



September 19, 2024

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

Montana Department of Fish, Wildlife, and Parks  
ATTN: 2025/26 Fishing Regulation Scoping  
P.O. Box 200701  
Helena, Montana 59620-0701

*Submitted via email to: FWComm@mt.gov*

**Re: Montana Trout Unlimited public comments on 2025-2025 Fishing Regulation Public DRAFT Proposals**

To Whom It May Concern:

Thank you for the opportunity to provide comments on the *2025-2026 Fishing Regulation Public DRAFT Proposals*. We appreciate the opportunity to be involved in the scoping process through discussions with state and regional staff and biologists, public meetings, and stakeholder discussions. In addition, we submitted written scoping comments. We wish to continue our participation in the fishing regulation development process by offering formal written feedback as requested by the Commission on the proposals. Thank you in advance for your consideration of these comments.

Founded in 1964, Montana Trout Unlimited is the only statewide grassroots organization dedicated solely to conserving, protecting, and restoring Montana's coldwater fisheries. Montana Trout Unlimited is comprised of 13 chapters across the state and represents more than five thousand Trout Unlimited members and supporters. Several of our chapter leaders and local members helped inform the comments on the proposed changes that are found below.

Montana Trout Unlimited has great interest in the impacts of any proposed changes to Montana's fishing regulations, especially given the increasing challenges facing our native fish resources by threats like climate change, prolonged drought, historic low flows and warming water temperatures, competition and predation from non-native introduced species, and increasing water-based recreation pressures. We continue to promote fisheries management approaches that preserve and improve populations of wild fish, with a significant priority on native coldwater fish species, such as cutthroat trout, bull trout, and Arctic grayling. We also recognize the department's need to balance those efforts with angler opportunity. Fishing regulations are one tool, alongside habitat protection and

enhancement, which help accomplish the goals of native and wild fish conservation while providing angling opportunities that benefit the public while sustaining healthy fisheries.

Montana Trout Unlimited offers our support for the following proposals in the *2025-2026 Fishing Regulation Public DRAFT Proposals*:

- *Proposals on Definition of Hook (#1)*: For several reasons, we think the goal of a simple and clear definition of a hook in the regulations is important. As such we support the intent of this proposal. We propose that it would make sense to work through this definition with the angling community more before the draft regulation is published because the current attempt appears to remain confusing to many, based on the scoping hearings. We should also make sure that whatever definition results from that discussion is in line with all areas of the regulation book (i.e. the Beaverhead River in addition to the Flathead River sections).
  - Also, of note under this change, we want to call attention specifically, along with our chapter in the area (FVTU), about the science concerning impacts of angling gear. While we continue to support the single point hook approach for the Flathead system, the science does suggest that the benefits of single pointed hooks on mortality decrease without barbless hooks. Further, when we supported this change in the Flathead system part of the proposal was that the change would be subsequently evaluated. Has that evaluation been completed to date?
- *Proposal on Cleaning Fish for Transport (#2)*: We support the intent of this proposed regulation and are not concerned with the outcome. There was some confusion about the language during the scoping meetings, but it appears that the proposal is clearer now in regard to the waterbodies where size limits are in place.
- *Proposals dealing with the management of northern pike (#3, 40)*: MTU supports this change to prevent the continued expansion and spread of populations of non-native or northern pike to other waterbodies. We recognize that angler targeting, and harvest, is one necessary tool in the prevention of population growth and expansion. As such, MTU supports these changes as consistent with those goals. Moving forward, we appreciate mandatory harvest also being a considered regulatory tool, especially in the Clark Fork River/Bitterroot River system.
- *Proposal consolidating regulation of Kids Trout Fishing Ponds (#4)*: MTU believes this is an instance where consolidation of regulations makes sense and has no biological impact. We are comfortable with the proposal.
- *Proposals on managing cutthroat trout in Western Montana (#9, 15, 31, and 32)*: The proposals to expand catch and release angling for cutthroat trout in the Bull River, Fishtrap Creek, Vermillion River, and West Fork of the Thompson River make biological sense, have a demonstrated need, and MTU supports these regulation changes.
- *Proposal on Echo Lake Remove Exceptions to District Standards (#14)*: We have reviewed this proposal and for the sake of consistency support the change proposed.

- *Proposal on Flathead River Boundary and Remove Some Exceptions to District Standards (#17)*: MTU supports the proposal to eliminate the current northern pike fishing closure. We agree with the Department that the closure has not met the intended objectives and in the process has eliminated opportunity for necessary northern pike harvest. In supporting the proposal, we would like to call attention to the comments regarding concern about increases in fishing pressure and associated bycatch of bull trout during this time. We hope that the Department can continue to monitor the impact of this change for fishing pressure in the reach and gain additional information to ground truth whether or not the change is having a deleterious impact on bull trout.
- *Proposal on Kootenai River Gear Restrictions (#20)*: Because of the impact on bull trout, we support the additional gear restrictions in this proposal for the Kootenai River below Libby Dam. The limitation to single point hooks will improve survival for bull trout incidentally caught as well as rainbow trout recruitment. We support the change.
- *Proposals to protect bull trout in tributaries with gear restrictions (#21, and 28)*: Again, gear restrictions have a demonstratable benefit to reducing catch and release mortality for incidental catches of bull trout. The Landers Fork and Snowbank Creek are important spawning tributaries providing required habitats for bull trout in the Blackfoot watershed. This regulation change is biologically needed and improves consistency of regulation for bull trout spawning habitats in the watershed.
- *Proposal on North Fork of Flint Creek Combined Trout (#26)*: MTU supports the proposal to go to the Western District Standard regulation on this creek. We see little relative change in the protections offered to the fishery.
- *Proposal on South Fork of the Flathead Artificial Lures (#29)*: We view this proposal as largely a clean-up to the language in the regulation and support it.
- *Proposals on burbot conservation (#43, 44, 45, and 50)*: MTU appreciates the work from the Department on conserving all native fish species across the state. While our work is specifically focused on coldwater salmonoids, the lack of other voices for native fish conservation more broadly warrants our support for these proposals, as well as some below related to Shortnose gar and pallid sturgeon. We support the proposals to eliminate spear fishing opportunities for burbot in Tiber Reservoir and Lake Frances as well as reductions in harvest limits in Lake Sutherlin and Newlan Creek Reservoir. Native fish populations generally continue to suffer from predation, competition, habitat destruction, and changing angling pressures. Thus, the declining abundances of burbot warrant additional protections and we support these proposals.
- *Proposal on Marias River Remove Exceptions to District Standards (#46)*: We see no biological harm in removing the exceptions to the central district standard regulation for the Marias. As such, we support this proposal.
- *Proposal on Ruby River Seasonal Closure (#53)*: In recent regulation packages we have moved the needle on transforming management approaches in this system (and other reservoir systems

in Region 3) in response to emerging science on spawning and recruitment sources of fish. Better understanding that the origin of a majority of the fish in Ruby Reservoir are wild spawned means that protecting spawning areas from angling seasonally makes sense. We view this proposal as a continuation of those regulation efforts and support it.

- *Proposal on Beaverhead River clarification of regulations:* We appreciate the request from Enforcement to make this regulation easier to read. We have reviewed it and support the re-ordering of the sections to more clearly distinguish the fishing and recreation regulations.
- *Proposal on Shortnose Gar Bag Limits (#60):* Given the lack of information regarding the population and dynamics of Shortnose gar in the state (specifically in their limited distribution, almost exclusively limited to the Fort Peck Dredge Cuts below Fort Peck Dam), we support the effort embodied by this proposal to regulate harvest of the species and limit take until a better assessment of population can be ascertained. Further, it makes sense to utilize the approach of an individual tag per person.
- *Proposal on Powder River Remove Exception to District Standard (#61):* MTU supports the proposal to eliminate paddlefish snagging in the Powder River. The unique characteristics and size of the Powder River, presence of pallid sturgeon (due to the emerging success of the Intake bypass), and abundant adjacent paddlefish opportunities make this regulation common sense.
- *Public Proposal – Pallid Sturgeon Release:* MTU enthusiastically supports the public proposal related to the immediate release of pallid sturgeon and shovelnose sturgeon over forty inches. In fact, we think that the requirement that fish must remain partially immersed in the water is an excellent path forward not only for these threatened species, but also presents a great path forward on a long-standing issue of unnecessary photography of bull trout in western Montana. We support this language adoption for sturgeon and as noted below in our comments hope that the Department can consider similar language for bull trout as well.

Montana Trout Unlimited is neutral on the following proposals as drafted to the *2025-2026 Fishing Regulation Public Scoping Proposals*:

- *Public Proposal – Barbless Hooks for Paddlefish Snagging:* MTU certainly appreciates the intent of this proposal to potentially reduce harm to pallid sturgeon that are snagged inadvertently from paddlefish anglers. We would appreciate some more scientific rationale though as to how effective this regulation would be to preventing unnecessary take or harm of pallid sturgeon.
- *Public Proposal – Eastern Fishing District Cutthroat Trout Daily and Possession Limits:* We can appreciate the intent behind this public proposal, and we largely would be supportive of the change given the chance to vet it a little bit further. Anecdotally, it would appear that there are some remnant populations of native Westslope Cutthroat that could be in the Eastern Fishing District. Perhaps though, those areas could be set out in exceptions to the district standard regulation if this change is made or those populations are identified. If the Commission chooses to adopt this proposal, we would be eager to work with the Department if there are cases above

that should be carved out of the district regulation for Cutthroat.

Montana Trout Unlimited is opposed and/or seeking modifications to the following proposals in the 2025-2026 Fishing Regulation Public Scoping Proposals:

- *Proposal regarding walleye management in the Missouri Reservoir system (#47 and 48):*
  - *Proposal #47 (Toston to Canyon Ferry Regulation):* First, in the past we supported the original proposed regulation offered here on walleye harvest in the river section from Toston to Canyon Ferry. Most importantly on this matter, the fishing regulations are still out of compliance with the management plan. We still believe that the proposal has great merit to resolving that violation and gets to the spirit of our concern in this section of the river/reservoir complex, which is predation on juvenile trout out-migrating from spawning/recruitment tributaries. The Commission, in considering this proposal previously, asked for additional research to substantiate that concern, which we were happy to support. The results are in and our concern over predation is valid, which you heard in the work session. Yet in the face of that evidence, and counter to it, the regulation for walleye harvest has been pulled from this proposal. We do not believe that the status quo is a balance or the best attempt at finding a balance, and it certainly does not address the substantive issue of compliance with the management plan. We rolled up our sleeves and offered creative solutions to the challenge, and unfortunately the walleye lobby said no; however, we are willing and interested in continuing to work with the Department and anyone interested in collaboration towards a solution.
  - *Proposal #48 (Holter Dam to Black Eagle Dam Walleye):* MTU cannot support the reduction of harvest limits for walleye in this section of the river. It does not take a long trip down memory lane to remember arguments in favor of reducing the limits of walleye from Holter to Cascade from no limit to 20 daily and 40 in possession. MTU opposed that effort because we support the management directive that one section of the river/reservoir system from Toston to Great Falls mattered significantly for its world class wild trout fishery and invasive walleye had no place in this section. We have largely acquiesced to the demands of walleye anglers and lobby in most of the large Upper Missouri river/reservoir complex, but we are unwilling to cede this section of the river for any management priority other than its wild trout fishery and required suppression of walleye. When the previous Commission moved from a no limit to the 20/40 it was a move in the management direction against suppression, and now here we are again under the cloak of regulation simplification reducing the limits again. The river below Cascade and the reservoirs above may be managed for walleye anglers and their demands, but the river from Holter to Cascade must remain prioritized for wild trout in our view. The presence of walleye in this stretch is incongruent with those goals, meaning ambitious suppression management strategies in spirit and in practice must remain.

Finally, there are a couple issues not addressed in the proposals that we would like to raise for consideration. The first is additional data collection from creel surveys about angler use levels on the Jefferson River from Twin Bridges to Sappington Bridge in October. The reasoning behind our request is that with the necessary October spawning fishing closures on adjacent Southwest Montana Rivers

(Beaverhead, Big Hole, Ruby), it is anecdotally apparent that many anglers are shifting to the Jefferson during that month. MTU has concerns about the ability of the Jefferson River to handle the additional pressure. In conversations with Department staff at the Bozeman scoping meeting we agree that one practical approach to the problem is to get creel clerks out on the river during the month of October this year to better quantify the level of use. We have continued that conversation this fall and look forward to working with Region 3 to get clerks out on the river and better understand the user pressures on the Jefferson this fall.

Additionally, we continue to applaud efforts in this regulation package to address impacts of angling on bull trout in Western Montana. While intentional angling for the species is not allowed, it is happening. Even when anglers are not targeting bull trout, they often accidentally/incidentally catch these fish. For several years, we have expressed frustration with the increasing number of online and social media posts with large bull trout in hand, out of the water, and in boats. In our mind there are two solutions. First and foremost, the Department should increase the number of interactions with enforcement staff when these photographs are posted by identifiable parties. Second, the Western District regulation concerning accidental/incidental catch of bull trout needs to be changed from “release promptly with little or no delay” to “release immediately with no delay.” Better yet, we would support similar language that is included in the public proposal on pallid sturgeon release that the fish “must remain partially immersed in water at all times and released immediately.” Taken together, these changes should prohibit handling fish out of water and photographs in plain language.

Lastly, we appreciate that the Department stepped back on the sweeping regulation changes proposed during scoping to the Blackfoot River system. We heard from many folks who were concerned about the scope of those changes. That said, we remain committed to working together with Region 2, the Fisheries Division, and interested stakeholders over the next two years to come back with a proposal for the next cycle of regulations.

Overall, the fishing regulation proposals are strong and well-grounded in scientific management of our world class fishery resources. Montana is unique in its approach to wild and native fisheries management and this proposal continues to build on that legacy. We understand that regulations are but one tool, and we believe that they serve an important function in addition to the long-term focus on habitat protection and enhancement.

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 comment, and we appreciate the open public process used by the Fisheries Division to make these changes.

Respectfully,



David Brooks  
Executive Director  
Montana Trout Unlimited



Clayton Elliott  
Conservation Director  
Montana Trout Unlimited