



2022 FISHING REGULATION FINAL

The fish regulation-setting process is conducted on a four-year cycle with off-cycle changes made when specific criteria are met. Every fourth year FWP seeks input from the angling public and department staff about ideas and concerns that might be addressed through regulations changes. A comprehensive review of the fishing regulations was completed for the 2020 regulations, with the next review set to occur for 2024. Regulation changes for 2022 are considered “off-cycle” and meet one of five criteria outlined below. Except for emergency or time-sensitive changes, the regulations adopted by the commission go into effect the following March and printed in the Fishing Regulation booklet for that year.

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

- 1) Clarifications: regulation change is needed to clarify intent of regulation or to correct typos or other errors that led to erroneous information in regulations;
- 2) Enforcement: regulation change is needed to improve enforcement efforts, to prevent illegal take, or to clarify intent to reduce innocent violations;
- 3) Conservation: regulation change is needed to conserve or protect the population of any species, but primarily Threatened and Endangered species;
- 4) Relevancy: regulation no longer has a real management purpose or value and there is little public following, constituency or controversy;
- 5) Management Plans: FWP has committed to implementing certain regulation changes if certain events transpire (e.g., changes in fish populations, angling pressure, catch rates, etc.) with proposal typically based upon goals or management objectives defined through a publicly vetted process.

Below are 21 proposed fishing regulations that meet the criteria listed above. The commission approved 19 proposals for public comment at its August meeting. The department accepted public comment on proposed changes from August 27 through September 26. Sixteen comments were submitted through the FWP website and one letter was received. Most comments fell outside the scope of proposed changes or did not meet the criteria used to considered off cycle regulation changes. Comments related to proposed 2022 changes are noted below. All submitted comments are provided to the commission under separate cover.

Proposals that have been modified or are new since the August commission meeting are denoted by *Modified* or *New* below.

Note: *New language is in italics*. Deleted language is indicated by a ~~strikethrough~~. Page numbers refer to the 2021 Fishing Regulations booklet.

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Statewide Fishing Regulations

Use of Attractor (Bead)

Page 22 and 50 add:

Use of Attractor (Bead): A bead fixed on a line or leader two inches or less from the eye of a bare hook is considered an artificial lure. Fishing with a bead more than two inches from the eye of a bare hook or artificial fly is considered snagging and is unlawful.

Rationale: The technique of fishing with a small bead on the fishing line a certain distance from the eye of the hook is commonly referred to as “bead fishing.” Placement of the bead further away from the eye of the hook can often result in foul hooking or snagging a fish rather than hooking the fish by the mouth. Limiting bead placement to two inches or less from the eye of the hook is expected to decrease incidence of snagging and unlawful harvest of fish by snagging.

Off cycle criteria: Enforcement

Public comment summary: No comments were received.

Modified Use of Setlines in the Western Fishing District

Page 93 add:

SETLINE: A line or lines with or without a pole set to catch fish without the angler being present or within immediate control. The angler’s name; *and* phone number, *or name and 9/10 digit ALS number* *an individual identifying number issued by the department* must be attached. *Setlines are not allowed in the Western Fishing District.*

Rationale: This change is intended to clarify that setlines are not allowed in the Western Fishing District. Since the August meeting, this proposal was updated with language requiring an individual identifying number rather than an ALS number (see Identification of Shelters and Setlines below).

Off cycle criteria: Clarification.

Public comment summary: No comments received. The language changing ALS number to individual identifying number has not had public comment.

Bait Fish Species Identification

Page 94 add:

Bait Fish Species Identification

There are 10 species of fish that may be used for bait *in the Central and Eastern Fishing Districts*. The following images are for help in identification (for more information see the “Live Bait Fish Identification” brochure available online or at FWP offices). See the regulations concerning bait use in each *Fishing District* (pages 22, 50 and 78).

Rationale: This change is intended to clarify that species of fish depicted on pages 94-95 are only commonly found in the Central and Eastern Fishing Districts.

Off cycle criteria: Clarification.

Public comment summary: No comments received.

***New* Identification of Shelters and Setlines**

Pages 21, 49, and 77 change (full regulations not shown for brevity):

Shelters: It is unlawful to use any ice fishing shelter....

Identification: Identification must be painted on or otherwise affixed to all unattended shelters in legible, 2-inch letters plainly visible at a distance of 100 feet. Identification must include the owner's name and address, name and phone number, or ~~9/10-digit ALS number~~ *an individual identifying number issued by the department....*

Setlines

- Setlines may be used only on waters specified in District Exceptions.
- Setlines must be checked by the angler at least once every 24 hours.
- The angler's name and phone number or name and ~~9/10-digit ALS number~~ *an individual identifying number issued by the department* must be attached to each setline.
- Setlines shall not be attached to jugs or other floating devices.

Rationale: This proposal was added after the August commission meeting. ALS numbers from the current FWP licensing system contains personal identifiable information that could increase risk of identity theft. Adjusting the language complies with current license requirements and will also accommodate the new Explore MT system, which will provide identifying numbers that do not include personal identifiable information.

Off cycle criteria: Enforcement.

Public comment summary: This proposal was not presented at the August meeting and has not had public comment. Language proposed here matches existing language in the hunting and trapping regulations.

Western Fishing District

Bait Regulations

Page 22 change:

Bait Regulations

- ~~Game fish, including Yellow Perch, may not be use as bait except as authorized below under Dead Bait.~~
- ~~Possession of live fish or use of live fish as bait is prohibited in the Western Fishing District.~~

- *No fish species may be used as live bait in the Western Fishing District. Possession of live bait fish or use of live bait fish is prohibited in the Western Fishing District.*
- It is unlawful to release live bait of any kind into Montana waters; do not empty any live bait containers at your fishing site.
- *Only non-game fish native to the Western Fishing District (Large Scale Sucker, Longnose Sucker, Northern Pikeminnow, Peamouth Chub, Redside Shiner, Longnose Dace) may be captured and used as dead bait and. Non-game fish except Sculpins (Genus *Cottus*), Carp, Goldfish and Rainbow Smelt may be taken for use as dead bait in the following manner:*
 - With hook and line; or
 - With minnow traps (the dimensions shall not exceed 24 inches X 12 inches X 12 inches); or
 - With cast nets (maximum 6-foot radius) and dip nets (no larger than 3 feet X 3 feet).
- See Commercial Fishing License requirements (*page 89*) for information on commercial harvest permits.
- All unattended fishing devices (Crayfish traps, Minnow traps, fish traps, ~~setlines~~, etc.) must have the angler's name and phone number or name and ALS# attached.

Dead Bait

- *Trout, Salmon, Whitefish, and Sculpins may not be used whole or in part/pieces as dead bait.*
- *The eggs of Char, Cisco, Arctic Grayling, Salmon or Trout may be used as bait. Other parts/pieces of Salmonids may not be used as bait.*
- ~~Non-game fish that are freshly killed or have been preserved by freezing, salting or pickling may be used whole or in pieces as bait on all waters not restricted to artificial lures only. Sculpins (Genus *Cottus*) may not be used as bait, live or dead, in the Western Fishing District.~~
- ~~Whole game fish may not be used as bait~~
- *Only non-game fish native to the Western Fishing District (Large Scale Sucker, Longnose Sucker, Northern Pikeminnow, Peamouth Chub, Redside Shiner, Longnose Dace) may be captured and used as dead bait. All other non-game fish caught or purchased must be preserved by freezing, salting or brining.*
- Part/pieces of Bass, ~~Burbot (Ling), Black Crappie, Northern Pike~~, or Yellow Perch may be used as bait if edible portions are not wasted.
- ~~The eggs of Char, Cisco, Arctic Grayling, Salmon or Trout may be used as bait. Other parts/pieces of Salmonids may not be used as bait.~~

Live Bait

- *No fish species may be used as live bait in the Western Fishing District. Possession of live bait fish or use of live bait fish is prohibited in the Western Fishing District.*
- ~~Live bait fish may not be imported into Montana without authorization from FWP (see page 89).~~
- Live animals such as meal worms, red worms, night crawlers, leeches, maggots, crayfish, reptiles, amphibians and insects may be used as bait on all waters not restricted to artificial lures only.

- Leeches may only be imported into Montana from FWP-approved leech dealers. Anglers who import leeches must have in their possession a bill-of-sale (a receipt) from the approved out-of-state leech dealer when fishing with leeches in Montana. A list of approved out-of-state leech dealers may be obtained from FWP by calling 406-452-6181.
- ~~No fish species may be used as live bait in the Western Fishing District.~~

Rationale: Proposed changes are intended to clarify some areas of confusion regarding collection and use of live and dead bait and clarify types of bait that can be used.

Off cycle criteria: Clarification.

Public comment summary: No comment received.

Basin Creek Reservoir

Page 25 add:

Basin Creek Reservoir

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

Rationale: Basin Creek Reservoir near Butte recently opened for public access. The reservoir maintains a wild reproducing population of Westslope Cutthroat Trout and department staff would like to maintain conservative limits to evaluate changes to the fish population due to harvest. Higher bag limits may be proposed following a few years of evaluation. Since the reservoir is a municipal water source the city prefers limiting angling to artificial lures only.

Off cycle criteria: Conservation

Public comment summary: One comment supports this proposal along with continued FWP monitoring to balance opportunity and conservation. Another comment raised concerns about overharvest and recommended catch-and-release fishing only. FWP monitoring indicates the reservoir sustains a viable wild cutthroat fishery with some indications of stunting (slower growth) as fish get older. Allowing limited harvest may benefit fish growth by reducing population density. The department will continue monitoring and will propose changes to the regulations if there are indications of overharvest.

Big Creek and Tributaries

Page 25 remove:

Big Creek and Tributaries (tributary to North Fork Flathead River)

- Closed entire year.

Mouth of Big Creek

- ~~Angling is closed within 150 yard radius of the stream mouth June 1 through September 30 unless posted at a greater distance.~~

Rationale: Exception listing a seasonal closure at the mouth of Big Creek is no longer needed as this regulation is already described in the exceptions for the North Fork Flathead River.

Off cycle criteria: Clarification.

Public comment summary: One comment supported this change.

Georgetown Lake

Page 34 remove:

Georgetown Lake

- Open third Saturday in May through March 31, except for the South and East shoreline area which is only open July 1 through March 31. South and East shoreline areas described as follows: all waters from the shore or within 100 yards of shore in the area extending from a point 200 yards west of Denton’s Point Marina (along the shore, including all of Stuart Mill Bay) to a point 200 yards north from the mouth of North Fork Flint Creek.
- Combined trout, includes Brook Trout: 5 daily and in possession, of which only 1 may be a Brook Trout. Only Brook Trout over 16 inches can be kept.
- ~~Kokanee Salmon: no daily or possession limit.~~

Rationale: Kokanee Salmon size and catch rates have improved in recent years, which has been confirmed in population monitoring surveys. FWP staff believes the Western Fishing District Standard Kokanee Salmon limits of 20 daily and 40 in possession is appropriate based on current population trends.

Off cycle criteria: Conservation.

Public comment summary: No comment received.

Horseshoe Lake (Thompson Chain of Lakes)

Page 35 add:

Horseshoe Lake (Thompson Chain of Lakes)

- Tiger Muskie: 1 daily and in possession, must be over 40 inches. *There are no Northern Pike in the lake.*

Rationale: Anglers commonly misidentify Tiger Muskie as Northern Pike, which are not currently present in the lake. Misidentification can lead to anglers inadvertently keeping Tiger Muskie less than 40 inches.

Off cycle criteria: Clarification.

Public comment summary: No comment received.

Lake Mary Ronan

Page 37 remove:

Lake Mary Ronan

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

Rationale: The no limit exception is not needed for Lake Mary Ronan while the catch, kill, and report for Northern Pike is in place.

Off cycle criteria: Clarification.

Public comment summary: One comment supported this change.

Lion Creek

Page 37 remove:

Lion Creek (tributary to Swan River)

- Closed entire year.

~~Mouth of Lion Creek~~

- ~~Closed to angling June 1 through September 30 within a 300 yard radius of the stream mouth, unless posted at a greater distance.~~

Rationale: Seasonal closure at the mouth is already described in regulation exceptions for Swan River.

Off cycle criteria: Clarification.

Public comment summary: One comment supported this change.

McGregor Lake

Page 38 add:

McGregor Lake

- Crayfish: 20 daily and in possession; females with egg clusters *or attached juveniles* must be released.

Rationale: This proposed change is intended to minimize harvest impacts while fertilized eggs or juveniles are still attached to the underside of a female's tail.

Off cycle criteria: Clarification.

Public comment summary: No comment received.

***New* Rock Creek (near Missoula)**

Page 41 change:

Rock Creek (near Missoula)

From the confluence of the East Middle and West forks, near Phillipsburg, to the mouth

- Combined trout: 3 Brown Trout daily and in possession. Catch-and-release for Rainbow Trout and Cutthroat Trout.
- Artificial lures only, except anglers 14 years of age or younger may use bait during the general season.
- Closed to fishing from boats/vessels July 1 through November 30.
- Extended season for Whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.

Rationale: This corrects an editorial error. Special regulations are intended from the confluence of the Middle and West forks of Rock Creek.

Off cycle criteria: Clarification.

Public comment summary: This error was recently discovered and has not had public comment.

Swan Lake

Page 43 remove:

Swan Lake

- ~~Bull Trout: Catch and release only. All Bull Trout must be released promptly, with little or no delay. It is unlawful to possess a live Bull Trout for any reason.~~

Rationale: Fishing for Bull Trout in Swan Lake is not lawful, so the standard Western Fishing District Bull Trout regulation is appropriate.

Off cycle criteria: Relevancy.

Public comment summary: One comment supported this change, but also recommended improved public education to identify bull trout. The department will work with the Communication Education Division and partners to identify and implement tools to improve bull trout identification.

Woodward Creek

Page 46 change:

Woodward Creek

- *Closed entire year.*
- ~~Closed to angling within a 150-yard radius of the stream mouth June 1 through September 30, unless posted at a greater distance.~~

Rationale: Exception for fishing at the mouth of Woodward Creek is already described in the exception for Swan River. Implementing a fishing closure for the entire stream is intended for native species conservation.

Off cycle criteria: Clarification.

Public comment summary: One comment supported this change.

Central Fishing District

Ackley Lake

Page 54 remove:

~~Ackley Lake~~

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

Rationale: Ackley Lake regulations were liberalized in 2020 to reduce the abundance of Tiger Muskie in Ackley Lake. Population monitoring and anecdotal angler accounts indicate improved growth rates for Rainbow Trout and increases in sucker abundance; both of which indicate an improved balance between Tiger Muskie and other fish in the reservoir. Removing this exception will revert all fishing regulations at Ackley Lake back to Central District Standard Daily and Possession Limits.

Off cycle criteria: Relevancy.

Public comment summary: No comment received.

Big Coulee Creek

Page 56 remove:

~~Big Coulee Creek (tributary to Highwood Creek, near Great Falls)~~

- ~~Closed entire year~~

Rationale: Fishing was closed on Big Coulee Creek to conserve the native Westslope Cutthroat Trout population. The fishery has now rebounded and is expected to be resilient enough to sustain some angler harvest. By removing this exception, Big Coulee Creek will fall under the Central District Standard Daily Limit for Combined Trout (includes 1 Cutthroat Trout).

Off cycle criteria: Relevancy.

Public comment summary: One comment recommended opening the stream to catch-and-release fishing only for Westslope Cutthroat Trout rather than allowing harvest of 1 Cutthroat Trout. Allowing limited harvest on this fishery is not expected to negatively impact this Cutthroat Trout population. FWP monitoring will continue and regulation changes will be proposed if population declines are detected.

Gallatin River

Page 61 add:

Gallatin River

Entire River

- Northern Pike: no limit.

Yellowstone National Park to East Gallatin River

- Closed to fishing from boats/vessels.

Porcupine Creek Road to West Fork Gallatin River

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

Rationale: Wildlife managers have requested a closed fishing season to reduce elk disturbance on Porcupine Game Range. A seasonal fishing closure also simplifies enforcement of game range rules.

Off cycle criteria: Enforcement.

Public comment summary: No comment received.

Tiber Reservoir/Lake Elwell

Page 63 and 71 remove:

Tiber Reservoir aka Lake Elwell

- ~~All watercraft must be inspected prior to leaving.~~
- Cisco and Whitefish: all fish must be released immediately or killed and counted as part of your limit. It is unlawful to possess live Cisco or Whitefish for any reason.
- Hook and line/setlines: 6 lines with 2 hooks per line through ice only.
- Spearing: open for non-game fish, Northern Pike, Walleye, and Burbot (Ling) through the ice and by persons swimming or submerged.

Rationale: Tiber Reservoir will no longer be “Suspect” for invasive mussels and will no longer be identified as an invasive species management area if invasive mussels are not detected in 2021. As such, mandatory watercraft inspection will no longer be required when leaving Tiber Reservoir. Mandatory watercraft inspections will remain in place should monitoring detect invasive mussels.

Off cycle criteria: Relevancy.

Public comment summary: No comment received.

Red Rock Creek

Page 69 change:

Red Rock Creek (Beaverhead River drainage)

- Open entire year except May 1 through June 14.
- Artificial lures only.

Rationale: Implementing a seasonal closure on May 1 rather than May 15 is intended to reduce disruption of early spawning Arctic Grayling. The department has worked with the Red Rocks Lakes National Wildlife Refuge staff over the past several years to modify fishing regulations intended to conserve the native fishery.

Off cycle criteria: Conservation.

Public comment summary: One comment supported this change.

Eastern Fishing District

Tongue River Reservoir

Page 87 remove:

Tongue River Reservoir

- Fish species allowed for use as live bait are: Fathead Minnow, Flathead Chub, Longnose Dace, Lake Chub, Creek Chub, White Sucker, and Longnose Sucker.
- ~~Crappie: 30 daily and 60 in possession.~~
- Sauger/Walleye: 5 daily only 1 may be a Sauger and 10 in possession only 2 may be Sauger.
- Hook and Line/Setlines: 6 lines with 6 hooks per line through the ice.

Rationale: Removing the exception for Crappie will change the daily limit to the Eastern District Standard Regulation of 15 daily and 30 in possession. Overall Crappie recruitment and abundance has declined over recent years.

Off cycle criteria: Conservation.

Public comment summary: No comment received.