



25 March 2024

Fish & Wildlife Commission
1420 East Sixth Avenue
P.O. Box 200701
Helena, Mt 59620-0701

Re: FOAM Support of Swan River fishing regulation amendment, Via email

Dear 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 express our strong support for the recently proposed Swan River fishing regulation amendment to reinstate the historic catch-and-release regulation for rainbow trout on the Swan River. There is growing concern among the guiding and outfitting communities that the continued allowable harvest of rainbow trout on the Swan River is detrimental to the trout fishery of that river.

The current regulation on the Swan River allows for the harvest of five rainbow trout daily and in possession. This current regulation was first proposed by Fish, Wildlife & Parks (FWP) at the 15 August 2019 Fish and Wildlife Commission (Commission) meeting for the 2020 Montana Fishing Regulations. At that meeting, the catch-and-release regulation for rainbow trout was removed and the Western District Standard regulation (5 fish, only 1 over 14") was adopted for rainbow trout on the Swan River. Prior to the adoption of the 2019 FWP proposal for the 2020 Fishing Regulations, fishing regulations on the Swan River were catch-and-release for cutthroat trout and rainbow trout since the early 1990s – nearly 30 years.

Interestingly, in the *2020 Fishing Regulation Proposals, August 15, 2019 Missoula, MT*, document authored by FWP and presented to the Commission, the Scoping Summary states that "This proposal was not included in the online public scoping survey." (Please see, *2020 Fishing Regulation Proposals, August 15, 2019 Missoula, MT, (Proposal 17) Swan River, page 17.*) With only the 15 August 2019 Commission meeting available for public comment on the original proposal to allow the harvest of rainbow trout on the Swan River, we think strongly that this original proposal was not properly presented to the public nor was it given a proper timeframe to allow the public to comment.

In that same document (*2020 Fishing Regulation Proposals, August 15, 2019 Missoula, MT, (Proposal 17) Swan River, page 17*), the rationale given to allow harvest of rainbow trout was that "Monitoring in the Swan River shows reduced abundance of Westslope Cutthroat Trout. Implementing catch-and-release for Cutthroat Trout and promoting harvest of Rainbow Trout is intended to help the Cutthroat Trout population. Rainbow Trout are thought to be partially responsible for the decline in Cutthroat Trout abundance." The rationale to promote the

harvest of rainbow trout to protect, conserve, or somehow bolster the cutthroat trout population in the Swan River is given also in the FWP Response to this proposed amendment and in the recently-adopted Statewide Fisheries Management Plan. While this rationale is biologically viable and often implemented across the West in rivers to promote cutthroat trout and native fish generally – where more robust populations of cutthroat trout exist, it is not applicable to the Swan River – where cutthroat trout have been seemingly extirpated.

Although FWP states that “monitoring in the Swan River shows reduced abundance of Westslope cutthroat trout,” FWP has not conducted any monitoring of the Swan River fishery in years, certainly in the last decade. The most often cited work for Swan River fish populations is that conducted by the US Forest Service (Gardner, B. 2022. Relative Abundance of Fish Populations in the Swan River: 2014-2022. US Forest Service, Flathead National Forest. 14pp.). Gardner (2022) showed that from 2014 to 2022 relative abundance of cutthroat trout declined from 2% to 0% of all species tallied through comprehensive snorkel surveys. Further, Gardner (2022) concluded that “Cutthroat Trout appear to be functionally extirpated in the river.”

FWP continually touts that for the Swan River implementing catch-and-release for cutthroat trout and promoting harvest of rainbow trout will help the cutthroat trout populations. However, from their own supporting documents on this proposal, FWP states that “[we] do not have any estimates of the number of rainbow trout harvested. These types of data are typically collected through creel surveys, unfortunately none have been conducted on the Swan River. In the absence of these data, it is difficult to determine the overall impact harvest has on the rainbow trout fishery.” Therefore, by their own statement, FWP cannot conclude that harvest has NOT been detrimental to the rainbow trout fishery.

FWP in their supporting document states that “Given the amendment is contrary to management described in the Statewide Fisheries Management Plan, the department supports the fishing regulations currently in place.” However, based on FWP’s own criteria in the Statewide Fisheries Management Plan, perhaps the Swan River is not currently a suitable candidate for intense cutthroat trout management. The Statewide Fisheries Management Plan states that although “across their range in Montana, nonhybridized westslope cutthroat populations are a high priority; however, many populations are hybridized and as such, populations with less than 10% non-native trout ancestry are considered “conservation” populations.” The Statewide Fisheries Management Plan also defines “the conservation goal for westslope cutthroat trout west of the Continental Divide is to maintain viable populations with diverse life histories throughout their existing distributions in all drainages. Identified “conservation” populations west of the Continental Divide include isolated resident populations and populations with a migratory life-form that provide connectivity among populations and angling opportunity for large fish.” Certainly, based on Gardner’s (2022) work – the only fisheries population work conducted on the Swan River in the last decade - the cutthroat trout fishery in the Swan River cannot meet these criteria.

FOAM has and will continue to strongly support the concepts and methods for fisheries conservation within the Statewide Fisheries Management Plan. However, we cannot support the application of its cutthroat fisheries management conservation criteria in the form of rainbow trout harvest being applied to a flourishing rainbow trout fishery such as the Swan River in the absence of any viable biological evidence. Unfortunately, all fisheries work conducted on the Swan River over the last decade has shown that cutthroat trout have been functionally extirpated from the Swan River. FWP has not conducted any harvest or creel-type surveys or population or fisheries composition surveys on the Swan River in over a decade; therefore, effect of harvest – positive or negative on either species – cannot be determined or even estimated.

Aldo Leopold once said, “the first rule of intelligent tinkering is to keep all the pieces.” Applying an across-the-board harvest regulation without knowing the initial size of either population, or the effects of that harvest on the population, is neither responsible management nor conservation. Therefore, we are in strong support of the

recently proposed Swan River fishing regulation amendment to reinstate the historic catch-and-release regulation for rainbow trout on the Swan River. We would strongly encourage FWP to institute a statistically-viable trout fishery monitoring program, including a creel census, on the Swan River. Such information would responsibly inform conservation or population management decisions and could potentially allow for some level or type of harvest in the future. Such a monitoring program is necessary too simply to assess the condition of the cutthroat trout fishery.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael A. Bias". The signature is fluid and cursive, with a prominent initial "M" and "A".

Michael A. Bias, Ph.D.
Executive Director