

From: [Rob Gregoire](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Concerned about seasonal closures for brown trout.
Date: Sunday, July 11, 2021 9:40:15 PM

Hello Commissioners,

I am concerned that closing major rivers Sep 30-May is only going to make people fish in smaller, more sensitive streams. Standing hoot owl restrictions could have similar effects, especially in years in which the measures aren't necessary.

Please keep any closures very targeted and as limited as possible.

Fishing with bait is more lethal than artificial lures, so bait should be restricted if fishing pressure is believed to be a source of the problem.

Best regards,
Rob Gregoire
Bozeman, MT
406-599-3009

From: [Wade Fellin](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments on PROPOSED BROWN TROUT FISHING REGULATION CHANGES
Date: Sunday, July 11, 2021 9:21:44 PM
Attachments: [BHL_10604_e-Sig_Logo.png](#)

Hello,

I'm a fifth generation Montanan and a second generation fly fishing lodge owner on the Big Hole River. If my son or daughter is to become the third generation it will be because you succeeded now.

Please strongly consider the following:

- mandatory river closures for fishing when water temps reach 67 degrees - whatever time of year, whatever time of day. Closed until temps drop back under that threshold
- single, barbless hook requirement
- define a carrying capacity of river users on each waterway
- fund a real-time water quality monitoring program on all rivers in sw Montana.
- require a fishing safety course to keep trout alive. Online module required with each fishing license purchased

Thank you for the opportunity to comment.

Sincerely,
Wade Fellin

Wade Fellin, Co-owner/Manager
Outfitter #30285
P: 406-570-5850
E: wade@bigholelodge.com
W: www.bigholelodge.com [bigholelodge.com]

BIG HOLE
— LODGE —

From: [John Sampson](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Sunday, July 11, 2021 6:28:25 PM

My name is John Sampson and my outfitter license number is 5758. I operate a fishing lodge near Varney Bridge on the Madison River, The Madison Double R.

The recent Fish wildlife and Parks brown trout data is concerning and we all agree that healthy trout populations are extremely important. However, we are seeing prolific numbers of brown trout on the Madison River this year, especially very large healthy fish and yearling trout.

I believe a trout protection plan should be thoroughly researched and drafted for all the high trafficked streams in the state of Montana. In the meantime the hoot owl restrictions for drought and high temperature conditions are serving us well. Many outfitters in our region, including myself, are imposing restrictions on their own operation because they understand it is the right thing to do. Presently the Madison Double R guide trips are leaving early in the morning and stop fishing no later than 2 PM. Thank You.

John Sampson

Sent from my iPhone

From: [Mike Ellig](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Southwest Montana river management for fishing
Date: Sunday, July 11, 2021 5:10:16 PM

To Whom it may Concern,

It should be very clear to anyone who has lived and fished in Montana for any amount of time that our landscape is changing. Unfortunately, increased fishing pressure, longer fishing seasons, drought, and rising temperatures are all working against trout. The statistics presented before this summers drought were shocking. A 75% decrease in fish numbers on some of our best fishing rivers is alarming and a bit depressing. It's clear what is being done right now isn't working. Since you are asking for public opinion, I will give you mine. Here goes:

1. Listen to your trained biologists. They have spent their lives studying the rivers, fish, and their environment. They know more than 99.9% of the people that are going to comment, including me.
2. At all costs, protect the resource! If we don't have quality fishing, what good are liberal regulations? The majority of the people are never going to take the time to understand the why, you just need to do what is right with the resource long term and understand you are NEVER going to make everyone happy.
3. It's great the F&G tried to increase opportunity by opening up rivers and streams year around. Was there a correlation between added fishing pressure and the trout decline? Nobody knows, but I don't think it is worth taking any chances at this point. We need every successful spawning fish possible at this point. Go back to closing streams until the 3rd Saturday in May.
4. While there doesn't appear to be any conclusive studies on hooking mortality with barbless VS barbed hooks, anybody who has fished with both can tell you how much easier it is on the fish and fisherman to use barbless. With the influx of new people and fishermen to our state, I am amazed how resistant people have been to change this simple requirement. I learned to fly fish on the Gallatin when I was 10. I have been fishing Montana rivers for over 50 years. I also guided while I was in college. The abuse I have seen to fish while people try to unhook a slimy, flipping fish goes back to when I started. Who hasn't seen a fish flopping around in the bottom of a boat while someone tries to unhook it? Who hasn't caught disfigured fish that have their mouths ripped open from someone trying to get their hook out? Come on, this should be a no brainer. Go barbless or pinched down barbs.
5. Limit the number of guides and charge them for using our public resource. They have an incredible deal right now.
6. Set minimum flow rates for all rivers that once hit would trigger automatic fishing closures. I think this would help people plan and raise the awareness of the problem we have going on.
7. Be more aggressive on closing rivers. The West Gallatin is still on hoot owl. Currently, there might be 20 -30 CFS in it. All the fish are concentrated in a few pools. Why are we still allowing people to fish there? The heat and stress has to be unbearable for much of the population. Close it down. Think long term!!!
8. Should we be looking at building smaller water storage reservoirs on feeder streams? You could build these on forest service lands. Could you capture runoff in the spring and release it in the summer?
9. This one is most important as far as I am concerned. Start buying water rights for in stream flow. If not the state, then figure out a way to help an organization like TU, or create a new organization. No water, no fish, pretty simple. I own 2 miles of the Gallatin River and have significant water rights. I make every effort to minimize my water usage and leave it for the fish. I am constantly hearing from neighbors how they can't make a living farming. I believe many of these farmers would be willing to sell some of their water rights if the price was right. Can they be educated to grow less water intensive crops, possibly at different times of the year? I think so with enough education, but a dialog with these guys needs to start and soon. If cities start buying water from these farmers, we will never be able to get it into the streams.

Thank you for your time. FYI, I am a Bozeman native and own property on the Gallatin and the confluence of two streams that trout spawn in. It has been difficult to watch what is happening to a river I grew up fishing. I would be glad to visit with anyone who wants to discuss these ideas further. My number is 406-579-5108

Sincerely,

Mike Ellig

From: [Beverly Fong](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Saving the Brown Trout !!
Date: Sunday, July 11, 2021 4:14:38 PM

To whom it my concern:

I am very alarmed at the diminishing Brown trout population— especially on my home river, the Big Hole River! Admittedly, this large drop in numbers is sad and alarming — on all the rivers here in Montana!!!

I have owned a home here for over 20 years now... and this by far is the most disheartening and tragic issue to date!!!

This is a very serious problem to EVERYONE!!! The trout, the residents, the tourists (trade) and and injury to Mother Nature and the state of Montana!!!!

PLEASE take the most immediate ACTION NOW— we beg you— before it's too LATE for the State of Montana and all of us who love it !!!!!

Thank you!

Best Regards,
B.P. Hall Fong

Sent from my iPhone

From: mtb@lightspeed.net
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Public Comment for proposed regulation changes due to Brown Trout numbers
Date: Sunday, July 11, 2021 4:05:29 PM

July 10, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have had a Fly Shop in Dillon, Montana since 1998 and I first fished Montana in the early 1970's. I am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season. I would recommend shortening the time frame to start October 15.
- I would recommend also a spatial closure starting October 1. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release and artificial fishing only :**

- Bait fishing harms the fish. I would recommend that FWP adopt no kill brown trout regulations and Rainbow Trout regulations and artificial lures only on the major Blue Ribbon Streams including the Beaverhead and Big Hole rivers as this would be an effective management tool to protect trout into the future. Also, there should be a major educational program for proper catch and release practices to ensure fish survival and to protect the fishery for the future. These special rivers need to be protected. I have many bait fishermen come into the store to buy fishing licenses that tell me they came to kill fish in the Beaverhead and Big Hole Rivers. I often try to educate them concerning how to protect the fish. I also try to explain the fact that the fish in the rivers are wild trout and not stocked each year as they are in many of the reservoirs and lakes in Montana. They tell me they will take as many as the regulations allow and do not care if they harm fish they release. It is very disheartening.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown and rainbow trout on those rivers with adversely effected trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures dictate restrictions be implemented. Without water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.
- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with all adversely effected trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Mary Bennett Smith
Co-owner, Backcountry Angler

From: [Mike McDaniel](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed changes to fishing regulations
Date: Sunday, July 11, 2021 3:05:35 PM

I support making the proposed hoot owl restrictions permanent for all rivers under consideration , or at least for a test period of time. I also support making catch and release only permanent for brown trout in all waters under consideration.

Sent from my iPad

From: [Max Hjortsberg](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] PCEC Brown Trout Regulations Public Scoping Comments
Date: Sunday, July 11, 2021 3:03:39 PM
Attachments: [PCEC FWP Brown Trout Comments.pdf](#)

Please find attached PCEC's comments on FWP's Brown Trout Regulations Public Scoping. Thank you for your time and consideration.

-Max Hjortsberg



Max Hjortsberg

Conservation Director
Park County Environmental Council
He/Him

- [406-222-0723](tel:406-222-0723) | [406-223-3892](tel:406-223-3892)
- max@pcecmt.org
- www.pcecmt.org [pcecmt.org]
- 215 E. Lewis St #306, Livingston, MT 59047



PARK COUNTY
ENVIRONMENTAL
— COUNCIL —

7/9/2021

FWP Fish Comments
P.O. Box 200701
Helena, MT 59620-0701

RE: Brown Trout Regulations Public Scoping

To whom it may concern,

Park County Environmental Council (PCEC) would like to thank the Montana Fish Wildlife and Parks (FWP) for the opportunity to provide our comments on the Proposed Brown Trout Fishing Regulations.

PCEC serves as a local grassroots environmental group with more than 500 members and 2,300 supporters. We appreciate your time and consideration on this important matter. PCEC has worked to protect and preserve the vast natural resources of Park County, Montana, since 1990. We are a county-wide environmental group focusing on issues affecting Park County. PCEC works with residents to safeguard and advocate for the county's world-class rivers, diverse wildlife, landscapes, and outstanding natural beauty, while protecting the health and wellbeing of people who live and work here.

Initially formed by a small group of community members to advocate for wild places, wilderness, and quality-of-life issues in Park County, PCEC has grown to cover numerous issues related to the Yellowstone River and its tributaries, public land management, land use and threats from development, while encouraging community engagement on these issues.

If we want to ensure that the Greater Yellowstone Ecosystem continues to maintain its vital importance for fish, wildlife, intact habitat, and ecological diversity for generations to come, as well as our reverence for wild places, we encourage FWP to manage the area fisheries in a manner that can provide for protections that will make that a reality, from these proposed brown trout regulations, to all crucial management decisions.

The Yellowstone River, a blue ribbon fishery, as well as the Shields River and their tributaries, are the lifeblood of Park County. Our water resources represent one of the largest drivers of our local economy, especially with respect to outfitting, angling, and recreation.

It's no secret that people travel from across the country to experience the tremendous, wild rivers in Montana. Visitor and resident recreationists are not the only stakeholders that value and depend on our rivers and streams for their enjoyment and livelihood: our agricultural

producers do as well. If stream flow is indeed the main driver for decreasing populations of brown trout in our rivers, then all water users need to come to the table to discuss how best to implement water conservation measures and opportunities for minimum stream flows. There are many examples of successful partnerships in this regard, and those models should not be overlooked when considering how to understand and resolve this issue.

We understand the FWP has only just recognized the issue of declining brown trout populations in the State's cold water fisheries, and that potentially years of study may be necessary to fully understand the cause as well as the best solution.

We here, at PCEC, see the proposed changes to the regulations as a necessary step towards protecting brown trout populations in our State's rivers, but we feel the regulations are too broad as proposed.

Seasonal Fishing Closures

FWP recommends:

Adopt seasonal fishing closure to protect spawning brown trout on some or all of the rivers. This would adopt a seasonal fishing closure for all species from September 30 until the third Saturday in May to protect brown trout redds and reduce stress from angling.

We agree that seasonal fishing closures would be beneficial to protect spawning brown trout, but we believe that the closure should more accurately reflect the brown trout spawning period from approximately late October through early January.

Closing rivers and streams for half the year will only create additional conflict. Angling pressure is already at a minimum during the winter months, especially on rivers that do not have a tailwater regulating flow and temperatures. Shoulder season use is also far less than the levels of use seen during the summer months.

The Upper Yellowstone Watershed Group has been conducting river recreation use studies to track where and when use on the Yellowstone River happens. That data can be found here: <https://www.upperyellowstone.org/recreational-use>. This data, as well as other information being collected in watersheds across the State, should be considered before making sweeping decisions regarding when to restrict, or close a river or stream outside of Hoot Owl triggers and emergencies.

Catch and Release

FWP recommends:

Catch and release fishing only for brown trout on some or all of the rivers. No harvest for brown trout would be allowed year-round.

We agree that catch-and-release-only regulations need to be implemented for brown trout on the rivers in question. We additionally recommend that restrictions include limiting angling to artificial flies and lures, and using single barbless hooks to prevent unintentional fish mortality on our regional trout streams and cold water fisheries.

While the study cites low flows, the additional stressor of increased angling pressures cannot be overlooked. We recommend that FWP increase outreach and education on proper handling and recovery techniques to help reduce catch-and-release-related mortalities.

FWP should also consider voluntary catch-and-release limits. While impossible to enforce, education and outreach could help reduce angling pressure, while still giving people the opportunity to go fishing. Catching and handling a fish out of the water significantly increases mortality rates, even for very short amounts of time.

Catch-and-release was controversial itself when it was first introduced. Over time, it has become the most accepted method of angling, especially for trout. But with a three-fold increase of angling pressure on some of Montana's rivers, the pressure of catching is beginning to outweigh the benefits of releasing.

Hoot Owl Restrictions

FWP Recommends:

Implement standing hoot-owl restrictions from July 1 – August 15 on some or all of the rivers or sections of rivers and/or tributaries. This regulation would limit fishing pressure to the coolest part of the day (midnight to 2 p.m.) with no fishing allowed from 2 p.m. to midnight.

We don't believe that standing hoot-owl restrictions would be appropriate, especially in years with sufficient flow and water temperatures. We believe that Hoot Owl restrictions should still be triggered by water temperatures and/or flow levels. We recommend slightly more conservative water temperature triggers for Hoot Owl restrictions than the current 73 F for three days, and suggest 70 F for three days, allowing for plenty of time to reduce fishing pressure before hitting the critical water temperatures.

Hoot Owl restrictions only apply to anglers. Non-angling recreational river use also adds stressors to trout through displacement and unnecessary movement in reaction to all varieties of watercraft. While limiting recreational use need not be tied to existing Hoot Owl restrictions, impacts from other use can and should be considered when necessary to further limit impacts on the fishery.

Climate Change

Changing climate patterns and global warming cannot be ignored when considering the current declines in brown trout populations, and impacts to our water resources as a whole.

Any and all decisions regarding Montana’s fisheries need to include a discussion that incorporates climate change.

We refer to the recently released Greater Yellowstone Climate Assessment (<http://www.gyclimate.org/>), a document that points to trends that will worsen impacts to the State’s fisheries, such as increased temperatures, earlier and less runoff, and diminishing snowpack.

The following chart from the Greater Yellowstone Climate Assessment summarizes these concerns quite clearly:

Table ES-1: Major findings of the *Greater Yellowstone Climate Assessment* for the Greater Yellowstone Area (GYA) and Hydrologic Unit Code 6 (HUC6) watersheds based on observations for the 1950-2018 historical period and projected changes to the year 2100. (RCP stands for *Representative Concentration Pathways*.)

HUC6 Watershed	Change between 1950-2018				Trends to 2100 compared to 1986-2005 (based on MACAv2_METDATA ¹ for RCP4.5)				
	Temperature	Snowfall		Peak stream flow	Temperature	Precipitation	Snowpack ²	Jun - Aug runoff	Growing season length ³
GYA	2.3°F warmer	23 inches less	25% loss	8 days earlier	5.3°F warmer	9% increase	40% loss	35% less	--
Upper Yellowstone	2.0°F warmer	1.3 inches more	1% gain	12 days earlier	5.2°F warmer	9% increase	44% loss	36% less	35 days longer
Big Horn	0.89°F warmer	7.3 inches less	14% loss	1 day earlier	5.3°F warmer	9% increase	38% loss	32% less	40 days longer
Upper Green	3.0°F warmer	32 inches less	44% loss	4 days earlier	5.4°F warmer	10% increase	38% loss	33% less	40 days longer
Snake Headwaters	1.1°F warmer	16 inches less	11% loss	15 days earlier	5.5°F warmer	9% increase	39% loss	38% less	29 days longer
Upper Snake	2.3°F warmer	33 inches less	32% loss	12 days later	5.4°F warmer	8% increase	41% loss	39% less	32 days longer
Missouri Headwaters	2.6°F warmer	4.1 inches more	4% gain	9 days earlier	5.3°F warmer	9% increase	43% loss	36% less	28 days longer

¹The MACAv2-METDATA data set includes 20 global climate models that were statistically downscaled to a 4 km by 4 km (2.5 mile by 2.5 mile) grid using the Multivariate Adaptive Constructed Analogs method.

²Based on April 1st values.

³At towns in the major watersheds: Bozeman MT, Red Lodge MT, Cody WY, Pinedale WY, Jackson WY, Driggs ID. Base temperature is 45°F (7.2 °C), the germination temperature of wheat.

Long-term research and studies taking into account the impacts that climate change is having on decreasing brown trout populations, and the real potential for impacts to other trout species in our cold water fisheries, needs to begin right away.

If low flows are currently the primary driver for decreased brown trout populations identified by FWP, fishing restrictions alone will not be enough to address the issue in any real and comprehensive manner.

FWP Input and Coordination

We believe the FWP's regional Fisheries biologists and regional directors should be taking a more active role in this matter, within their respective watersheds and districts, where their expertise, knowledge, and leadership is needed and valued.

The vague manner with which the information regarding declining brown trout populations was released to the public, and the generic regulations proposed, is frustrating.

We, at PCEC, value a transparent public process, and we appreciate the efforts of the agency to solicit and listen to community input on how to address and respond to the issue. But the current approach that FWP appears to be currently taking is concerning. FWP has long been a valued leader, with an important seat at the table. Trust is built through dialogue, regardless of differences in opinion or positions. When an issue such as this arises, one that has potentially long-term ramifications, input is needed from all stakeholders, FWP included.

As we currently see and feel the effects of extreme drought this summer, with near-record-low flows and increasingly high water temperatures in Montana's rivers and streams, action needs to be taken. We recommend that FWP implement regulations that best reflect the needs of local fisheries to ensure their continued health and resiliency. We as water and river users will also need to do everything we can to minimize our impacts to Montana's water resources as well.

We would like to thank the Montana Fish, Wildlife and Parks for this opportunity to provide comments on this important issue.

Sincerely,



Max Hjortsberg
Conservation Director

From: [KARA SCHUETT](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Concerns
Date: Sunday, July 11, 2021 2:53:24 PM
Attachments: [FWP Letter.docx](#)

Please see attached document. Thank you!

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photo



Kara Schuett

Owner, Yellow Sally

406.925.9130 | yellowssallyfishing@gmail.com

www.yellowssallyfishing.com [[yellowssallyfishing.com](http://www.yellowssallyfishing.com)]



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7/11/21

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed [outfitter] [guide] in the state of Montana for [number] years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Kara Schuett

From: [Backcountry Angler](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Public Comment on potential fishing regulation changes due to declines of brown trout populations
Date: Sunday, July 11, 2021 1:49:35 PM

July 10, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed outfitter and guide in the state of Montana for over 37 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season. I would recommend shortening the time frame to start October 15 on all Blue Ribbon Streams.
- I would recommend closing certain prime spawning areas October 1. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. This would have the added benefit of not shutting down an entire river completely to angling. I would recommend that prime spawning areas be shut down on all blue ribbon streams starting October 1.

With regard to the **adoption of catch and release and artificial fishing only :**

- Bait fishing harms the fish. I would recommend that FWP adopt no kill brown trout regulations and Rainbow Trout regulations and artificial lures only on the major Blue Ribbon Streams including the Beaverhead and Big Hole rivers as this would be an effective management tool to protect trout into the future. Also, there should be a major educational program for proper catch and release practices to ensure fish survival and to protect the fishery for the future. These special rivers need to be protected. I see bait fishermen kill fish below the dam to high bridge on the Beaverhead many days. I also see many bait fishermen mishandle fish. FWP claims there are very few bait fishermen above High Bridge. I strongly disagree. I see lots of bait fishermen above High Bridge on the Beaverhead many days over the course of the season.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown and rainbow trout on those rivers with adversely effected trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

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- I fail to see how hoot-owl restrictions, when applied to cool water will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures dictate restrictions be implemented. Without water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.
- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with all adversely effected trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Thomas D. Smith
Outfitter #1018

From: [Bridgar Hill](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] REGULATION CHANGES ON RIVERS
Date: Sunday, July 11, 2021 1:42:37 PM

Dear Fish, Wildlife & Parks

I agree with adding hoot owl restrictions to all the following rivers you listed would greatly benefit all fish species in the rivers. I also would say that enforcing barbless hooks across the Big hole river, Ruby river, Boulder river, Beaverhead river, upper yellowstone river, Maddison river, shields river, and upper stillwater river.

Sincerely,
Bridgar Hill

1124 West Park Street #10
Livingston, Montana 59047
2021 July 11
406-868-5076

From: [Brian Wheeler](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Decline & Proposed Reg Changes
Date: Sunday, July 11, 2021 11:37:35 AM
Attachments: [Comments to FWP - Brown Trout Decline.docx](#)

Please accept the attached document containing my comments on the proposed fishing regulation changes in response to the significant brown trout decline.

Thank you,
Brian Wheeler

--

Brian Wheeler
Executive Director
Big Hole River Foundation



COMMENTS TO MT FWP ON PROPOSED FISHING RESTRICTIONS TO ADDRESS THE SIGNIFICANT BROWN TROUT DECLINE

Firstly, I want to acknowledge that according to our biologists and the US Geologic Survey, flow is the primary carrying capacity limitation to healthy populations of aquatic life. Therefore, until that is addressed, we are simply putting band-aids on a large hemorrhage.

In late June (JUNE!) the flow at Wisdom dropped to 3.83 cfs. Water temperatures (directly correlated with low flows) have neared 80 degrees in places. THAT is the reason fish are dying.

It will take a paradigm shift in how we view the quantity of water actually available and how we utilize it for the four beneficial uses that surface waters are required to support under the Clean Water Act: 1) Aquatic Life, 2) Recreation, 3) Irrigation, and 4) Drinking

Secondly, while I appreciate that public input is being considered, I ultimately value the expert opinions of our regional fisheries biologists over that of the general public with regard to management decisions.

Customer service is an incredibly backwards way to manage fisheries and wildlife.

However, to respond specifically to the proposed fishing changes:

1) Catch and release fishing only for brown trout

According to our fisheries biologists, harvest does not appear to be a significant factor in the documented decline. And certainly not the primary factor.

- a) I would much prefer the entire river to be restricted to barbless, single hooks. I commonly see significant damage to the faces and mandibles of trout which can drastically affect the fish's ability to feed.
 - b) Catch-and-release mortality can be significant (5-20%) when environmental Stressors increase (high water temps) and poor fish handling (dry hands, picture obsession, drag up on bank, squeezing vitals, too light of tippet and too long of fight, etc)
- We can do Catch and Release much better!! Overall, the outfitting community does a great job in teaching and demonstrating good, safe fish handling practices.
 - FWP should significantly step up and fund education efforts to the general angling public to improve fish handling and reduce catch and release mortality

2) Implement standing hoot-owl restrictions from July 1 – August 15

This is an unreasonable restriction. Most years, hoot-owl restrictions are unnecessary that early in the season. It also has the potential to remove the incentive of ranching community to adhere to Drought Management Plans.

- a) The current trigger point of 3 days over 73 degrees is far too high to being hoot owl. It is commonly understood that trout are significantly more susceptible to catch and release mortality once water temps reach 68 degrees. Again, this is something that the outfitting community and larger fishing retail industry has pushed as a matter of personal

ethical responsibility (to carry a thermometer and stop fishing once water temps reach 68 degrees).

- Lowering the trigger point from 73 degrees to at least 70 (I would prefer 68) would likely contribute significantly to a reduction in catch and release mortality.

3) Adopt seasonal fishing closure to protect spawning brown trout

If the primary issue is that of poor recruitment of young fish, as has been identified by fisheries biologists, then this proposed change seems to have the greatest potential to mitigate this decline (short of a minimum flow legislation, which I support).

This is not a novel idea. Many places have seasonal closures to protect spawning fish, the Beaverhead being one. Unfortunately for them, brown trout spawn in the fall after a long stressful period of low, hot flows.

Removing fishing pressure (and the damage to redds from wading anglers) would effectively remove one of the primary stressors to spawning fish.

Secondly, an ethical suggestion to avoid redds and the targeting of spawning fish is unenforceable. A closure would at least give Game Wardens a chance to enforce this measure which appears to have the greatest potential to address the decline.

- I would like to see a targeted closure of known spawning areas.
Avoiding a blanket closure for entire rivers would reduce the negative economic impact.

In leaning on the expertise of our fisheries biologists, it would greatly benefit the pursuit of greater ecosystem understanding and proof of whether any of this stave off an historic decline if we were to try some of these measures in certain sections and compare the outcomes to control sections where no new restrictions are implemented.

Lastly, I would like to reiterate that none of these proposed measures will address the known primary factor of flow.

And while I support adjustments to current fishing regulations, as described above, until the matter of adequate in-stream flow to support ALL beneficial uses is addressed, we will continue to see these kind of issues in our rivers.

Extensive algal blooms associated with nutrient pollution, climate change (resulting in weaker snowpacks, earlier runoff, fewer bank-full days, longer periods of low hot flow, and longer more severe fire seasons) and poorly planned, unrestrained development will all continue to contribute to our declining fisheries.

Sincerely concerned,

Brian Wheeler

Dillon, MT

From: [Peter Mali](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments on Proposed Brown Trout Regulations
Date: Sunday, July 11, 2021 6:54:57 AM

Thank you for the opportunity to comment on certain regulatory changes contemplated by Montana Fish, Wildlife, and Parks regarding brown trout.

I support adopting seasonal fishing closures to protect spawning brown trout, catch and release fishing only for brown trout, and implementing standing hoot-owl restrictions. Last month, I spent a week fishing the Beaverhead and the Big Hole. While I enjoyed the fishing immensely, I am concerned for the long-term health of the fisheries on both rivers.

I encourage you to adopt additional measures to further protect fishing in southwestern Montana: barbless hooks and catch and release for all or most fish species.

Thank you again for considering my comments.

Peter Mali
petermali@icloud.com
240-418-0596

Sent from my iPhone

From: [Buddy Drake](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Fishing Changes
Date: Saturday, July 10, 2021 9:42:27 PM

July 10, 2021

Montana Fish, Wildlife & Parks
PO Box 200701
Helena, MT 59620

To whom it may concern:

I would like to comment on the proposed brown trout fishing regulation changes, based on thirty-seven years as a fisheries consultant, a former Chair of the Montana Chapter of the American Fisheries Society, a former Future Fisheries Improvement Panel Chair, a small businessman, and a concerned citizen.

After attending the Department's Public Meeting in Bozeman, it is apparent to me that biologists from FWP, the USGS, and our university system have no real idea of what is causing the brown trout population to decline in southwest Montana. Clearly, the Department needs to be proactive in its attempts to understand this decline. In doing so, biologists need to collect baseline data.

While I question the effectiveness of some of the proposed changes, fisheries biologists need to ascertain if any of these changes will indeed help. Comparative changes between drainages and river systems are not valid unless all changes are applicable to various sections of the same river. In other words, what worked on the Yellowstone may not apply to the Madison or Big Hole. To be scientifically defensible and to provide meaningful data, each of the proposed changes needs to be implemented multiple times in different reaches of the same river.

I suggest that a secondary study examining the correlation of fall river flows to brown trout redds should also begin this year. Winter river flows, redd placement, and a study of emerging fry numbers should be studied as well.

I founded the Arctic Grayling Recovery Program (AGRP) in 1990. Since that time over ten million dollars has been spent in grayling recovery efforts. A substantial portion of that money was spent on river and riparian habitat improvement projects. Because of these efforts, I do not believe changes should be implemented to recover brown trout numbers in the upper Big Hole River or the Ruby River above the reservoir. Brown trout both compete with and prey on arctic grayling. I strongly urge the Department to forgo any attempts to bolster brown trout numbers in these drainages.

Personally, I believe biologists, economists, and the citizenry of this state realize the

harm that will result should brown trout continue to decline. However, we first need to undertake all necessary action to identify the cause of this dilemma.

Thank you very much for your time.

Sincerely,

Buddy Drake
Drake & Associates Inc
PO Box 4183
Bozeman, MT 59772

406-388-1888

From: [Tom Welsch](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed Changes to Fishing Regs - Brown Trout
Date: Saturday, July 10, 2021 5:42:31 PM

I write to express my opinions on the proposed changes to fishing regulations while FWP investigates the decline in Brown Trout numbers in several SW Montana rivers, particularly the Big Hole River.

As a general comment applicable to all three proposals, it does not appear that FWP has enough information on the reasons behind the Brown Trout decline to justify any significant regulatory changes. Shooting in the dark with such changes is just as likely, perhaps more likely, to yield no beneficial result in arresting the decline in trout numbers than would taking no action at present, and at the same time could harm the fishing economy and the recreationists who enjoy fishing. I urge FWP to go slow on changes and to move at warp speed on research to identify the actual cause(s) of the decline.

1) Proposed Change - Make an entire river catch-and-release

Unless FWP has solid data showing that fish harvesting has had a significant effect on the observed decline in Brown Trout numbers, has increased over time as trout numbers have declined, and is having a greater effect on those numbers at present than in the past decade or two, it seems the proposed change is unnecessary. As you know, catch-and-release fishing can itself result in increased mortality over natural levels; you cannot assume that 'unnatural' brown trout mortality will disappear under a catch-and-release regime. Finally, remember that only Brown Trout numbers have significantly declined, whereas a catch-and-release regime will affect all species.

2) Proposed Change - Standing 'hoot owl' restrictions July 1 - August 15

Variable 'hoot owl' restrictions over the last few decades have not prevented the current Brown Trout decline, so I see no basis to assume that making such restrictions automatic rather than condition-specific is going to reduce the decline in numbers, unless you also assume that the restrictions have not been properly applied over time, i.e., that the restrictions should have been implemented at certain times, based on water temperatures, etc., but were not. While standing restrictions would in theory eliminate that shortcoming, they would create others unless the restrictions were in place for the entire fishing season. For instance, what if water temps exceeded 73 degrees F for 3 consecutive days or more, which is the current trigger for the restrictions, prior to July 1 or after August 15? Would there be no 'hoot owl' restriction implemented? Are you actually proposing that it be assumed water temps exceed the current trigger at all times from July 1 - August 15, and that condition-specific determinations be made at all other times? Seems you're trying to make what appears to be a change, but one that would have no significant effect. I doubt that 'hoot owl' restrictions would be more effective under the July 1 - August 15 you propose, and it doesn't appear you have any basis to assume that the restrictions are an issue at all, particularly when you take into consideration that Brown Trout are known to be the more temperature-tolerant of the trout species, and Rainbow Trout numbers have not significantly declined.

I would suggest that you lower the 'hoot owl' restriction trigger to a water temperature of 68 degrees F for any length of time on any day, which would trigger the restrictions for a minimum of 3 consecutive days thereafter, and for as long after that as a temperature of 68 degrees F occurs at any point during a day. If you want to protect the trout, protect them.

Proposed Change - Seasonal closure, September 30 - 3rd Saturday in May

This is a very drastic step, and there is no basis to assume it will have any beneficial effect on Brown Trout recruitment. I am not aware of anything that's changed in the last 15 years or so that would adversely affect recruitment, and certainly not an increase in fall/winter fishing pressure. What's the problem you're trying to eliminate with a closure? Montana's fishing season has never closed during the 35 years or so I've lived here - it's only opened, and there's never been a problem. Without some indication that a closure would mitigate the decline in Brown Trout recruitment, I oppose it.

Tom Welsch
3122 Tumbleweed Dr.
Bozeman

From: [Dale Sexton](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments for FWP Proposed Brown Trout Fishing Regulations
Date: Saturday, July 10, 2021 4:05:29 PM
Attachments: [FWP Comments.pdf](#)

Dear folks at FWP,
Attached please find our comment letter.
Thank you,
Dale Sexton

--

Dale Sexton
Dan Bailey's
209 West Park St.
P.O. Box 1177
Livingston, MT 59047
(406) 222-1673
sexton@montana.com



July 10, 2021

Dear folks at FWP,

Thank you for the opportunity to submit our comments regarding declining brown trout numbers on many Montana trout streams. This issue is of utmost importance to not only our economic vitality, but to our everyday well-being. That said, however, our perspective is resource first, business second. In other words, without healthy ecology, our business can't thrive. Below are our comments in consideration of management proposals being considered.

Adopt seasonal fishing closure to protect spawning brown trout

We agree with this proposal. However, we strongly disagree with the time frame proposed. End of September through the end of December would be a more reasonable closure period.

Catch and release fishing only for brown trout

We agree with the proposal of implementing catch and release regulations for brown trout on all affected waters. We also strongly encourage barbless hooks be required and an education program be adopted that informs the public of the importance of efficiently fighting a fish and proper release techniques that discourages removing the fish from the water for any length of time.

Implement standing hoot-owl restrictions from July 1 – August 15

We're all for hoot-owl restrictions, when warranted by warm water temperatures and low stream flows. To have standing restrictions in place isn't necessary. We fail to see how these restrictions, when applied to cool water with adequate flow will protect brown trout.

A few more words – stream flows

Studies conducted by FWP and the US Geologic Survey suggest that flow is a primary limiting factor for many brown trout populations. Without minimum flows, all the above management actions are for not. Rather than focusing on the above management actions, which if implemented as written could decimate the trout fishing industry in Montana, FWP needs to work in cooperation and build alliances with the agricultural industry to insure adequate flows.

Again, thank you for involving the greater Montana community in resolving this issue; we're all better by working together on these difficult challenges. We're grateful to be adding our voice to the conversation.

Respectfully,

Dale Sexton
President

HELPING RIVERS & PEOPLE STAY WILD SINCE 1938

From: [ann fuller](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] fish
Date: Saturday, July 10, 2021 9:09:53 AM

It is very important that all fish, especially the brown trout, be saved from overfishing, loss of habitat, stress from low and warming water, and humans trying to catch and release fishing. Please put in regulations to preserve all fish in the Yellowstone river and all other rivers in Montana that are running low and at a higher temperature. Ann Fuller, Livingston, Mt

From: [Nikol Stirling](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed Brown Trout Regulation etc.
Date: Saturday, July 10, 2021 6:26:37 AM

Hello I am a resident of Montana and would like to submit some input for your consideration:
This is a list of things I would like to see happen in Montana:

- Single barbless hooks on all artificial lures. They kill fish.
- Single barbless hooks for the bait fishing that is allowed.
- Catch and release for all trout all the time.
- Closures during spawning season.
- Yes on standing hoot-owl restrictions.

Thanks for your time and consideration and for doing everything you can to protect our awesome natural resources!

Nikol Stirling
2320 Woodland Ave., Missoula, MT 59802

From: [mtflyco](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] All sw rivers
Date: Friday, July 9, 2021 9:30:52 PM

To whom it may concern

This is my opinion about the fisheries

1 open fishing on third Saturday in May

2 close it October first

3 open it up December first for whitefish

4 close it February fifteen to all fishing

This plan will protect brown and rainbow trout

These rivers need some protection under this plan will give outfitters and the general public ample time to fish

Start protecting the resources we have or just say he'll with it and kill everything off than nobody will be fishing

Thank you

George Goody

Sent from my T-Mobile 5G Device

From: [Jim Homison](#)
To: [FWP Fish Comments](#)
Cc: [Roberts, Eric](#)
Subject: [EXTERNAL] COMMENT REGARDING PROPOSED BROWN TROUT FISHING REGULATION CHANGES ON SOME RIVERS
Date: Friday, July 9, 2021 1:46:26 PM
Attachments: [BROWN TROUT FISHING REGULATION CHANGES.pdf](#)

attached is my comment regarding regulation changes being considered

COMMENT REGARDING PROPOSED BROWN TROUT FISHING REGULATION CHANGES ON SOME RIVERS

My comments are not directed at any specific river or section of river. My comments are intended to bring forth issues and consequences (sometimes unanticipated) that might be widespread and sometimes overlooked when these type of regulatory changes are implemented.

Adopt seasonal fishing closure to protect spawning brown trout:

A seasonal fishing closure for all species is akin to closing a hunting district to all hunting because elk numbers are low while all other game species numbers are thriving. This regulation change would unfairly penalize many working Montanans and unintended consequences as a result of angler displacement could be far reaching.

May through September is the time when many working Montanans are busy earning a living and have little free time for fishing. Some examples that come to mind are general and highway construction workers, agricultural workers of all kind, wildland firefighters and managers as well as tourist industry support staff. Excluding these Montanans from the opportunity to fish these waters during their slower work period would violate the trust bestowed upon FWP to manage its fish and wildlife resources for all Montanans. I was personally part of this large group for about 35 years and it was fall, winter and early spring when I had time to enjoy the Madison River, often with snow on the ground.

As far as protecting redds goes, a public education approach regarding this subject is preferred. It's my opinion that FWP has done an impressive job when it comes to informing the public in matters such as aquatic invasives, whirling disease and chronic wasting disease so I know FWP has the tools to do this. More FWP effort should be directed at informing the public about protecting brown trout redds and reducing stress during the spawning period.

Catch and release fishing only for brown trout:

FWP personnel I have spoken with tell me almost no one keeps browns anymore on the rivers in question. I'm certain some browns are harvested but a regulation like this seems like it would be nearly pointless since over harvest isn't a likely contributing cause to decline in brown trout recruitment.

Although difficult to quantify, I suspect that delayed hook mortality from catch and release angling during peak angling pressure months of May through September far exceeds the annual harvest of browns. Eliminating harvest would probably not accomplish much while ignoring the much larger problem of delayed hook mortality. Continued effort to raise public awareness about proven catch and release techniques need to be maintained.

Elevating the harvest status of non-native brown trout to the same status as native arctic grayling is way too extreme to be considered at this point and should only be considered as a last resort.

Implement standing hoot-owl restrictions from July 1 – August 15:

Of the three regulatory proposals under consideration, this one has the most merit since it addresses the time of the year (and day) when the browns are under the most stress from both environmental and angling influences. Since FWP has some experience with hoot owl restrictions there is probably data supporting its effectiveness.

Caution needs to be taken in the widespread use standing hoot-owl restrictions and any of the other two regulatory options being considered. A certain amount of angler displacement to other Montana rivers and streams should be expected and could have unforeseen impacts on fisheries on these waters. Impacts on angling infrastructure such as Fishing Access Sites, non-FWP access points and landowner relations need to be considered.

A certain amount of the tourist angler displacement to angling opportunities in other states can be expected. While this displacement would likely have little effect on the brown trout situation, small communities and individuals that depend on trout tourist dollars as part of their economy may notice a negative impact.

Status Quo:

All said, simply maintaining regulations currently in place makes the most sense for the most part. Judicious use of hoot owl restrictions and fishing closures when appropriate are acceptable as long as they are monitored and evaluated and discontinued if positive results are not quantifiable after a reasonable period of time.

Thank you for the opportunity to comment.

Jim Homison
FWP-R4 Citizens Advisory Council Member
Stanford, Montana

Wedde, Kim

From: Milligan, Valisa on behalf of FWP Fishing
Sent: Friday, July 9, 2021 12:37 PM
To: FWP Fish Comments
Subject: FW: [EXTERNAL] Comment on Proposed Regualtionas and Actions to protect the brown trout population in southwest Montana Rivers

Valisa Milligan
Administrative Support
Fisheries Division
Montana Fish, Wildlife & Parks

P.O. Box 200701
Helena, MT 59620-0701
Ph: (406) 444-5290

[Montana FWP](#) | [Montana Outdoors Magazine](#)



THE **OUTSIDE** IS IN US ALL.



From: FWP General <fwpgen@mt.gov>
Sent: Friday, July 9, 2021 11:57 AM
To: FWP Fishing <fwpfsh@mt.gov>
Subject: FW: [EXTERNAL] Comment on Proposed Regualtionas and Actions to protect the brown trout population in southwest Montana Rivers

From: Raymond Gross <ray_gross@bresnan.net>
Sent: Friday, July 9, 2021 11:51 AM
To: FWP General <fwpgen@mt.gov>
Subject: [EXTERNAL] Comment on Proposed Regualtionas and Actions to protect the brown trout population in southwest Montana Rivers

I read a news article that FWP was putting forth possible actions to protect the brown trout population in southwest Montana Rivers and was asking for public comment and comment period ended July 11. I can not find this on the FWP web site. My comments are:

I support all actions proposed in this article:

[https://mtstandard.com/outdoors/big-hole-anglers-weigh-in-on-proposed-fishing-regulation-changes-for-troubled-brown-trout-population/article_963dfb9b-64a6-5f4e-aa9b-fd09c293aad0.html#tracking-source=article-related-bottom \[mtstandard.com\]](https://mtstandard.com/outdoors/big-hole-anglers-weigh-in-on-proposed-fishing-regulation-changes-for-troubled-brown-trout-population/article_963dfb9b-64a6-5f4e-aa9b-fd09c293aad0.html#tracking-source=article-related-bottom [mtstandard.com])

The regulation changes being considered include:

- Adopt seasonal fishing closures to protect spawning brown trout on some or all sections of the Big Hole, Ruby, Boulder, Beaverhead, upper Yellowstone, Madison, Shields and upper Stillwater from Sept. 30 to the third Saturday in May.
- Catch-and-release fishing only for brown trout on some or all of the same rivers or sections of rivers and tributaries.
- Standing “hoot-owl” restrictions from July 1–Aug. 15 on some or all of the same rivers or sections of rivers and tributaries from 2 p.m. to midnight.

Ray Gross

Dillon, Mt

From: [Mark Talt](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Sierra Club
Date: Thursday, July 8, 2021 3:00:17 PM

The Sierra Club filmed a documentary on the Yellowstone River and some of it's issues a couple years ago. I was the fisherman in the documentary and you should watch it and see and hear all of the comments regarding the fishery. It tells the story.....We need stricter guidelines

--

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Mark K Talt

Mark@cleanhealthypets.com

www.cleanhealthypets.com [cleanhealthypets.com]

818-314-3489

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From: [Mark Talt](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Protect our Natural Resources-slotted days of dry fly fishing only
Date: Thursday, July 8, 2021 2:59:30 PM

Fewer guided trips ! The outfitters will charge more which will not stop the anglers from paying more for a guide. The amount of boaters for this year's salmon fly hatch on the upper Yellowstone was ridiculous and caused the fish stress. I fish the Yellowtone 60-70 days per year and while we have some very good fishing days, the hot days of summer along with the crowds really put the fish down and make for less than productive guided trips. I have seen it happen on the MO which I have fished for over 40 days. Nowadays fishermen with guides simply put on two nymphs and down they go. I really think limiting certain floats to days of dry fly fishing only would improve the fisheries. You can rotate it by section, two days off, then two days on.....it will decrease traffic, protect the fish and make fishing more enjoyable.

Mark

--

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Mark K Talt
Mark@cleanhealthypets.com
www.cleanhealthypets.com [cleanhealthypets.com]
818-314-3489

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Pat Gleason
3011 Carter St.
Butte, MT 59701-3609

RECEIVED
6/27 JUL 08 2021

Fisheries Division
FISH, WILDLIFE & PARKS

I do not approve of poisoning perfectly good fish just because you want another kind, or color. Especially this year with low river flows, & especially low brown trout numbers.

Once you poison a section of a waterway, how do make sure it's not harming other animals that use the water - birds, bats, lup, snakes, deer, otters, horses, mink, gophers, ferrets, wolves, four wild cats, - you can probably add more to the list.

Paul Veng in today's Butte Weekly June 23rd, was having trouble finding salmon flies, to fish!

Sincerely,

Pat Gleason

P.S. - I tried calling several times but I got a message about "which phone number am I calling or calling from - I'm in my 80's & don't know how to answer!!"

July 6, 2021

FWP Fish Comments
P.O. Box 200701
Helena, MT 59620-0701



Dear FWP Fisheries Personnel,

The following comments and questions are in response to a Department request for public comments on possible changes to fishing regulations on several southwestern Montana streams in which brown trout fry survival has decreased in recent years. My comments will mainly concern the Yellowstone River and the Stillwater River (tributary to the Yellowstone River) but could apply to the other rivers as well.

Department personnel state that fishing activity likely has little to do with the decreased fry survival and that lower flows and higher water temperatures are probably the most significant factors in the decreased survival rates of brown trout fry. Why then is the Department focus only on anglers? Reduced opportunities for anglers will not improve water flow or reduce water temperatures in any way. To restrict angling opportunity just because it is the only thing the Department can control is clearly not based in science.

The terms “upper Yellowstone River” and “upper Stillwater River” are used in the proposals being considered but “upper” is not defined. How can the public make comments on these proposals if there is no information presented to identify which section(s) of the rivers are involved?

Are the identified low water flows and higher water temperatures part of historic variations in these factors or is there evidence that these factors are unusually severe only in recent years?

Catch-and-release fishing for brown trout is mentioned as a possible change in regulations. I am sure Department personnel are aware of scientific studies which show that catch-and-release fishing has a mortality factor of its own. Fish still die when caught and released.

The Department has stated that “We’re hearing from folks that want to do something.” Who are the people who are requesting changes? Are they resident anglers, non-resident anglers, or perhaps guides and outfitters who have their own financial reasons for commenting?

I noticed that there was no mention of restricting recreational opportunities for any group other than anglers. If stress on brown trout is a factor in low spawning success, egg survival or the survival of young fish, why would recreational activities such as floating or “tubing” be allowed when fishing was restricted or banned? The Department has shown in the past that ALL recreation on rivers can be barred as was the case on the Yellowstone River when a large die off of whitefish took place.

The proposed changes seem to lack scientific data. Restricting angling when Department personnel have stated that “Fishing pressure itself is unlikely a driving force” when referring to the low numbers of surviving young brown trout makes it seem as if the Department is thinking of “doing something” just to be seen “doing something.” This is not really very scientific management of a resource.

Thank you for considering my comments.

Rodger Warwick
1919 Wyoming Avenue
Billings, MT 59102

From: jerrydimarco@mail.com
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] brown trout fishing regulation changes
Date: Wednesday, July 7, 2021 3:12:56 PM

Since brown trout are not native to North America, no measures should be taken to prolong their existence here. In the interest of transparency and complete disclosure, FWP should always make clear in all communications with the public about brown trout, that they are nonnatives. Any time FWP is expending resources on nonnative species, they should let us know that. Thank you,

Jerry DiMarco
Bozeman

From: [John M. Peck](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Issue
Date: Wednesday, July 7, 2021 1:48:09 PM

To whom it may concern,

I believe to combat the decline in brown trout, there must be more regulations on fishing, including fishing closures to protect brown trout on the Big Hole. I am a resident and Rancher along the Big Hole. September and October, during the brown trout spawning, can be some of the rivers busiest time. The flows can be low this time of year and giving the brown trout a break from fishing could help with recruitment of new fish. I also feel that better enforcement of existing regulations such as fishing closures and hoot owl restrictions. We also need to invest more time, effort and money to explore these issues and gain a better understanding of what the issues. Maintaining a healthy river is in the best interest of all stakeholders along the river.

Thanks,

JM Peck

From: hjlischerjr@gmail.com
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed brown trout fishing regulation changes
Date: Wednesday, July 7, 2021 12:32:04 PM

I spend about half of the year in Nye, Montana, on the Stillwater River.

I respect the concern about brown trout populations, but I do not support closure to fishing of the upper Stillwater from September 30 through to May.

I urge you to adopt a catch and release regulation instead.

Thank you for your consideration.

Henry Lischer
18 Waldstein Lane
Box 428
Nye, MT

From: [danielmondloch](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Bighole river restrictstions
Date: Wednesday, July 7, 2021 8:55:17 AM

I have been fishing this river for 60 years of my 66 years as a resident. I firmly believe and want the seasonal closures and hootowl restrictions applied from July thru August in years when the conditions are in poor state. Catch and release on browntrout year round till numbers are back. Have seasonal fishing season Third Saturday in May thru November 30. Close river from Dec 1 thru May , third Saturday. When flows and heat causes drought, then close the river entirely! Perfect the habitat and fisheries for all.

Float fishing should be in fishing season, third Saturday in May thru November 30. Not before or after ! When conditions get this way, I personally won't fish the river, until usually September when conditions change.

As for 2021 July, August. With the flows and drought in this state. The river should be closed to all fishing
Till the river flows make a big improvement and the river temp remains constant below 70 degree. Then remain under hootowl restrictions till flows and tempature improve to have a safe fishing habitat.

DanielMondloch
Butte MT.
danielmondloch@gmail.com
Sent from my Verizon, Samsung Galaxy Tablet

From: [Pedro Marques](#)
To: [FWP Fish Comments](#)
Cc: [FWPDistrict1@gmail.com](#); [FWPDistrict2@gmail.com](#); [FWPDistrict3@gmail.com](#); [FWPDistrict4@gmail.com](#); [FWPDistrict5@gmail.com](#)
Subject: [EXTERNAL] Public Comment by Big Hole Watershed Committee on Brown Trout regs
Date: Tuesday, July 6, 2021 1:58:59 PM
Attachments: [2021 Montana FWP ManagementActions.pdf](#)

Hello,

Please see attached a letter regarding proposed Brown Trout regulations for the Big Hole River. This letter is the consensus opinion of our diverse governing board.

Thank you to FWP for taking conservative measures this year to enact our Drought Management Plan early. We look forward to improving our ability to reduce the impacts of droughts on our fisheries and water resources and extend an invitation to all of you to discuss this issue in person at one of our committee meetings.

Many thanks,
Pedro Marques

--

PEDRO MARQUES

Executive Director



(406) 960-4855- office

(406) 552-2369- cel

www.bhwc.org [bhwc.org]



BIG HOLE
WATERSHED COMMITTEE
Conservation Through Consensus.

Post Office Box 21
Divide, Montana 59727
(406) 960-4855
info@bhwc.org
www.bhwc.org

06/21/2021

Steering Committee

Randy Smith- Chair

Rancher - Middle Big Hole

Jim Hagenbarth- Vice Chair

Rancher - Middle Big Hole

Roy Morris- Secretary

George Grant Trout Unlimited

Steve Luebeck- Treasurer

Sportsman

Governing Board

Dave Ashcraft

Rancher- Lower Big Hole

Sierra Harris

The Nature Conservancy

Peter Frick

Rancher- Upper Big Hole

Jim Dennehy

Butte-Silver Bow Water Dept.

Eric Thorson

Fishing Guide & Outfitter

John Jackson

Beaverhead County

Rancher- Upper Big Hole

Hans Humbert

Rancher- Middle Big Hole

Liz Jones

Rancher- Middle Big Hole

Mark Kambich

Rancher- Middle Big Hole

Brian Wheeler

Big Hole River Foundation

Erik Kalsta

Rancher- Lower Big Hole

Dean Peterson

Rancher- Upper Big Hole

Phil Ralston

Rancher- Middle Big Hole

John Reinhardt

Rancher- Middle Big Hole

Bill Kempf

Fishing Guide

Paul Cleary

Resident

Andy Suenram

Resident and Sportsman

Mark Raffetty

Rancher- Lower Big Hole

Ray Weaver

Rancher- Upper Big Hole

Dear Montana Fish, Wildlife and Parks leadership,

The Big Hole Watershed Committee was formed 26 years ago with a collaborative structure to engage all stakeholders in our watershed on areas where we can find agreement over water management. We were created in tough times of water stress and this coming water year has the makings of another difficult one for all water users. We've been here before and thankfully there is a tremendous amount of good will and willingness to cooperate in our watershed among ranchers, recreationists and agency personnel. We're all in it for the good of the resource and have two and half decades of exemplary collaborative work behind us.

Our group is concerned about the low fish counts FWP is reporting in the Big Hole and have specific responses to each of the proposed management actions below. We also emphasize that management actions must honor the collaborative drought management plan and the goodwill of all water users to share in sacrifices during low water years like this one. Broad brush regulatory actions that undermine this work will erode the trust and commitments to voluntary conservation measures in our watershed. Any new management measures need to be nuanced to each river and specific to the river sections used in our DMP and the CCAA program in the upper river.

Brown trout are the main recreation fish in the Blue-Ribbon Big Hole, along with Rainbow trout. The steady decline of Brown trout in the last 5 years, as shown by FWP data, is well corroborated by anecdotal evidence shared by fishing guides and local residents. Importantly, our understanding of fish population trends is based on quality long-term data sets collected by FWP staff over years. Our collaborative drought management initiatives and other projects are also based on long term data collection and rigorous studies that inform our local decision-making as water users. The science undertaken to quantify fish populations must continue in order to gauge the effectiveness of any management activities.

Concerning the management actions you propose:

- Catch and release fishing only for brown trout. We support this measure. In addition, given that Rainbow trout numbers are equally low, the most effective and efficient management action would include catch and release for all trout species until numbers rebound.
- Adopt seasonal fishing closure to protect spawning brown trout. We **do not** support a blanket closure of the river from October to May until local biologists determine this to be a critical action for species survival. This action would decimate the recreation industry of the Big Hole. We do support targeted closures of specific known spawning locations along the river during the fall. We trust our local fish biologist in determining those selected locations.
- Implement standing hoot-owl restrictions from July 1 – August 15th. We **do not** support this action. We urge FWP to continue to follow the science-based triggers determined in our Drought Management Plan. We support leaving a hoot owl restriction on once it is triggered up until there is sufficient evidence that temperatures have cooled and will remain cool.
- We also would urge that FWP discourage the use of artificial lures with more than a single hook.

To demonstrate the impact of collaborative conservation in the Big Hole, we provide for you this summary graph produced by DNRC's Big Hole hydrologist.

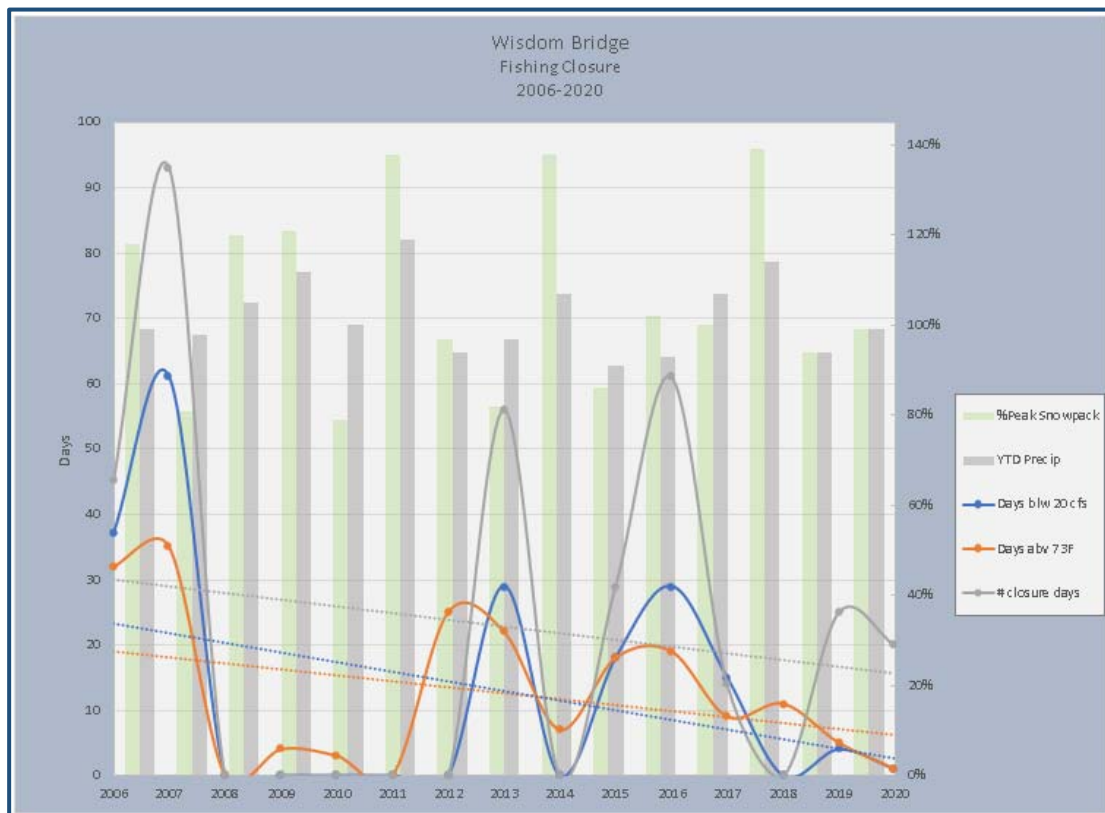


Figure 1. Graph showing decline in precipitation (gray bars). Over the same period, closures due to water temperature (orange) or flows (blue) have also declined.




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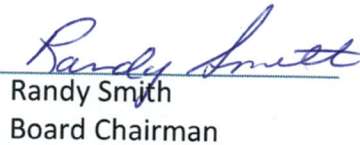
I hope this graph makes visual for you the impact that voluntary conservation measures undertaken through partnerships can have for the fisheries resource of the Big Hole. This work, as you likely know, was a major factor in the USFWS's 2020 decision to not list the Arctic grayling under the ESA, which would have subjected water users to federal oversight. The spirit of cooperation behind this work must not be undermined by any regulatory action by FWP.

We welcome further discussion on this matter and the Commission and other FWP staff are always welcome to join us at our monthly meetings. We meet every 3rd Wednesday of the month (except July and December) at the Grange Hall in Divide. Our meetings are also on Zoom (we have an email list you can access at bhwc.org).

Thank you for your attention to this urgent matter, and we appreciate all your staff do for the natural resources of the Big Hole.



Pedro Marques
Executive Director
(406)552-2369
pmarques@bhwc.org



Randy Smith
Board Chairman

June 21,2021

FWP Fish Comments
P.O. Box 200701
Helena, MT
59620-0701



RE: Proposed Options for Protecting Brown Trout

To Whom It May Concern:

The Bozeman Daily Chronicle of June 17, 2021, summarized a report of proposed changes in fishing regulations to protect brown trout in several iconic rivers and the creeks flowing into them. I will be out of town when the proposed public hearing is scheduled (June24) so here are my thoughts to be entered into the debate.

I have lived in Bozeman for 48 years and have fly fished the local waters all seasons and all months of the year. So to the point. In the past two weeks, I have been fishing a local creek that feeds into the Gallatin River. Every time if I catch more than a few trout I also catch and release a young brown trout. I will also note that while fishing a tributary of the Yellowstone during the winter months I also caught young browns. Roughly, the ratio of browns to rainbows in my recent experience has been about 10 to 1.

First, consider catch and release for brown trout. Second, mandate a requirement of barbless hooks. Third, prohibit bait fishing. Fourth, prohibit triple hooks. Sorry about the spelling. I guy I fish with caught a 18 inch brown on the Shields the past weekend and its head was injured from such a hook. Finally, imposed hoot owl restrictions as soon as needed and put signage up to remind people as well as more robust enforcement. Note: In my 48 years I have been asked to show a license only once and that was right along side the Yellowstone on a busy highway.

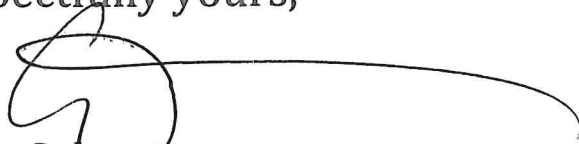
Second, what not to do. Do not close fishing on all rivers and streams from September 30 to May 30. That is so extreme and you going to hear about it loudly and rightly so. Trout angling is a multi million dollar part of our economy and this extreme measure probably put a lot of guides and fishing outfitters out of business. Second, who fishes all season and in all weathers? Locals like me. When the tourists are gone we get the chance to fish on un crowded waters.

You want something to work on? How about doing something about the pollution coming out of Big Sky. The Gallatin River waters below are producing fewer and fewer trout. Gee, look at the green slime along the banks. Notice above Big Sky how clear the water is on the river compared to below. Finally, I don't fish the Lower Madison any more. It is clearly overfished and

overused by everybody. And I have yet to see a solution there.

Please consider carefully. I have no doubt you will be getting a lot of input from anglers and people who make their living from it.

Respectfully yours,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line that extends to the right and then curves downwards.

Jerry Calvert
111 Heritage Dr.
Bozeman, MT
59715

From: jason@wolfcreekangler.com
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Comments
Date: Tuesday, July 6, 2021 7:34:01 AM
Attachments: [small.png](#)
[Brown Trout.docx.txt](#)

Please find the attached comments regarding proposed brown trout regulations.

Thank You for your time and careful consideration of my comments.

Sincerely,



Jason Orzechowski, Owner/Outfitter
Wolf Creek Angler LLC
(406)235-4350
www.wolfcreekangler.com [wolfcreekangler.com]

July 6th, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed guide and outfitter as well as a fly shop owner in the state of Montana for eight years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Jason Orzechowski
Helena MT

From: [Dane Huzarski](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout regulations
Date: Tuesday, July 6, 2021 12:34:16 AM

7/5/21

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed [outfitter] [guide] in the state of Montana for [number] years and am very concerned for the state of the brown trout fishery across southwest Montana.

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I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,
Dane Huzarski

Regards,

Dane Huzarski

Montana Troutwranglers
dane@troutwranglers.com
www.troutwranglers.com [troutwranglers.com]
406-580-6050

From: [Dale Martin](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Big Hole River
Date: Monday, July 5, 2021 4:12:10 PM
Attachments: [Big Hole River brown trout newspaper article.doc](#)

Attached please find my comments on a newspaper article concerning the Big Hole River and brown trout. This is the second letter I have written and sent to you regarding brown trout proposals.

Dale L. Martin
2308 Locust Street
Billings, Montana 59101
(406) 690-5331

July 3, 2021

Dear Montana FWP fisheries personnel,

I am commenting on an article that appeared in the July 1, 2021 Billings Gazette. This article was written by Michael Cast and is titled "Protecting brown trout." If you have not read it, I strongly encourage you to do so. I have read it several times and, with FWP currently asking for comments on brown trout populations, I believe a response to the article is warranted.

The first sentence of the article mentions Craig Jones, an outfitter from Divide, Montana (according to the Great Divide Outfitters website). He states that he agrees with FWP that anglers are not the principal driver of the regional decline in brown trout numbers but says the proposed changes to fishing regulations can help the ailing brown trout population. He goes on to state that in his younger years, he would fish the brown trout redds and said "I'd catch the same fish two or three times. Looking back, I wasn't being a very good steward of my own river."

In my part of Montana, brown trout are generally spawning in the Bighorn River in December and January. You would be hard pressed to find anglers not targeting redds during that time period. The angling pressure on them is certainly not much different than what this outfitter believes is happening on the Big Hole River. He is quoted as saying, "That's when they are particularly vulnerable. And they get pounded." I am certain many brown trout on the Bighorn are caught multiple times during the spawn. What Mr. Jones needs to understand is, first of all, the practice of fishing during the brown trout spawn is not illegal. If he chooses not to fish them, that is his choice. It is not, however, up to him to tell other fishermen what they can or can't do. When the Bighorn River has good water flows, studies show the brown trout spawn is very successful. When the water flows are not so good, the spawning success is not as good. Whether you take fishermen out of the equation during the spawn or not, my opinion is that it is not going to make a noticeable difference. My statement about water flows dovetails with what FWP and the U.S Geological Survey has stated in their request for public comment and I strongly urge FWP to not enact any closures to our year round fishing seasons.

The article also goes on to say that on two popular sections of the Big Hole River in 2019, almost 90,000 angler days were recorded. Would anyone working in fisheries with FWP like to challenge my contention that the constant barrage of fishermen hiring outfitters and guides makes up a substantial portion of that number and pressure daily? Not all fishermen guided by outfitters and guides are inexperienced by any means, but many are. The failure of them to use proper weight rods, land the fish as quickly as possible and get them back into the river without the fish ending up with a lethal amount of lactic acid in their system certainly adds to the minimal total mortality of brown trout harvested by fisherman during the year. The proposal for catch and release fishing is asinine. It is incredibly arrogant of outfitters like Mr. Jones and also Mike Bias (executive director of the Fishing Outfitters Association), who also supports catch and release fishing to believe their outfitted clients are not killing fish. We have all seen it many times, one of their clients hooks a fish, plays it gingerly without even trying to land it, gets it in the net, takes a bunch of photographs while oohing and carrying on about what a great accomplishment they have achieved, shows it off to others around them and then dumps the fish back into the water. It is pretty convenient to blame us fishermen who

keep fish to eat for any decline, all the while ignoring the fact that these guys are killing trout. They just want everyone to believe they aren't killing fish because that doesn't fit their narrative or their holier than thou attitude. Maybe before FWP decides on one or more of the three proposals, they should look at the potential damage being done by the never ending barrage of outfitted trips. Even with recreation rules in effect on this river, it is obvious that close to 90,000 angler days is no doubt contributing to the problem.

Another comment by Mr. Jones was in regards to harvested brown trout. He said that on a Saturday while working at his shop, he pulled up Facebook images of brown trout fillets being bagged at a cutting table on the Big Hole this past Mother's Day. "This shouldn't be OK if we're worried about brown trout" he said. I myself have personally fished Montana river's for 62 years, ever since I was 3 years old. Montana has a history of people eating trout. It is not illegal, it is not unethical and it is none of his business whether an angler harvests fish or not. If the regulation allow it (and if the regulation is based on biology, not the whims of the angling social justice warriors who want to dictate their wishes on the rest of us) then it is an individual choice. It is none of his business if an angler legally keeps fish from the Big Hole River or not.

This outfitter also states he is in full support of catch and release and a full closure of spawning sections on the whole river. I have a better idea. How about we cut the number of guided trips he and other outfitters are allowed to take on the river? After all, if he can try to dictate his wants and wishes on me, I should be allowed to do the same to him. As an angler with a paid for fishing license in my pocket, I believe I should be allowed to fish with bait, lures or fly fishing equipment and I believe I should be allowed to harvest fish from the Big Hole River. I also believe there should be a year round fishing season on all sections of the river. As the saying goes, what's good for the goose is good for the gander.

This article also mentions Forrest Jay, president of the George Grant Chapter of Trout Unlimited. He is in favor of an October 1 to December 31 closure on certain sections or even the entire river. I am also adamantly against anything like that. Anglers like myself prefer to fish during this time of the year, primarily because we don't have to fight the never ending armada of outfitted boats during the rest of the year. Maybe if FWP would finally put its foot down and address crowding on rivers due to outfitters, anglers like myself wouldn't be against all of these proposed actions by others. The reality in the state of Montana right now is that there is an extreme amount of anger from the recreational fishermen toward outfitters. You may not hear it from people but it is there. People perceive fishing rules on certain rivers are being dictated by the outfitting community. If you want just one example, look at the Madison River. People have been complaining for YEARS about overcrowding and the unbelievable pressure put on that river by outfitters. What was your solution? Your solution was to kick the problem down the road and not do what you should have done. You should have reined in the outfitters but you didn't.

Mike Bias, executive director of the Fishing Outfitters Association of Montana is also in favor of an October 1 to December 31 closure. He said his organization also supports catch and release and went a step further to recommend bait fishing be prohibited. He also is in favor of single hooks on flies and lures. THEN...two paragraphs later in the article he goes on to say "Certainly we're not out to exclude any bait fisherman or the guys throwing Mepps spinners. But, if you're going to manage for protection of brown

trout, you'd have to determine what sections and then implement those regulations accordingly."

It doesn't take a rocket scientist to figure out that he truly believes bait fishing and bait fishermen should not be allowed to fish the river unless it is in sections agreeable to his association in conjunction with FWP. While you and his association are throwing crumbs to us bait and lure fishermen and deciding where we will be "allowed" to fish, maybe someone should send him a Mepps spinner. The last time I looked at one of them, it still had treble hooks attached.

Farther into the article, both Forrest Jay and Craig Jones agreed that barbless hooks should also be included in the new regulations if they are adopted. What will these "experts" throw out next? You can only fish on a Tuesday when there are less than 2 vehicles at the boat launch and the forecast is for partly cloudy with a 9% chance of rain and temperatures between 61 and 67 degrees?? All this bluster reminds me of the past. Guides and outfitters have previously complained that the trout population is falling, we MUST outlaw bait fishing, harvest is decimating our trout populations, fishing in the fall when the brown trout are spawning is hurting their population, fishing in the spring when the rainbows are spawning is hurting their populations.....the list goes on and on. Both Forrest Jay and Craig Jones say that fewer hooked fish make it into the net using barbless hooks and they are much easier to unhook if they do-both factors which relieve the stress on fish. Again, from my personal fishing experience, I am adamantly against using barbless hooks. I do tie my own flies and they will NEVER be tied with a barbless hook. I am not buying expensive gasoline, driving to a river to fish (which the 671,000 + miles on my pickup show I do often), only to hook them and not land them. The argument outfitters use that unhooking a trout hooked with a barbed hook stresses the fish more than unhooking that fish with a barbless hook is pure hogwash. If the outfitters want their clients to use a barbless hook, more power to them. As for me, it is none of their business whether I use barbed or barbless hooks.

In this article, Eric Roberts said FWP usually steers away from regulations that eliminate access to a certain type of fishing and is more likely to consider specific stretches of water for gear-related restrictions and even then only in the face of strong evidence the gear causes a mortality risk. I agree with him on that point. Why then, are some outfitters willing to let their inexperienced clients play a fish to exhaustion with a fly rod? Granted, they want the client to have a great experience BUT to the death of the trout? Eric Roberts also said "We don't want to stack the deck for one type of fishing over another-banning bait fishing so more people can float the river and do catch and release. We typically try not to do that." Again, I totally agree and am adamantly AGAINST any and ALL of these additional wants and wishes. But, true to form, Mr. Jones states "If we're really worried about them, we've got to stop the bait fishing." Well Mr. Jones, I have what I believe is a better idea. Maybe we should stop the commercialization of our trout resource by the outfitting community. Many of your fellow outfitters and guides appear to be in the game just for the money, the resource be damned. Prove me wrong if you can...

Forrest Jay goes on to say catch and release regulations should also be applied to rainbow trout on the Big Hole River. Frank Stanchfield (owner of Troutfitters) supports this idea, saying "It can't hurt." Where is the biological proof for enacting catch and release for rainbow trout in the "it can't hurt" statement?? Mr. Stanchfield also goes on to

say “Mother Nature has a way of adjusting everything. Man thinks he can play God, but I haven’t seen it work.” In my opinion, that may be the only reasonable piece of logic in anything proposed in regards to the Big Hole River. The article also states he doesn’t believe regulation changes will make a significant difference in the population, something FWP personnel have said is a distinct possibility.

At the Butte meeting, Matt Jaeger, FWP fisheries biologist said whatever regulations are imposed should be set up in a way the biologists can learn from. Am I to take this as a sign FWP has their mind made up that there will be regulation changes, even though I am writing this before the public comment period is over??? Mike Bias said that was one of the most important takeaways from the meeting. The article goes on to say with record low flows underway in the region, Mr. Bias said it may be hard to gauge the success of the regulation changes. “It might not be the best experimental conditions to see if hoot owl closures affect recruitment or seasonal closures affect recruitment, because overall it’s a tough year.” Nonetheless, Mr. Bias said regulation changes are needed more than ever. My final question would be directed to Mr. Bias, Matt Jaeger and all of FWP personnel, including Eric Roberts and Eileen Ryce. Would you consider this last paragraph science based? Is this how FWP really wants to manage this issue? Since I have had occasion to speak with Eric Roberts, along with other FWP fisheries personnel many times in the past, I believe I already know the answer to that question.

Dale L. Martin
2308 Locust Street
Billings, Montana 59101
(406)690-5331

From: [hjarper](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout input and comment, Bud Lilly letter
Date: Monday, July 5, 2021 12:09:04 PM
Attachments: [barbless req needed now.doc](#)
[trout"s best friend.doc](#)

Dear FWP,

Please accept my comments to be forwarded to the Commissioners.

Also a letter from Bud Lilly of Three Forks, who died 4 years ago, but wrote these instructions which are most relevant here.

Thank You,

Hal Harper

Brown Trout Dilemma

July 4, 2021

Dear Commissioners,

Montanans know it's time to do something about Blue Ribbon brown trout mortality, as well as unintended angler induced mortality of all released trout. I know from experience that the "simpler the tool," the easier it is to use and the more it will be used. That's why this one simple regulation requiring no additional angler investment, coupled with an education campaign, is needed to help halt and reverse the decline:

- REQUIRE SINGLE BARBLESS HOOKS ON THESE HIGHLY FISHED STRETCHES OF TROUT WATER.
- No additional expense: Only tools needed are the forceps or pliers that every angler carries to smash down barbs
- Fish are released so much quicker and easier, as **purpose** of the barb is to **prevent release**.
- Flies lost to fish broken-off come out of them much easier
- Painful extraction of barbed hooks from human skin avoided
- Activity of pinching barb helps create awareness of threat to the released trout
- Barbless requirement gives fisheries managers more opportunity to educate anglers

For years I have been hand-making simple devices to release fish more easily, then giving them away, especially after watching anglers mishandling fish. My research involved observation and timing of how anglers handled trout with dry hands, attempted to dislodge barbed hooks, then kept them removed from the water for long periods. Most shocking is the number of guides who will keep a gasping trout out of the water, maybe after being dropped three or four times in the boat by the dry handed client, to get the picture of them with a larger trout, especially a brown trout. Two minutes is common, sometimes four. Better Education is key here, and a barbless rule offers that opportunity as well as easier unhooking in less time.

Last week on the Blackfoot, most all the larger trout we caught had head and rip-lip scars from barbed hooks. We are finding the same on the Big Hole and Missouri. We see big fish, especially brown trout picture fish, in the shallows with fungus, often in the shape of hand prints, head and tail. This concern is multiplied by the recent masses of novice folks enjoying our rivers, and amplified by high water temperatures.

High water Temps make temporary Hoot Owl rules necessary to save fish, and proper release technique, applied at all times, will save many more. Education, coupled with a barbless regulation, is one of the simplest, most effective changes this commission can make.

The Commission may well want to do more in addition to this, and that's great. But please act now before the water is boiling hot in all the streams. This is a great opportunity to educate these new novice anglers, especially the "catch and releasers," on the critical importance of releasing trout unharmed.

Thank you and Good Luck Commissioners...

Hal Harper –Helena

"Exposing fish to air following capture influences postrelease survival and behavior. Air exposure causes acute hypoxia and physical damage to the gill lamellae, resulting in physiological stress and physical damage that increases with air exposure duration. Air exposure duration is a relevant and easily quantified metric for both fishers and managers and can therefore provide a definitive benchmark for improving postrelease survival. Yet, fishers are rarely provided with specific recommendations other than simply to "minimize" air exposure."
American Fisheries Society (Sept 11 2015)

Dear Anglers:

July, 2016

This season of fishing we all need to be aware of the stress that is being placed on the fish we all love to catch. I am calling on all of you to follow the rules of sports fishing, and of the persons of good conscience, please adhere to the following practices:

- ~Never touch a fish with dry hands.
- ~Take your picture of the fish in the water.
- ~Do not touch the fish as you are releasing it.
- ~ Use one of the products to release the fish, or run your hand down the line and release the fish in the water.
- ~Always use barb-less hooks.
- ~ If necessary to assist a fish, hold it gently facing upstream with the water running through the gills.

Remember, and remind others, that “a fish in the water has a better chance of living than out of water”.

Bud Lilly,

Three Forks

“A TROUT’S BEST FRIEND”

From: [JENIFER GOLD](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout recommendations
Date: Saturday, July 3, 2021 10:08:28 PM
Attachments: [Brown trout recommendations.docx](#)

07/03/21

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed guide in the state of Montana for almost 30 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing cutthroat/rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,
Kurt A Herzer

From: [Dan & Jenny Johnerson](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Declining Brown Trout Populations
Date: Saturday, July 3, 2021 6:33:24 PM
Attachments: [July1FWPcomment.docx](#)

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Please find my comments attached.

Dan Johnerson
Ennis, MT

This message (including any attachments) is intended exclusively for the individual to whom it is addressed and may contain proprietary, protected, or confidential information. If you are not the named addressee, you are not authorized to read, print, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately.

July 1, 2021

I'm writing in regards to your concern of the declining brown trout populations in some MT rivers.

We are all aware of the tremendous pressure on MT waterways and you have had an opportunity to curb some of these abuses within the last 2 years and haven't! Montana has allowed too many outfitters to operate on our waterways. The other problem that you have never addressed is the recreational floaters that are over running shallower waters like the Madison River. Now you want to make some of our rivers off limits to the Montana resident who lives, works, and recreates here year round! We of all people shouldn't take the brunt of your regulation changes.

I live in Ennis and enjoy fishing on the Madison during the fall and winter months. It is enjoyable to be on the river and not see an endless stream of drift boats and rafts. In the last 10 years the number of floaters has steadily increased and the quality of the fishery decreased. I think your decline in fish populations is more likely due to commercial fishing, not people disturbing the spawn areas. If that is the case you need to close it again when the rainbows are spawning or when the cutthroats are spawning. I see too many fish dragged downstream by boat fisherman using light weight rods, get handled for the photo session, and finally put back in the water after all the stress from their encounter, usually just dumped over the side of the boat. So I think you need to study what kind of fish mortality you have from May to September! How is it fair to keep us from fishing our rivers at certain times of the year? If you are losing fish populations you just might consider going back to your stocking program like you've done before.

The other concern I have is your electro shocking to take your fish surveys. I've usually seen you doing it on the Madison in the fall of the year when your major concern for brown trout populations is at or near spawn mode! I've read articles about how much harm and mortality can be caused by too much voltage applied and not recommended over the spawn beds. Are you part of this problem ?? I think this may be a knee jerk reaction by trying to implement the entire river shutdown from September to May, and once AGAIN catering to the commercial outfitting!!!! This state should be for the benefit of its residents, not just for certain industries and visiting non-residents. DO NOT close our rivers to Montana residents!

Another topic is catch and release. Even your biologists will agree with the fact that fish harvesting benefits the entire fishery and allows for larger fish as well. My 8 years of living and working in Yellowstone Park reinforced that, almost every trout caught was the same size. I've experienced the same thing on the Bighorn river below Fort Smith. I don't believe you get much benefit from catch and release.

I hope that this forum is truly listening to comments that you've received and not just going through the formality of public comment. Too many times I've been at your meetings and listened to people's comments and voiced my own and have seen the outcome always going to certain groups that hold political clout. I hope this is not another one.

Dan Johnerson

From: [Ron Stirling](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed Brown Trout regulations
Date: Saturday, July 3, 2021 5:36:24 PM

Proposed Brown Trout Regulation

Things I am in favor of:

- Single barbless hooks on all artificial lures. Those saying treble hooks don't kill more fish are wrong.
- Single barbless hooks for the bait fishing allowed.
- Catch and release for all trout all the time. It's time!!! It's just time.
- Closures during spawning season (ouch, that hurts me to say)
- Yes on standing hoot-owl restrictions.

Ronald Stirling

From: [Dale Martin](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed brown trout regulation proposals
Date: Saturday, July 3, 2021 3:11:16 PM

Dear Montana FWP fisheries personnel,

I am submitting comments in regards to the proposed brown trout fishing regulation changes on some rivers (Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River and upper Stillwater River (tributary to the Yellowstone).

According to your request for comments, you state the so called PUBLIC has concerns regarding brown trout declines in some popular rivers in Southwest Montana. You also state in your request that studies conducted by FWP and the U.S. Geological Survey suggest that flow is a primary limiting factor for many brown trout populations. Please read that sentence again and pay attention to your own studies that suggest flow is a primary limiting factor for many brown trout populations. No where do you mention angling as a limiting factor. Regardless of that fact, you go on to propose options on some or all of the mentioned rivers such as: adopt a seasonal fishing closure to protect spawning brown trout, catch and release fishing only for brown trout and finally, implement standing hoot-owl restrictions from July 1-August 15.

To say that I am adamantly opposed to ALL of these proposals is an understatement. First of all, define for me what you consider the upper Yellowstone River as well as the upper Stillwater River. Once you do that, tell me how these proposals will accomplish anything on all of the mentioned rivers without adequate water flows? A few years ago, FWP asked for comments regarding the Montana Statewide Fisheries Management Program and Guide (draft) for 2019-2027. As some of you may recall, I sent in several pages of comments, one of which dealt with water flows (dewatered tributaries). This is word for word what I sent to you in my comments: "In many places throughout the draft, dewatered tributaries are mentioned. I would like to see FWP work with other government agencies and private landowners to come up with a plan to address those dewatered tributaries. FWP seems concerned with "climate change" and the effect it may have on the amount and temperature of water in rivers. I believe the lower water levels and higher summer temperatures could be partially mitigated if the cooler volume of water from these dewatered tributaries were allowed to flow into the affected rivers. If water users are agreeable to leave more water in the tributaries, this may benefit the river system as a whole." My question to you today is what have any of you done in regards to attempting to keep more water in the rivers you are addressing in this request for public comment? Yes, the very rivers the so called PUBLIC is concerned about brown trout declines in. Those same rivers that FWP and the U.S. Geological Survey studies show that flow is a primary limiting factor for many brown trout populations...

In your request, you also state that short term trends have shown reduced numbers of small, juvenile brown trout in the mentioned rivers. Now your idea to combat a short term trend is to completely upset the apple cart with what I believe are unnecessary regulation changes? Instead of wasting your time, energy and my license dollars, do what you say you are doing. Continue addressing flow and habitat enhancement over the long term. Instead of handcuffing anglers with regulations that even FWP is unsure whether they will be effective or not, why don't you follow the biological reality. Water flow is the key and most important driver to all of Montana's trout populations. Good flows produce good trout populations in adequate habitat. Good flows also enable cooler water temperatures, all to the benefit of trout populations. I have said it before and I will say it until my last dying breath. If FWP would work on trying to ensure adequate water flows, maintaining high quality habitat and enacting SENSIBLE regulations for ALL fishermen instead of listening to the so called expert outfitters and guides, we will continue to have world class fisheries. That includes the rivers you mention in your request for public comment. All of you need to remember this: a large portion of outfitters and guides believe public fishermen are an obstacle to

their operations. We are an annoyance to be somewhat tolerated, nothing more. For the most part, they hate bait fishermen, they believe lure fishermen are just a bit of an upgrade above bait fishermen, they believe a fish is never to be killed, taken home and eaten (although some of their inexperienced clients playing a fish to complete exhaustion never kills a fish according to them). If the outfitters and guides had their way, THEIR organization would be the managing agency for Montana trout waters, not FWP.

Manage the Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River and upper Stillwater River (tributary to the Yellowstone) for the long term. I say absolutely NO to all of your short term proposals.

Dale L. Martin

2308 Locust Street

Billings, Montana 59101

(406) 690-5331

From: [Birkholz Outdoors](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments on Brown Trout numbers
Date: Friday, July 2, 2021 9:03:07 PM

FOAM_member_sample_letter.doc... [docs.google.com]

Please consider my comments on the proposed brown trout regulations. I hope to see the number of brown trout in our rivers increase. But we need to do it the right way. Thank you.

-Brenden

July 1, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed [outfitter] [guide] in the state of Montana for [number] years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely
Brenden Birkholz

From: [Nicholas Argyrakis](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Nicholas Argyrakis: Brown Trout Comment
Date: Friday, July 2, 2021 7:10:19 AM

July 2, 2022

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed guide in the state of Montana for 8 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend increasing educational efforts to make the public aware of the detrimental effects of targeting spawning browns in addition to disturbing spawning beds.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as

quickly as possible.”

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- If declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.
- Lastly, I feel strongly that this commission should never consider implementing any sort of hatchery program in order to maintain the wild trout status in our Montana rivers. I recommend that the above suggestions in conjunction with strong habitat conservation be used as a tools to bolster brown trout populations.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Nicholas Argyrakis

From: [philz101](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments on proposed Brown Trout regulations
Date: Thursday, July 1, 2021 10:51:24 PM
Attachments: [FOAM_member_sample_letter.docx \(1\).docx](#)

My comments are attached below.

Thank you

Phil Sgamma

MT outfitter #9396

July 1, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed [outfitter] [guide] in the state of Montana for [number] years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely
Phil Sgamma

From: [rich searle](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed brown trout regulations
Date: Thursday, July 1, 2021 7:51:21 PM

Dear commission,

I disagree with any closure or season alteration as recommended by your department. As a licensed fishing guide in Montana, I see no drop off in number or decline in size in either the Madison River system or Yellowstone River system for brown trout. I commented just this year, I've seen more brown trout and larger specimens than in past years. A closure or shortening of the season would greatly impact my families livelihood during your proposal. I rely on being able to guide for all species during your proposed closure.

I do agree with changing our behavior towards handling fish. This I'll implement starting now in my daily routine. I've always taken pride in taking time to make sure all fish are able to swim away under their own power with gusto. I've doubled down on this effort as water temperatures rise this year.

I stand with FOAM and it's leadership in opposing your changes.

Sincerely,

Rich Searle

MT license #40313

Sent from my iPhone

From: [Chaz Hart](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] FWP's Proposed Brown Trout Regulations
Date: Thursday, July 1, 2021 3:22:10 PM

7/1/2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed Guide in the state of Montana for 6 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would also recommend a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely affected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be

implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implements “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely affected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely affected brown trout populations.

Sincerely,

Chaz Hart
Guide # 23831

From: [Shalon Hastings](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed Brown Trout Regulations Comment
Date: Thursday, July 1, 2021 12:21:41 PM
Attachments: [Brown Trout Concern Letter.docx](#)

Please see attached.

Thank you,

Shalon Hastings
Owner, Fly FisHer Adventures
Guide #34159

July 1, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed guide in the state of Montana for 3 years and a recreational fisher for 35 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Shalon Hastings
(406) 461-8585
Owner, Fly FisHer Adventures
Guide License #34159
President, Pat Barnes Chapter Trout Unlimited
Board Member, Mending Waters Montana

From: fish@wildtroutoutfitters.com
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] adoption of seasonal fishing closure to protect spawning brown trout
Date: Thursday, July 1, 2021 12:20:31 PM

July 1, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed Outfitter in the state of Montana for 33 years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out

of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible.”

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.
- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Jeffery Bingman
Wild Trout Outfitters

From: [Rudy Ketchum](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Comments
Date: Thursday, July 1, 2021 12:03:57 PM
Attachments: [FWP Brown Trout Comments.docx](#)

Thank you for the opportunity to comment.

July 1, 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I am a professionally-licensed guide in the state of Montana and have concern for the state of the brown trout fishery across southwest Montana and its multi-million dollar economic impact to local merchants during low water years.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 October to 15 March.
- An option is a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months. Again a significant burden on local merchants in small communities that rely of fishing for tourism traffic particularly in early spring.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if

water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers. Current model seems adequate.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.

I strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Rudy Ketchum

“Professional fishing guide, resident of Big Hole valley, owner H bar J Saloon and Café Wise River, Montana.”

From: [Jesse Austin](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout Decline comment
Date: Thursday, July 1, 2021 11:13:20 AM

Dear Commissioners,

After reading through the major proposals, I feel inclined to comment. As a stewardess of all our rivers, a fly fishing guide, and 10 years of personal experience chasing brown trout in SW montana, I have personally noticed a difference in the amount of brown trout in the rivers in the last 10 years. I have also noticed that many of the brown trout in the last couple years, I have had in my net, have some damage to their mouths. Brown trout, at the right times, are very aggressive and will try to consume bigger flies and lures with big hooks. I have personally gone to barbless hooks on all my fishing. It greatly reduces the trama when removing a hook from a caught fish and also greatly reduces the time it takes to remove the hook which allows the fish to return to the free world quicker. I propose all river fishing to be done with barbless hooks, similar to YNP fishing. Along with that, artificial lures should be single hooked and barbless. Anglers using spin gear should abide by the same regulations with fly fishing.

I believe hoot owl restrictions and river closures could be the single most important tool FWP has in protecting our fish for the next year. Just currently as I write this, the upper and lower portions of the big hole river have hoot owl in place ,but in some of the water that is not restricted yet, reached 76+ degrees yesterday afternoon. That water won't support a caught and released brown trout. I believe hoot owl restrictions should put in place based on daily water temperature, not just a set date every year. I know, In my drift boat, I take water temp readings hourly and once the river is above 68 degrees everyone is done fishing for the day. It isn't reasonable for FWP to start and stop hoot owl but imply hoot owl until we have a drastic weather change once water reaches deadly temperatures in the afternoons. I also believe if fishing can't be accomplished before 2pm in water under 70 degrees, the river should be closed to fishing until it can safely return to hoot owl restricted.

I do think a season of river fishing would help spawning brown trout but in my experience the majority of the brown trout spawn happens from October 15th through the end of December. A few years of closed fishing in that time could result in a healthy increase in brown trout population. It may be a few years of a season closure and then could return to a year round season. September to May seems to long to me and unnecessary.

I believe the first priority is to take care of the Brown Trout we have right now. Barb and hook restrictions, and a more aggressive hoot owl and river closure restriction. Then give the fish we have some time to spawn for a couple years, bringing populations back to up.

Thank You,
Jesse Austin
austin25057@gmail.com

Sent from my iPhone

From: [Fishtales Outfitting Michael Stack](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout
Date: Thursday, July 1, 2021 10:59:57 AM

Dear Commissioners,

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes. Studies conducted by FWP and the US Geologic Survey suggest that flow is a primary limiting factor for many brown trout populations. Short-term trends have shown reduced numbers of small, juvenile brown trout in the Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River and upper Stillwater River (tributary to the Yellowstone). While the department will continue to address flow and habitat enhancement over the long-term, regulations may serve to reduce some population stressors over the short-term.

The regulation changes being considered include:

Adopt seasonal fishing closure to protect spawning brown trout on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper Stillwater River (tributary to the Yellowstone). This would adopt a seasonal fishing closure for all species from September 30 until the third Saturday in May to protect brown trout redds and reduce stress from angling.

Catch and release fishing only for brown trout on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper Stillwater River (tributary to the Yellowstone). No harvest for brown trout would be allowed year-round.

Implement standing hoot-owl restrictions from July 1 – August 15 on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper

Fishing Outfitters Association of Montana PO Box 485 Twin Bridges, MT 59754

Stillwater River (tributary to the Yellowstone). This regulation would limit fishing pressure to the coolest part of the day (midnight to 2 p.m.) with no fishing allowed from 2 p.m. to midnight.

On behalf of the board of directors and nearly 900 professionally-licensed guide and outfitter members of the Fishing Outfitters Association of Montana (FOAM), we are concerned for the state of the brown trout fishery across Montana.

With regard to the adoption of seasonal fishing closure to protect spawning brown trout:

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, we recommend shortening the time frame to include only the brown trout spawning season, perhaps 15 October to 31 December.
- We recommend also a spatial closure. The seasonal closure of only localized, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not

shutting down an entire river completely to angling for nearly 8 months.

With regard to the adoption of catch and release fishing only for brown trout:

- FOAM recommends FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, FOAM recommends FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. “It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible.”

With regard to the implementation of standing hoot-owl restrictions from July 1 – August 15:

- FOAM fails to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.
- Alternatively, if FWP desires to limit angling times on rivers, FOAM recommends adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Fishing Outfitters Association of Montana PO Box 485 Twin Bridges, MT 59754

In addition, FOAM recommends:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org [keepfishwet.org] recommendations and existing FWP guidelines. “Use of proper handling techniques will improve the chance of survival for any fish released. A fish that is released may still die from deep hooking injury, internal organ damage from being squeezed, bacterial infections resulting from the handling process, effects of physical stress from being played too long, heat shock, or lack of oxygen from being held in warm or poorly oxygenated water. Anglers can help fish survival by using the following techniques:
 - o Fish with artificial flies and lures with...single hook to reduce fish injury and handling time.
 - o Play the fish as rapidly as possible to minimize exhaustion.
 - o Keep the fish in water when handling and removing the hook. Needle-nose pliers or forceps are helpful.
 - o Remove the hook gently and do not squeeze the fish or place fingers in the gills.
 - o If the fish is deeply hooked, cut the line leaving about 1-inch of leader hanging out of the mouth. Do not pull the hook out as this could seriously injure the fish; the hook will degrade rapidly and will not harm the fish.
 - o Release the fish only after it has gained equilibrium. If necessary, hold it in a swimming position facing into the current or water moving it slowly back and forth until it recovers.
 - o Release the fish in quiet water close to the area where it was caught.”
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or

enhanced to achieve the desired result.

- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

Questions:

- How would tributaries to the mainstem rivers named in the regulation changes be addressed? Spring Creeks? For example, managers of private spring creeks in the Paradise Valley already manage for the protection of spawning brown trout by localized angling closures across known brown trout spawning reaches.
- What is the purpose of ending the proposed hoot-owl restrictions on 15 August? Often this is the time period when hoot-owl restrictions are implemented across effected rivers or reaches. We encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout.

Thank you for your time.

Cheers,

Michael Stack
Outfitter #6864

--

Tight lines,
Michael Stack
FishTales Outfitting
406.451.2074

From: [Kenneth Kientz](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Regulation changes
Date: Thursday, July 1, 2021 10:42:19 AM
Attachments: [FWP Comment Letter.docx](#)
[ATT00001.htm](#)

07/01/2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes.

I have been a professionally-licensed [outfitter] [guide] in the state of Montana for [number] years and am very concerned for the state of the brown trout fishery across southwest Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, I would recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- I would recommend also a spatial closure. The seasonal closure of local, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- I would recommend that FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, I would recommend that FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- I fail to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should be implemented and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or

water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.

- Alternatively, if FWP desires to limit angling times on rivers, I would recommend adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

Additionally, I would recommend:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines.
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

I would strongly encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Sincerely,

Ken Kientz
Kalispell, MT

From: [Jeremy DeVries](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Thursday, July 1, 2021 10:39:18 AM

The BIGHORN RIVER should have revised brown trout limits along with other rivers. Browns used to outnumber rainbow 8-1 on the Bighorn. That number has dropped significantly. But I havent seen the Horn listed on your increased restrictions list.

There should be immediate catch and release fishing ONLY on the Bighorn River.

While I don't think this will save the brown trout population which is now significantly reduced, every little bit helps.

Thanks for the opportunity to comment.

Jeremy DeVries

From: [Robert Macioroski](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Big hole river
Date: Thursday, July 1, 2021 8:44:20 AM

I grew up in Melrose and have lived there most of my 61 years, I remember the first rubber rafts floating the river in the early 70's. Too many fishing guides are ruining the big hole river, it's getting pounded by these so called guides for profit and nothing else. Please limit the number of guided trips from the outfitters. The big hole has been over run the last few years by these fish for profit people.

Rob Macioroski Melrose Mt.

Sent from my iPhone

From: [Taya Cromley](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Shields River is not included in survey
Date: Wednesday, June 30, 2021 2:39:04 PM

To Whom It May Concern,

The Shields River was originally mentioned with regard to potential fishing regulations but is not mentioned in your survey. Can you please correct this?

Thank you,
Taya Cromley

--

taya r. cromley | 773.580.6330 | tcromley@gmail.com

From: [Kimball Leighton](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] brown trout comment
Date: Tuesday, June 29, 2021 2:23:36 PM

We are entering the early phases of global warming and its effects on Montana's trout. It's time to put aside the practice of killing off feeder streams to save cutthroat trout. A trout is a trout is a trout. When FWP kills brown and rainbow trout in tributary streams, one of the net results is that it is killing an age class of trout from a tributary stream. It's no wonder brown trout are disappearing from Montana's rivers. Subsequent generations are being killed off by FWP in favor of cutthroat trout. Treat all trout as equals and we'll have a thriving cold-water fishery as long as climate change allows.

Kimball Leighton
Author: Seasons of the Yellowstone: An Angler's Year
Livingston, MT

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The best water's still ahead.

From: [Bill Forrester](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL]
Date: Tuesday, June 29, 2021 2:10:36 PM

Brown trout Closures on the Beaverhead River.

I think declining Brown trout numbers are a good thing for the Beaverhead River.. The survivors will be much larger with less competition. The other benefit should be an increase in rainbows and possibly even a brook trout resurgence. I say hook and cook the browns and release all rainbows and brook.

Thank you,
Bill Forrester
Lifelong Beaverhead Fly fisher

From: [Paul Vang](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Monday, June 28, 2021 3:59:07 PM

I am writing concerning the brown trout situation on our southwest Montana rivers.

I live in Butte, just half an hour from the wonderful Big Hole River and that is where I have done most of my fishing during the course of many seasons. I am also a member of the George Grant Chapter of Trout Unlimited, and it was at a TU meeting that FWP biologist Jim Olsen presented findings of declines in brown trout populations, including poor recruitment of young fish, i.e., young fish surviving until adulthood.

Jim Olsen is a highly respected scientist and has long experience on our area waters, and he is building on the work of Dick Oswald, who studied and surveyed the Big Hole for many years.

I also attended a public meeting last week presented by the Region 3 Fisheries Manager, who presented detailed information from a number of southwest Montana rivers, most of which share similar findings: declines in brown trout populations and poor recruitment.

In Olsen's presentation in May, he explained his analysis of what is going on, in terms of what is changing that might cause brown trout declines. While there have been good and bad water years accounting for fluctuations, the thing that stuck out as far as he was concerned was the increase in fishing pressure. He noted that since he started working on the Big Hole in 2008, fishing pressure, as measured in angler days, has more than doubled, to over 90,000 angler days per year.

Much of that fishing pressure is coming from anglers taking guided float trips down the river. That fishing pressure seems to begin as early as March, and continues into November, when the river normally starts to have ice cover.

That early and late fishing pressure directly affects brown trout spawning in the fall, and survival of trout eggs in the spring, as anglers inadvertently might walk across redds.

As one old Big Hole rancher (now deceased), who watched the almost year 'round parade of drift boats going by his ranch, said, "They're all halter broke and trained to lead."

I have heard recommendations from the biologists that if we want brown trout to survive, especially in a hot drought year such as 2021, we need to reduce fishing pressure. They suggest that, to start with, to close the rivers to angling from October 1 to the 3rd Saturday in May. They also recommend "hoot owl" regulations, limiting angling to cooler hours, from midnight to 2 p.m. from July 1 to August 15. The way river conditions are this year, it will likely be necessary to start hoot owl regulations earlier and keep on later.

Another recommendation is to mandate catch & release on all brown trout. Some anglers further recommend restricting angling to artificial lures with a single barbless hook. I'll note that biologists don't find significant differences in released fish when using barbed or barbless hooks. Personally, I tie my own flies and routinely use barbless hooks, or I flatten the

barbs before I start making the fly.

I normally start fishing area rivers in March, or even February in mild winters, and enjoy those early outings. I also like fishing in evenings, after most other anglers are off the river.

But, survival of wild trout in our rivers is more important than individual likes and dislikes.

One attendee at a meeting in Butte suggested that FWP establish some test sections on rivers to see if adoption of special regulations makes a difference. I would endorse that strategy.

In any event, I would urge the Commission to take these biologist findings seriously, and to follow the science when it comes to making changes to fishing regulations to get us through this (and I use this word cautiously) crisis.

I enjoy fishing our local rivers for all our wild trout though I have a special love for brown trout. They get big and when we occasionally catch a large brown trout, it really makes the day, or even a whole season.

But, I encourage the Commission to adopt measures to take some of the pressure off wild trout and help them survive. The future of our fisheries, and the future of our children and grandchildren to enjoy our wonderful fishing opportunities is at stake.

Sincerely,

Paul F. Vang

2828 Goodwin Street

Butte MT 59701

[Email: pfvang@me.com](mailto:pfvang@me.com)

From: [Michael Bias](#)
To: [FWP Fish Comments](#); [FWPDistrict1@gmail.com](#); [fwpdistrict2](#); [FWPDistrict3@gmail.com](#);
[FWPDistrict4@gmail.com](#); [FWPDistrict5@gmail.com](#)
Cc: [Ryce, Eileen](#); [Jason Fleury](#)
Subject: [EXTERNAL] FOAM Recommendations
Date: Monday, June 28, 2021 3:31:37 PM
Attachments: [FOAM recommendations, brown trout.pdf](#)

Commissioners

On behalf of the board of directors and nearly 900 professionally-licensed guide and outfitter members of the Fishing Outfitters Association of Montana (FOAM), we are concerned for the state of the brown trout fishery across Montana. **Please find attached our recommendations on Montana Fish, Wildlife & Parks (FWP) proposed fishing regulation changes.**

Respectfully,
mike

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Michael A. Bias, Ph.D.
Executive Director
406-925-2276 (cell)





28 June 2021

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Dear Commissioners:

Due to public concern regarding brown trout declines in some popular rivers in southwest Montana, Montana Fish, Wildlife & Parks (FWP) is seeking public input on potential fishing regulation changes. Studies conducted by FWP and the US Geologic Survey suggest that flow is a primary limiting factor for many brown trout populations. Short-term trends have shown reduced numbers of small, juvenile brown trout in the Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River and upper Stillwater River (tributary to the Yellowstone). While the department will continue to address flow and habitat enhancement over the long-term, regulations may serve to reduce some population stressors over the short-term.

The regulation changes being considered include:

Adopt seasonal fishing closure to protect spawning brown trout on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper Stillwater River (tributary to the Yellowstone). This would adopt a seasonal fishing closure for all species from September 30 until the third Saturday in May to protect brown trout redds and reduce stress from angling.

Catch and release fishing only for brown trout on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper Stillwater River (tributary to the Yellowstone). No harvest for brown trout would be allowed year-round.

Implement standing hoot-owl restrictions from July 1 – August 15 on some or all of the following rivers or sections of rivers and/or tributaries: Big Hole River, Ruby River, Boulder River (tributary to the Jefferson), Beaverhead River, upper Yellowstone River, Madison River, Shields River, and upper

Stillwater River (tributary to the Yellowstone). This regulation would limit fishing pressure to the coolest part of the day (midnight to 2 p.m.) with no fishing allowed from 2 p.m. to midnight.

On behalf of the board of directors and nearly 900 professionally-licensed guide and outfitter members of the Fishing Outfitters Association of Montana (FOAM), we are concerned for the state of the brown trout fishery across Montana.

With regard to the **adoption of seasonal fishing closure to protect spawning brown trout:**

- The proposed seasonal closure is excessive and encompasses a timeframe greater than the peak brown trout spawning season, also encompassing rainbow trout spawning season. If the intent of the proposed season closure is to protect spawning brown trout, we recommend shortening the time frame to include only the brown trout spawning season, perhaps 1 November to 31 December.
- We recommend also a spatial closure. The seasonal closure of only localized, known, identified brown trout spawning reaches only as this may be a more effective method of protecting spawning brown trout from angling. Spatial closures have the added benefit of not shutting down an entire river completely to angling for nearly 8 months.

With regard to the **adoption of catch and release fishing only for brown trout:**

- FOAM recommends FWP adopt no kill brown trout regulations as they may be an effective management tool to protect brown trout into the future.
- Additionally, FOAM recommends FWP should apply bull trout photography regulations to brown trout on those rivers with adversely effected brown trout populations. "It would be legal to photograph your trophy catch; however, it is essential that you minimize or eliminate the need to take the fish out of water. Ferguson and Tufts (1992) showed that nearly 40% of exhausted trout that were kept out of water for 30 seconds died; it rises to almost 70% if they are kept out of the water for 60 seconds. Have everything ready to take a photo before you handle the fish and try not to squeeze the fish or put your hands in its gills. Release the fish as quickly as possible."

With regard to the **implementation of standing hoot-owl restrictions from July 1 – August 15:**

- FOAM fails to see how hoot-owl restrictions, when applied to cool water with adequate flow, will protect brown trout. Hoot-owl restrictions should and are effective only if water temperatures or low flows dictate restrictions be implemented. Without low flow or water temperature stressors, hoot-owl restrictions are not warranted and should not be implemented just to impose restrictions on anglers.
- Alternatively, if FWP desires to limit angling times on rivers, FOAM recommends adjusting the hoot-owl restriction hours from 3 pm to midnight, as opposed to 2 pm to midnight, to more accurately reflect water temperature warming trends. Three pm to midnight restrictions also would allow anglers that begin fishing earlier in the day a more-reasonable time to end their fishing day.

In addition, FOAM recommends:

- FWP implement “no bait” angling restrictions or artificial lures with single hooks only (no treble or dual hooks) angling restrictions on those rivers with adversely effected brown trout populations.
- FWP begin an education campaign to the public on the benefit of catch and release angling following Keepfishwet.org recommendations and existing FWP guidelines. “Use of proper handling techniques will improve the chance of survival for any fish released. A fish that is released may still die from deep hooking injury, internal organ damage from being squeezed, bacterial infections resulting from the handling process, effects of physical stress from being played too long, heat shock, or lack of oxygen from being held in warm or poorly oxygenated water. Anglers can help fish survival by using the following techniques:
 - Fish with artificial flies and lures with ... single hooks to reduce fish injury and handling time.
 - Play the fish as rapidly as possible to minimize exhaustion.
 - Keep the fish in water when handling and removing the hook. Needle-nose pliers or forceps are helpful.
 - Remove the hook gently and do not squeeze the fish or place fingers in the gills.
 - If the fish is deeply hooked, cut the line leaving about 1-inch of leader hanging out of the mouth. Do not pull the hook out as this could seriously injure the fish; the hook will degrade rapidly and will not harm the fish.
 - Release the fish only after it has gained equilibrium. If necessary, hold it in a swimming position facing into the current or water moving it slowly back and forth until it recovers.
 - Release the fish in quiet water close to the area where it was caught.”
- That any fishing regulations be adaptive and closely monitored for their effectiveness in obtaining a desired result. If the result is not obtained, the regulation can be removed or enhanced to achieve the desired result.
- Or, any imposed fishing regulations have sunset dates; such that they expire after a defined amount of time.
- Lastly, if declining brown trout populations are a result of reduced recruitment, FWP necessarily needs to implement direct monitoring methods of recruitment on those rivers having adversely effected brown trout populations. Monitoring recruitment directly is warranted through methods such as redd counts, egg counts, fry and juvenile fish counts as opposed to surrogate indicators of recruitment based on age structure of the population derived from electrofishing data.

Questions:

- How would tributaries to the mainstem rivers named in the regulation changes be addressed? Spring Creeks? For example, managers of private spring creeks in the Paradise Valley already manage for the protection of spawning brown trout by localized angling closures across known brown trout spawning reaches.

- What is the purpose of ending the proposed hoot-owl restrictions on 15 August? Often this is the time period when hoot-owl restrictions are implemented across effected rivers or reaches.

We encourage the Commission and FWP to consider these recommendations as they proceed in finalizing fishing regulations on those rivers with adversely effected brown trout populations.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael A. Bias".

Michael A. Bias, Ph.D.
Executive Director

From: [Richard Rohrbaugh](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Restrictions
Date: Monday, June 28, 2021 2:06:42 PM

ALL of these restrictions need to be implemented ASAP. The drought is getting serious and the rivers/fish are already stressed in many areas. Hoot owl should be instituted on the Madison where I live NOW!

Richard Rohrbaugh
23 Big Bend Rd
Cameron, MT
406-682-3371

From: [Battisti, Jim](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Treble hooks and Browns
Date: Monday, June 28, 2021 9:39:31 AM

Good Morning,

I've been fishing in Montana for 30 years. Most of this has been spent on Bitterroot, Blackfoot, and Clark Fork Rivers/ tributaries but do make it to the Beaverhead and Big Hole a few times each year.

I am an infectious disease scientist and recently I've found myself thinking about this Brown trout decline problem. FWP has hypothesized the problem is rooted in low flows, but this does not make sense, or maybe I'm missing something?

If Browns, Rainbows, and cuts are in these rivers, and Browns can tolerate a higher temperature, why aren't the other species declining at the same time? Maybe your data show decline of all species? If not, what's up with the Browns?

An infectious disease specific to Brown trout would be a hypothetical explanation for their decline vs. Rainbow and Cuts. Although a good friend of mine studies PKD in Dillon, a Brown-specific infectious agent is not known.

So, as someone who has gone through the spin fishing to fly fishing transition, I would like to offer an alternate or additional restriction to your list potential solutions: REGULATE USE OF TREBLE HOOKS!

Alot of anglers start out by using a spin fishing rig to toss a worm or a spin lure. Many of these spinning lures have 2 sets of treble hooks. If a fish is hooked, it is difficult to remove the lure from the fish mouth and these kinds of hooks are designed not for catch and release, but to make sure the fish is hooked. They work, people use them, and struggle to remove the hooks and injure fish.

So, Brown trout are more tolerant to slow flows and high temps vs Cuts and Rainbow. If there was not a concurrent drop in numbers of Rainbow/Cuts, flow and temp do not seem to be a logical reason for the decline. Maybe it's about the feeding behavior of Browns? Browns and Bulls are more predatory trout. Browns will feed on baitfish more often than they would aquatic insects. Browns will also feed more often on a treble hook spinner or streamer pattern.

So, anglers go to the river with a fishing pole and their preferred tackle. I am curious how double-treble hook lures are even allowed to touch the water where catch and release is

practiced? This should be a fourth matter for consideration: BAN THE TREBLE from the RIVERS! STOP THE TROUT FROM BEING TORTURED!

I am curious of the survival rate of treble-hooked trout, how many fishermen are using this tackle in rivers currently having a Brown trout decline vs. rivers that do not.

Jim Battisti

From: mikefaw@earthlink.net
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments on Fishing for Trout
Date: Sunday, June 27, 2021 9:57:56 AM

Here are my thoughts on trout and especially brown trout in the rivers/waters you are seeking comments on:

1: Adopt seasonal fishing closure to protect spawning brown trout. I oppose. Winter is the only time I can fish without being overrun with guides and clients, and I am very careful to avoid redds. Again, I strongly oppose this idea.

2: Catch and release fishing only for brown trout; Funny that the FWP Montana Outdoors magazine recently ran an article about keeping and eating trout, and then more about the great fishing in the Beaverhead/Poindexter waters, and now you say there are problems. yes, too many outfitters/guides who kill fish with photo ops. Should be against the law to remove fish from the water if you want to do catch and release. Just look at all the fish killing photos on Blue Ribbon Fly Shop (west Yellowstone), Bozeman Fly Works, and others. I've seen many floating fish after guides and clients have held them and took all the selfies/photos to brag. Per John Way in Ennis: If my client pays \$600 to sit in my boat, he can do as he damn well pleases with that fucking trout. Yeah, the problem.

3: Implement standing hoot-owl restrictions from July 1 – August 15: yes, and close each of these listed rivers/waters to no guides/outfitters/clients one weekday per week to further reduce fish photos and killing. Trout are a public resource being used/abused by outfitters/guides and average Joe like me are now being potentially punished/restricted because of low fish numbers.

What has changed in past 10 years that now makes these once storied rivers so in peril? More guides and outfitters who don't care about anything but their wallets.

I suggest starting a public campaign to shame those who take fish photos and kill trout. What happened to the catch-n-release guidelines FWP pushed about a decade back?

While I see the Madison on this list, i gave up fishing that river years ago. Not a pleasant experience when you are run over by drift boats and outfitters who think they own the river, and then what happened to the fish numbers? Guides and outfitters have gone up, booked more days, and run folks thru there like a fast food take out drive up. The result: no trout and poor numbers.

Ever go to the Big Hole and Beaverhead and see the number of guides and clients who are fishing? Don't count trout, start counting pressure caused by outfitters and the number of clients they put on the water. That's what kills trout.

Michael D. Faw

From: [Art Lacinak](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout decline
Date: Wednesday, June 23, 2021 6:28:15 PM

How's it going something drastic needs to happen here if we want to preserve our rivers. Here are some ideas that I believe will help

*oct1-march1 full fishing closure or at least oct1 -jan1

* no more double hooked streamers no more treble hooks

* catch and release only

* Resident guides only no more out of stater will drastically reduce number of guides and pressure on rivers.

*The biggest thing threatening the rivers is over irrigation....

The beaverhead is trickling into the Jefferson over 95% of that river is being irrigated. I'm all for ranching and live in Twin Bridges for that reason I love this area because of how it is. But something's a little wrong when in the worst drought we've seen that they're allowed to irrigate over 90% of the river.

The water situation is never good in aug. if we want water for all...the fish the ranchers and for Montana maybe put a dam at the notch then there would be water for all.

* please put some regulations on the Madison already. that poor river is getting destroyed by lodges and Bozeman that stuff 10 boats in every ramp. I'm a full time guide and I will be the first to say put regs on it!! if it makes me lose some money oh well I would rather my children be able to enjoy these wonderful rivers than just view them as a paycheck like Ennis does.

Thank you for your time I hope something will be done to help our rivers have a nice day.

Cheers

Art Lacinak

Sent from my iPhone

From: [Adam Bowe](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments for Big Hole River
Date: Wednesday, June 23, 2021 5:40:20 PM

To whom it may concern,

My name is Adam Bowe I Run the Silver Bow Club in Divide, MT.

I'm against Full closer of the river. I feel this would be the worst option

I am for closing wade fishing to common spawning grounds or anchoring boats in and around common spawning grounds but I feel full closer of these grounds completely would drastically limit areas for fishing.

I'm for Limiting fish Bag limits.

I'm Against any kind of re stocking with hatchery fish.

and I'm for any studies to provide more information before deciding drastic changes.

Thank you for any considerations above and I hope we can find a good solution.

Thank you,
Adam Bowe



Mailing Address:

Po box 6
Melrose MT
59743

406-491-2157

adam@silverbowclub.com

[Visit our website silverbowclub.com \[silverbowclub.com\]](http://silverbowclub.com)

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[Yelp \[yelp.com\]](https://www.yelp.com)

[\[google.com\]](#)

From: [Virginia Simms](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout regulations
Date: Wednesday, June 23, 2021 3:56:41 PM

I find it interesting that the only proposed changes are in Region 3 which makes me think this is driven by one biologist, manager or research bio. These are all headwater streams and brown trout are typically a thermally tolerant species. How in the world could all these headwater streams experience a slight temp increase and cause the wholesale decline of an opportunistic non-native, thermally tolerant trout species throughout the region? I suspect the main cause is excessive public use and post release hooking mortality associated with catch and release. Has the department considered evaluating excessive public use? If the department won't or hasn't evaluated the excessive public use why don't they rescind the wild trout policy and resume stocking hatchery brown trout? It's hard to believe all that work done to validate the wild trout policy is being let go because the department, governor, director, regional manager and supervisors don't have the stomach to consider excessive public use. You basically looked the other way with massive angling pressure on the rec planning for the Madison. Will you evaluate the increase in public pressure and post release mortality before penalizing ALL anglers with this draconian proposal?

Virginia Simms

From: [Paul Siddoway](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Big Hole Brown Trout Crisis
Date: Wednesday, June 23, 2021 1:01:29 PM

We are currently at 708cfs at Melrose station which is just beyond 100cfs higher than the lowest reading for June 23rd back in 1931. This may be an historic summer in terms of low water flows and the impact on trout populations could be devastating. We certainly need to implement Catch and Release only for Brown Trout on the entire river and institute spawning closures from September 30th Till third Saturday in May. I believe the entire river would benefit from closure during these times, however as a start, the Melrose to Notch bottom section makes the most sense. Best Regards, Paul Siddoway



FROM
: George S. Peck Jr.
12349 N. Durham Wash Drive
Marana, AZ. 85658

16 June 2021`

To:
FWP Fish Comments
P.O. Box200701
Helena, Montana
59620-0701

SUBJECT: Brown Trout Management for Montana River's

Gentlemen:

I've been fishing Montana River's for 56 years. My family has been ranching in Melrose, Mt since 1967. And I believe the Big Hole River is one on Western USA fabulous trout streams. And I will be fishing the Big Hole again for the month of July 2021.

I have been reading the Montana Standard newspaper on "FWP proposing fishing restrictions to help ailing brown trout"! My comments are based on my 56 years of fishing Montana, fishing the salmon fly hatch, fishing high run-off years, low run-off years, and various calendar months from May through October. I do not expect to always have "great fishing", but the experience of the catch is always very satisfying experience. And I tell my fishing guide Al Lafor or Craig Jones with The Great Divide Outfitter's , Divide, MT.that "I can have a great day fishing the Big Hole and not catch a fish because the water, scenery, canyons, and guides make the experience wonderful!! So here are my comments/resolutions for the Brown Trout Pandemic!

1. No fishing during the Brown Trout Spawn;
2. No fishing during months with minimum flows and elevated water temperatures;
3. No treble hooks allowed;
4. Artificial fly's only;
5. No bait allowed
6. Designated "Blue River Streams" for Montana angler's;
7. Limited fishing during the "Salmon Fly Hatch"! Limited to those river's that have a salmon fly hatch!
8. No Out-of-state guides bringing customers to fish Montana River's!! I.e. especially Idaho and Wyoming!
9. Guides will have a registration choice of guiding on Two Montana River's!

10. It would be nice to have regulations that are "self-policing, and not putting an extra burden on the Montana Game Wardens! A regulation that is "self policing" would help!!

Good luck with your request's to help protecting the Brown Trout for the future of fly fishing Montana.

Regards,

A handwritten signature in black ink that reads "George S. Peck, Jr." The signature is fluid and cursive, with the first name being the most prominent.

George S. Peck, Jr.
guspeck19@gmail.com
307-231-2568

From: [Michael Richter](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] declining brown trout #'s, declining flows, increasing use
Date: Monday, June 21, 2021 10:07:47 AM

Glad to hear MT FWP call out declining flows as a major problem for brown trout #'s. But none of the potential actions would have any effect on river flows. Does FWP have any type of plan to increase flows in our rivers?

FWP will need to work with Agricultural irrigators to keep more water in our streams, as they hold massive water rights and can dry up rivers like the lower Gallatin and Jefferson most years. Q: If the 'efficiency' push towards pivot irrigation 'saved' water, then where is it? A: Often, instead of returning saved water to rivers, new acreage is being irrigated, this problem is growing worse.

Growing Towns and cities with PWS wells and individual homes on wells / septic are another growing water problem. Science tells us as groundwater withdrawals increase, stream base flows decrease. Water conservation needs to be on FWP's list of action items. With so many people moving here for river recreation, FWP needs to push water conservation -people may listen, and organizations already pushing water conservation could really use FWP as an ally!

Not mentioning / considering increasing use as a factor in declining brown trout #'s is a mistake, even more so when all of your potential options involve changing use regulations. If X% of caught and released fish die, and X% of caught fish are kept, increasing angler days and catch rates = more dead fish = less live brown trout. Ignoring this mathematical fact in the discussion may make it harder to justify the changes in regulations FWP is suggesting. 2 regulation changes that are missing and should be considered are barbless hooks and no lead (shot or uncovered anchors), both of which are easy regulation changes that could make a real difference long -term. Studies show barbed hooks increase fish mortality. Studies show lead is bad for reproductive systems and poisonous, boats using uncovered lead anchors smear lead onto river substrate.

Thank you for your time and consideration,
Mike Richter
Gallatin Gateway resident 30 years

From: [David S.](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout fishing considered regulation changes
Date: Sunday, June 20, 2021 2:28:27 PM

I strongly support all of the considered limitations which include seasonal fishing closures on certain rivers, catch and release only on defined portions of certain rivers, and “hoot owl” restrictions on the identified waters.

In addition I believe that: 1. catch and release areas should be accompanied by the requirement of artificial lures or flies only with no bait allowed, and that lures be limited to single rather than treble hooks. 2. All restrictions be also effective on many small streams also subject to warming and where the primary population is brown trout. Near my central MT residence this would include the Musselshell and all tributaries thereof, along with the Judith river downstream from the confluence of the So. and middle forks, as only scattered remnant populations still exist in areas with spring flow. Many such streams exist. Many other streams could benefit from a reduction in brown trout creel limits.

David J. Stuver, 112 Fluorite Dr, Lewistown MT 59457 538-5708

From: [DR CHARLES D STOKKE RES](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] fish removal projects
Date: Sunday, June 20, 2021 12:21:00 PM

I endorse the removal of fish outlined in this proposal which have had an EA done and notice issued. If the EA is pending I request it be reviewed once issued and a decision notice issued. The EA is issued by qualified scientists or trained personnel. This opinion should supercede bias or prejudiced opinions. If the EA is not followed then a written statement as to why it was not approved should be issued. Foreign species or invasive species do not belong in Montana's fishable or non fishable waters. I am for removal of all of those species. Chuck Stokke, Anaconda, Mt.

From: [D & C Cleveland](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout decline
Date: Sunday, June 20, 2021 12:19:08 PM

Dear Folks at FWP,

I read about the restrictions you are considering to save the brown trout. In my 8 years of fishing the Madison, Yellowstone and Boulder, I have found the water to be the hottest and at its lowest levels in July, August and sometimes early September. Not from September 30th to the third Saturday in May.

My husband and I have fished year around (January through December) on foot on the Madison and in a boat on the Yellowstone in the late June through September. We met a bunch of older Montanan anglers walking on the frozen \$3 river banks just this year in January and commented that this was the only time we could get a chance to fish without the out of state folks crowding the river.

We have found in the 8 years we have been here that we now encounter more Montanan anglers in November through April, as that is the only time is not too crowded. We have simply been pushed off the water during peak summer months and have relinquished the rivers to the fishing industry.

I can only think that you simply want the guide fishing industry not to be hurt, hence allow fishing for them in their busiest summer season and cut us Montanans off the river all together.

Cut the number of both commercial fishing and recreational fishing to a lower level during the hottest months and the times of lowest water.

Make everyone suffer a little to save these rivers.

Charlotte Cleveland
Bozeman MT

From: [David Cleveland](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposals for stream closure, etc
Date: Saturday, June 19, 2021 3:55:01 PM

Comments on the Proposals to Address Declining Brown Trout Numbers

I am glad to see FWP addressing the declining brown trout numbers, but very dismayed at what actions are being considered as “fixes,” mainly because the proposed actions once again favor commercial users of the rivers and give little or no consideration to the resident Montana anglers. I would like to detail my concerns below, and also re-suggest a solution that has not been mentioned in current discussions.

Proposals Skewed in Favor of Commercial Interests

When my wife was a member of the last citizens committee that attempted to address overcrowding on the Madison River, she prepared for those meetings by interviewing and getting opinions from as many guides, outfitters, and ordinary resident Montana anglers as she could. During one of those interviews she asked a prominent outfitter what the regular angler could do to affect a change. She was told by that outfitter that resident anglers should “fish during the shoulder seasons and after 4 in the afternoon, and leave the summer months to the pros.” That is a direct quote.

Similarly, when resident Montana anglers were asked how they coped with the crowding, they said they mostly had to avoid the summer months and fish in the “off” months, because there were too many guides on the water. Many anglers told us they stopped fishing the Madison and other high traffic river altogether!

Now, despite the skewed claims of FOAM and MOGA that professionals are only about 13% of the trips on the Madison, FWP statistics and basic common observation will tell you that during June, July, August, and September, the huge majority of anglers on the rivers are professional guided trips, mostly involving out-of-state clients. I think the percentage is above 75%, but even without knowing the exact figure, all anyone has to do is observe the boat count on the upper Madison. I believe a similar situation can be found on such rivers as the Yellowstone, Beaverhead, etc.

So, if FWP wants to shut these rivers from Sept 30th thru most of May, just who are they keeping off the rivers? Who are they hurting? Resident Montana anglers. Guidelines set up by FWP and by the Commissioners who oversee these guidelines have consistently and disproportionately favored commercial interests over resident anglers. For example, the Walk/Wade section of the Madison used to be closed to fishing from boats. Instead of starting to limit commercial activity on the rivers, FWP guidelines gave outfitters *even more* of what they wanted — more days, more water to fish, the ability to sell their days on the river, etc. Now FWP wants to limit exactly those fishing days used by resident Montana anglers, without addressing the intense pressure put on these fish by commercial use. Where is the fairness in that? What compromise have the commercial interests made?

Overfishing Not Mentioned, and the Most Precarious Months Not Addressed

According to an article in the Bozeman Chronicle, Mr. Roberts of FWP cites low stream flows, changing water temperatures, climate change and habitat alterations as probable causes of brown trout decline, but overfishing was not mentioned. I, for one, feel that being repeatedly caught contributes to brown trout mortality, particularly when caught in high temperature, low oxygen conditions. Okay, let’s consider Mr. Roberts’ causes. When are stream flows the lowest? When are water temperatures the highest? **Certainly the months of July, August, and parts of June and September fall into those categories, and pose the most danger to trout. So why aren’t we considering limiting the fishing more in those months? Should commercial interests once again get priority? Shouldn’t these high temperature, low flow months be more subject to regulation and closure if necessary than Oct-May?**

The old solutions such as rest and rotation do not adequately address the real problems these streams face. If you rest a stretch for a week, the traffic just gets heavier on the river sections that aren’t closed. Nor does rest and rotation address temperatures or stream flows. There is no doubt that all anglers — commercial and non-commercial

need to realize they will have to make sacrifices to save the rivers and the trout we love. I have nothing against guides and outfitters per se, and use them on a regular basis. Most are very fine, hardworking folks. But they need to acknowledge their real part in this problem. They need to engage in a genuine conversation, and not simply claim, as FOAM has done in the past that the “science was bad” or that they are just a small part of river traffic. I understand full well that livelihoods are at stake here. But if these rivers die of heat, algae blooms, and parasite-based fish kills, if the trout populations crash due to low water and overfishing, then there will be no river-based livelihoods, period.

Some Possible Actions

Personally, I think the best solution is for FWP to control the number of people on the water by **limiting the number of out-of-state fishing licenses sold**, just like we limit the number of out-of-state elk permits. I know people who depend on these tourists hate such a proposal, but it does not have to be that severe. If we start by allowing out-of-state license sales at say, 2019 levels, that still sets the limit at a number that supported outfitters, hotels, restaurants, etc. in the past. If we have a good snow year, FWP might decide to allow more license sales in, say, August. But if it is a very hot, dry summer, they can curtail overuse by stopping the license sales. Resident Montana anglers are not affected, nor should they be. Will commercial interests have to make compromises? Yes, but they clearly will have to make sacrifices in the future anyway. This compromise can be adjusted based on real-time conditions. Visitors will have to plan ahead, but that is the new norm — the same norm that will most likely be coming to National Parks like Yellowstone in several forms, such as reservations.

As for resident Montana anglers, we need to take steps as well. Buy a license, for Pete’s sake. (Too many of us don’t!). Curtail your fishing voluntarily when streams are too low and too warm. Forget the grip-and-grin pictures of fish.

David Cleveland
Bozeman, Montana

From: [Thure Johnson](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Friday, June 18, 2021 2:18:26 PM

Protect native species only. It's the right thing to do in the long run.

From: [Hector P. Munche](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Friday, June 18, 2021 9:18:04 AM

You have left out the Clearwater River at Salmon and Seeley Lakes, as well of ALL of the chain of lakes.

Fair chase has gone by the wayside. Everyone likes to CATCH fish, and not just fish. However, being opportunistic to the extent that it harms the species populations and others (people) the chance to fish them accordingly, is a shame. Men line up combat style along the banks (combat style) and slay Brown Trout while spawning. They devastate those fish populations in a few short weeks. Hardly a fair en devour, when so many are doing it.

Please impose restrictions on Brown Trout spawning times and a stricter limit of fish, during the rest of the year.

And, please help with the mayhem on the Seeley Lake outlet boat traffic. There is ZERO enforcement and someone is going to be killed. The wildlife is suffering badly and this small waterway cannot handle the large high speed boats any longer. It has been OUT-OF-CONTROL for years. Something must be done. Doing NOTHING is the wrong approach.

Thank you !

From: [George Peck](#)
To: [FWP Fish Comments](#)
Cc: [Mike Chase](#); [Charlie Bartz](#); [Merl Lindstrom](#); [Mike Harker](#); [Howard Pederson/Michele](#); [Al Lafor](#); [Craig & Lia Jones](#); [Doug Pauline](#)
Subject: [EXTERNAL] Benchmarking Montana Fisheries
Date: Friday, June 18, 2021 8:25:46 AM

Gentlemen:

Starting in 2022:

1. Blue Ribbon Streams designations for “protected” fishery....These streams will be artificial flies only...They will e closed for the Brown Trout Spawn starting Mid-September until the following May.Barbless hooks only...and “Catch and Release”!
2. Guides will submit application guiding permits for “Two River’s”! This will help reduce over fishing when the salmon hatch starts, and river’s get excess fishing pressure! And a cooler coded placard will help self policing the river’s!!
3. No “out-of-state” guides allowed to fish Montana fisheries!
4. “Catch and Release” all Brown Trout for the next 5 years! You have benchmark number’s now; check your progress in 5 years!!
4. Use rubberised nets vs nylon netting to protect fish in catch and release designations!!
5. No fishing on low flows and elevated water temperatures set by the FWP!
6. If you change the fishing regulations using these suggestions, you can minimise the “slot regulations” for non-fishing sections of the river by guided fishermen!
7. Outlaw treble hooks on all Montana River’s!

Cheers,

George S. Peck, Jr.
307-231-2568

From: [Daniel Palozola](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown trout
Date: Thursday, June 17, 2021 8:56:03 PM

Not native don't spend time or money to help them

Sent from my iPhone

From: [fishysteg](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] I'm not against limitations on take of trout in response to declining populations, but we have to take care of our resources. The habitat must be protected or the populations will collapse, browns, rainbows, cutthroat, bull trout, brook t..
Date: Thursday, June 17, 2021 7:26:53 PM

Sent from my Verizon, Samsung Galaxy smartphone

From: [Al Knauber](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Comments for brown trout proposed regulations
Date: Thursday, June 17, 2021 5:48:16 PM

Please include these comments in the ongoing discussion of how to protect brown trout.

Greetings:

It is with interest that I read that Montana FWP is considering regulatory changes aimed at protecting brown trout, a popular but non-native species of fish in Montana rivers. Because I fish, I too am concerned with the health of fish populations and write this to offer some thoughts and observations.

First, it's important to note that streams in Montana have been intentionally poisoned for the exclusive protection of native species of trout. And now the emphasis is on protecting a non-native species. Hmmm. This raises questions on the goals of the fisheries division given the apparent conflict in these two management strategies. Some clarification would be helpful.

Because I live in Livingston and fish primarily on the upper Yellowstone River, I will direct my thoughts to this fishery.

Being able to fish all year on the Yellowstone River is something I suspect that is taken for granted. This opportunity for angling is the way it has long, if not always, been but that does not mean there should not be reflection on how this affects the fishery. I applaud thoughtful analysis and support resource protection. After all, hunting is limited to certain months to protect wildlife so there is precedent for measures that protect wildlife and ensure opportunities for hunting and fishing.

Prohibiting all fishing outside of the third Saturday in May through Oct 15 on the upper Yellowstone River will not be popular. A compromise could be to allow fishing from a point earlier than the proposed date in May as brown trout are not spawning at that time although it should be recognized that other species of trout do spawn in the spring months. If these other species are also in need of protection, then there is justification for the proposed window for angling.

While I do on occasion fish the Missouri River, fly shop employees and guides complain about the number of boats on the river. By closing the proposed seven rivers outside of the May through October dates, what effect is anticipated for the Missouri River? I think there will be agreement that the crowding will only worsen and soon prompt proposed changes for the Missouri River too. Maybe to avoid the inevitable, perhaps limiting fishing on the Missouri River should also be considered. Pushing anglers to other rivers only pushes problems caused by crowding and competition to those waters and does not provide a holistic solution for the use of Montana waters for angling.

I think catch and release for brown trout, and honestly several other species of trout, is a good idea. I think limiting angling to one hook per line, yes no more droppers on fly lines where a second fly is used, is also appropriate as is mandating barbless hooks or that barbs on hooks be crushed to aid in releasing fish.

Drought restrictions during times of low flow and increased temperature are also appropriate. Given the current temperatures we are seeing now in mid-June, perhaps these restrictions should be allowed for a longer period of time than the proposed July 1 through Aug. 15. I think June 1 through Sept. 1 might offer a more effective management tool and better protect these fisheries.

I would prefer not to see fall fishing on the Yellowstone River become a recreational pursuit of the past, but I would also like to see a holistic look at fishing in Montana and protecting Montana fisheries and the state's waters from overcrowding.

Given the pain limiting fishing will cause some anglers, it's fair that FWP shares in the pain. If fishing on these rivers is limited to roughly one third of the year (four months) the cost of fishing licenses should be reduced by two-thirds. Yes, FWP loses revenue because it removes angling opportunity.

But I am not without concern for how such a loss of revenue will affect FWP fishery operations so perhaps river or region specific licenses could be sold so anglers who cannot or do not wish to travel great distances can purchase a license with limited authority. Complicated? No. After all, out-of-state anglers are already offered single, multiple-day or year

licenses so there is precedent for reviewing and revising opportunity for how Montana residents may wish to fish Montana waters.

Another way to generate additional revenue for fishery management would be to license all non-licensed watercraft, from inner-tubes to drift boats. If someone can afford the few hundred or several thousand dollars for a watercraft, the cost of a \$5 or \$10 annual license will not break the bank and allow those who use Montana's rivers to share in the cost of management even if these recreationalists do not fish as their presence does indeed affects the fishery.

Montana residents can say they are entitled to use Montana's resources at no additional cost, but Montana already charges a state lands fee for hunting on Montana state lands. There is precedent for requiring those who use a resource to help financially support the resource.

In closing, it should be noted that significant regulatory changes will affect those who guide on Montana rivers. I don't like that the proposed changes can and may pit those who rely on the rivers for commercial purposes against those for whom the resource is used for recreation. How to get around this is beyond me.

I do think a business that uses Montana resources for commercial purposes should pay for that use but how much is another question for another day.

From: [Mark Canfield](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed brown trout regulation restrictions.
Date: Thursday, June 17, 2021 5:31:32 PM

Wow ! And it's about time :).... !

Re. Your three proposals for regulation/restrictions for Browns, Region 3.

* Coming from the Pacific Northwest (1990), where such restrictions as you are seeking comments on (for Brown Trout within the noted rivers of Region 3) had/have ALWAYS and ALREADY been essentially 'de facto' for my entire lifetime throughout all of Idaho, Oregon, Washington State and even most of British Columbia... for Steelhead... it was a shock for me to realize that the MFWP regulations regarding Browns virtually allowed 24/7 - 356 angling exposure at them, even during sensitive spawning periods. I've NEVER understood that one (sorry, folks), not from any perspective, not for even a moment.

When you've lost over 80% of the once grand experience of simply being a participant in such wonderful fisheries environments as those Steelhead rivers of my past had been (current Steelhead returns/numbers throughout the Washington State, Oregon and Idaho watersheds I used to fish, try to protect and study through, from 1968 until 1990, are barely 20% of what were the 'norms' through those 20+ years... with the majority of those watersheds being currently Closed to Angling - completely and indefinitely), you learn to treasure, respect and work to whatever extent or compromise is necessary to preserve and protect what resources you still have remaining. You learn the heartfelt sadness in the loss, much of which is irreplaceable.

I FULLY support all three of the Restriction Proposals seeking comment, especially the most appropriate Seasonal Closure initiative (September 30th through the third Saturday in May) and its associated Catch & Release ONLY - Year 'Round - restriction. The Public/Angling community should Be So Lucky to have that, compared to what has become the depressing realities in several neighboring States ! Any opposing arguments of these things being a 'negative economic impact' are far too short-sighted and of relatively minimal long-term implication to warrant any compromise to those restriction suggestions, especially when hundreds of thousands of 'neighboring' Western Anglers have long ago adjusted to such regulations and now only WISH they had such a resource remaining to further compromise on behalf of, for even the slimmest chance to yet achieve a possibly healthier fishery in the end.

Being ready to enact the likely necessity of Hoot-Owl restrictions by July 1st is a No Brainer. ABSOLUTELY. This is shaping up to be an exceedingly difficult stream environment for ALL fisheries, beginning in only a week or two. Do it. Do it now. Be proactive, as your experience has prepared you for. There are some times when FWP gets the chance to lead the argument or decision making process, and this is one of them. You do have that RIGHT, you know :) ... ! I strongly believe that the Angling Public supports you in that.

Best regards,

Mark Canfield

From: [Keith Shein](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Proposed Protections for Brown Trout
Date: Thursday, June 17, 2021 5:22:09 PM

Dear FWP Commission,

Though the proposed restrictions each need to be adopted to protect brown trout, I find, given your historic record, that offering such proposals is completely disingenuous. After all, as a commission you:

Completely ignored the proposals of your own FWP Department, recommending restrictions on the Madison River

Completely ignored the overwhelming vote of the public, recommending restrictions on the Madison River

Completely ignored FWP data last spring, showing declines in fish populations of up to 40% in some stretches of the river

Instead, you chose to completely support commercial interests: allowing guides and outfitters to continue fishing the river at an unsustainable rate: allowing guides and outfitters to fish from boats in the walk-wade section, increasing social conflict. You chose money over a prized natural resource. You chose the short-term goal of increasing revenue over saving the Madison River.

So, now, do you think I'd believe this won't happen again, though clearly brown trout and the Madison River are in trouble? No, I firmly believe you will take no action that would deprive guides and outfitters of one cent. Please let the river die. That is the only way you *may* choose to exercise your duty to protect the river.

Sincerely,
Keith Shein
25 Big Bend Road
Cameron, MT 59720

From: [Jeff Welch](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] proposed brown trout regulations
Date: Thursday, June 17, 2021 4:03:10 PM

Hi

I own property along the Shields River and am an angler. My comments are regarding possible regulations on the Shields specifically, in order to improve the numbers of brown trout.

I support seasonal closures after Sept 30 but I question why you would keep it closed during the spring when the species in discussion are browns, not rainbows. There are few anglers that I see in April and May due to runoff on the Shields but it is nice to get out in March and I see little harm such a low amount of anglers on the Shields might pose in that month. Why not maintain the closure during the fall spawn only?

I also support Jul 1-Aug 15 hoot owl restrictions on the Shields. I believe most of the pressure on the Shields does occur in Jul and Aug despite typically low flows and very warm temps. This is often from vacation rentals in the area in my view and people are often uneducated about the importance of giving the fish a break during these warm temp/low flow days.

Lastly, I support catch and release for all browns and frankly, all trout throughout the Shields.

Good luck, this is a very challenging issue and difficult times with this drought.

Jeff Welch
406-580-9710

From: [Jennifer La Follette](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Please help!!
Date: Thursday, June 17, 2021 1:29:58 PM

As a flyfishing guide and conservationist who wants our beautiful fish to be here long after I'm gone; I implore that you put into place legislation that protects brown trout during spawning seasons, mandates the use of barbless hooks and urges catch and release practices as well as focuses on education for keeping fish wet. Thank you so much.

Sincerely,
Jennifer La Follette
Royal Treatment Fly Fishing

Tight Lines,
Jennifer La Follette
805.340.7292 cell

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Sign up for our newsletter at
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Fly fishing is all about YOU controlling the fly line, not the fly line controlling you!

From: [George Peck](#)
To: [FWP Fish Comments](#)
Cc: [Craig & Lia Jones](#); [Al Lafor](#)
Subject: [EXTERNAL] Brown Trout Issue
Date: Thursday, June 17, 2021 9:10:59 AM

Gentlemen:

Main causes are over fished river's; fishing at the wrong times, and people not respecting the fishery! I've fished the BigHole for 56 years! Experience and noticing fisher people; fishing guides 95% of the time respect the fishery, take extremely good care releasing caught fish, and making sure they are breathing properly, are moving, and are not out of the water longer than necessary! Bank fishermen, on the other hand, aren't as respectful and see the fishing as a game, and catch and release are not respected!! They take less preventative means to release fish, and are looking for the next cast!

Immediate suggestions: No fishing during the October spawn...close the Montana fishery from Mid-September to next May... Catch and release all Brown Trout! Use "barbless hooks only.... Artificial flies only.... no bait,...no treble hooks, and no fishing with elevated water temperatures and minimum flow rates! No "out-of-state guides on Montana Rivers... Limit fishing during the salmon fly hatch...guides have a choice to fish/guide on only two river's.. ...help keep the fishing density down during "prime time hatches (salmon fly) etc.

The FWP agency has the tools to make necessary changes NOW! No good decision is made by a committee!! You have the benchmark for success! MAKE IT HAPPEN!

Regards,
George S. Peck, Jr.

From: [Ron Kaye](#)
To: [FWP Fish Comments](#)
Subject: [EXTERNAL] Brown Trout
Date: Thursday, June 17, 2021 7:35:09 AM

Having just returned from 2 days of fishing on the Big Hole I can say there was plenty of big Brown Trout. That said there are measures I feel would be helpful to keep the fishery healthy.

1. Catch & Release only
2. Fish remain in the water with a net, no in-hand picture taking.
3. Barbless only hooks.
4. No fishing after 7:00 PM
5. Rotate one weekday per week of no fishing during peak season.
6. Don't like the idea of closing the rivers from September 30 to May. Why not just reduce the hours each day, 8:00 AM to 4:00 PM as an example, and close the river 2 days a week instead of 1 as previously suggested?
7. Fly Fishing only I know is a very tough subject but it's possible to have sections that are?

Thank you for all the work you do,

Ron Kaye, Bozeman, Mt.