish over 14 inches; may include 3 Cutthroat Trout.~~

Rationale: This fishery has limited harvest and this change is not expected to have any significant increase in mortality due to harvest. The current regulation is protecting fish over 14 inches with a robust population of trout occupying the 14 to 15-inch lengths. The intent is to continue limited harvest for larger fish but simplify the regulations using the standard 1 over 18 inches. While this seems contradictory to recent removal of non-natives to support cutthroat in the upper Boulder this regulation would provide opportunity to allow harvest. It is unlikely enough anglers will harvest limits to reduce the population. Continued monitoring will be in place if angler habits or conditions change resulting in a need to re-evaluate this proposed regulation.

Summary of Comments: The proposal was well supported although concern was raised over the risk to the cutthroat population.

Response to Comments: The proposal is not expected to negatively impact the cutthroat trout population. The proposal will continue to limit harvest for larger fish and will simplify the regulation using the standard 1 over 18 inches. Population monitoring will continue and the regulations can be adjusted increased harvest impacts the population.

Recommendation: Adopt as proposed.

(Proposal 27) Canyon Ferry Northern Pike Spearing

Page 62 and 70 add:

CANYON FERRY RESERVOIR

- ~~All watercraft must be inspected prior to leaving.~~
- Catch-and-release for Brown Trout, except anglers 14 years of age or younger may take 1 Brown Trout daily and in possession any size.
- Walleye: 20 daily, only 1 over 20 inches. Possession limit twice the daily limit.
- Yellow Perch: 10 daily and in possession.
- Northern Pike: No limit.
- *Spearing: Open for Northern Pike through the ice.*
- Hook and Line/Setlines: 6 lines with 2 hooks per line through the ice only.

Rationale: Anglers have requested the opportunity to spear Northern Pike during the ice fishing season. It is unknown if enough harvest would occur via spearing to impact the population.

The watercraft inspection requirement is proposed for removal. Canyon Ferry will no longer be classified as “Suspect” for invasive mussels if no positive samples are detected during 2019 monitoring. To date, no invasive mussels have been detected in Canyon Ferry.

Summary of Comments: Overall the proposal to cease the watercraft inspections and allow for spearing of northern pike through the ice were well supported. Some comments reflected safety concerns related to the potential for large blocks of ice or large holes. Several comments were received that were outside the scope of the proposal.

Response to Comments: The safety concerns are being discussed with enforcement, but there are no special accommodations for spearing on other Montana waterbodies. With the absence of invasive mussels in the reservoir there is no longer a need for the mandatory watercraft inspections. The proposal allows for an increase in opportunity for spearfishing. Most comments outside the scope of this proposal are being addressed through the Upper Missouri River Reservoir Fisheries Management Plan process.

Recommendation: Adopt as proposed.

(Proposal 28) Clark Canyon Reservoir Burbot (ling)

Page 64 change:

CLARK CANYON RESERVOIR

- Burbot (ling): 3 *over 23 inches* daily and in possession ~~only 1 over 28 inches~~.
- Combined trout: 3 daily and in possession.

Rationale: Over the past decade, average size, proportion of fish older than age 4, and abundance of Burbot has declined. This regulation is intended to improve average size and reduce the likelihood of growth and recruitment overfishing. Data suggests that angler harvest can have a biological influence on the Burbot population in Clark Canyon.

Summary of Comments: The proposal was well supported. Written comments preferred additional length restrictions or inquired why 23-inches was chosen.

Response to Comments: The proposal is intended to improve the average size of the Burbot population and hopefully help to protect the population from overfishing. The 23-inch length restriction is proposed because restriction above that length are expected to improve densities of fish over age 4.

Recommendation: Adopt as proposed.

(Proposal 29) East Fork Big Spring Creek

Page 64 remove:

~~EAST FORK BIG SPRING CREEK (near Lewistown)~~

~~Downstream of the Reservoir~~

- ~~Catch and release only for all trout.~~

Rationale: A catch-and-release regulation was implemented in the early 2000s due to PCB contamination in Big Spring Creek and East Fork Big Spring Creek. The PCB cleanup of Big Spring Creek was completed in 2013 and fish tissue testing in 2016 showed that fish from Big Spring Creek and East Fork Big Spring Creek can be safely consumed in limited quantities. A fish consumption advisory of one meal per month remains in place.

Summary of Comments: Overall the proposal was well supported, however, concerns were raised that lifting the catch and release restriction would potentially harm the trout population due to over harvest.

Response to Comments: It is not anticipated that lifting the catch and release restriction will result in a level of harvest that will negatively impact the population. The proposal recognizes the success of the PCB clean-up in the creek and standardizes the regulation.

Recommendation: Adopt as proposed.

(Proposal 30) Helena Valley Regulating Reservoir

Page 66 add:

HELENA VALLEY REGULATING RESERVOIR

- *Manually operated watercraft and watercraft powered by electric motors only.*
- *During ice cover: No fires, all-terrain vehicles, off highway vehicles, snowmobiles, or any other vehicles allowed on the ice. Powered ice augers are permitted.*

Rationale: Rules were updated by the commission in order to formalize implied recreational rules at the reservoir. The Helena Valley Regulating Reservoir serves as a water source for the City of Helena, so additional protections to maintain water quality are in place. The reservoir is a popular Yellow Perch and Kokanee fishery and the Fishing Regulations booklet is an appropriate means to communicate these unique rules.

Summary of Comments: The proposal was well supported.

Response to Comments: The proposal formalizes the recreation rules that were already in place for the Helena Valley Regulating Reservoir and help to maintain the quality of the City of Helena water supply.

Recommendation: Adopt as proposed.

(Proposal 31) Madison River “Hoot Owl” Restriction

Page 68 add:

MADISON RIVER

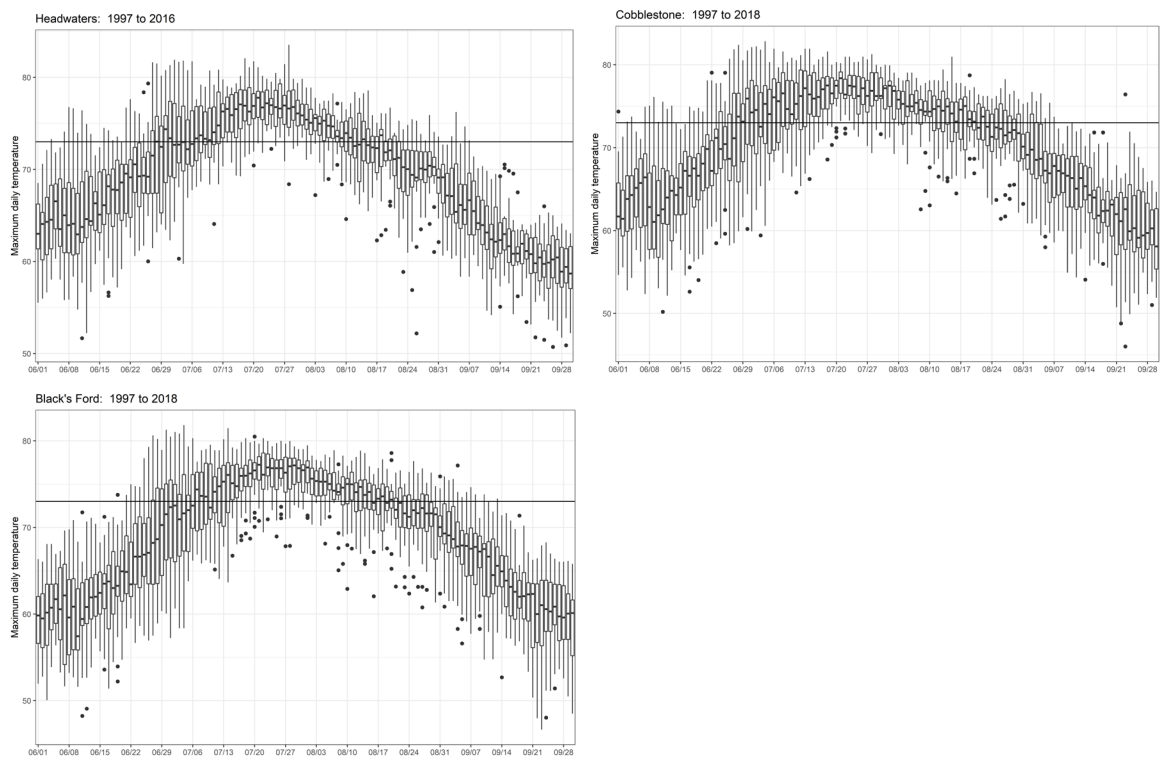
Warm Springs Day Use Area to Confluence with Jefferson River

- *No fishing between 2 p.m. and midnight from July 15 through August 15*

Rationale: Thermal data from 1997 to present show median maximum daily water temperatures typically warm between 75 and 78 degrees between July 15 and August 15 from Warm Springs Access to the confluence with the Jefferson River. The extreme temperatures in this reach exceed the criteria for drought and temperature related fishing restrictions on an annual basis. These temperature levels are highly stressful to trout and whitefish and high levels of hooking mortality occur during this time period. This regulation will prevent fishing from the hottest part of the day and is expected to reduce hooking mortality rates during this period. Temperature restrictions (known as “hoot owl” restrictions) are implemented on this reach nearly every year and having consistent closure dates are expected to better serve the public, since the current practice of variable closure dates can be confusing and missed by members of the public.

Summary of Comments: The proposal was generally supported; however, several comments were received which prefer the hoot owl restrictions to be managed as it currently is. Comments also indicated concerns over having restrictions in place unnecessarily, for instance during years of high snow pack and cool summers. Other comments supported the proposal as stated, or preferred the original scoping proposal, which implemented restrictions from Ennis Dam to the confluence from July through August.

Response to Comments: Currently, hoot owl restrictions on the Madison go into effect after 3 consecutive days of 73F maximum daily water temperatures; and are lifted when there are 3 consecutive days below 70F. As you can see from the graphs below water temperatures are frequently above 75F. During the comment period the department was made aware that this stretch of river is more frequently fished than we were aware of which increases concerns over fishing during highly stressful conditions. This proposal will prevent fishing during the hottest part of the day and should therefore prevent associated mortality of fish. Having consistent closure dates are also expected to better serve the public avoiding the current practice of variable closure dates causing confusion and inadvertent non-compliance. The department does recognize that there could be years when the restrictions would be unnecessary; staff will monitor snowpack and weather trends to determine if there are years in which the restrictions could be lifted, as would have been the case in 2011.



Recommendation: Adopt as proposed.

(Proposal 32) Toston Dam Northern Pike

<p>Page 70 add: MISSOURI RIVER <i>Toston Dam Reservoir (Toston Dam to approximately 1 mile upstream)</i></p> <ul style="list-style-type: none">• <i>Spearing: Open for Northern Pike through the ice.</i>
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Rationale: Anglers have requested the opportunity to spear Northern Pike during the ice fishing season. FWP is managing Northern Pike in the upper Missouri River to keep numbers low and to minimize population expansion in the Missouri headwaters.

Summary of Comments: The proposal was well supported. Comments recommended putting limits on Northern Pike or were in support of spearing and reducing the numbers of Northern Pike.

Response to Comments: The proposal provides the public with increased opportunity for spearing Northern Pike during ice fishing season. Management strategies for this waterbody and the upper Missouri reservoir system is to maximize harvest of Northern Pike.

Recommendation: Adopt as proposed.

(Proposal 33) Missouri River below Holter Dam

<p><u>Page 70 change:</u> MISSOURI RIVER</p> <p>Holter Dam to Cascade Bridge</p> <ul style="list-style-type: none">• Combined trout: 3 daily and in possession, only 1 over 18 inches, and only 1 may be a Brown Trout.• Walleye: no limit <i>20 daily and 40 in possession.</i>• <i>Northern Pike: No limit.</i> <p>Cascade Bridge to Black Eagle Dam</p> <ul style="list-style-type: none">• Walleye: 20 daily and 40 in possession.• <i>Northern Pike: No limit.</i>

Rationale: This proposal for Northern Pike is consistent with Northern Pike regulations upstream of Holter Dam. Increased numbers of Northern Pike have been captured in the upstream reservoirs and have been reported in the river near Cascade since 2018. Population densities are still low in the river, but fish are expected to continue to flush from the upstream reservoirs. The Missouri River from Holter Dam to Black Eagle Dam does contain some habitats that may be conducive for Northern Pike.

The proposed Walleye regulation would standardize the Missouri River Walleye limit from Holter Dam to Black Eagle Dam. A daily limit of 20 fish and 40 in possession is expected to maximize harvest and maintain the trout fishery.

Summary of Comments: The Northern Pike proposed change to No Limit was well supported. Most of the comments were focused on the change to the walleye limits and were split evenly between either the limit being too high or comments wanting the no limit to remain in place. Those in favor of the no limit recognized the Missouri River below Holter as a highly fished trout stretch of the river and those who prefer a lower limit on walleye mostly identified themselves as walleye anglers and preferred to see the limits in closer alignment to those on Holter Reservoir.

Response to Comments: The FWP Statewide Program and Guide lists wild trout management as the management priority for the Missouri River from Holter Dam to Cascade Bridge and high harvest of Walleye is recommended to protect the wild trout fishery. The limit for Walleye of 20 daily and 40 in possession for Holter Dam to Cascade Bridge is consistent with the management priority in the Statewide Program and Guide. However, the management priority for the Cascade to Eagle Dam section of the river is to have liberal Walleye limits to maintain population numbers within historic ranges. The Walleye limit of 20 daily and 40 in possession for the Cascade to Eagle Dam section could be considered inconsistent with the management direction as outlined in the Program and Guide.

Recommendation: Maintain the proposal of 20 Walleye daily and 40 in possession for the Holter Dam to Cascade Bridge section. Change the proposed Walleye limits for the Cascade to Eagle Dam section to 10 daily and 20 in possession.

(Proposal 34) Smith River

Page 74 add:

SMITH RIVER

Note: Floating on the Smith River between Camp Baker and Eden Bridge is strictly limited. Mandatory registration, floater's fee and other regulations apply. A drawing for launch dates is held in February with remaining launches filled on a first-come basis. Contact the Great Falls FWP office at 406-454-5840 for more information.

Sheep Creek from bridge upstream of Moose Creek to the mouth, Rock Creek from bridge at Lingshire Road to the mouth, Tenderfoot Creek from falls just upstream of Daisy Creek to the mouth, and Hound Creek from Upper Millegan Road bridge to the mouth

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

Rationale: Increased numbers of floaters are accessing the Smith River in the spring, with anglers targeting tributaries due to unfavorable angling conditions on the mainstem river. This seasonal restriction is expected to protect spawning Rainbow Trout that congregate in the tributaries. If approved as proposed, this regulation would be like regulations that were in place prior to 2015 (in 2016 the Central District standard changed to river and streams open all year, unless otherwise specified in Exceptions to the Standard Regulations). Most spawning occurs in Sheep Creek and Tenderfoot Creek, but only implementing restrictions on these two streams may increase angling pressure on Rock Creek and Hound Creek. Low flows in the fall limit access to the river, so additional protection for spawning Brown Trout is not needed.

Summary of Comments: The proposal was well supported. Most written comments were unclear regarding how the proposal may impact the fishery.

Response to Comments: The proposal is expected to protect spawning Rainbow Trout congregating in the tributaries.

Recommendation: Adopt as proposed.

(Proposal 35) Stillwater River and Tributaries

Page 75 remove:

~~STILLWATER RIVER AND TRIBUTARIES (Yellowstone River Drainage)~~

- ~~• Combined trout: Only 1 fish over 14 inches.~~

Rationale: This fishery has limited harvest and this change is not expected to have any significant increase in mortality due to harvest. The current regulation is protecting fish over 14 inches with a robust population of trout occupying the 14 to 15 inch lengths. The intent is to continue limited harvest for larger fish but simplify the regulations using the standard 1 over 18 inches rather than 14 inches as stipulated for the Stillwater and its tributaries. If angler attitudes changed from mostly catch and release to harvest the regulations would likely need to be revisited. This change would decrease the number of exceptions making angler participation less daunting with limited change to the fishery.

Summary of Comments: The proposal was well supported. There were no written comments in opposition. Supporting comments surmise that increased harvest may positively influence average size of fish.

Response to Comments: The proposal is not expected to have any significant impact on the fishery and will simplify the regulations by eliminating an exception.

Recommendation: Adopt as proposed.

Eastern Fishing District

(Proposal 36) Ice Shelter Removal

Page 81 change:

Shelters

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.~~ *or by March 1. Shelters may remain on the ice after March 1 but must be removed daily if not occupied overnight.*

Rationale: FWP Enforcement has requested this proposal to address ice houses that are not removed before ice conditions deteriorate. Every year some ice houses are left too late, are irretrievable and ultimately fall into the waterbody. Game Warden's have also been placed in unsafe situations assisting ice house removal in hazardous ice conditions.

Summary of Comments: The proposal was well supported. One comment suggested the proposal be applied statewide.

Response to Comments: This proposal was drafted after a request was made by the Enforcement Division specifically for the Eastern Fishing District. The Enforcement Division

has indicated that this is not an issue that needs addressing in either the Central or Western Fishing District.

Recommendation: Adopt as proposed.

(Proposal 37) Paddlefish Reorganization

Page 81 change:

~~**Bow and Arrow:** All waters open to angling are open to taking Paddlefish and non-game fish by bow and arrow. Unless otherwise noted in the exceptions to the standard regulations, all waters open to angling are open to taking non-game fish by bow and arrow. Paddlefish can be harvested by bow and arrow anglers with a valid paddlefish tag and during an open paddlefish harvest day (see General and Standard Paddlefish Regulations).~~

~~**Snagging allowed for:** 1) Chinook Salmon on Fort Peck Reservoir only from October 1 through November 30; 2) Paddlefish by anglers with a valid paddlefish tag/license during an open paddlefish season (see General and Standard Paddlefish Regulations); and 3) Snagging non-game fish is allowed on all open waters in the Eastern District except on the Missouri River downstream from Fort Benton to the North Dakota border, and on the Yellowstone River downstream from the mouth of the Bighorn River, and Powder River downstream of Highway 10 bridge. where only Paddlefish may be snagged by anglers with a valid Paddlefish tag. All waters open to angling are open to snagging Paddlefish during the open Paddlefish season by anglers with a valid tag (see Special Paddlefish Regulations for additional important Paddlefish information). Snagging Chinook Salmon is allowed on Fort Peck Reservoir only from October 1 through November 30.~~

Page 84 remove:

Special Paddlefish Regulations

~~All Paddlefish anglers must purchase a paddlefish tag, a conservation license, and the required fishing license (see License Requirements pages 4-5). All licenses must be in the angler's immediate possession while fishing.~~

~~**Daily and Possession Limits and Tags:** one Paddlefish per season per angler. Anglers may select only one of the following areas, and may only fish in the area selected:~~

- ~~● Upper Missouri River, upstream from Fort Peck Dam to Fort Benton — White Tag~~
- ~~● Fort Peck Dredge Cuts (west of Park Grove Bridge and Nelson Dredge) on the Missouri River — Blue Tag~~
- ~~● Yellowstone River and Missouri River downstream from Fort Peck Dam — Yellow Tag~~

Page 85 change:

General Paddlefish Regulations for ALL Areas

- *All Paddlefish anglers must purchase a paddlefish tag, a conservation license, and the required fishing license (see License Requirements pages 4-5). All licenses must be in the angler's immediate possession while fishing.*
- *Each angler must cast for, hook and reel in his or her own paddlefish. It is unlawful for another person to do so. It is unlawful to loan tags or use another angler's tag.*
- *It is unlawful to snag paddlefish via boat trolling; casting from an anchored or drifting boat is lawful.*

- *Any fish other than Paddlefish caught while paddlefishing must be immediately released alive.*
- *Bow and arrow: lawful on harvest days in sections of river open to harvest or in a bow fishing only area; unlawful for catch-and-release.*
- *Hook size is limited to 8/0 and smaller for all paddlefish snagging.*
- *Gaffs, no longer than 4.5 feet in length, may be used to land a paddlefish that will be harvested. Gaffs may not be used to land a paddlefish that will be released.*
- *Any angler tag locked shut prior to attachment to a paddlefish shall be void and is not replaceable. Any altered or modified tag shall be void. Voided or lost tags are not replaceable.*
- *Paddlefish must be tagged immediately upon harvest.*
- *When a paddlefish is captured and tagged, the fish must be removed from the river by the end of the day (9:00 PM MST).*
- *Anglers are required to report the harvest of any paddlefish within 48 hours of harvest.*
- *Reporting options include on-site at fisheries check station or roving crews, phone hotline (1-877-FWPWILD or 406-444-0356), or online at myfwp.mt.gov/.*
- *Anglers reporting a harvested paddlefish will provide the following information: Angler tag number, jaw tag number (if present), length (eye-tail fork), sex, date of harvest and harvest location. Additional information that may be collected on-site includes weight and age structure (jaw section).*
- *Anglers not reporting a harvested paddlefish will not be eligible to purchase a paddlefish tag the following year.*
- *It is unlawful to possess an untagged paddlefish or part of one. If anglers fillet a paddlefish, they must keep the part of the fish back and dorsal fin (back fin) where the tag is attached and sealed to the fish.*
- *Angler tag must remain with processed fish until consumed.*
- *It is unlawful for an individual to sell any portion of a paddlefish including eggs (processed or unprocessed) as prescribed by the Fish and Wildlife Commission.*

Tagging a Paddlefish

- Cut a small hole in the base of the dorsal fin.
- Insert the metal loop portion of the plastic self-locking tag through this hole and seal tag.
- The metal loop must penetrate the fish to make the plastic self-locking tag non-removable when tag is sealed.
- The plastic self-locking tag must be completely sealed so it cannot be reopened.
- Any fish not tagged in accordance with these instructions is considered untagged. ~~You must have your conservation and Paddlefish license in your possession to fish for and/or take Paddlefish.~~

Note: Paddlefish drawing in box at bottom of the page will remain.

Page 86 change:

Standard Paddlefish Regulations

Daily and Possession Limits and Tags: *One Paddlefish per season per angler. Anglers may select only one of the following three areas, and may only fish in the area selected:*

1) Missouri River upstream from Fort Peck Dam to Fort Benton (White Tag)

Upper Missouri Paddlefish Drawing: Paddlefish harvest tags will be available via lottery draw for the Upper Missouri River paddlefish season (White Tag). Anglers need to apply individually or as a party (up to five people). Applications can be submitted either on-line at <http://fwp.mt.gov>, at an FWP office (see page 1 for addresses) or mailed.

- Applications must be received by FWP no later than 5:00 PM March 27, 2020.
- Unsuccessful applicants can still catch-and-release paddlefish with their Conservation, Fishing and Paddlefish Licenses.
- Paddlefish Snagging: open May 1 to June 15 from 6:00 AM to 9:00 PM (MST) daily.
- Catch-and-release snagging: open May 1 to June 15 from 6:00 AM to 9:00 PM. Proof of purchase of a white (or Upper Missouri River) paddlefish license is required for catch-and-release fishing.
- All paddlefish caught while catch-and-release fishing must be released immediately, may not be gaffed, and must remain at least partially submerged in water at all times (to avoid injury to the fish).

2) Fort Peck Dredge Cuts (west of Park Grove Bridge and Nelson Dredge) (Blue Tag)

- Bow and Arrow: open July 1 through August 31 for paddlefish. One paddlefish per angler. An unused blue paddlefish tag is required to fish for Paddlefish.
- Snagging: no snagging allowed, this is an archery only season.

3) Yellowstone River from Bighorn River confluence to Intake Dam (not including Intake Fishing Access Site), downstream of Intake Fishing Access Site to North Dakota State Line, Powder River downstream of Highway 10 bridge, and Missouri River downstream of Fort Peck Dam (Yellow Tag)

- Fishery is managed under a harvest target so annual harvest will not exceed 1,000 paddlefish. FWP will announce a 24-hour closure of the harvest season through a public news release. Closure can be immediate at Intake FAS (Intake Dam to ½ mile downstream) to prevent exceeding the estimated harvest target. Other yellow tag areas will close as noted in the 24-hour notice. For current information on harvest status call the Miles City FWP office at 406-234-0900.
- Following announcement of the harvest closure, catch-and-release snagging will be allowed, at Intake Fishing Access Site only, for 10 consecutive calendar days or through June 30, whichever comes first.
- The Montana nonprofit corporation designated to accept paddlefish egg donations in exchange for a free fish cleaning service, in accordance with guidelines developed and implemented through the annual Memorandum of Understanding, is authorized to accept and transport lawfully taken and tagged paddlefish donated by the angler. Paddlefish harvested on the Yellowstone River between the Burlington Northern Railroad Bridge at Glendive and the North Dakota state line are eligible for donation to the cleaning station at Intake FAS.
- Paddlefish Harvest Days: open Tuesdays, Wednesdays, Fridays and Saturdays from May 15 through June 30 from 6:00 AM to 9:00 PM (MST) daily, unless closed earlier by FWP.
- It is unlawful to release a paddlefish on a harvest day during the paddlefish season.
- An unused yellow paddlefish tag is required to fish for paddlefish. The tag must be properly placed on the first paddlefish caught and landed.

- *Paddlefishing closed Sundays, Mondays and Thursdays (see exception under Intake Fishing Access Site below)*

Intake Fishing Access Site (Intake Dam to ½ mile downstream)

- *Paddlefish Catch-and-Release Days: open Sundays, Mondays and Thursdays from May 15 through June 30 from 6:00 AM to 9:00 PM (MST) daily, unless closed earlier by FWP.*
 - *All Paddlefish caught on catch-and-release days must be released immediately, may not be gaffed, and must remain at least partially submerged in water at all times (to avoid injury to the fish).*
 - *Evidence of purchasing a current year yellow paddlefish tag must be in possession to catch-and-release snag for Paddlefish.*
 - *Bow and arrow fishing unlawful on catch-and-release days.*
- *Paddlefish Harvest Days: open Tuesdays, Wednesdays, Fridays and Saturdays from May 15 through June 30 from 6:00 AM to 9:00 PM (MST) daily, unless closed to harvest earlier by FWP.*
 - *It is unlawful to release a paddlefish on a harvest day during the paddlefish season.*
 - *An unused yellow paddlefish tag is required to fish for paddlefish. The tag must be properly placed on the first paddlefish caught and landed.*
 - *Closed to fishing, snagging or landing paddlefish from boats/vessels during the open paddlefish season (i.e. May 15 through June 30 or earlier as posted on site).*

Page 89 remove:

FORT PECK DREDGE CUTS (west of Park Grove Bridge and Nelson Dredge)

- ~~Bow and Arrow: open July 1 through August 31 for Paddlefish. 1 per season and in possession. An unused blue Paddlefish tag is required to fish for Paddlefish.~~
- Combined trout: 2 ~~Rainbow~~ trout daily and in possession.
- Hook and Line/Setlines: 2 lines with 2 hooks per line on open water and 6 lines with 6 hooks per line through the ice.
- Snagging: no snagging allowed.

Page 90 remove:

MISSOURI RIVER

Entire river

- Snagging: unlawful to snag for fish other than Paddlefish on the Missouri River downstream from Fort Benton; any fish other than Paddlefish must be immediately released alive.

Upstream from Fort Peck Dam to Fort Benton

- ~~Paddlefish snagging: open for harvesting Paddlefish from May 1 through June 15 from 6 AM to 9 PM, MST, daily unless closed earlier by FWP.~~
- ~~Catch and release snagging for Paddlefish is open from May 1 through June 15 from 6 AM to 9 PM, MST, daily. See Special Paddlefish Regulations (pages 84-86) for additional important Paddlefish information.~~
- Sauger/Walleye: 5 daily, only 2 may be a Sauger. Possession limit is 10, only 4 may be Sauger.

Downstream from Fort Peck Dam

- ~~Catch and release snagging for Paddlefish is not permitted.~~

- ~~Paddlefish snagging: open Tuesdays, Wednesdays, Fridays and Saturdays May 15 through June 30 from 6 AM to 9 PM, MST, unless closed to harvest earlier by FWP. Paddlefish snagging is closed on Sundays, Mondays and Thursdays. See Special Paddlefish Regulations (pages 84-86) for additional important Paddlefish information.~~

Page 90 add:

POWDER RIVER

Downstream from Highway 10 Bridge

- *Snagging: unlawful to snag for fish other than Paddlefish; any fish other than Paddlefish must be immediately released alive.*

Page 92 and 93 remove:

YELLOWSTONE RIVER

Downstream of the mouth of the Bighorn River, not including Intake Fishing Access Site

- ~~Catch and release snagging for Paddlefish is not permitted.~~
- ~~Paddlefish Harvest Snagging: Open May 15 through June 30 from 6 AM to 9 PM MST, on Tuesdays, Wednesdays, Fridays and Saturdays only, unless closed earlier by FWP. Paddlefish snagging closed on Sundays, Mondays, and Thursdays. See Special Paddlefish Regulations (pages 84-87) for additional Paddlefish information.~~
- ~~Snagging: unlawful to snag for fish other than Paddlefish; any fish other than Paddlefish must be immediately released alive.~~

Intake Fishing Access Site

- ~~Snagging: It is unlawful to snag for fish other than Paddlefish.~~
- ~~Paddlefish Harvest Snagging: open May 15 through June 30 from 6 AM to 9 PM MST, on Tuesdays, Wednesdays, Fridays, and Saturdays unless closed earlier by FWP.~~
- ~~Paddlefish Catch and release snagging: open May 15 through June 30 from 6AM to 9PM MST, on Sundays, Mondays, and Thursdays. Following the harvest closure, catch and release snagging will be allowed for 10 consecutive days or through June 30, whichever comes first. See Special Paddlefish Regulations (pages 84-87) for important Paddlefish information.~~
- ~~Hook and Line/Setlines: 2 lines with 2 hooks per line all year.~~

Intake Diversion Dam to ½ mile downstream of dam

- ~~Closed to fishing, snagging or landing fish from boats/vessels during the open Paddlefish season (May 15 through June 30 – may end earlier as posted on site).~~

Rationale: FWP manages three discrete Paddlefish areas with overlapping and unique fishing regulations that can be confusing to anglers. This proposal does not include any changes to how Paddlefish fisheries are managed but is a reorganization of existing regulations in an attempt to improve angler understanding. This reorganization follows a similar order to the fishing regulations booklet: general information, standard regulations, and exceptions. Although there are similarities in regulations and management across the fisheries, biological and sociological differences between the fisheries warrant unique regulations for each.

Summary of Comments: The proposal was well supported. Written comments were value statements on snagging fish or were not directly relevant to the proposal.

Response to Comments: The proposal is intended to improve angler understanding of the paddlefish regulations.

Recommendation: Adopt as proposed.

(Proposal 38) Bighorn River Sauger

Page 89 change:

BIGHORN RIVER (east of Billings)

Entire River

- Sauger/Walleye: 5 daily, only ~~1~~ 2 may be Sauger. Possession limit is 10, only ~~2~~ 4 may be Sauger.

Rationale: This regulation would extend the proposed Central District Sauger regulations into the Eastern District. This proposal is expected to improve opportunity to harvest Sauger and is not expected to negatively impact Sauger populations. This regulation is expected to simplify rules across the Central and Eastern Fishing District boundaries.

Summary of Comments: The proposal was well supported. One written comment was provided, but it was unclear on how the comment was related to this proposal.

Response to Comments: The proposal is expected to increase angler opportunity and is not expected to negatively impact Sauger populations, it will also help to simplify regulations.

Recommendation: Adopt as proposed.

(Proposal 39) Fort Peck Dredge Cuts Trout

Page 89 change:

FORT PECK DREDGE CUTS (west of Park Grove Bridge and Nelson Dredge)

- Bow and Arrow: open July 1 through August 31 for Paddlefish. 1 per season and in possession. An unused blue Paddlefish tag is required to fish for Paddlefish.
- Combined trout: 2 ~~Rainbow~~ trout daily and in possession.
- Hook and Line/Setlines: 2 lines with 2 hooks per line on open water and 6 lines with 6 hooks per line through the ice.

Rationale: This proposal would allow both Rainbow and Brown Trout to be harvested in the Fort Peck Dredge Cuts. This change is intended to simplify regulations and provide additional harvest opportunity for anglers and is not expected to substantially impact the trout population.

Summary of Comments: The proposal was well supported. No written comments were received.

Response to Comments: The proposal simplifies the regulations and provides additional opportunity for anglers without impacting the trout population.

Recommendation: Adopt as proposed.

(Proposal 40) Hollecker Lake Bass

Page 89 remove:

~~HOLLECKER LAKE~~

- ~~• Bass: only 1 over 15 inches daily and in possession.~~

Rationale: High frequency of winterkill has precluded establishment of a Largemouth Bass fishery in Hollecker Lake. Very few Largemouth Bass are present in the lake and there are no bass over 15 inches. Discussions with interested parties are underway to explore other options to create a fishery.

Summary of Comments: The proposal was well supported. One opposing commenter wished to keep the limit in place in case the fishery improved. Another comment recommended stocking Smallmouth Bass.

Response to Comments: Staff are exploring other opportunities to create a fishery. With the high rate of winterkill a bass fishery is likely not sustainable.

Recommendation: Adopt as proposed.

(Proposal 41) Medicine Lake National Wildlife Refuge

Page 89 change:

MEDICINE LAKE NATIONAL WILDLIFE REFUGE (Sheridan County)

- *Refuge open to fishing year-round.*
- *Consult refuge specific regulations available at the office, informational kiosks, or online: https://www.fws.gov/refuge/Medicine_Lake/visit/rules_and_regulations.html*

All lakes

- ~~• Hook and Line/Setlines: 6 lines with 6 hooks per line during the applicable open season.~~

Medicine Lake

- ~~• Open November 15 through September 15.~~

Gaffney Lake and Lake 10

- ~~• Open August 15 through March 31.~~

Lake 12

- ~~• Open November 15 through March 31.~~

Rationale: This proposal was requested by refuge staff. Opening the entire refuge to fishing year-round simplifies coordination associated with implementing State and Federal processes.

Summary of Comments: The proposal was well supported. No written comments were received.

Response to Comments: The proposal was at the request of the refuge staff and simplifies the process of coordinating regulations.

Recommendation: Adopt as proposed.

(Proposal 42) Missouri River Trout

Page 90 change:

MISSOURI RIVER

Fort Peck Dam to the mouth of the Milk River

- Combined trout: 2 ~~Rainbow~~ trout daily and in possession.
- Hook and Line/Setlines: 2 lines with 2 hooks per line on open water and 6 lines with 6 hooks per line through the ice.

Rationale: This proposal would allow both Rainbow and Brown Trout to be harvested below Fort Peck Dam. Population monitoring indicates both the Rainbow Trout and Brown Trout populations can sustain with additional harvest.

Summary of Comments: The proposal was well supported. No written comments were received.

Response to Comments: The proposal provides additional angling opportunity and is not expected to adversely impact the populations.

Recommendation: Adopt as proposed.

(Proposal 43) Musselshell River Sauger and Channel Catfish

Page 90 add:

MUSSELHELL RIVER

Downstream from where North and South forks meet to Confluence with Fort Peck

- *Sauger/Walleye: 5 daily, only 2 may be Sauger. Possession limit is 10, only 4 may be Sauger.*
- *Channel Catfish: 10 daily and in possession*

Rationale: The Sauger/Walleye exception would carry the proposed Central District regulation down the Musselshell River in to the Eastern District. The Channel Catfish regulation has been in place since 2016 but has not been listed in the Eastern District regulations. This regulation is proposed to be the standard Central District regulation for Channel Catfish for 2020.

Summary of Comments: The proposal was well supported.

Response to Comments: The proposal will standardize the regulation with the Central District.

Recommendation: Adopt as proposed.

(Proposal 44) Yellowstone River Sauger

Page 92 change:

YELLOWSTONE RIVER

I-90 Bridge at Billings to the mouth of the Bighorn River

- Combined trout: 5 daily and in possession, only 1 over 18 inches, all may be Cutthroat Trout.
- Sauger/Walleye: 5 daily only + 2 may be Sauger and 10 in possession only ~~2~~ 4 may be Sauger.

Mouth of the Bighorn River to Cartersville Diversion Dam at Forsyth

- Sauger/Walleye: 5 daily only +2 may be a Sauger and 10 in possession only ~~2~~ 4 may be Sauger.

Rationale: This proposal matches the proposed change for Sauger in the Central Fishing District which includes the section of the Yellowstone River from Billings to the Bighorn River. This proposal is expected to improve opportunity to harvest Sauger and is not expected to negatively impact Sauger populations. This proposal is expected to simplify regulations by eliminating variable harvest rates between two relatively similar sections of the Yellowstone River.

Summary of Comments: The proposal was well supported. One comment implied that this regulation would negatively impact the Sauger fishery.

Response to Comments: The proposal simplifies the regulations and provides additional angling opportunity for harvest without impacting the fishery. This proposal is not expected to reduce abundance of Sauger.

Recommendation: Adopt as proposed.

Other Comments

Forty-eight other comments were provided that recommended additional proposals for the department to consider or to supplement proposals currently under consideration. Below are selected comments that were either mentioned several times or the department determined a response was warranted. Most of the comments in the “Other” category are duplicative with proposals above and covered by responses within the proposals.

Comment: Eliminate bait fishing for all anglers on Rock Creek (near Clinton). Teach kids at early age the importance of artificial lures. This is an important bull trout fishery and should not be using bate.

Response: Bait fishing is currently not identified as a limiting factor to the Bull Trout fishery in Rock Creek.

Comment: For one would hunting should be legal all year round. There is no way we will ever be able to get rid of all the wolves but to keep it lower would be in the animals beat interest that they prey on. Secondly Libby dam on the river side needs to let people keep bull trout. There is a catch card for the resavoir. It may help the. Rainbow fish out some and hopefully be able to allow fishermen to keep fish below the hwy 37 bridge like they used to. 28 inches is do able for some fishermen but not as likely. Please consider letting people harvest bull trout. Thank you

Response: Bull Trout monitoring in the river below Libby Dam will continue. If it is determined that the Bull Trout population can sustain with angler harvest, the department will work with the Fish and Wildlife Service to allow harvest.

Comment (Multiple similar comments): From spending a large amount of time on Fort Peck this season, I have talked to many people that would be in favor of a slot limit. This would maintain the lake as a trophy walleye fishery, which brings in a large amount of money for the areas close, and still allow fishermen plenty of opportunities to keep fish for cleaning. I have witnessed too many large fish being butchered because inexperienced people have no idea how to properly clean them and they end up in the fish grinder, meat and all. This is basically the same as poaching a trophy mammal without penalty.

Response: Slot limits are biologically relevant when there is evidence of overharvest of particular sizes of fish or other limiting factors that are reducing the numbers of fish surviving to desired lengths. The Fort Peck Walleye fishery is currently well balanced both in numbers and in size distribution. A length restriction or slot limit is not expected to biologically influence the size structure of the fishery.

Comment: I believe that the 3rd Saturday in May opener for the central district should be reinstated. Keeping the large rivers open year around allowed plenty of opportunity for fishing. Now small streams are targeted for large trout on their reds. They used to be protected as they ran up the tributaries. Seems like opening these small streams to fishing year around was counter-productive to protecting native species spawning, such as the cutthroat and grayling. Additionally, Montana is a wild trout state, that no longer protects the wild trout population.

Response: The fishing season for the Central District was removed in 2016, when more waterbodies had exceptions to be open year around rather than having a closed season. FWP continues to monitor most popular fisheries and has reinstated closed seasons on some waterbodies when it was determined that the increased fishing could have an impact (for example, see Proposal 34 for the Smith River).

Comment: I would like to have a rule change that would allow youth 15 and younger to be able to keep paddlefish on Sunday while 16 and older is still catch and release. The youth would not be shoulder to shoulder with adults that can be difficult to deal with for the kids when fishing. I have spoke to several other paddlefishermen about this issue and they agreed that there should be a day set aside for the youth to enjoy fishing. Thanks for your time.

Response: The department strongly advocates for youth angling and appreciates this concept but is currently unsure how this would fit with other restrictions in place for Paddlefishing. FWP will continue to explore this opportunity.

Comment (Multiple similar comments): I would like to see the western district ice fishing regulation of 2 lines with 2 hooks per line be changed to 4 lines with 2 hooks per line.

Response: The department has concerns with increased bycatch of non-targeted species by allowing additional lines through the ice, especially in fisheries that contain Bull Trout. The department may allow additional lines in some specific waterbodies in the future.

Comment (Multiple similar comments): Please consider reducing the cost of out of state 2 or 3 day licenses. I over an elderly couple from Idaho who had come over to fish for a couple of days

on Noxon Reservoir. They did not realize that it would cost them \$100 to fish for the weekend and went back home. My father who is retired and visiting from Arizona wanted to fish with me on Kooconusa and Cabinet Reservoir. He very reluctantly paid the \$50 to fish for 2 days.

Response: The cost of fishing licenses are not set through this process. The state legislature has the authority to adjust the fee for licenses.

Comment: The section of Lake Frances towards the outlet needs to have a closed time frame in the spring of the year. "The channel" gets hit extremely hard from ice off to roughly the 2nd week in May and this has to have an impact on the walleye population. I think buoys and signs could be placed from Bowman's point to the southern shoreline and have no fishing until May 15th or something like that. This would protect walleye that gather in that section and are being decimated more every year.

Response: The department will continue to monitor the Lake Frances Walleye population and will propose seasonal closures if it is determined that periods of high harvest are impacting the fishery.

Comment: The Red Rock River upstream on Clark Canyon Reservoir harbors one of the strongest populations of mountain whitefish in SW Montana but the regulations do not allow anglers to harvest or even fish for them in the winter/spring when they are most commonly targeted. I believe that the closure stems from the spawning of non-native fish coming from the reservoir but does not warrant a closure due to limited recruitment augmented by a large number of hatchery fish stocked every year in the reservoir. I am not opposed to a catch and release season for trout during the current closure period. I propose that the regulations be changed from "Open third Saturday in May through the end of November" to "Extended season for Whitefish and catch-and-release for trout open December 1 to the third Saturday in May with artificial lures and/or maggots". "Combined trout: 3 daily and in possession, only 1 over 18 inches" is fine and does not need to be changed.

Response: The department will explore allowing this opportunity for Mountain Whitefish in the Red Rock River above Clark Canyon Reservoir.

Comment: Thompson Park Pond-Family Fishing Regulation for Thompson Park Pond.

Response: It is currently unclear if the community would support Thompson Park Pond as a family fishing pond, but the department will explore the opportunity.

Comment (Multiple similar comments): I would like to propose a 2 fish limit or preferably a catch and release fishing on Nylon Lake because of Willow Creek reservoir closing. The pressure on Nylon Lake is going to be unbelievable!!!

Response: The department will continue to monitor impacts to the fishery at Nilan due to displacement of anglers from Willow Creek Reservoir.