



31 October 2024

Montana Fish, Wildlife & Parks
Attention: 2025/26 Fishing Regulation - Amendments
PO Box 200701
Helena, MT 59620

*Submitted via email to: commissionerregion1@mtfwp.org; commissionerregion2@mtfwp.org;
commissionerregion3@mtfwp.org; commissionerregion4@mtfwp.org;
commissionerregion5@mtfwp.org; commissionerregion6@mtfwp.org;
commissionerregion7@mtfwp.org; dtemple@mt.gov; and astrainer@mt.gov.*

Re: FOAM Comments: 2025-2026 Fishing Regulations -- Amendments

Dear Fish, Wildlife & Parks and Commissioners:

On behalf of the board of directors and over 1,000 professionally-licensed guide and outfitter members of the Fishing Outfitters Association of Montana (FOAM), I am writing to provide our comments on the 2025-2026 Fishing Regulation -- Amendments. We greatly appreciate the opportunity to comment.

FOAM provided extensive comment on the preliminary 2025-2026 Fishing Regulation Proposals distributed in spring of 2024. FOAM also provided clarifying comments to the remaining final proposed 2025-2026 Fishing Regulation Proposals in September 2024. The following comments are in regard to Amendments forwarded by Commissioner KC Walsh, Commissioner Tabor, and FWP through Commissioner Tabor.

Amendment proposed by Commissioner Tabor: Spearfishing Amendment

From Page 23 of the 2024 Fishing Regulations (additional language in bold):

Spearing: All waters are closed to spearing of game and non-game fish except open for spearing northern pike through the ice, **and by person swimming or submerged in waters open to fishing**, or as otherwise noted under District Exceptions.

From Page 25 of the 2024 Extant Fishing Regulations (additional language in bold):

Northern Pike 15 daily and in possession. All waters open for spearing through the ice, **and by person swimming or submerged in waters open to fishing**, or as otherwise noted in District Exceptions.

The Statewide Fisheries Management Plan (Part I. 1.6.15) for Northern Pike, states that “since all populations in western Montana are from illegal introductions, liberal harvest regulations, including unlimited harvest in some drainages, are in place to encourage harvest and suppress populations.”

Further, for the Kootenai River, Swan River, Flathead River, and lower Clark Fork River drainages, the Statewide Fisheries Management Plan, provides “for liberal harvest opportunities to decrease predation on native and recreational fisheries,” or “provide angling harvest opportunity to reduce numbers to help meet native species goals.”

We support Commissioner Tabor’s Spearfishing Amendment. We think strongly that to effectively suppress or reduce northern pike populations and comply with the recently-adopted Statewide Fisheries Management Plan, Fish, Wildlife & Parks (FWP) should encourage liberal harvest of Northern Pike throughout the Western District – in which all populations were introduced illegally. Providing an additional opportunity to harvest Northern Pike via spearfishing is one such alternative management strategy to help suppress or reduce northern pike in the Western District.

2025 Fishing Regulations – Amendments Regarding Bull Trout

Four amendments regarding Bull Trout were forwarded by FWP and carried by Commissioner Tabor. These amendments are:

Big Salmon Creek: Closed to all angling within a 300-yard radius around the inlet (where the creek enters the lake) of Big Salmon Lake; and,

Big Salmon Lake: Closed to all angling within a 300-yard radius around the inlet (where the creek enters the lake) of Big Salmon Lake.

Adult bull trout numbers for the Big Salmon Lake population are monitored by counting the redds in Big Salmon Creek. Redd counts in 2024 revealed very low numbers. Redd count totals in 2023 and 2024 were the lowest on record (1993-2024) and were 42% of the long-term average. While intentional angling for bull trout is already illegal in Big Salmon Creek, reports of anglers targeting bull trout at the inlet of Big Salmon Lake exist. FWP suspects that illegal angling could be partially responsible for the decline in redd numbers. Reducing the amount of angler-induced handling stress may help stabilize the downward trend in adult bull trout numbers for the Big Salmon population.

We strongly support the Big Salmon Creek and Big Salmon Lake proposed amendments to further protect bull trout populations among these waters.

Hungry Horse Reservoir: Bull trout: 1 fish per license year from the third Saturday in May through Aug. 15. Catch-and-release the rest of the year with a Hungry Horse/South Fork Flathead permit validation on Fishing License. A Hungry Horse/South Fork Flathead Bull Trout Catch Card must be in possession when fishing for bull trout. See bull trout under “What do I Need to Fish in Montana” (page 15). All bull trout must be released immediately or killed and counted as your limit when harvest is allowed. It is unlawful to possess a live bull trout for any reason.

Adult bull trout numbers are monitored by counting the redds among 8 tributaries to the South Fork Flathead River (4 direct tributaries to Hungry Horse Reservoir and 4 tributaries to the South Fork Flathead River). Redd counts in 2024 revealed the lowest number of redds on record. This is the second consecutive year of lowest redd count totals and a trend since 2006. Redd count totals were 48% of the long-term average. During this same time period, participation in the Hungry Horse/South Fork bull trout catch-card fishery have been increasing since its inception in 2004. Estimated bull trout angling pressure in the South Fork Flathead River has tripled since 2014. FWP suspects that angling could be partially responsible for the decline in redd numbers. Reducing the amount of angler harvest in the reservoir will likely help stabilize the downward trend in adult bull trout numbers.

We strongly support the Hungry Horse Reservoir proposed amendment to further protect bull trout populations among these waters.

South Fork Flathead River: Bull trout: No intentional angling for bull trout except catch-and-release from July 1 through July 31. Angling is prohibited from the mouths of Gordon Creek and Little Salmon Creek downstream 300 yards from June 15 to September 30. A Hungry Horse/South Fork Flathead bull trout Catch Card must be in possession when fishing for bull trout. See bull trout under “What do I Need to Fish in Montana” (page 15) for application information. All bull trout must be released promptly, with little or no delay. It is unlawful to possess a live bull trout for any reason. Angling for bull trout is not allowed in South Fork Flathead River tributaries or Big Salmon Lake.

Adult bull trout numbers are monitored by counting the redds among 8 tributaries to the South Fork Flathead River (4 direct tributaries to Hungry Horse Reservoir and 4 tributaries to the South Fork Flathead River). Redd counts in 2024 revealed the lowest number of redds on record. This is the second consecutive year of lowest redd counts and a trend since 2006. Redd count totals in 2024 were 48% of the long-term average. During this same time period, participation in the Hungry Horse/South Fork bull trout catch-card fishery have been increasing since its inception in 2004. Estimated bull trout angling pressure in the South Fork Flathead River has tripled since 2014. FWP suspects that angling could be partially responsible for the decline in redd numbers. Angling for bull trout during the months of May and June is primarily in the non-wilderness portions of the South Fork Flathead that are easily accessible. Annual catch card surveys reveal that 44% of bull trout caught in the South Fork are caught in the months of May and June. Additionally, 59% of the bull trout caught in the South Fork are caught in the lowest portion of the permitted river. Migrating bull trout in this lower portion of the drainage are

vulnerable, and by shortening the season, fish would be able to migrate to their natal streams without being targeted by anglers. Additionally, bull trout are known to congregate near the mouths of key spawning tributaries like Little Salmon Creek and Gordon Creek. These confluence areas have well-defined holes and are known areas to target concentrations of staging bull trout. Reducing the amount of angler-induced handling stress may help stabilize the downward trend in adult bull trout numbers.

We strongly support the South Fork Flathead River proposed amendment to further protect bull trout populations among these waters.

Hook Definition Amendment

We commented on this proposal during the March 2024 and September 2024 rounds of 2025-2026 Proposed Fishing Regulations. We appreciate Commissioner Walsh's Hook Definition Amendment.

The definition of hook is confusing as the regulation can allow for two separate single-pointed hooks on one artificial lure. The proposed regulation should define a single-pointed hook as one hook with a single point. The confusion arises where there is a defined distinction between a single hook and a single-pointed hook, especially when two single-pointed hooks can be attached to an artificial lure and still be considered a single-pointed hook. The proposed regulation could be clarified by stating that an artificial lure may have up to two single-pointed hooks.

We think FWP's revised response to Commissioner Walsh's amendment goes a long way in clarifying what FWP desires in this definition. We would support this clarifying definition of a hook as long as it does not contradict the specific use of hook regulations for the Beaverhead, Big Hole, or Madison rivers.

Daily Possession Amendment

Commissioner Walsh's Daily Possession Amendment would change the Daily and Possession Limits for Combined Trout in the Western District and the Central District for Rivers/Streams to "3 daily and in possession." No other changes to the existing standard daily limits, and Cutthroat Trout are not included in Combined Trout in the Western District.

Part of Commissioner Walsh's rationale for this amendment is that two fish bag and possession limits are already in regulation for many rivers and streams in Idaho, Washington, and Oregon. However, this is NOT true for Idaho. Idaho has 7 regions in their state and trout possession and bag limits in each region is 6 trout, unless otherwise defined. Further, while Washington and Oregon do have a 2 trout limit for the regions within its state, Oregon's Snake River Region has a 6 trout limit. Montana is 5 unless otherwise defined for rivers with special biological considerations, for example, the Blackfoot River and tributaries, the Big Hole River, and the Beaverhead River.

The current five trout limit for Montana had ample time for review and consideration to be revised or amended through the October 2023 adoption of the Statewide Fisheries Management Plan, which went

through a thorough public comment period during late 2023. Further, the draft 2025-2026 Proposed Fishing Regulations began public review in March 2024 while the current proposed regulations began public review in August 2024. No consideration to revise fish limits was proposed or considered during any of these public processes. As mentioned above, Montana currently adequately protects special waters where fish harvest may impact trout populations within special water bodies, such as the Blackfoot, Big Hole, and Beaverhead rivers. Consideration of a revision to the five trout limit had more than ample opportunity to be proposed since 2023. Consideration of this amendment at this time is too close to the Commission meeting and has not been adequately vetted across the public domain to be considered at this late date.

Lastly, we think that the revision of the current five trout limit is not biologically warranted. Using standard creel and fish population survey tools to monitor populations, FWP has determined that an overwhelming majority of anglers throughout Montana are already utilizing catch and release. For example, recent data from a longstanding creel survey on the Missouri River below Hauser Dam showed that of the 16,000-rainbow trout caught by surveyed anglers from 2019-2023, catch and release rates averaged 87% (range 79% to 90%). Additionally, preliminary data from FWP's 2023 Angler Pressure Survey identifies that 97% of anglers surveyed while fishing the Madison River practiced catch and release. Similar catch and release rates by anglers have been observed or documented for streams and rivers across Montana where the current district standard applies. FWP has no biological concerns with the current standard limits. Reducing limit amounts would restrict opportunity for the few harvest-oriented anglers and not result in population level effects. Therefore, we do not support the revision of the current five trout limit at this time.

Thank you for the opportunity to provide these comments and your time and consideration.

Respectfully,

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

Michael A. Bias, Ph.D.
Executive Director