



25 April 2024

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

Re: FOAM Comments: 2025-2026 Fishing Regulation Proposals

Dear Fish, Wildlife & Parks:

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 Proposals. We appreciate the opportunity to comment.

Proposal 1: Definition of a Hook

The definition of “single-pointed hook” is extremely confusing as the regulation can allow for two separate single-pointed hooks on one artificial lure. This regulation is especially confusing with regards to the Beaverhead fishing regulation that states “Anglers may remove treble or double hooks from the lure and replace them with a single hook, or the shanks may be cut off the other hook points to leave a single hook. Lures with multiple hook attachments may still be used but any treble hook must be replaced by a single hook.” 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.

Proposal 3: Western District Northern Pike Standards

The proposed regulation for Northern Pike: 15 daily, and in no possession limit. All waters open for spearing through the ice or as otherwise noted in District Exceptions.

FOAM strongly opposes the Western District northern pike proposed regulation. Further, FOAM would support a northern pike regulation that has no daily limit and no possession limit.

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 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 throughout the Western District – in which all populations were introduced illegally. An alternative management strategy to suppress or reduce northern pike in the Western District would be to implement a mandatory catch-and-keep regulation.

Proposals 5 – 8, 10 -- 13, 18, and 23 -- 25, Alice Creek, Beaver Creek, Belmont Creek, Blackfoot River, Chamberlain Creek, Copper Creek, Cottonwood Creek, Dunham Creek, Gold Creek, Montour Creek, Nevada Creek, and the North Fork Blackfoot River

The proposed regulations for these important tributaries to the Blackfoot River would remove the current combined trout harvest limit of three daily and in possession, only one rainbow trout over 14 inches long, any size brown trout, and replace it with the Western District standard of five trout daily and in possession, only one over 14 inches.

FOAM strongly supports maintaining the current regulations on these Blackfoot River tributaries of catch-and-release for cutthroat trout, and combined trout, 3 trout daily and in possession, only 1 rainbow trout, any size brown trout.

The Blackfoot River drainage is an outstanding trout fishery consisting of excellent fishing for rainbow brown and Westslope cutthroat trout. FWP’s recently-adopted Statewide Fisheries Management Plan states “the Blackfoot River is one of twelve renowned premiere fishing rivers in Montana with an instream flow (Murphy) water right and is one of Montana’s most popular rivers for recreation.”

There is great concern among the guiding and outfitting community that increasing allowable harvest of rainbow and brown trout in the Blackfoot River drainage would be extremely detrimental to the trout

fishery of that river. FWP's rationale to revert fishing regulations on these tributaries to the Western District Standard (5 trout daily and in possession, only 1 over 14 inches) – especially upstream of its confluence with the Clearwater River, its largest tributary - to simplify the regulations.

As with FWP's recent rationale against reinstating the historic catch-and-release regulation for rainbow trout on the Swan River, they consistently implement a two-sided argument. Common management practices "promoting harvest of rainbow trout [are] intended to help the cutthroat trout population. Rainbow trout are thought to be partially responsible for the decline in cutthroat trout abundance." However, when parties are opposed to increasing rainbow trout harvest, FWP will argue that because angler harvest of rainbow trout is very low, increasing harvest limits may not affect rainbow trout populations regardless.

FOAM strongly thinks that increasing rainbow and brown trout harvest limits across the Blackfoot River drainage will most certainly will result in undue harm to the overall trout fishery. Further, because the entire Blackfoot River system, including its tributaries, encompasses a vast area, maintaining the three trout daily angling regulation should not be viewed as an exception within the Western District, but simply a standard angling regulation for that particular large drainage.

Proposal 17: Flathead River Boundary and Remove Some Exceptions to District Standards

We support the regulation proposal to remove the current northern pike fishing closure. We strongly support FWP's rationale for this proposal that the northern pike regulation has not led to the anticipated positive affects to the bull trout population. Angling pressure on this section of river during the northern pike closure is substantial for other species which still results in bull trout bycatch. Additional northern pike harvest may also reduce predation on other species.

Proposal 20: Kootenai River Gear Restrictions

We strongly support the proposed gear restrictions to include: Single-pointed hooks only; and, only circle hooks may be used when fishing with bait.

Using circle hooks when fishing with bait has been shown to greatly reduce release mortality of fish caught using this method. We support FWP's rationale that this gear restriction would reduce catch-and-release mortality of bull trout and sub-legal rainbow trout, promoting bull trout recovery and rainbow trout recruitment to trophy sizes in a one-of-a-kind trophy rainbow trout fishery.

Proposal 21: Landers Fork Gear Restriction

There is great concern among the guiding and outfitting community that increasing allowable harvest of rainbow and brown trout in the Blackfoot River drainage would be extremely detrimental to the trout

fishery of that river. FOAM strongly opposes implementing the Western District standard of five trout daily and in possession, only one over 14 inches throughout the Blackfoot River drainage.

FOAM does support the gear restriction proposal on the Landers Fork downstream from Silver King Falls: to artificial lures only, including within 100-yards of the mouth. FOAM similarly supports the proposed catch-and-release for cutthroat trout downstream from Silver King Falls. FOAM agrees with the FWP rationale that the Landers Fork drainage is one of the few remaining strongholds for migratory bull trout in the Blackfoot River basin. Copper Creek and Snowbank Creek are the spawning tributaries in the Landers Fork drainage. Copper Creek is restricted to artificial lures only, but Snowbank Creek is not. The lower Landers Fork serves as a migration corridor and staging area for adult bull trout migrating to and from Copper and Snowbank creeks and is not restricted to artificial lures only. Bull trout populations in Copper Creek and Snowbank Creek have declined in recent years. This regulation seeks to minimize catch-and-release mortality associated with incidental capture of bull trout that can be higher with bait fishing. This regulation would make Landers Fork regulations consistent with fishing restrictions in other migratory bull trout drainages in the Blackfoot basin, such as Monture Creek.

Proposal 28: Snowbank Creek Gear Restriction and Cutthroat Trout

FOAM supports the gear restriction on Snowbank Creek to eliminate bait fishing and minimize catch and release mortality associated with incidental capture of bull trout.

Proposal 29: South Fork Flathead River Artificial Lures

FOAM supports the proposed regulation to remove the “artificial only” exception from the South Fork Flathead River regulations, as the single-pointed hook regulation provides protection of fish that must be released.

Proposal 30: Swan River Bull Trout

FOAM supports the removal of the “no intentional fishing for bull trout” exception as the Western District Standard already states: all waters are closed to angling for bull trout and all fish must be released promptly, with little or no delay unless otherwise authorized in the Western District Exceptions. Federal rules also prohibit the attempted take of bull trout unless specifically authorized by state or tribal regulation.

Proposal 31: Vermillion River Cutthroat Trout

The cutthroat trout in this portion of the Vermillion River represent a unique native fishery as most tributaries in the lower Clark Fork River drainage do not harbor large cutthroat, however they can exceed 16 inches in this portion of the river. Because the Vermillion offers a unique opportunity for larger wild

Westslope cutthroat trout, due to the increase in non-natives throughout the drainage, and because there are other species available for harvest, FOAM supports a catch-and-release regulation to help conserve and enhance this wild native trout fishery.

Proposal 32: West Fork Thompson River Cutthroat Trout

Fish densities throughout the mainstem West Fork Thompson River are low to moderate. Non-native trout (brook trout, brown trout and rainbow trout) are becoming more abundant in the lower reaches which is concerning as we are worried about them becoming established in the middle and upper reaches of this high conservation value native fish stream. The West Fork Thompson River is very accessible for anglers as a forest road follows it for much of its course. Both migratory and stream-resident cutthroat trout use the West Fork Thompson River and its tributaries. The lower portion of Thompson River, directly below the West Fork confluence, is the only section of the river where anglers consistently catch cutthroat trout. Since there are no other large tributaries in this section of river, it is likely these fish may be coming from the West Fork Thompson River. Due to the presence of resident and migratory life histories, easy access, low to moderate densities of Westslope cutthroat trout, the upstream expansion of non-native trout in the drainage, and because there are other species available for harvest; FOAM supports the implementation of a catch-and-release regulation to help conserve and enhance this wild native trout fishery.

Proposal 47: Missouri River—Toston Dam to Canyon Ferry Walleye

Since walleye were first captured during spring electrofishing efforts in 2007, the average size of walleye gradually increased from 2015 to 2023 and over 50% of walleye typically exceed 15 inches in length. Therefore, the current regulation limits harvest opportunity, despite a higher overall limit of 10 fish, because much of the population exceeds the current 15" limit. Brown trout and rainbow trout abundances fluctuate above and below their respective goals identified in the Upper Missouri River Reservoir Fisheries Management Plan (UMRRFMP). Adopting the central district standard regulation of five walleye with no size restriction would provide additional harvest opportunities for anglers while reducing predation on juvenile rainbow and brown trout while also reducing competition for prey such as longnose dace, fathead minnow, and sculpin. The number of walleye migrating into the Missouri River represents a small proportion of the total Canyon Ferry population so FWP staff do not believe harvest of walleye in the Missouri River will significantly affect the reservoir fishery.

FOAM supports the adoption of the Central District Standard regulation of five walleye with no size restriction for the section of the Missouri River from Toston Dam to Canyon Ferry. We agree with the FWP rationale that this regulation would provide additional harvest opportunities for anglers while reducing predation on juvenile rainbow and brown trout while also reducing competition for prey such as longnose dace, fathead minnow, and sculpin.

Montana Trout Unlimited proposed additional angling regulations in this section of the Missouri to deal more directly with their concern regarding abundant predation of juvenile trout out migrating from

spawning and recruitment tributaries where considerable investment has occurred by FWP and partners, like Montana Trout Unlimited. Their proposal adds the clause:

Deep Creek and Crow Creek: Mandatory harvest of all walleye at tributary mouths. Within 100 yards upstream and downstream from the creek mouths, anglers must harvest all walleye, regardless of size.

FOAM supports the Montana Trout Unlimited proposed additional walleye harvest regulation.

Proposal 48: Missouri River – Holter Dam to Black Eagle Dam Walleye

The Statewide Fisheries Management Plan direction is to prioritize management of trout populations to maintain historic levels with a sustainable proportion of large trout. Management direction for walleye is to provide high harvest opportunities above the district standard to protect the wild trout fishery.

FOAM strongly opposes reducing the exception to 10 daily and 20 in possession simply to simplify regulations for the Missouri River. Formerly, this stretch of the Missouri had a no limit walleye management scenario, then in 2017 to 2019 the walleye limits in this stretch went to 20/40. Management in this section can be challenging if the goal is to manage for robust trout populations while consistently reducing the limit on walleyes.

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