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19 April 2011

Don Skaar
Fishery Management Section Chief
Montana FWP
P.O. Box 200701
Helena, MT 59620

Re; comments on potential fishing regulation changes

Dear Don:

Thanks for the opportunity to comment on potential changes in fishing regulations. These comments and observations result from discussion with TU state council and chapter leadership in Montana. Individual chapters might be submitting their own comments with additional detail tailored for local waters.

Montana TU largely shares FWP's desire to simplify regulations to enable improved public understanding and enforcement. However, we don't necessarily see opportunities for wholesale changes that will significantly reduce the complexity of the regulations. Local conditions, the need to restore native species and the nuances of individual fisheries, as well as increasing demands for fishery managers to do more (often with less), complicates the state's ability to simplify at a large scale. We don't, for instance, see any opportunities to greatly expand standard regulations and allow for only one exception per fishing district. Fishery management has simply gotten too complicated.

Nonetheless, there may be opportunities to standardize regulations on individual waters. Here are some suggestions for FWP to consider for the tentative regulations.

Region 1

- FWP should standardize bull trout regulations by requiring catch cards at Hungry Horse, Kooacanusa AND Swan Lake. The use of catch cards helps

ensure dependable data is available to determine bull trout harvest. FWP should consider standardizing Hungry Horse and Koochanusa regulations to allow one bull trout per season and in possession. At Swan Lake, FWP should consider reducing the harvest by establishing a season limit as well as maintaining the one in possession regulation. These changes should reduce bull trout mortality, but allow for limited harvest to ensure, as FWP has long said is necessary – some anglers to keep bull trout, thereby enabling support for bull trout conservation.

- FWP should modify its current regulations to allow year-round harvest of northern pike in the Flathead River above the lake. Further, the slot limit at Flathead Lake should be eliminated. It makes little biological sense to protect the lake trout size cohort that preys the most on bull trout and cutthroat trout.

Region 2

- We are open to the idea of liberalizing the regulations to allow for increased brown trout harvest on Rock Creek. Perhaps, using the standard regulation allowing for 5 daily with only one over 14 inches. We are less certain it is necessary for the Bitterroot, but don't oppose the possibility of encouraging increased brown trout harvest. We don't necessarily see it as desirable in the Clark Fork, where abundance of all trout species is low and where in the upper reaches, say, above Garrison the potential for increasing populations of other species is limited.
- The reach-by-reach regulations on the Bitterroot, though a little complicated, seem to be working. Further anglers are used to them. In the absence of compelling biological information, there is no need to modify them – except perhaps to allow for additional harvest of brown trout in the upper river and its forks.
- FWP needs to customize regulations for Paracini Pond along the Clark Fork upstream of Deer Lodge. Currently, the pond is owned by DEQ but will eventually be an FWP public access site. Because the pond is easily fished, FWP should consider limiting angling there to the general season, and maintain the fishery there with catch and release with artificial lures only. We do believe there might be a way to customize the regulations to allow kids under 12 to use other tackle methods and to harvest a few fish.

Region 3

- We could support standardizing regulations for brown trout on the Jefferson by making the limit on the whole river three daily and in possession and only one over 18 inches.

Region 4

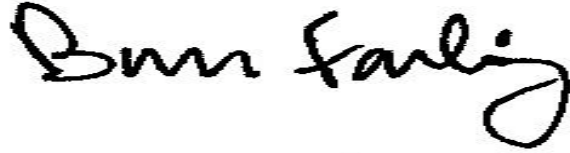
- We could support standardizing the regulations on the Smith River. However the daily and possession limits should comport with population estimates, which generally show the population trend in recent years is downward for rainbow and brown trout.
- There is no compelling need to maintain opportunities for spearfishing of whitefish on the Missouri River between Craig and Sheep Creek, especially because of the potential for conflicts with the increasing amount of angling pressure on this reach.
- We strongly endorse maintaining unlimited harvest for walleyes between Holter Dam and Cascade. This regulation makes sense for several reasons: 1.) it helps reduce the risk of increasing walleye predation on salmonids in this reach; 2.) it serves as a potential control for the walleye population that has been allowed to flourish in Canyon Ferry Reservoir and then move downstream into the river; and, 3.) it unequivocally states that the primary fishery management objective of FWP for the river fishery between Holter Dam and Cascade is to maintain a world-class wild trout population.

Other considerations

- We support development of a regulation that establishes conditions for when fishing with a bead is legal. FWP staff in Region 5 is working on a definition that could be workable.
- FWP needs to tighten up restrictions on collection and movement of live bait in the Eastern District, either by determining specific bait that are appropriate or limiting live bait to specific waters.
- We support reducing sauger limits in the upper Tongue River because data indicate the population of this native fish is on the decline. We don't understand, however, why FWP is considering liberalizing sauger regulations in the Missouri River above Fort Peck. Some clarity on this issue would be helpful.
- We don't have a recommendation at this time for modifying the definition of a cutthroat trout. However, we recommend FWP survey members of the state's Cutthroat Trout Technical Working Group to determine if there is a consensus that might be helpful. If not, perhaps the best course is to stick with the current definition but to modify regulations for specific waters that allow some harvest of rainbow/cutthroat hybrids.

Thanks for the opportunity to comment. We look forward to reviewing FWPs tentative regulations.

Sincerely,

A handwritten signature in black ink that reads "Bruce Farling". The signature is written in a cursive, flowing style.

Bruce Farling
Executive Director