



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

THE **OUTSIDE** IS IN US ALL.

Meeting Date: July 14, 2022

Agenda Item: Remove Lower Madison River standing hoot owl regulation

Action Needed: Final

Time Needed on Agenda for this Presentation: 15 minutes

Background: The current fishing regulations have a hoot owl restriction (no fishing between 2 p.m. and midnight) on the Madison River from Warm Springs Day Use Area to the confluence with the Jefferson River, in effect from July 15 to August 15. The regulation was put in place due to consistently high-water temperatures on the lower Madison and also to help avoid the situation of “on again – off again” restrictions. The spring and early summer of 2022 has had more “normal” conditions with cooler air temperatures and higher flows compared to recent years. In addition, the department is working on rule changes that will help avoid some of the situations that resulted in this regulation. Lifting the regulation would not negate the ability to put a hoot owl restriction in place if necessary due to high temperatures or low flows as per Administrative Rule. The Lower Madison is the only water in the state that has a standing hoot owl regulation.

Public Involvement Process & Results: During scoping for the 2023/24 fishing regulations, the Fisheries Division received comments from the public requesting that the commission and department reconsider the standing hoot owl regulation on the Lower Madison River.

Analysis & Alternatives: The commission could decide to remove the standing hoot owl regulation on the Lower Madison, which would result in the Lower Madison having no fishing restrictions unless put in place through Administrative Rule. Alternatively, the commission could decide to maintain the regulation, and the standing hoot owl restriction would go into effect on July 15 not allowing fishing between the hours of 2 p.m. and midnight until August 15.

Agency Recommendation & Rationale: The department recommends the commission remove the existing standing hoot owl restriction on the Madison. The department will continue to use Administrative Rule authority to put hoot owl restrictions in place if necessary.

Proposed Motion: I move the Fish and Wildlife Commission remove the standing hoot owl restriction on the Madison River from Warm Springs Day Use Area to the confluence of the Jefferson River.