

**From:** [Jay Erickson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL]  
**Date:** Friday, July 22, 2022 2:07:00 PM

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I support hoot owl for cutthroat at 66 degrees.

I oppose automatic lifting of hoot owl on August 31st rather than September 15th.

Early September is quite warm with temps in the high 80s or low 90s. If you bow hunt, you're nodding in agreement.

Jay Erickson  
Helena, MT

**From:** [Charles S Palmer Jr.](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL]  
**Date:** Friday, August 5, 2022 10:37:38 AM

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hope you implement this. should be done for all coldwater trout species not just cutthroat

**From:** [Claire Chandler](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] 66 degree hoot owl trigger for cutthroat streams  
**Date:** Friday, August 5, 2022 9:10:38 AM

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Hi FWP,  
Im writing in to comment my support for a 66 degree hoot owl trigger for cutthroat streams in MT.  
Thank you for serving our community.  
Best,  
Claire Chandler

2002 Knaab Dr, Bozeman, MT 59715

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Claire Chandler

**From:** [Tim Field](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] 66 degree rule change  
**Date:** Friday, July 29, 2022 12:04:30 PM

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Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.

Tim Field  
Stevensville MT

tim.jf.field@gmail.com  
760-271-3759 cell

**From:** [Joan Harding](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 & 508  
**Date:** Friday, July 22, 2022 5:30:18 PM

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*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Joan Harding  
Polson*

Joan Harding  
816-516-6703

**From:** [Justin Gibson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508 Comments  
**Date:** Saturday, July 23, 2022 9:15:47 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Justin Gibson  
Hamilton, MT*

**From:** [Rochelle Gravance](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508  
**Date:** Friday, July 22, 2022 9:55:57 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

Rochelle Gravance NAFC Master Level Certified IYCA Conditioning Specialist  
[Habitsforming.com](https://habitsforming.com) [[habitsforming.com](https://habitsforming.com)] [Habitsforming@yahoo.com](mailto:Habitsforming@yahoo.com)  
[Vashontrainer@yahoo.com](mailto:Vashontrainer@yahoo.com)

**From:** [Mike](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508  
**Date:** Friday, July 22, 2022 7:26:47 PM

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*Dear FWP Staff and Commissioners,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat and bull trout, **with the exception of the proposal to automatically reopening waters from September 15 to August 31** (ARM 12.5.508(1)). Hoot Owl closures should be based on water temperatures, not general calendar dates. *Thank you in advance for your consideration.**

*Mike Getman  
Lewistown, MT*

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows



**From:** [Douglas Rohn](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508  
**Date:** Saturday, July 23, 2022 8:53:14 AM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

Doug Rohn  
Bozeman  
lymfatic@me.com  
(406)551-0508

**From:** [Leyla Eraybar](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508  
**Date:** Friday, July 22, 2022 1:48:11 PM

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Hi,

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.

Sincerely,

Leyla Eraybar  
Missoula, MT

**From:** [John Applegate](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507 and 12.5.508  
**Date:** Friday, July 22, 2022 2:33:49 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*John Applegate  
7500 Jarmen Cir, Bozeman, MT 59715*

**From:** [Duane Maidens](#)  
**To:** [FWP Fish Comments](#)  
**Cc:** [David Brooks](#)  
**Subject:** [EXTERNAL] ARM 12.5.507(1)(b)(ii) Proposal / COMMENT  
**Date:** Tuesday, July 26, 2022 9:49:13 AM

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Montana Fish and Wildlife—

Thank you for the opportunity to comment on ARM 12.5.507(1)(b)(ii).

I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. I oppose shortening the season at this time.

As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries.

Thank you in advance for your consideration.

Duane Michael Maidens  
1400 Cottontail Road  
Gallatin Gateway, MT  
503.432.0696

Please confirm you received this email.

**duane michael maidens**

Founding Partner, Chairman

*[duane@michaelpatrickpartners.com](mailto:duane@michaelpatrickpartners.com)*

o 650.327.3185

d 650.273.7644

c 503.432.0696

[Michael Patrick Partners](#) [\[michaelpatrickpartners.com\]](#)

A Creative Agency

595 Pacific Avenue, 4th Floor, San Francisco, CA 94133

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

[\[facebook.com\]](#) [\[twitter.com\]](#) [\[linkedin.com\]](#) [\[instagram.com\]](#) [\[youtube.com\]](#)

**From:** [Jim Olson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] ARM 12.5.507, 12.5.508 and Hoot Owl system  
**Date:** Friday, July 22, 2022 1:45:04 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*James S. Olson  
Missoula, MT*

**From:** [John Howard](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system  
**Date:** Friday, July 22, 2022 1:01:37 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. If climate change continues to warm our September waters, in fact, we may need to move that date to later. I oppose shortening the season at this time. Thank you in advance for your consideration.*

Cordially,

John

John W. Howard, Ph.D.  
President, Performance Resources, Inc.  
2180 Riata Road  
Bozeman, MT 59718

801-709-3830

[www.prol.ws](http://www.prol.ws) [[prol.ws](http://www.prol.ws)]



**From:** [March, Daniel](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Changes to ARM 12.5.507 and 12.5.508 - Hoot Owl  
**Date:** Friday, July 22, 2022 2:15:57 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Dan March  
Helena, MT*

**From:** [Mark Savinski](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Changes to ARM Regarding Cutthroat Trout  
**Date:** Sunday, July 24, 2022 6:54:48 AM

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**I strongly support** the proposed change in Hoot Owl Restrictions in the Administrative Rules of Montana (ARM) to create a new 66-degree water temperature threshold for Cutthroat Trout to reduce the pressure from angling on these species during periods of higher water temperatures and lower stream/river flows. **I also continue my strong support** for the 60-degree water temperature threshold for Bull Trout streams/ivers that demonstrated an even greater sensitivity to warmer water temperatures and lower water flows. **I also support** continuing the 73-degree temperature trigger for nonnative species.

**I do NOT support** changing the automatic reopening waters date from the current September 15th date to August 31st. This makes no scientific or practical sense with our waters continuing to get warmer and flow levels continuing to decrease. CLIMATE CHANGE IS HERE AND THE SOONER FWP ACKNOWLEDGES THIS FACT, AND ACKNOWLEDGES AND IMPLEMENTS SCIENCE AND BIOLOGICAL BASED SOLUTIONS TO ADDRESS THESE ISSUES, THE BETTER OFF THE NATURAL RESOURCES OF MONTANA WILL FARE!

Sincerely,

Mark T. Savinski  
25 Sundowner Road  
Sheridan, MT 59749

Trout Unlimited Life Member  
FWP Region 3 CAC Member



**From:** [Niall Clancy](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Changes to Hoot Owl  
**Date:** Saturday, July 23, 2022 7:05:28 PM

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Dear Fish and Wildlife Commissioners-

I am writing in regard to the proposed changes to the Hoot Owl policy for trout waters. As a fisheries scientist, angler, and 5th-generation Montanan, I know the importance of policies to protect fish as waters become warmer and warmer. Montana has a proud history of protecting native trout and hoot owl restrictions are an important part of ensuring trout are not stressed out by anglers when they are already stressed out by the heat of the day. My current research as a PhD student supports other studies that show Cutthroat Trout populations are extremely vulnerable to warming temperatures. As such, I support lowering the Hoot Owl threshold for Cutthroat streams to 66 degrees. However, I do not support the proposal to automatically lift restrictions on August 15th instead of September 15th. Streams can still be extremely warm in mid-August and it does not make sense to open streams when fish are still more likely to die because of handling. Please do not vote to change that provision.

Best regards,

Niall Gallagher Clancy

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**Niall G. Clancy**  
406-214-9010

**From:** [Daphne Chester](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Comment on Proposed Hoot Owl Changes  
**Date:** Saturday, July 23, 2022 2:48:29 AM

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*Dear FWP,*

*Thank you for the opportunity to comment on this proposal.*

*Native species are very important to us and in particular the cutthroat trout restoration ongoing in Montana. We are currently in the process of working with FWP on a native species restoration project on our ranch for both west slope cutthroat and Grayling in Winslow Creek in the Centennial Valley.*

*Therefore, I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.*

*Thank you in advance for your consideration and all of your great, hard work in general.*

*Best Regards,  
Daphne Chester  
Lima, MT*

Daphne R. Chester  
+44 07553 020 276

**From:** [Kevin Crowe](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Comments on Hoot Owl proposed changes  
**Date:** Wednesday, July 27, 2022 4:29:13 AM

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Dear FWP,

Thank you for the opportunity to comment on this proposal.

Native species are very important to us and in particular the cutthroat trout restoration ongoing in Montana. We are currently in the process of working with FWP on a native species restoration project on our ranch for both westslope cutthroat and arctic grayling in Winslow Creek in the Centennial Valley.

Therefore, I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.

Thank you in advance for your consideration and all of your great, hard work in general.

Best Regards,  
Kevin Crowe  
Lima, MT

**From:** [vj](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Comments on proposed changes in Hoot Owl system of fishery protection  
**Date:** Saturday, July 23, 2022 8:26:15 PM

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To: MT Fish, Wildlife & Parks

RE: proposed changes in Hoot Owl system of fishery protection

I thank FWP workers for their efforts to protect and restore our fisheries.

I support all of FWP's proposed changes to Hoot Owl restrictions except one.

There seems good evidence for a tighter (66 degree) trigger to close cutthroat streams to fishing. And the 60 degree threshold for bull trout should be continued.

However, I do not support the proposal to change the automatic reopening waters date from September 15 to August 31(ARM 12.5.508(1)). Streams are still very warm at that time and are likely to be getting warmer. We should stick with the September 15 reopen date.

Thank you for considering these comments.

Vicki Watson, 509 Daly, Missoula, MT 59801

**From:** [dward451@comcast.net](mailto:dward451@comcast.net)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Comments on Proposed Hoot Owl Changes  
**Date:** Friday, July 22, 2022 2:18:25 PM

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Dear Commissioners

We are very pleased that you are considering changing the Hoot Owl regulation by lowering the threshold temperatures in Cutthroat streams from 73 to 66 degrees. This is a very positive step and will help preserve this precious resource. We are however not in favor of the change to automatically reopen the waters on August 31<sup>st</sup> versus September 15<sup>th</sup>. There is not clear rationale for this change. The days are still long and hot. The protections need to stay in place until September 15<sup>th</sup>.

Regards

David Ward, President  
Bitterroot Trout Unlimited

**From:** [mike spenner](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Cutthroat hoot owl rule changes  
**Date:** Sunday, July 31, 2022 1:40:27 PM

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*I would like to express my **support for the changes** proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout. I do take **exception with the shortening of the Hoot Owl season from September 15 to August 31**, this just seems like an arbitrary date and I feel that the lifting of restrictions should be weather (science) related. I oppose shortening the season at this time. Thank you in advance for your consideration.*

Mike Spenner  
Missoula, MT  
406-218-1541



Virus-free. [www.avast.com](http://www.avast.com) [[avast.com](#)]

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

**From:** [James Budelman](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Cutthroat Trout temp reduction  
**Date:** Friday, July 22, 2022 4:27:55 PM

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Dear FWP,

Thanks for taking comments on the new proposals. I strongly share the views of MTTU that I've copied below. Many of our natural resources are being pushed to their limits and adjusting to the proposed new lower temperature of 65 degrees makes good sense. The shortened season does not make sense to me and suggest staying the course with September 15th.

*I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.*

*Sincerely,*

*Jim Budelman*

Sent from my iPhone XII Pro

**From:** [Andrew Gorder](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] HHA comments on Hoot Owl Revisions  
**Date:** Friday, August 5, 2022 1:22:06 PM  
**Attachments:** [HHA -- HootOwlCommentLetter \(8-5-22\).pdf](#)

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Attached, please find comments from Hellgate, Hunters & Anglers.





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P.O. BOX 7792 MISSOULA, MT 59807 (406) 241-3121  
www.hellgatehuntersandanglers.org

Aug. 5, 2022,

Montana Fish, Wildlife, and Parks  
ATTN: Fisheries Division  
P.O. Box 200701  
Helena, Montana 59620-0701  
[fwpfishcomments@mt.gov](mailto:fwpfishcomments@mt.gov)

RE: Amendment of ARM 12.5.507 and 12.5.508; angling restriction and fishing closure criteria

On behalf of the Hellgate Hunters & Anglers (HHA), I offer the following comments on FWP's proposed revisions to its angling restriction and fishing closure (hoot owl) criteria. HHA is a local, all volunteer rod-and-gun club based in Missoula. We represent over 400 local hunters and anglers who routinely wade, float, and fish throughout Montana. Thus, we have a vested interest in managing and protecting publicly-owned natural resources and wildlife. Our members recognize that protective, science-based regulations are often necessary to preserve the long-term health of our state's rivers and streams and the fisheries that they support. When guided by science, these restrictions protect our interests as anglers. HHA appreciates FWP's willingness to review and update its fishing closure criteria, and we offer the following specific comments:

- HHA **supports** creating a new criteria for cutthroat streams in the ARM of 66 degrees, in addition to the existing criteria of 60 degrees for bull trout streams. Recent scientific data gathered or reviewed by the Department indicates that cutthroat experience higher mortality than their nonnative counterparts because of angling in higher water temperatures, and the temperature trigger point for action is well below the current 73-degree trigger in the ARM. As anglers, we have a vested interest in preserving the long-term viability of our native fish species by reducing angling pressure during periods of high water temperatures. Therefore, we support the change in ARM to create a new 66-degree threshold for cutthroat to reduce the pressure from angling on these species during periods of higher water temperatures and reduced flow. HHA also supports the existing 60-degree threshold for bull trout streams that have a demonstrated even greater sensitivity to warmer water temperatures. HHA also supports the use of the Statewide Fisheries Management Plan to designate priority native, non-native and bull trout

priority streams.

- HHA **opposes** FWP's proposal to sunset hoot-owl restrictions on August 31 as opposed to the current sunset date of September 15. This proposed revision is not supported by any scientific or practical rationale. Given the protective nature of hoot-owl closures/restrictions, it is unclear why the agency would propose this change. As any angler will attest, long-days, warm nights and low water levels all continue to create high water temperatures on many streams and rivers well into September. Climate change and ongoing drought have only exacerbated this problem. With this in mind, FWP should consider extending the sunset date further into September, rather than arbitrarily suspending all restrictions (regardless of temperature conditions on a specific stream) a full 15 days earlier than current regulations. This proposal is at odds with the other science-based revisions proposed in this rulemaking and should simply be abandoned.

Thank you for the opportunity to comment,

Sincerely,

Walker Conyngham

President Hellgate Hunters and Anglers

**From:** [Troy Leistiko](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Howl rules  
**Date:** Friday, July 22, 2022 1:10:33 PM

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*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Troy Leistiko  
Missoula, Montana  
Go Griz!*

Sent from my iPhone

**From:** [Fred Lowenfels](#)  
**To:** [FWP Fish Comments](#); [Fred GMAIL](#)  
**Subject:** [EXTERNAL] Hoot Owl changes.  
**Date:** Saturday, July 23, 2022 10:50:22 AM

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*Dear Sirs:*

*I am an east coast fisherman who frequently travels to Montana to fish for trout. I have been doing this for over 25 years. I love the many wonderful rivers in the state, which are protected by Montana's rules and regulations.*

*Thank you for the opportunity to comment on the proposal to protect cutthroat trout and bull trout when water temperatures are too high to safely fish. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Fred Lowenfels*

Fred M. Lowenfels  
940 Park Avenue  
New York, New York  
646.250.8083 (m)

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**From:** [Mark](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Changes  
**Date:** Friday, July 22, 2022 2:00:47 PM

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Hello FWP,

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with exception of shortening the Hoot Owl season from September 15 to August 31.** Thank you or your consideration.

Regards,

Mark Engle  
Bozeman, MT

**From:** [Alan Pawlick](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl changes  
**Date:** Friday, July 29, 2022 11:31:49 AM

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I support the proposed changes to the Hoot Owl restrictions on native Cutthroat, from a 73 degree trigger to 66 degrees. However, I would like to keep the automatic September 15 reopening date in place. The warming planet is stressing our rivers, fish and livelihoods and August is still too hot.

Thanks for allowing me to comment ,

Alan Pawlick

**From:** [Leonard Lee Kaufman](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot owl changes  
**Date:** Friday, July 22, 2022 1:14:40 PM

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I was born in Butte, raised on the Big Hole at Divide. Am distressed at how the fishing in the Big Hole has deteriorated!

I support almost all "Hoot owl" changes proposed with 2 exceptions;

1. No existing Hoot owl period should be shortened ie. from Sept to end of August.
2. Special Hoot owl provisions should be applied to the Big Hole not only on water temps but cubic foot flow and the restrictions tied to low flow should be such as to include "no fishing" days"

Very very aggressive steps should be instituted NOW on the Big Hole to build back this once fantastic stream!

Sent from my iPhone

**From:** [Jefferson River Watershed Council](#)  
**To:** [FWP Fish Comments](#)  
**Cc:** [Byron Mazurek](#)  
**Subject:** [EXTERNAL] Hoot Owl Comments  
**Date:** Thursday, August 4, 2022 6:34:44 PM  
**Attachments:** [2022 JRWC HO Comments.pdf](#)

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Montana FWP,

Please accept these comments on the proposed Hoot Owl rule changes on behalf of the Jefferson River Watershed Council board and members.

-Byron Mazurek

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[Jefferson River Watershed Council \[jeffersonriverwc.com\]](#)  
E: [jeffersonriverwc@gmail.com](mailto:jeffersonriverwc@gmail.com)





August 5, 2022

Jefferson River Watershed Council  
P.O. Box 550  
Whitehall, MT. 59759

Montana Fish, Wildlife, and Parks  
ATTN: Fisheries Division  
P.O. Box 200701  
Helena, Montana 59620-0701

**Re: Opposition to amendment of ARM 12.5.508(1)**

*Submitted via email to [fwpfishcomments@mt.gov](mailto:fwpfishcomments@mt.gov)*

To Whom It May Concern:

The Jefferson River Watershed Council (JRWC) is writing you today to strongly **oppose** the amendment to the Administrative Rules of Montana (ARM) 12.5.508(1); changing the Hoot Owl reopening sunset date from September 15 to August 31.

Since 2000, The JRWC has managed the drought plan for the Jefferson River. Over twenty years of collaboration between local irrigators, FWP, and Trout Unlimited continues to prove successful through the shared sacrifice-shared success model. JRWC is concerned the see FWP propose such a rule change undermining our efforts and those of our upstream watershed groups and partners.

The severe drought of 2021 was difficult for all those who rely on Montana's water resources. It was a true test of our drought management plan (DMP), which calls for Hoot Owl restrictions when three days of 73° Fahrenheit have been met or exceeded. Drought conditions led to an unusually early Hoot Owl on June 28, and a full fishing closure on July 19 in 2021. Irrigators made exceptional efforts to maintain the 50 cfs DMP goal at the Waterloo USFS gage. Even in this historic drought year, when conditions improved, FWP had the ability to, and lifted restrictions on August 23, 2021. Moving the sunset date to August 31 has no merit if conditions are not warranted for lifting them. We encourage FWP to scrap this amendment.

Thank you for the opportunity for comment.

Sincerely,

Byron Mazurek  
Board Chair  
Jefferson River Watershed Council

**From:** [Chase Furlong](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl proposal  
**Date:** Monday, August 1, 2022 9:38:05 PM

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Hello,

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.

Chase Furlong  
Missoula, MT

**From:** [Gene Kosaka](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl proposal  
**Date:** Thursday, July 28, 2022 10:36:20 AM

---

*FWP,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Gene Kosaka  
Darby, MT*

**From:** [Scott Greer](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl proposal  
**Date:** Monday, August 1, 2022 10:19:42 AM

---

Hello,

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.

Scott Greer  
Kalispell, MT

**From:** [Paul Heffernan](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Public Comment  
**Date:** Monday, August 1, 2022 9:18:52 PM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. I oppose shortening the season based on any timeline and that it should be only a consideration of water temperature.*

*Please, let's take a long term approach to our fisheries and their ecosystems. We all want to see healthy wild fish in our rivers not just this season and next, but in 20-30 years as well.*

*Thank you for your time.*

*Paul Heffernan  
Missoula, MT*

**From:** [Scott merrell](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Regs  
**Date:** Friday, July 22, 2022 3:10:04 PM

---

I support the new Hoot Owl Regs with the exception of the proposed new restriction ending dates. 8/31 is too early due to persistent hot weather of late summer.

Thanks,  
Scott S. Merrell  
Thompson Falls, Mt.

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**From:** [Scott Zins](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Regs  
**Date:** Friday, July 22, 2022 1:16:29 PM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, except for **shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season currently.*

*Thank you in advance for your consideration.*

*Scott Zins  
Lolo, MT*

**From:** [Tanner Grimstad](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Regulations for Cutthroat Trout Streams  
**Date:** Friday, August 5, 2022 11:50:38 AM

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Good morning,

I was born and raised in Missoula, went to school in Helena and Bozeman, and now work full-time as a civil servant in Missoula. I always considered myself reasonably moderate, but have been leaning further and further left as of late as I watch the national (and now state) embarrassment that is the Republican party unfold. I understand FWP's hands are tied by the governor, but I feel some of this needs to be said.

Women's rights, election integrity, and global warming doesn't concern the average Republican politician's mind on a good day. Even worse, Comrade Daines, Maryland Matt, and New Jersey Greg are trying to turn our precious state into a tourist-filled money-maker that attracts only wealthy out-of-staters to live, fish, and fill big game tags.

It's time to stop bowing to the almighty dollar and instead protect Montana's most precious resource. No, it's not oil Greg, it's world-class trout fisheries.

With most rivers around Missoula shut down due to Hoot Owl restrictions, added pressure is placed on the most precious of them all, the Blackfoot River. Have any of the MT republican politicians watched "A River Runs Through It"? I doubt it, but the money the fishing industry brings to this state kind of depends on there being fish in the river.

Do what is right and make a 66-degree trigger for the Blackfoot River.



**From:** [Bridgar Hill](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot owl regulations for cutthroat trout  
**Date:** Friday, August 5, 2022 12:31:19 PM

---

I support hoot owl regulations for cutthroat trout streams when the trigger hits 66 degrees.

Sincerely,  
Bridgar Hill

1124 West Park Street #10  
Livingston, Montana 59047  
2022 August 05  
406-868-5076

**From:** [Kathy H](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Regulations  
**Date:** Tuesday, July 26, 2022 3:28:39 PM

---

I support **new Hoot Owl regulations** to protect **Cutthroat Trout**. Science shows that Cutthroat Trout are more sensitive to warmer temperatures than non-native trout and are stressed at water temperatures over 66 degrees Fahrenheit.

I support continuing the 73-degree trigger for streams primarily inhabited by non-native species.

I do not support any automatic re-opening. Water temperatures should inform re-opening dates.

Kathy Heffernan  
3851 Duncan Drive  
Missoula, MT 59802

**From:** [Mulbay 375](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Restriction Changes ARM 12.5.507 and 12.5.508  
**Date:** Friday, July 22, 2022 4:35:29 PM

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Thank you for the opportunity to comment on this proposal. I am a lifelong Montana resident (73 years) and have been fishing our rivers since I was a child. I have seen many changes to our rivers, unfortunately many are not for the better. It is for this reason I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout. However, I do not support shortening the Hoot Owl season from September 15 to August 31. In recent years fall temperatures are remaining high. If anything, the hoot owl season should be extended, not shortened. Ideally the criteria for ending the hoot owl restrictions would be based on river conditions alone, not on an arbitrary date. If a mandatory date is going to still be implemented, I support the September 15 date or later, not August 30.

Regards,  
Dwight Young  
Missoula MT 59801

**From:** [Clay Hall](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Restriction Support  
**Date:** Saturday, July 23, 2022 8:02:20 AM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

All the best,

Clay B. Hall  
125 Hitching Post Rd.  
Bozeman MT 59715  
M) 406-599-1250  
E) claybhall@gmail.com

**From:** [pinhead001@gmail.com](mailto:pinhead001@gmail.com)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot owl restrictions  
**Date:** Friday, July 22, 2022 2:27:19 PM

---

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.*

*Thank you in advance for your consideration.*

Chris Nelson  
23 Marina Crest Ln  
Whitefish, MT 59937

**From:** [Ellen Sliwinski](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Restrictions Comments  
**Date:** Thursday, August 4, 2022 10:19:33 AM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Ellen Sliwinski  
Missoula, MT*

**From:** [Philip Naro](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Restrictions in the Administrative Rules of Montana (ARM)  
**Date:** Tuesday, July 26, 2022 10:32:11 AM  
**Importance:** High

---

Good Morning:

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, ***I believe a September 15 date will continue to best protect our fisheries.*** I oppose shortening the season at this time. Thank you in advance for your consideration.

Best regards,

Philip Naro  
Bozeman, MT  
(406) 595-6663  
[pnaro21@gmail.com](mailto:pnaro21@gmail.com)

**From:** [Haley Sir](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Restrictions Proposal  
**Date:** Monday, July 25, 2022 10:32:14 AM

---

Hello,

As an avid angler and backcountry enthusiast, I thank you for the opportunity to comment on the hoot owl restrictions proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system, with the exception of shortening the Hoot Owl season from September 15 to August 31. There is no detailed rationale as to why the restrictions should be moved 15 days earlier when the need for protection remains. Our changing climate has only made conditions hotter and drier longer into the summer. As temperatures continue to exceed normal values, I believe the September 15th date would continue to provide the best protection for our fisheries.

Thank you for your consideration,

Haley Sir  
Butte, MT



**From:** [Casey Phelps](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot owl restrictions  
**Date:** Friday, July 22, 2022 9:08:23 PM

---

Hello My name is Casey Phelps from Helena.

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Casey Phelps*

**From:** [William Hudson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl rules  
**Date:** Friday, July 22, 2022 3:46:06 PM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

William G Hudson  
153 Carney Lane  
Whitehall, MT 59759

**From:** [Christopher Moore](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot Owl Season  
**Date:** Friday, July 22, 2022 1:57:54 PM

---

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Chris D. Moore  
Bigfork*

**From:** [Jeff Buszmann](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Hoot owl  
**Date:** Friday, July 22, 2022 2:16:53 PM

---

Hello,

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

Also, we've seen the need for these restrictions start earlier each year. It is needed on the Bitterroot right now. And for as many guides and outfitters are on the Blackfoot, those fish hardly stand a chance.

-

Jeff Buszmann, SRA  
Streamline Appraisals, LLC  
Missoula, MT 406-493-0085

**From:** [John Haller](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] I support new Hoot Owl regs  
**Date:** Saturday, July 23, 2022 2:30:11 PM

---

## I support new Hoot Owl regs

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout,*

***with the exception of shortening the Hoot Owl season from September 15 to August 31.***

*As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries.*

*I oppose shortening the season at this time. Thank you in advance for your consideration.*

*John Haller  
345 Blaine St.  
Missoula MT 59801*

[john@hallerweb.com](mailto:john@hallerweb.com)

**From:** [Dave Delisi](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] In Support of Revised Fishing Temperatures  
**Date:** Friday, July 22, 2022 1:46:17 PM

---

Please accept my comments indicating full support for the revision of Hoot Owl implementation thresholds. 73 is definitely too warm. The revised (proposed) temps of 68 for cutthroat streams and 60 for bull trout streams makes good sense to me and I support that revision.

Dave Delisi  
76 Sundowner Rd.  
Sheridan, MT 59749  
406-660-2709

**From:** [Doug Nation](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Modification of Current "Hoot Owl" Restrictions  
**Date:** Friday, July 22, 2022 6:38:49 PM

---

*Hello,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.*

*Best Regards,*

*Doug Nation  
Hamilton, MT*

**From:** [Clayton Elliott](#)  
**To:** [FWP Fish Comments](#)  
**Cc:** [Ryce, Eileen](#); [Roberts, Eric](#)  
**Subject:** [EXTERNAL] MTU Comments on amendments to ARM 12.5.507 and 12.5.508 pertaining to angling restriction and fishing closure criteria  
**Date:** Thursday, August 4, 2022 4:51:29 PM  
**Attachments:** [image001.png](#)  
[2022-07-18 MTUComments HootOwlCutthroatCriteria FNL.pdf](#)

---

To Whom It May Concern:

Please find attached written public comment on the amendments in the Administrative Rules of Montana (ARM) to 12.5.507 and 12.5.508 pertaining to angling restrictions and fishing closure criteria. Please don't hesitate to reach out to me directly if you need additional information or have questions about the written comments.

Thank you in advance for your consideration,

Clayton

--

**Clayton Elliott**  
*Conservation and Government Affairs Director*  
**Montana Trout Unlimited**  
[clayton@montanatu.org](mailto:clayton@montanatu.org)  
15 S. Excelsior Ave  
Butte, Montana 59701  
o: 406-543-0054  
c: 307-272-6298  
[www.montanatu.org](http://www.montanatu.org) [[montanatu.org](http://montanatu.org)]







August 4, 2022

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

Montana Fish, Wildlife, and Parks  
ATTN: Fisheries Division  
P.O. Box 200701  
Helena, Montana 59620-0701

**Re: In the matter of the amendment of ARM 12.5.507 and 12.5.508 pertaining to angling restriction and fishing closure criteria**

*Submitted via email to [fwpfishcomments@mt.gov](mailto:fwpfishcomments@mt.gov)*

To Whom It May Concern:

Thank you for the opportunity to provide written comments on the notice of public hearing and proposed amendment to the Administrative Rules of Montana (ARM) in the matter of ARM 12.5.507 and 12.5.508 pertaining to angling restriction and fishing closure criteria. We have reviewed the proposal and have worked closely with the staff in the Fisheries Division of Montana Fish, Wildlife, and Parks (Department). As such, we wish to go on record supporting the amendment, with small caveats found in our comments, proposed by the Department to the ARM in relation to angling restrictions and closures related to drought conditions. We look forward to attending the public hearing to share these thoughts as well.

Founded in 1964, Montana Trout Unlimited (MTU) is the only statewide grassroots organization dedicated solely to conserving, protecting, and restoring Montana's coldwater fisheries. MTU is comprised of 13 chapters across the state and represents approximately 5,000 members and friends. Many of our members are conservation-minded anglers who have an active interest in the health and recreational values of our state's rivers and streams.

After review of the proposed amendment to ARM offered by the Department, we summarized our feedback into these major issues:

- Angling Restriction and Fishing Closure amendments to create a cutthroat specific temperature criterion, new language in 12.5.507(1)(b)(ii):
  - MTU strongly **supports** the creation of a new criteria for cutthroat streams in

the ARM of 66 degrees, in addition to the existing carve out of 60 degrees for bull trout streams. Over the course of the last eighteen months the Department has undertaken a significant review of the relevant scientific literature and completed their own analysis of the impact of angling pressure and water temperature on native fishes, specifically cutthroat. That body of science clearly indicates that cutthroat experience higher mortality than their nonnative counterparts because of angling in higher water temperatures, and that the threshold is well below the current 73-degree trigger in the ARM. In fact, that research strongly demonstrates that cutthroat trout experience significant mortality at temperatures of 68 degrees, meaning that we must seek to reduce angling pressure at temperatures below that mortality threshold. Therefore, we support the change in ARM to create a new 66-degree threshold for cutthroat to reduce the pressure from angling on these species during periods of higher water temperatures and reduced flow. We continue to support the 60-degree threshold for bull trout streams that have a demonstrated even greater sensitivity to warmer water temperatures.

- MTU **supports** continuing the existing criterion of 73 degrees in 12.5.507(1)(b)(i) for nonnative salmonid streams that has been in place for years, along with the additional discretion offered to the Department to enact the restrictions and closures that are outlined in this proposal. The most important thing is that we have protections in place when the conditions outlined in the ARM are met, and we can support maintaining 73 degrees for nonnative salmonids because the science seems to support it is an adequate protection for these species, when the restrictions are implemented. However, we do ask that the Department continue to stay up to date with emerging science and research on the impacts of angling at higher temperatures for all coldwater fish species and make changes appropriately to that guidance.
- Reopening waters issues, amendments to 12.5.508:
  - Change of date from September 15 to August 31 in 12.5.508(1):
    - MTU strongly **opposes** this change because we see no detailed rationale as to why we are going to sunset any restrictions 15 days earlier when the days are still longer, the temperatures are higher, and the need for protections remains in place. Meteorological evidence supported September 15<sup>th</sup>, which is why the date was chosen in the original language in 2008. Since 2008, the changing climate has only made conditions hotter and drier longer into the summer. Further, this change would move the sunset to immediately before the long holiday weekend where many anglers are on the water and brown trout are staging to spawn in many of our streams. Given the challenges facing brown trout in many Southwest Montana streams, we should not be combining still elevated water temperatures with a busy angling weekend. In fact, we should be considering moving the date back 15 days to September 30<sup>th</sup> given those circumstances. Under that proposal,

- if the conditions warrant, the protections remain in place and are not arbitrarily sunsetted based on a random date on the calendar. Without a clear evidence-based articulation for why this change is needed or advisable, we suggest it be abandoned in the final rule in exchange for a lot of positive changes elsewhere in this proposal.
- Lifting criteria for cutthroat trout streams, new language in 12.5.508(3):
    - MTU **supports** the new language proposed as criteria for lifting restrictions or closures on streams managed for cutthroat trout.
    - MTU **supports** maintaining the reopening criteria for nonnative salmonid streams at 70 degrees for three consecutive days.
  - Clear articulation of flexibility language around lifting restrictions or closures, new language in 12.5.508(5):
    - MTU **supports** the inclusion of this language that provides clear discretion to the Department for delaying reopening waters that are subject to restriction or closure. It also provides greater certainty to the angling public to the reasons that restrictions or closures may persist beyond the reading on a temperature gage. There is some art to implementing these sections of rule, and this new language provides more direct flexibility to the biologists to assess conditions and make informed decisions about reopening waterbodies. One of those tools is to look at the forecasted weather conditions to avoid removing protections that will be needed again within days, avoiding confusion to the public and providing protection to the fisheries. But we also strongly support allowing the biologists to assess the conditions related to habitat security for fish from issues beyond a water temperature reading as well as potential for spillover impacts from restrictions on other adjacent waterbodies that may increase angling pressure (i.e., angler displacement from regulation).
  - Use of Statewide Fisheries Management Plan (Plan) in criteria determination, new language in 12.5.507(1)(b)(i-iii):
    - MTU **supports** the use of the Plan in determining which waterbodies will be deemed nonnative salmonid, cutthroat, and bull trout priority streams. The Plan should clearly and thoroughly outline the specific streams and reaches that are subject to each criterion in the this ARM, which is something that has not existed before. For example, even though there has been a specific criterion for bull trout in the ARM, it has to our knowledge not been implemented because there is no clearly identified streams or reaches of streams that are identified for it to be subject to it. In order to remedy that problem, MTU believes that we need to have clearly identified streams and reaches subject to each of the criterion in this proposal, and we will be actively involved with the Department in the development of the Plan to ensure that it is protective of our native fisheries. Creation of these new criteria will only be as effective as to the extent of the identification of streams and reaches in the Plan encompasses an

honest assessment of which waterbodies are subject to which criterion. We urge the Department to err on the side of protection for these resources.

- Shift “other biological or environmental conditions” standard to 12.5.507(1) from (2):
  - MTU **supports** the shift of this language to 12.5.507(1) from (2) because it makes these types of conditions eligible for use to meet the criteria for implementing fishing restrictions and closures, not just the latter. The new language in 12.5.507(2)(a) now allow for when the “conditions of (1) develop or degrade” that a fishing closure, beyond just a restriction, is eligible. This is a positive change as we see a variety of potentially adverse conditions developing that may cause stress to our fisheries that necessitate angling restrictions and closures, beyond water temperature or flow.
- Delay of implementing restrictions and closures, new language found in 12.5.507(3):
  - MTU is **neutral** on the new section (3) in 12.5.507, in part because we understand that it must be read in the context of 12.5.508 (Reopening Waters), specifically new language in 12.5.508(5). On its own, this language would give us concern because MTU does believe that if the criteria are met, the restrictions should be implemented, yet we are willing to see the broader context and objective of avoiding on and off cycles of restrictions.
- Other technical issues
  - In our review of the proposal, we found two technical issues that should be resolved in the final rule. First, the renumbering and ordering in 12.5.507 should move the criterion of (iv) that deals with flow percentiles below the bull trout stream criteria in (iii). Second, there is inconsistent language in 12.5.507(i) to (ii-iii), and we would suggest all three should use “equal to or exceed” rather than using “reach or exceed” in (i) but not (ii) and (iii).


MTU supports this proposal because it takes a protective and proactive approach to managing our world-class coldwater fisheries in the face of increasing water temperatures, decreasing flows, changing water conditions, and persistent drought. While in past years we may have seen only a handful of restrictions and closures because of drought conditions, 2021 taught the angling community that this is the new normal in the face of a changing climate and hydrological patterns. We believe that anglers, many of them our members, are ready to be part of the solution to conserve and protect these resources, especially as so many other water users are tightening their belt and sharing in the sacrifices to keep more water in our streams. This proposal helps get us all there.

Please do not hesitate to contact us with any questions, or if you need additional information regarding the comments that we have submitted (via email at [clayton@montanatu.org](mailto:clayton@montanatu.org) or by phone at 406-543-0054). Again, we thank you for the opportunity to provide public comment on this important topic.

Respectfully,



David Brooks  
Executive Director  
Montana Trout Unlimited



Clayton Elliott  
Conservation Director

**From:** [Marcus Strange](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] MWF Comments on Dought ARM Updates  
**Date:** Friday, August 5, 2022 12:02:08 PM  
**Attachments:** [August 2022 Commission Comments - DROUGHT ANGLING RESTRICTION AND FISHING CLOSURE ARM.pdf](#)

---

To whom it may concern,

Please find the attached comments from MWF on the Dought ARM updates. Please confirm receipt of this email and our comments.

Best,



**Marcus Strange (He/Him)**

Director of State Policy and Government  
Relations  
Montana Wildlife Federation

- [\(406\) 916-2585](tel:4069162585)
- [mstrange@mtwf.org](mailto:mstrange@mtwf.org)
- [www.montanawildlife.org](http://www.montanawildlife.org)  
[\[montanawildlife.org\]](http://montanawildlife.org)
- PO Box 1175, Helena, MT, 59624



[\[facebook.com\]](#) [\[linkedin.com\]](#) [\[instagram.com\]](#)

[Become a Wildlife Advocate](#)

[\[montanawildlife.org\]](http://montanawildlife.org)

*I gratefully acknowledge I live, work, hunt, fish, and grow in the homeland of the Niitsítapiis-stahkoií and Salish Kootenai. Visit <https://native-land.ca/> [\[native-land.ca\]](#) to learn more about the Indigenous land where you live.*



Protecting Montana's wildlife, land, waters, and  
hunting & fishing heritage for future generations.

5 August 2022

### **Montana Wildlife Federation**

40 West Lawrence Street  
PO Box 1175  
Helena, MT 59624

### **Montana Fish, Wildlife & Parks Commission**

PO Box 200701  
Helena, MT 59620

### **Re: DROUGHT ANGLING RESTRICTION AND FISHING CLOSURE ARM**

To whom it may concern,

The Montana Wildlife Federation (MWF) is the state's largest hunter and angler advocacy organization consisting of thousands of Montanans who value sound fish and wildlife management and our storied hunting and outdoor legacy. Together with our nineteen (19) affiliated clubs, we ensure that wildlife conservation dollars and efforts are efficiently spent on wildlife-related activities, promote sound biology in managing our state's wildlife, and safeguard our hunting heritage. Our fishers and stream access are some of the most cherished outdoor resources in Montana. For this reason, we are grateful to be able to comment on the Drought Angling Restriction and Fishing Closure ARM.

Based on the documents provided and information outlined by the Department of Fish, Wildlife, and Parks (FWP), MWF recommends that the Commission **adopt the proposed amendments to ARM 12.5.507 and 12.5.508** to incorporate criteria for cutthroat trout fisheries and adjusting criteria to allow the department flexibility to delay implementation or lifting a restriction during short-term events.

### **Elements of the proposed ARM amendments we SUPPORT:**

- MWF supports the creation of a new criteria for cutthroat streams in the ARM of 66 degrees, in addition to the existing carve out of 60 degrees for bull trout streams.
- MWF supports continuing the existing criterion of 73 degrees in 12.5.507(1)(b)(i) for nonnative salmonid streams that is currently in place along with the added

flexibility offered to the Department to enact the restrictions and closures that are outlined in this proposal.

- MWF supports the new language in 12.5.508(3) which proposes criteria for lifting restrictions or closures on streams managed for cutthroat trout and maintaining the reopening criteria for nonnative salmonid streams at 70 degrees for three consecutive days.
- MWF supports the inclusion of language that provides flexibility to the Department for delaying reopening waters that are subject to restriction or closure in 12.5.508(5).
- MWF supports the use of the Plan in determining which fishiers will be deemed nonnative salmonid, cutthroat, and bull trout priority streams. This will provided clarity and certainty moving forward.
- MWF supports the shift of language from 12.5.507(1) from (2). This change allows the new language in 12.5.507(2)(a) to now allow for the “conditions of (1) develop or degrade”, making a fishing closure, beyond just a restriction, eligible. There are many conditions that would necessitate a closure and this allows for that to be considered.

#### **Elements of the proposed ARM amendments we OPPOSE:**

- MWF opposes the change of date from September 15 to August 31 in 12.5.508(1). Without detailed justification for this change of date, we recommend that department reevaluate this recommendation and at a minimum maintain the current date of September 15th.

We are grateful for the proactive approach the fisheries Division and Commission are taking to protect our charish fisheries. This is a unique opportunity before us to be visionary in how we manage our public resources. MWF strongly recommends the Commission adopt the proposed amendments to **ARM 12.5.507 and 12.5.508**. Please don't hesitate to reach out if we can be of assistance in anyway.

Sincerely,



Marcus Strange  
Director of State Policy and Government Relations  
Montana Wildlife Federation



**From:** [Howe Crockett](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed changes for ARM 12.5.507 and 12.5.508 and the Hoot Owl system  
**Date:** Friday, July 22, 2022 1:02:52 PM

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Montana Department of Fish, Wildlife and Parks,

I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.

Thank you for your consideration.

Howe Crockett  
Helena, MT

**From:** [Meg Casey](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed Changes to Hoot Owl Regs  
**Date:** Friday, July 22, 2022 2:27:05 PM

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Hello FWP and Commission,

Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.

Thank you in advance for your consideration.

Meg Casey  
Bozeman

**From:** [Chuck Gibson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed Changes to Hoot Owl Restrictions  
**Date:** Sunday, July 24, 2022 8:32:58 AM

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Montana FWP,

As an avid fly fisherman, I have seen the devastating effects of warm water on cutthroat and bull trout. I support lowering the Hoot Owl kickin temperatures to 66F for cutthroat streams and 60F for bull trout streams. I urge you to pass the proposed changes for ARM 12.5.507 and 12.5.508.

I do not support shortening the Hoot Owl season from September 15 to August 31. Since it is common to have an early Fall heat wave, I believe the Hoot Owl season should be lengthened to September 30.

Sincerely,

Chuck Gibson  
Hamilton, MT

**From:** [Judy Tsiang](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed Hoot Owl changes  
**Date:** Tuesday, July 26, 2022 7:15:38 PM

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Dear Fish, Wildlife and Parks,

One of the reasons I retired to Montana was for its spectacular fishing. In the ten short years I've been living in Bozeman, I've come to learn just how imperiled our fisheries are. I especially cherish our native cutthroat trout, which I've come to appreciate since I was a kid, when our family vacationed here from Illinois every summer.

I strongly support the changes proposed to lower the temperature at which Hoot Owl restrictions would kick into effect (ARM 12.5.507 and 12.5.508, from 73 to 66 degrees). However, I do oppose shortening the reopening of waters from September to August (ARM 12.5.508(1)). It is still very warm in September!

Our cutthroat trout exist nowhere in the world but here. They are threatened not only by non-native fish but warmer water temperatures. Having Hoot Owl restrictions trigger at a lower temperature is something that we can easily do to help them. Let's do it!

Sincerely,

Judy Tsiang  
Bozeman

**From:** [MICHAEL ENK](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed Hoot Owl restriction changes  
**Date:** Saturday, July 23, 2022 1:15:52 AM

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*Fish Manages,*

*I am sending this message to support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system specifically designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. No scientific analysis has been presented to justify this shortening of the Hoot Owl season, especially when one considers how climate change is exacerbating the seasonal warming of Montana's rivers and streams. We must use all management tools available to help mitigate the warming trends that have become increasingly evident on some of our most valuable trout streams.*

*Thank you in advance for your consideration.*

Michael Enk  
PO Box 1408  
Great Falls, MT 59403

[trouter@q.com](mailto:trouter@q.com)

**From:** [Timothy Pinson](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Proposed Hoot Owl system changes  
**Date:** Monday, July 25, 2022 11:51:36 AM

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*Greetings,*

*Thank you for the opportunity to comment on this proposal. I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31.** As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time.*

*Thank you for your consideration.*

*Timothy H Pinson  
P. O. Box 70  
Gallatin Gateway, Montana 59730*

*406-995-4757*

**From:** [giffee@blackfoot.net](mailto:giffee@blackfoot.net)  
**To:** ["fwpfishcomments@mt.gov"@mx0a-003c7b01.pphosted.com](mailto:'fwpfishcomments@mt.gov'@mx0a-003c7b01.pphosted.com)  
**Subject:** [EXTERNAL] protect cutthroat trout  
**Date:** Sunday, July 24, 2022 11:50:48 AM

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Hello,

Thank you for the opportunity to comment on this proposal. I am writing on behalf of my wife and myself. We are both avid anglers and Lifetime Members of Trout Unlimited.

“Hoot owl hours” limitations on fishing has proven to be hugely beneficial for our trout fisheries when water temperatures get too hot. We support the changes proposed for ARM 12.5.507 and 12.5.508 and the “hoot owl” system designed to protect native cutthroat trout.

However, we DO NOT support the shortening the “hoot owl” season from September 15 to August 31. This makes no sense to us. Why would you improve fish survival with expanded “hoot owl” temperature regulations and then take it away by rolling back the effective date by 2 weeks into the heat of August? As temperatures continue to exceed normal values, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thank you in advance for your consideration.

Gary Fee & Jo Burris  
1101 Terrace View Dr.  
Alberton, MT 59820  
406-722-0009

**From:** [Brooks Scott](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Public Comment on ARM 12.5.507 and 12.5.508  
**Date:** Tuesday, July 26, 2022 9:52:45 AM

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Dear FWP Commissioners:

I support the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, **with the exception of shortening the Hoot Owl season from September 15 to August 31**. With the widening impacts of climate change we are seeing much warmer temperatures much later into the fall and these continue to adversely affect our fisheries, therefore it makes little sense to shorten the Hoot Owl season. I oppose shortening the season at this time. Thank you in advance for your consideration and for the opportunity to comment on this proposal.

Brooks Scott  
Livingston



**From:** [Cary Griffin](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Revision of Hoot Owl Regs  
**Date:** Saturday, July 23, 2022 6:50:52 AM  
**Attachments:** [image001.png](#)

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Dear friends,

We live just below the Florence Bridge and the Bitterroot runs behind our back pasture. We see more and more people fishing these days than in the past. Many don't seem to understand the delicate balance between heat, dissolved oxygen and fish mortality. Therefore, I am especially encouraged by the changes proposed for ARM 12.5.507 and 12.5.508 and the Hoot Owl system designed to protect native cutthroat trout, with the exception of shortening the Hoot Owl season from September 15 to August 31. As the planet warms, I believe a September 15 date will continue to best protect our fisheries. I oppose shortening the season at this time. Thanks much for staying on top of this critical issue. I'd also like the commission to seriously consider establishing catch and release fishing below Florence Bridge as the pressure from fishing (locals, tourists and guides) and summer water temps have increased considerably over the past couple decades.

Sincerely,

Cary Griffin and Ellen Condon

Cary Griffin  
Griffin-Hammis Associates  
5582 Klements Lane  
Florence, MT 59833 USA  
(406) 360-2430  
[griffinhammis.com](http://griffinhammis.com) [[griffinhammis.com](http://griffinhammis.com)]

“Experience is what you get when you don't get what you want.”

R. Pausch



**From:** [katieanderson99@gmail.com](mailto:katieanderson99@gmail.com)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Support for FWP efforts to improve Hoot Owl  
**Date:** Monday, July 25, 2022 9:15:23 AM

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As Montana resident and a Montana rivers protector I fully support your efforts to further restrictions to protect cutthroat and to keep restrictions in place until the science tells you to remove them- not the commercial interests.

**Katie Anderson**

3300 E. Graf St. #43  
Bozeman, MT 59715  
313-407-0779

**From:** [Noel Treat](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] Support for Most of the New Hoot Owl Regulations  
**Date:** Friday, July 22, 2022 1:00:27 PM

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Hello-

I support the proposed changes to the Hoot Owl regulations to better protect cutthroat trout. I do not support shortening the timeline of the Hoot Owl automatic sunset to Aug. 31. Please reject that proposed change and adopt the rest.

Thank you.

Noel Treat  
Potomac, MT

**From:** [Joe](#)  
**To:** [FWP Fish Comments](#)  
**Subject:** [EXTERNAL] water temperatures  
**Date:** Thursday, July 28, 2022 1:33:19 PM

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TWIMC:

Please follow the results of hard science. I support reducing the water temperature threshold in streams holding cutthroat trout when moving to hoot-owl restrictions. The future only portends to be hotter. Let's do the right thing today and establish critical benchmarks for keeping our native fish healthy.

Joe Toth  
Missoula, MT  
406-274-0423

**From:** [Russell, Jo](#) on behalf of [FWP General](#)  
**To:** [FWP Fishing](#)  
**Subject:** FW: New restrictions for MT native trout streams  
**Date:** Wednesday, August 3, 2022 11:21:39 AM

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**From:** Fred Vanhorn <Vanhorn4@hotmail.com>  
**Sent:** Tuesday, August 2, 2022 11:45 AM  
**To:** FWP General <fwpgen@mt.gov>  
**Subject:** [EXTERNAL] New restrictions for MT native trout streams

I am a Montana resident, a trout fisher and a member of Montana Trout unlimited.

I'm writing in support of proposed changes to regulations that will lower the temperature(s) at which "Hoot Owl" restrictions go into effect on rivers and streams that carry native Cutthroat and Bull trout.

Though I love to fish, I am more concerned about the welfare of these fish than my own recreation.

With higher temperatures due to climate change, and with increasing numbers of people using our rivers and streams, it is becoming ever more important to protect our native fish.

In view of these factors, especially the warming temperatures, I disagree with one part of the proposal. The 'Hoot Owl' restrictions should still be in effect until Sept. 15<sup>th</sup>, rather than changed to August 31<sup>st</sup>.

Thank you for your consideration.

Lynne Vanhorn  
Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows

**From:** [Russell, Jo](#) on behalf of [FWP General](#)  
**To:** [Milligan, Valisa](#)  
**Subject:** FW: proposed Hoot Owl changes  
**Date:** Wednesday, July 27, 2022 8:57:39 AM

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**From:** Ellis, Richard <[Ellis\\_R@fortlewis.edu](mailto:Ellis_R@fortlewis.edu)>  
**Sent:** Tuesday, July 26, 2022 8:18 PM  
**To:** FWP General <[fwpgen@mt.gov](mailto:fwpgen@mt.gov)>  
**Subject:** [EXTERNAL] proposed Hoot Owl changes

I support the proposed changes to the Hoot Owl policy.

Richard Ellis  
669 Groff Ln  
Stevensville MT 59870

FWP.MT.GOV



THE OUTSIDE IS IN US ALL.

*MT FWP has changed. Sam disappointed in policies that are moving toward commercialization of our wildlife (including hunting methods, trapping, promoting trophy hunts through permits, catch-and-release, fishing involving putting on injured fish back in the water). I vote for more humane management of our wildlife.*

*my comments inside*  
*ph*

Montana Fish, Wildlife & Parks  
PO Box 200701  
Helena, MT 59620  
June 27, 2022

### FWP seeks comment on several proposals for August 25 commission meeting

HELENA – Montana Fish, Wildlife & Parks is seeking public comment on several proposals slated to go to the Fish and Wildlife Commission in August. Under the new commission process, FWP is taking public comment on these proposals now and will present the collected comments and proposals to the commission for their review and decisions on Aug. 25. Commissioners can offer amendments to the proposals as they see fit. The proposals and supporting documents, commissioner amendments and collected public comment will be available on the FWP website two weeks prior to the commission meeting.

The commission will make a final decision on these proposals at its Aug. 25 meeting.

To comment and for more information on these proposals, go online to <https://fwp.mt.gov/aboutfwp/commission/meeting>

### Fall 2022–Winter 2023 Furbearer and Wolf Trapping and Hunting Seasons and Quotas

The department recommends the commission adopt the furbearer and wolf trapping and hunting regulations as presented. Below are the proposed changes to the regulations adopted last year.

- Recommend reducing the quota for bobcat within Trapping District (TD) 1 from 275 to 225.
- Recommend reducing the quota for bobcat within TD 5 from 200 to 100.
- Recommend including the opportunity to purchase a C-4 license to hunt bobcats as established by SB 60 from the 2021 legislative session. A hunter that purchases a C-4 license to hunt bobcat may harvest the per person limit under the one C-4 license. (A hunter does not need to purchase multiple C-4 licenses to harvest more than one bobcat).
- Recommend reinstating the requirement that trappers are required to personally present the pelts of marten for tagging to a designated FWP employee within 10 days after the close of the season (see attached for specific language).

*Added bobcat harvest*



- Recommend amending the commission regulation on pelt possession by fur dealer license holders to include tagged marten pelts (see attached for specific language).
  - Recommend eliminating all wolf management units (WMUs), except for combining former WMUs 313 and 316 into a new WMU 313.
  - Recommend establishing a harvest quota of 10 wolves in total for trapping and hunting in WMU 313.
  - If a quota is instituted and when a season quota is reached, the trapping and hunting season will close upon a 24-hour notice, but no later than March 15, 2023.
  - Recommend establishing a total quota of 100 wolves to be authorized by the commission in increments of 25 in accordance with MCA 87-1-901 section 3(c), commonly known as SB 200.
  - Recommend managing wolf harvest primarily by trapping district.
  - Recommend maintaining the floating start date for wolf trapping within the identical described area last year, except within trapping districts or portions of trapping districts (rather than wolf management units) in or near occupied grizzly bear habitat.
- Unchanged are recommendations for thresholds as approved by the commission in 2021, with the only exception being that the threshold for total harvest and harvest in TD 3 excludes those wolves harvested within WMU 313.

#### **Pheasant releases for recruiting and retaining hunters**

In the 2021 Legislative session, House Bill 637 authorized the department to spend up to \$1 million each year for a pheasant-stocking program focused on recruiting and retaining hunters. FWP is seeking final approval for a five-year period, calendar years 2022 through 2026, to release pen-raised pheasants on state-owned lands within suitable pheasant habitat for recruitment and retention efforts.

#### **Cornell Park Fishing Access Site (FAS) Acquisition (Region 3)**

In 2020, the commission approved FWP to analyze the acquisition and development of the Cornell Park Fishing Access Site on the Beaverhead River near Dillon. That process is complete and FWP is asking the commission to authorize the department to acquire the site.

#### **Sha Ron FAS Site MDT Recreation Permit (Region 2)**

Last August, the commission approved FWP's request to look at expanding, acquiring, and developing a new parking and access area that is near the existing Sha Ron Fishing Access Site on the Clark Fork River near Missoula. That process is complete and FWP is asking for commission approval to obtain a no-cost recreation management permit from the Montana Department of Transportation (MDT) to accommodate the parking expansion and additional river access on an MDT site to the northeast of Sha Ron.

#### **Amend Angling Restriction and Fishing Closure Administrative Rules, 12.5.507 and 12.5.508, ARM**



In 2008 the commission adopted an administrative rule for implementing angling restrictions or closures during periods of drought. The department is proposing to change these rules to incorporate criteria for cutthroat trout fisheries and to provide additional guidance for when a restriction or closure will be implemented or lifted. FWP data and other research has found that the current restriction and closure criteria for salmonids (daily maximum temperatures reach or exceed 73 degrees Fahrenheit any time of day for three consecutive days) exceeds the mortality threshold for cutthroat trout. The department has determined that adopting criteria at 66 degrees Fahrenheit for cutthroat fisheries would better reduce angling impacts to cutthroat during drought.

Other proposed changes are intended to avoid scenarios where restrictions or closures would be implemented or lifted over a short period of time before a closure or restriction would be re-implemented or lifted again (i.e., an on-again-off-again scenario).

The proposed rule language will be posted on July 8. Public comment will be taken until Aug. 5.

### **Future Fisheries Improvement Projects, Summer 2022 funding cycle**

The Future Fisheries Improvement Program (FFIP) continues to provide funds for projects that restore fishery habitats in streams, rivers and lakes for the benefit of wild fisheries. Applications are reviewed twice each year by the 14-member Citizen Review Panel appointed by the Governor. Recommendations are forwarded to the commission every six months for consideration and approval. For the Summer 2022 funding cycle, the Citizen Review Panel recommends funding eight of nine submitted proposals at a program cost of \$238,810. Matching funds total \$950,735, producing a ratio of \$4 in external contributions to every \$1 of FFIP funding.

Current applications, recommendations, and ranking information can be found on the FFIP website at <https://fwp.mt.gov/ffip> under *Summer 2022 Grant Applications and Meeting Materials*.

### **Big Snowy Mountains WMA Fee Title Acquisition, Region 5**

FWP is proposing that the commission approve FWP purchasing approximately 5,677 acres in the foothills of the Big Snowy Mountains near Rygate. The property provides valuable habitat for wintering big game and other wildlife. The property would also support public recreation and access to adjacent public lands.

### **Nongame Tax Check-off Workplan**

The nongame wildlife tax check-off account is a state special revenue fund provided for in 17-2-102, MCA. All money collected under 15-30-2387 and now 4% of the marijuana taxes deposited under 16-12-111 goes into this account. Money in the account must be used by the department for research, management, and education programs for nongame wildlife in Montana. The nongame program uses Montana's State Wildlife Action Plan (SWAP) to prioritize nongame

*Waters are hot!*  
*and water is really hot!*  
*End catch and release things!*  
*Can you monitor to prevent overuse?*



survey, management, and conservation efforts. The SWAP identifies 128 Species of Greatest Conservation Need, as well 13 aquatic and 14 terrestrial Community Types of Greatest Conservation Need. Under the provisions of 87-5-122, MCA, "the FWP Commission shall review and annually approve the nongame wildlife program's projects recommended by the department for funding from the nongame wildlife tax check-off account. The commission shall provide for public comment during the review and approval process."

The FY23 appropriation for the nongame tax-check off is \$46,384 and the appropriation for the marijuana tax is \$1,082,000. While this is a large increase in funding, the gap between the funds that have been available, and the funds needed to meet program objectives and obligations has significantly limited program success. New funding will increase opportunities to partner with landowners, universities, conservation organizations, and outdoor recreationists.

### **Approval of Request to Translocate Sage-Grouse to Alberta, Canada, in 2023**

Alberta Environment and Parks is requesting that the commission authorize the translocation of 40 sage-grouse during spring 2023. This project was originally evaluated under the 2015 environmental assessment and the supplemental evaluation completed in 2022.

FWP is proposing to translocate sage-grouse to Alberta as outlined in the EA. The benefits to Montana include supplementing an international trans-boundary population and international expansion of sage-grouse range, which may be influential in future federal species status reviews and listing considerations.

*Work with and fund for protected native sage grouse*

### **Programmatic Approval of Long-term Leases of Priority Habitat**

FWP has identified certain habitats as priority for conservation because of their importance to a wide variety of fish and wildlife species and has developed long-term habitat conservation leases as another tool to secure those habitats for long-term conservation. A Habitat Conservation Lease is a voluntary, incentive-based agreement between FWP and private landowners in which the landowner commits to specific land management actions that perpetuate effective wildlife habitat. These agreements would have a term length of 30 and 40 years. Public hunting access would be required at a level that is consistent with potential opportunity.

FWP is seeking programmatic approval by the commission of up to 500,000 acres of conservation leases that are consistent with the decision notice for the programmatic EA that will be completed for the conservation lease program. The initial focus of the conservation lease program would be sagebrush-grassland habitats, with a priority on sage-grouse core area habitat. That focus would be expanded to other priority habitats in subsequent years. Funding for the conservation lease program would be earmarked Habitat Montana funds, Pittman-Robertson funds, and other sources dedicated to specific habitat types (e.g., wetlands).



### **Selection of Organizations to Auction 2023 Moose, Sheep, Goat, Mule Deer and Elk Licenses**

ARM 12.3.801 and 12.3.802 establish the criteria and process for selecting conservation organizations to conduct the moose, sheep, goat, mule deer, and elk license auctions/lotteries. Montana Fish, Wildlife & Parks solicited proposals to conduct the auctions/lotteries. The commission decides which organization is awarded the license(s) for distribution through auction or lottery.

Submission period for proposals is still open. Proposals will be posted on the commission prior to the Aug. 25 meeting.

### **Amendments to ARM 12.9.1403 Grizzly Bear Demographic Objective for the Northern Continental Divide Ecosystem**

In 2018, the commission passed a regulatory mechanism for grizzly bear management in the event the Northern Continental Divide Ecosystem (NCDE) grizzly bear population was delisted, and management authority transferred to the State of Montana. The administrative rule, entitled Grizzly Bear Demographic Objectives for the NCDE, intended to provide for management objectives that would ensure the continued recovered status of grizzly bear upon delisting.

FWP is proposing amendments that maintain the substance of the current ARM language while confirming that hunting and loss of bears to translocation of grizzly bears out of the NCDE have been and will continue to be managed sources of mortality measured and considered among other mortalities in 12.9.1403.

The proposed rule language will be posted on July 8. Public comment will be taken until Aug. 5.

### **Final adoption of motorized boating restrictions on the Boulder River as proposed by the Boulder River Citizens Advisory Committee**

The commission proposes to close the Boulder River and its tributaries to motorized vessels, except motorized vessels powered by machinery of 10 horsepower or less from April 1 through Sept. 30, from the confluence with the Yellowstone River to the Natural Bridge.

The proposed rule language will be posted on July 8. Public comment will be taken, including a public hearing, until Aug. 5. All public comments will be provided to the commission for their consideration and posted on the website by Aug. 11.

### **Classification Review Committee's recommendation to initiate rule making on classifying caracal cats as a prohibited species**

The commission proposes to classify the caracal cat as a prohibited species.

*Good idea!*

The rule proposal notice to list the caracal cat as a prohibited species was published on June 24. Public comment on the proposal will be collected, including a public hearing, from June 24 to July 22.

### **Amend ARM 12.11.6705 Extending Implementation Date of Madison River Commercial Use Cap**

The commission proposed language to amend ARM 12.11.6705 extending implementation of the commercial use cap on the Madison River upon adoption of an allocation method or a comprehensive river plan and rule package.

The proposed rule amendment will be posted on July 8. Public comment will be taken, including a public hearing, until Aug. 5. All public comments will be provided to the commission for their consideration and posted on the website by Aug. 11.

#### **To make a comment**

Comments will be accepted online at <https://fwp.mt.gov/aboutfwp/commission/meeting>, in writing sent to the address above, and by email to:

- For wildlife-related proposals: [fwpwld@mt.gov](mailto:fwpwld@mt.gov)
- For fishing-related proposals: [fwpfishcomments@mt.gov](mailto:fwpfishcomments@mt.gov)
- For pheasant release: [fwpgen@mt.gov](mailto:fwpgen@mt.gov)

Unless otherwise specified in the proposals, comments will be accepted until Thursday, July 21, at 5 p.m. Comments will also be taken on proposals and any commissioner amendments at the Aug. 25 commission meeting.