Drought Fishing Closure Policy

Introduction

The mission of the FWP Fisheries Program is to preserve, maintain, and enhance aquatic species and their ecosystems to meet the public's demand for recreational opportunities and stewardship of aquatic wildlife. Low flow conditions during drought may require temporary restrictions on fishing to protect fish populations and sustain future opportunity.

Drought impacts each stream reach differently, although reduced summer stream flow consistently reduces available habitat and increases temperature, stress, and predation. To ensure that fisheries are protected under critical drought conditions, a set of criteria has been developed to guide fishing closure and re-opening decisions. The following guidelines will be considered for each closure/re-opening decision:

- Decisions should be based on the best biology/science available to support resource protection.
- Good public information should be provided.
- Informational measures may be attempted, if conditions allow, before imposing mandatory restrictions.
- Efforts should be made to maintain and/or redirect recreational opportunities where possible.

Objectives

1. Protect long-term health of aquatic systems from impacts of severe drought, especially waters supporting species of special concern.
2. Cooperate with watershed groups to maintain instream flows.
3. Maintain access to fisheries less impacted by drought, thereby minimizing the impact of concentrating fishing pressure on few waters.
4. Provide consistency in decisions across the state.
5. Inform the public regarding the need for and value of conservation measures.

Classification of Fisheries

Each region will classify priority fisheries (those fisheries that are self-sustaining and receive significant angler use or vulnerable waters that receive significant angler use) into the following categories:

Watersheds with drought plans in place:
On some streams, watershed groups composed of local agriculture, conservation, business, and angler interests have developed individualized drought plans to address site-specific stream flow and fishery issues. These drought plans will direct drought-related actions in the waters covered by them.

Critical fisheries:
Fisheries with species of special concern (e.g., bull trout, grayling, sauger) or high angler use that are expected to be severely affected by drought conditions. For

drought planning purposes, these fisheries can sustain fishing pressure up to a point, after which continued angling pressure may be detrimental. This classification generally includes larger, valley-bottom rivers and their tributaries.

Tailwater fisheries:
These are fisheries that exist in tailwaters below reservoirs. Because of the human influence on flows and temperatures resulting from dam operations, drought impacts may be different than in natural-flowing waters. For example, flows may be drastically reduced in the fall to maximize refill of reservoirs. In such situations, when dam operations result in severely reduced flows or alterations to the thermal regime, closures may be recommended.

Drought-resistant fisheries:
Those priority fisheries, especially lakes and reservoirs that can sustain fishing pressure despite the impacts of drought. These waters will remain open to angling unless drastically reduced water levels or other conditions create a public safety concern.

Process to Change Regulations

1. Regional/field staff regularly assesses stream/lake conditions and coordinate as needed with local interested parties.
2. Region identifies problem to Helena and submits proposed change with rationale.

Streams:
FWP may impose more restrictive regulations, or even close a stream to fishing, when flow or water temperatures reach critical levels. Decisions to close waters to fishing may have been negotiated with local watershed management groups.

Lakes and Reservoirs:
Where fish populations are supported by stocking, FWP may liberalize or remove limits when water levels reach the point where survival of fish (through the summer or over winter) is doubtful. If low water levels or high water temperatures will jeopardize survival of the populations, consider allowing maximum harvest of fish. Some waters may be deleted from the planting schedule. Actions are taken on a case-by-case basis.

3. Helena Fisheries Division coordinates with Director and Commission.
4. Commission adopts emergency regulation.
5. Press release announces implementation of regulation change. Signs are prepared and areas are posted as necessary.

Fishing Closure Decisions

Criteria for evaluating drought impact are based on site-specific stream flow or lake/reservoir levels and water temperature. Established threshold levels for salmonids and for bull trout specifically will initiate the discussion for appropriate action to protect the fisheries. Some waters will not reach the established threshold levels but may require action to protect the fisheries anyway (e.g., Missouri River). Other waters may reach threshold levels but may not

warrant mandatory fishing closure because of site-specific conditions such as self-regulating angling pressure. Justification for closure recommendations will be provided for any water that is recommended for emergency fishing closure. Water users holding water rights junior to FWP instream flows will be contacted to cease further diversions, and water conservation measures will continue to be encouraged in watersheds closed to angling.

Thresholds for Salmonids (Excluding Bull Trout)

- Flows are at the 95% daily exceedence level (1-in-20-year low flows); or
- Daily maximum water temperature reaches or exceeds 73° F (23° C) for at least some period of time during three consecutive days.

Thresholds for Bull Trout

- In critical bull trout spawning and rearing streams, daily maximum water temperature equals or exceeds 60° F (15° C) for three consecutive days, and bull trout are vulnerable in cold water refuges.

Closure Options

The following options may be implemented when thresholds described above are reached. The decision whether to implement a particular closure option will depend on the threat to the fisheries, as well as existing and projected fishing pressure:

Time-of-Day Closure:

Prohibits fishing between the hours of 2:00 p.m. and 12:00 a.m. (Midnight). Until August 15, Time-of-Day closures will be automatically implemented with Commission approval in priority waters once thresholds are reached, and in other waters if conditions warrant. They will remain in place until September 15 or until re-opening criteria described below have been met. After August 15, the decision to close any waters will be made on a case-by-case basis. On September 15, all waters will be open unless an earlier/later date is designated by the FWP Commission for a specific water.

Full Closure:

Prohibits all fishing on the designated water. Appropriate for waters with species of special concern, areas experiencing high mortality, areas with critically low dissolved oxygen ($\leq$4 ppm measured in the early morning before sunrise), or in specific areas with extremely low flows that threaten the fishery resources (e.g., spawning sites, or excessive angling pressure concerns). Full closures may be implemented in priority waters that meet the thresholds, and in which Time-of-Day Closures are inadequate, and in other waters if conditions warrant. Closures will be lifted on September 15 unless an earlier/later date is specified by the Commission based on the criteria used to recommend the closure, or a pre-established time frame selected to provide adequate protection for the fishery.

Re-Opening Criteria:

A stream may be re-opened to fishing by the FWP Commission if the water temperature does not exceed 70.0°F for three consecutive days.

Unresolved Issues

Shifts in angling pressure:

Broader application of closures may be necessary to address excessive angling pressure on remaining open waters in extreme drought conditions. Shifts in angling pressure will be monitored if closures are implemented. Appropriate levels of response will be based on further discussion with the FWP Commission and the public, and may include restrictions to reduce excessive overcrowding or angling pressure.

Priority Waters

The following list of priority waters includes those waters that, based on past experience, are most likely to reach or exceed the drought flow/temperature thresholds in any given year, and have high angling pressure. Until August 15, Time-of-Day closures will be automatically implemented with Commission approval in priority waters once thresholds are reached, unless a full closure is warranted. They will remain in place until September 15 or earlier if re-opening criteria have been met. If a priority water is already covered under an existing drought management plan, it will be closed according to the criteria in that plan, summarized below.

FWP Region 1

- Thompson River

FWP Region 2

- Blackfoot River - Drought Management Plan – Fishing in the Blackfoot River and bull trout core area tributaries will have restricted hours or be closed when flows at the Bonner Gauge fall below 450 cfs. Core area tributaries include: North Fork Blackfoot, Monture Creek, Copper Creek, Cottonwood Creek, Clearwater River above Rainy Lake, Deer Creek, Placid Creek, Belmont Creek, Gold Creek, Landers Fork, West Fork Clearwater, and Morell Creek

- Lower Bitterroot River

- Clark Fork River below the Bitterroot River

FWP Region 3

- Big Hole River (Upper) – Drought Management Plan – (1) Close to fishing when flows fall below 20 cfs at Wisdom. Reopen only after flows exceed 40 cfs for seven consecutive days. (2) Close to fishing when temperatures exceed 70° F for more than 8 hours per day for three consecutive days. Remain closed until water temperatures do not exceed 70° F for more than 8 hours per day for three consecutive days and flows are greater than 30 cfs for seven consecutive days.

- Big Hole River (Middle) – Drought Management Plan - (1) Close to fishing when flows fall below 60 cfs at the Mudd Creek Gauge, or temperatures exceed 70° F for over 8 hours per day for three consecutive days. Reopen only after flows exceed 80 cfs for seven consecutive days and water temperatures do not exceed 70° F for more than 8 hours per day for three consecutive days. Big Hole River (Lower) – Drought

Management Plan - Close to fishing when flows fall below 150 cfs at the Melrose Gauge. Reopen only after flows exceed 200 cfs for seven consecutive days.

- Jefferson River – (from confluence of Big Hole, Ruby, and Beaverhead Rivers to confluence with Madison and Gallatin Rivers) Drought Management Plan - Close to fishing when flows fall below 250 cfs at the Twin Bridges Gauge. Reopen only after flows exceed 300 cfs for seven consecutive days.

FWP Region 4

- Smith River
- Sun River (below Diversion Dam)

FWP Region 5

- Boulder River (below Natural Bridge)
- Stillwater River
- Yellowstone (from Park County Line to Huntley Diversion)