



MONTANA FISH, WILDLIFE & PARKS

MADISON RIVER

RECREATION - ENVIRONMENTAL ASSESSMENT



September 25, 2020

Montana Fish, Wildlife & Parks
Attention: Madison River EA Comments
Physical Address: 1420 East Sixth Avenue, Helena, MT 59601
Mailing Address: PO Box 200701, Helena, MT 59620
or
madisonrivercom@mt.gov



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Preface

This Environment Assessment (EA) addresses recreation management on the Madison River from the outlet of Quake Lake downstream to its confluence with the Jefferson River. It was developed after the Fish and Wildlife Commission received two petitions for rule making, one from the Fishing Outfitters Association of Montana (FOAM) and the other from a collection of sportsmen associations including the George Grant Chapter of Trout Unlimited (GGTU), Skyline Sportsmen Association (SSA) and the Anaconda Sportsmen Association (ASA). The Fish and Wildlife Commission considered the petitions and ultimately passed the proposed rule language for administrative rulemaking. The administrative rulemaking process for both petitions and EA are being conducted simultaneously. The goal of this EA is to consider the proposed administrative rule language as it relates to the Madison River Recreation Goal of ***managing recreation use on the Madison River in a manner that: 1) ensures long-term health and sustainability of the fisheries; 2) diversifies angling opportunity while reducing conflicts; and 3) sustains the ecological and economic benefits of the river to Montanans and our guests.***

Public comment is requested on the alternatives detailed in the subsequent sections, along with the rule language as found at fwp.mt.gov. Public comment will open on Friday, September 25, 2020 and end on Friday, October 30, 2020; details for the public comment process will be available at fwp.mt.gov. A public meeting will be held virtually on Tuesday, October 20, 2020 at 6:00 pm allowing for participation of those in the affected local communities while recognizing restrictions related to Covid-19. Details on how to participate in the virtual meeting will be available at fwp.mt.gov or by calling the Fisheries Division at 406-444-2449. At the conclusion of the public comment period FWP will make recommendations to the Fish and Wildlife Commission.

Executive Summary

Three management alternatives were evaluated as part of this Environmental Assessment, in terms of their impact to recreation values, physical environment and natural resources, heritage resources and economic resources. The primary components of each alternative and their ability to meet the Madison River Recreation Goal are as follows:

1.0: Status quo alternative (no action alternative). The existing regulations prohibiting fishing from a boat in the walk/wade sections on the Madison River would be retained, as would the Special Recreation Permit (SRP) system for commercial outfitters. Analysis indicates that this alternative could cause impacts to the long-term health and sustainability of the fishery. The analysis did not demonstrate that this alternative would achieve the goals of diversifying angling opportunity while reducing conflict or sustainment of the ecological or economic benefits of the river. Therefore, this alternative would not be a good fit to achieve the required goals for recreation management on the Madison River.



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2.0: Fishing Outfitters Association of Montana alternative. This proposal would cap the number of commercial outfitter client trips based on outfitter selection of either 2019 or 2020 use, allocating trips to individual outfitters. It would remove the prohibition on fishing from boats four days per week in the upper walk/wade section from Reynolds' Pass FAS to Lyons Bridge FAS. It would also establish a No-Cost/No-Limit Madison River User Stamp, which must be obtained by all river users, stamp holders would be required to report their activity on an annual basis. The information derived from this stamp would be used to consider approaches to limit certain use by non-commercial recreationists. Based on the options within this alternative it only partially achieves the goal for recreation management on the river—economic benefits are sustained, but diversity of angling opportunities are diminished and long-term health and sustainability of the fisheries are unchanged.

3.0: Sportsmen Groups/GGTU alternative. This alternative includes a combination of tools that collectively are considered to best meet the objective stated in the Madison River goal. This proposal would further restrict boats in the existing walk/wade sections by prohibiting access to fishing by boat Friday - Sunday, two rest/rotation sections would be instituted to separate commercial and non-commercial users, access sites would be staffed and redesigned to reduce congestion, access site development below Greycliff FAS would be restricted to ensure a more primitive experience, commercial outfitter numbers would be capped at 2019 levels, and a no-cost/no-limit Stamp would be required of all users to assess impacts of non-commercial recreation. Based on the analysis, the tools within this alternative would provide for a diversity of angling opportunity, would sustain the ecologic and economic benefits of the river, but would not change the long-term sustainability of the fishery.



MONTANA FISH, WILDLIFE & PARKS

Table of Contents

I. Purpose of and Need for Action.....	5
II. Madison River Use and Public Scoping.....	8
III. Management Alternatives.....	19
1.0: Status quo alternative (no action alternative).....	19
2.0: Fishing Outfitters Association of Montana alternative.....	19
3.0: Sportsmen Groups/GGTU alternative.....	22
Adaptive management of Madison River recreation management actions.....	22
IV. Analysis of Alternatives.....	23
Predicted effects on recreation value.....	23
1.0: Status quo alternative – analysis on recreation value.....	23
2.0: FOAM alternative – analysis on recreation value.....	24
3.0: Sportsmen Groups/GGTU alternative – analysis on recreation value.....	25
Predicted effects on the physical environment and natural resources.....	30
1.0: Status quo alternative – analysis on physical and natural resources	32
2.0: FOAM alternative – analysis on physical and natural resources.....	32
3.0: Sportsmen Groups/GGTU alternative – analysis on physical and natural resources.....	33
Predicted effects on heritage resources.....	33
1.0: Status quo alternative – analysis on heritage resources	33
2.0: FOAM alternative – analysis on heritage resources.....	33
3.0: Sportsmen Groups/GGTU – analysis on heritage resources.....	34
Predicted effects on economic resource values.....	34
1.0: Status quo alternative – analysis on economic resources.....	35
2.0: FOAM alternative – analysis on economic resources.....	36
3.0: Sportsmen Groups/GGTU alternative – analysis on economic resources.....	37
Cumulative impacts and potential risks or hazardous adverse effects.....	42
Appendix A: Landownership.....	43
Appendix B: FOAM Petition.....	45
Appendix C: Sportsmen Groups/GGTU Petition.....	55



MONTANA FISH, WILDLIFE & PARKS

MADISON RIVER RECREATION DRAFT ENVIRONMENTAL ASSESSMENT

I. Purpose of and Need for Action

This Environmental Assessment (EA) addresses recreation management on the Madison River from the outlet of Quake Lake downstream to its confluence with the Jefferson River near the town of Three Forks, Montana in the format suggested by the two petitions and approved by the Fish and Wildlife Commission. The Fish and Wildlife Commission's decision to approve this rulemaking was premised upon the desire to hear from the public on the options presented by the petitions. This EA considers multiple options for addressing the quality of the recreational experience on the Madison River. This EA excludes the Bear Trap Wilderness Area, which is managed exclusively by the Bureau of Land Management (BLM; Figure 1). Landownership is addressed in Appendix A.

Authority

- The Fish and Wildlife Commission has statutory authority to manage recreational use of publicly accessible waters in Montana (MCA 87-1-303).
- The Montana Environmental Policy Act, Title 75, Chapter 1.
- Transfer of River-Use Days, MCA 37-47-310(4).

Madison River History of Recreation Management

The Madison River is an iconic fishing destination for trout anglers worldwide. The popularity of this fishery is documented through FWP estimates on angling pressure, which indicate that the Madison River is one of the most heavily fished rivers in Montana. Travel restrictions related to Covid-19 resulted in a reduction in 2020 non-resident fishing on the Madison River, particularly early in the 2020 season; after restrictions were lifted use on the river increased substantially and appears to be higher than previous years. The outfitting industry on the Madison has seen significant impacts as a result of Covid-19, including work restrictions and trip cancellations.

Because of the heavy use on the river, there have been many efforts over the past several decades to address angler conflicts and crowding on the River:

- 1959: Float fishing closure from Hebgen Dam to Varney Bridge.
- 1967: Float fishing closure rotated between two reaches of the river each year.
- 1975/1976: Snoball and Pine Butte reaches closed to angling and harvest, respectively, for mortality study.
- 1980: 1-year moratorium on new outfitters.



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- 1988 to present: Fishing from a vessel only allowed from Lyon's Bridge to Ennis Bridge on the upper Madison River.
- 2006: FWP and partners met with landowners concerned with Madison River recreation conflict.
- 2007: FWP and the BLM entered into agreement to implement Madison River Special Recreation Permits (SRP).
- 2008: FWP conducted survey of resident anglers concerning the Madison River.
- 2008: FWP surveyed Madison River Valley property owners about river recreation concerns.
- 2009: FWP conducted Madison River on-site visitor survey.
- 2011: FWP began formal process of Madison River recreation management planning.
- 2012: FWP initiated scoping process, including four public meetings and online survey.
- 2012: Madison Citizen Advisory Committee (MCAC) formed.
- 2013: MCAC recommendations presented to FWP Commission and distributed for public comment.
- 2014: FWP halted Madison River recreation management planning process because of agency-wide funding concerns.
- 2016: FWP reinitiated public engagement in the management planning process through three listening sessions and a mail-in survey of Upper Madison River anglers.
- 2017: FWP initiated a year-long on-site angler survey.
- 2018: FWP presented a draft Environmental Assessment and draft Madison River Recreation Management Plan and proposed administrative rules to the Fish and Wildlife Commission. The Fish and Wildlife Commission decided against release of the documents for public comment and instead asked FWP to come back with a proposal for a different process that would engage a broader range of constituents.
- 2018/19: FWP was directed by the Fish and Wildlife Commission to use a Negotiated Rulemaking Committee (NRC) to develop recreation rules for the Madison.
- 2019: The Madison NRC failed to reach consensus. Individual Committee Members submitted recommendations to the Fish and Wildlife Commission.
- 2019: The Fish and Wildlife Commission received 3 petitions for rulemaking on the Madison specifically for river recreation. The Commission did not adopt any of the petitions and instead directed FWP to conduct public scoping in order to narrow down options for consideration in a recreation management rule.
- 2019/20: FWP conducted an extensive public scoping process to identify alternatives for a recreation management rule. The survey was conducted online, in addition to FWP seeking input via email and regular mail. Over 8,000 responses were received.
- August 2020: Two petitions were presented to the Fish and Wildlife Commission requesting rule making for recreation management on the Madison River. The Commission voted in favor of proceedings with the rule making process for both petitions.



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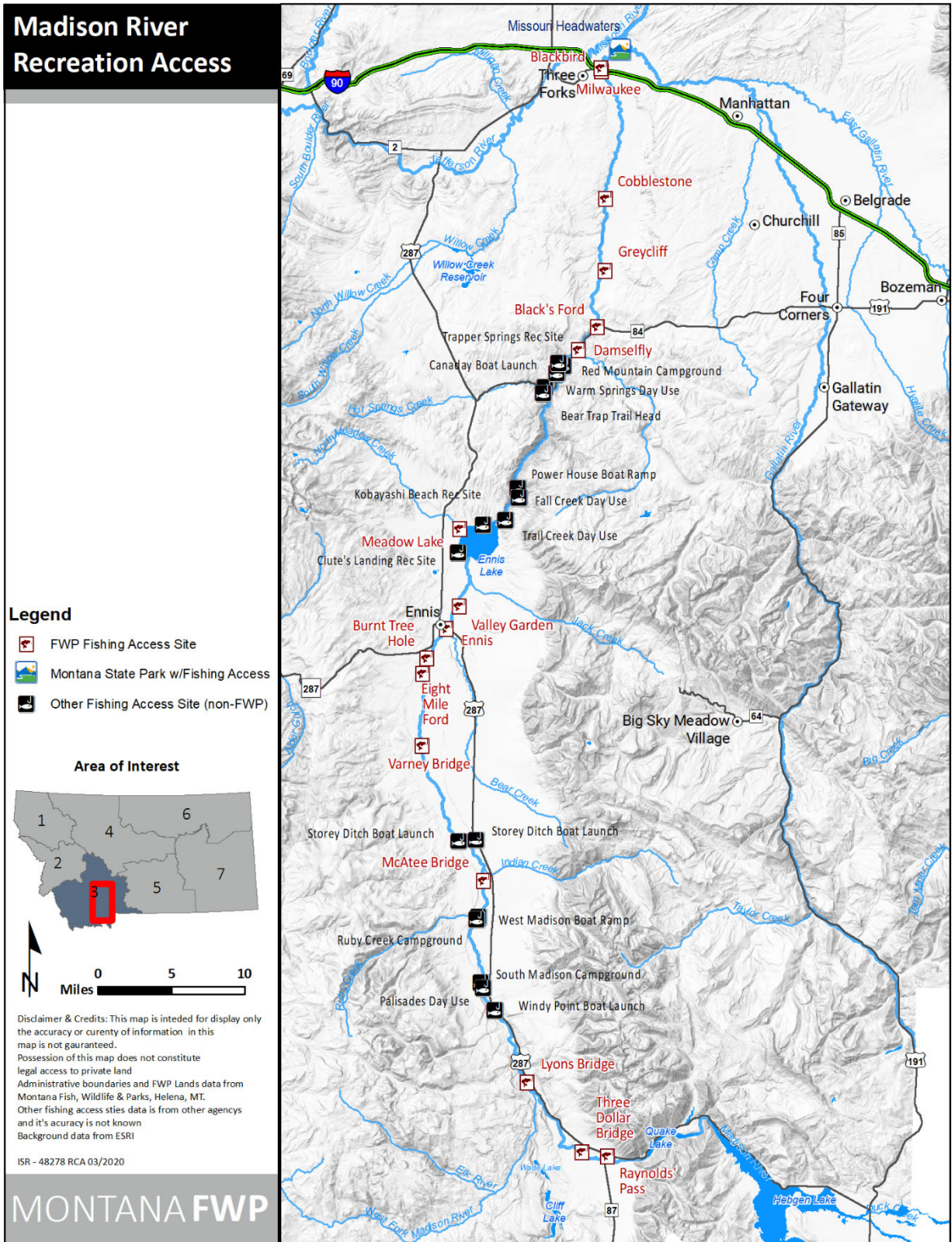


Figure 1. Map of the Madison River planning area.



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II. Madison River Use and Public Scoping

Madison River angler use data have been collected since the late 1970's. FWP also started surveying anglers on odd-numbered years in 1989 to estimate statewide use of all waters in Montana. For the upper Madison River (Hebgen Dam to Ennis Dam), angler use has increased consistently over time, (Figure 2), likely due to a combination of an increasing population, a productive fishery, and a general increase in the popularity of river recreation. Beginning in 2003, large increases in angling pressure have been observed on the upper Madison River. From 2003 to 2017, angling pressure has more than doubled from 91,000 to 207,000 angler days by a rate of 15% biennially. From 1982 to 2017, total angler pressure from non-resident anglers has remained stable at approximately 75% of users. Though no obvious trends in the proportion of non-resident to resident angler days exist, the total number of out-of-state angler days has substantially increased.

Angler use on the lower Madison River (Ennis Dam to the Jefferson River) has shown a similar pattern to the upper river—slow growth from 1982 to 2011 and rapid growth from 2011 to 2017(Figure 3). The main difference between these two sections of river is absolute numbers and in 2017 the upper river received more than three times the angler pressure than the lower river (207,000 vs 61,635 angler days).

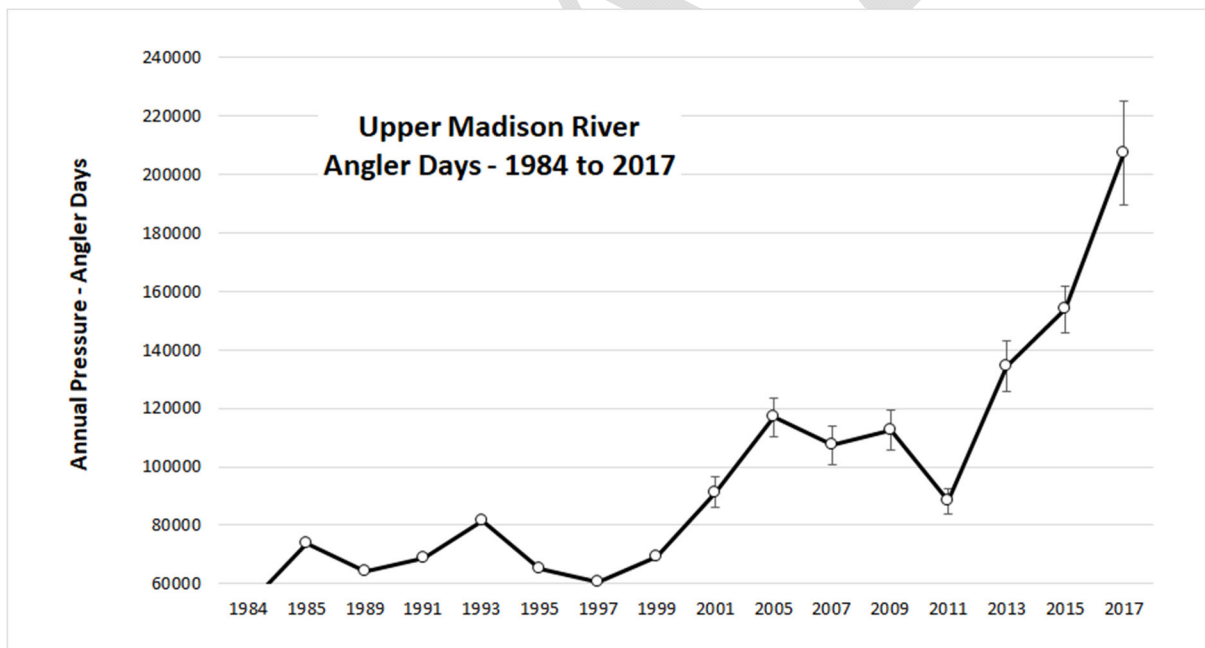


Figure 2. Angler days calculated from mail-in surveys collected on odd years. Vertical bars represent standard error/confidence intervals. One angler day is defined as an individual angler fishing for any amount of time on a discrete day.



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Lower Madison River Angler Pressure

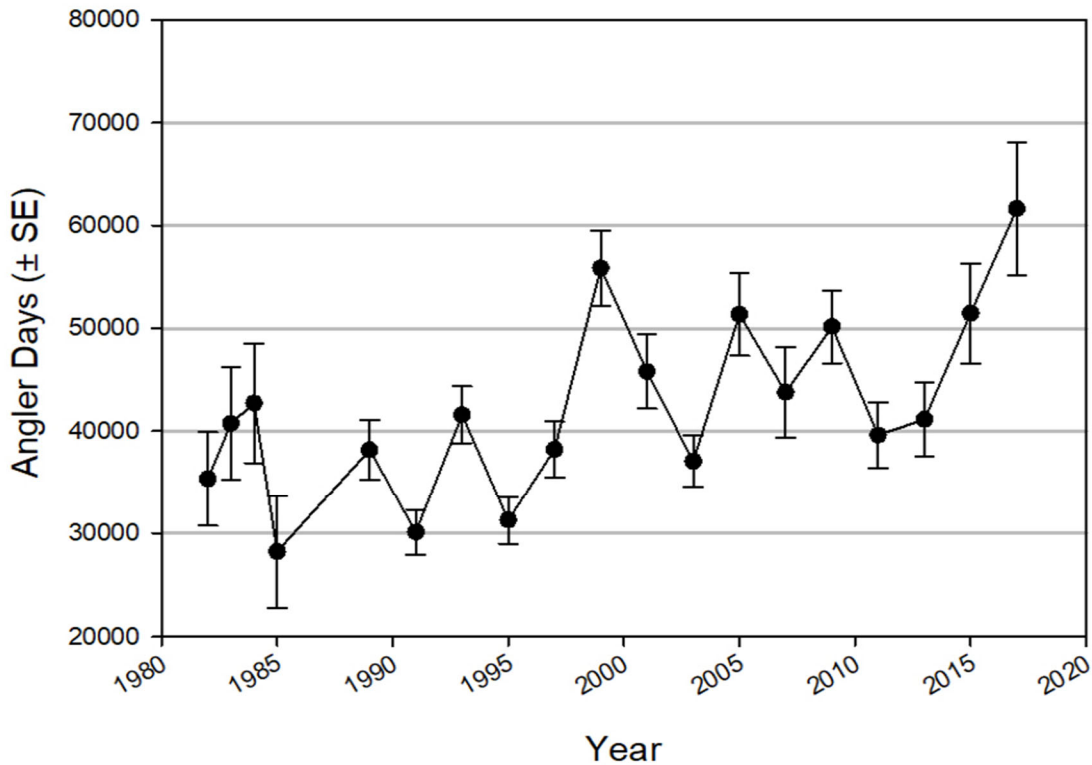


Figure 3. Angler days on the lower Madison River (section 1, Ennis Dam to mouth) from mail-in surveys collected 1982-1985 and thereafter on odd years, 1989-2017.

Trends in overall recreational use on the river have been monitored since 2005 by Northwestern Energy (Pinnacle Research 2018, 2020), through the use of traffic counters for the 16 primary public access sites on the upper Madison River and 13 primary public access sites on the lower Madison River. Not all sites are measured every year, but in some years since 2014 reliable estimates have been made for all these sites on both the upper and lower river. It was estimated that there were between 203,000 and 243,000 individual visits in the upper river during the summer (Friday before Memorial Day to Thursday after Labor Day) for the years 2014, 2017, and 2018. By comparison, there were between 290,000 and 318,000 visits on the lower river for the years 2016-2019 (Table 1).

Year	Lower Madison	Upper Madison
2014		203,387
2016	290,475	
2017	317,773	243,589
2018	314,908	245,575
2019	302,713	



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Northwestern Energy also has traffic counters at seven “indicator” sites which have been monitored every year since 2007 on the upper river and four on the lower river. Changes at these sites give some idea of the trends in total recreational use on the river. On average, the upper river indicator sites have shown an annual increase in visitors of 2.3% since 2007, while the lower river has experienced a 2.0% annual increase.

For planning and management purposes, it is necessary to understand the relative contribution of anglers to overall use on the river in these two sections. Comparing these estimates of numbers of visitors (derived from traffic counters) to angler-days (derived from mail-in surveys) is difficult, because it is not known if one unique visitor is equivalent to an angler day. However, the ratio of the two in 2017 was 2.0 for the upper river, versus 14.8 for the lower river, providing a clear indication that the influence of anglers on overall use of the upper river is much greater than in the lower river (Table 2). The implication of this is that solutions for crowding/conflict management on the lower river will primarily involve regulating the non-angling recreationists.

Table 2. Comparison of number of visitors to recreational sites on the Madison River and angler-days in peak recreational season in 2017 (Friday before Memorial Day to Thursday after Labor Day).

Area	Visitors	Angler-days	Visitor: Angler day ratio
Upper Madison	243,589	119,943	2.0
Lower Madison	317,773	21,536	14.8

In 2007, the Bureau of Land Management (BLM) and FWP implemented a cooperative Special Recreation Permit Program (SRP) for administering commercial, competitive, and organized group activities on public lands and related waters within the Madison River corridor. Since the inception of the permit program on the Madison River, FWP has issued 352 Madison Special Recreation Permits to individual commercial operations. Permits issued to fishing outfitters have numbered 338, while 14 have been issued to shuttle services or scenic floats. Permitted fishing outfitters active on the Madison in 2019 numbered 222, the highest under the program.

A stipulation of the SRP program is that all outfitters must report annually to FWP all commercial use on the Madison River. According to recent reports, Madison River trips reported by commercial outfitters has more than doubled since 2008 (Table 3). Use of the upper Madison River (Quake Lake to Ennis FAS) by outfitters occurs predominantly from June through September (Figure 4). Outfitter use on the lower Madison River (Ennis Dam to the confluence with the Jefferson River), occurs primarily in the spring and fall because of warm summer water temperatures in this reach (Figure 5). With respect to specific access points, outfitters most frequently used the Lyons Bridge FAS as a launch point in 2018 on the upper river, followed by Varney Bridge FAS. Most frequently used sites as a take out were Varney Bridge FAS followed by



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Palisades Day Use Area (managed by BLM; Table 4). On the lower river, Warm Springs Day Use Area (managed by BLM) was the most frequently used put-in, followed by Canaday/Red Mountain Boat Launch (managed by BLM). Most frequently used take-outs were Greycliff FAS followed by Blacks Ford FAS. In 2016, FWP implemented season-long fishing on the entire upper Madison River in an effort to provide an uncrowded opportunity for anglers and distribute use during the spring. The newly liberalized regulations have lead to increases in spring outfitter use in previously closed sections of the upper Madison River.

Table 3. Reported commercial trips by year and month from 2008 to 2019. Trips may have one or more clients. Note: At time of print, 2019 numbers are incomplete due to unreported outfitter trips.

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	0	1	1	0	0	3	4	9	4	3	5	5
Feb	1	1	1	3	0	3	2	15	21	4	6	3
Mar	3	15	21	25	27	24	26	92	63	121	137	83
Apr	86	133	100	69	118	82	159	184	296	329	437	432
May	229	151	167	173	205	276	347	523	437	622	472	621
Jun	1092	786	696	314	915	940	1368	1560	1834	2456	2427	2265
July	2536	2026	1811	2241	1927	2172	2588	2802	2883	2984	3396	3807
Aug	1624	1497	1326	1499	1861	1870	1869	2207	2754	2010	2405	3339
Sep	809	1256	996	1079	1374	1379	1497	1816	2132	1993	2152	2510
Oct	262	259	213	317	454	411	440	636	687	669	732	786
Nov	11	6	5	3	7	0	14	20	29	21	25	49
Dec	0	0	1	1	0	0	6	8	8	12	16	9
Total	6653	6131	5338	5724	6888	7160	8320	9872	11148	11224	12210	13909
% Change	n/a	-7.8	-12.9	7.2	20.3	3.9	16.2	18.7	12.9	0.7	8.8	13.9



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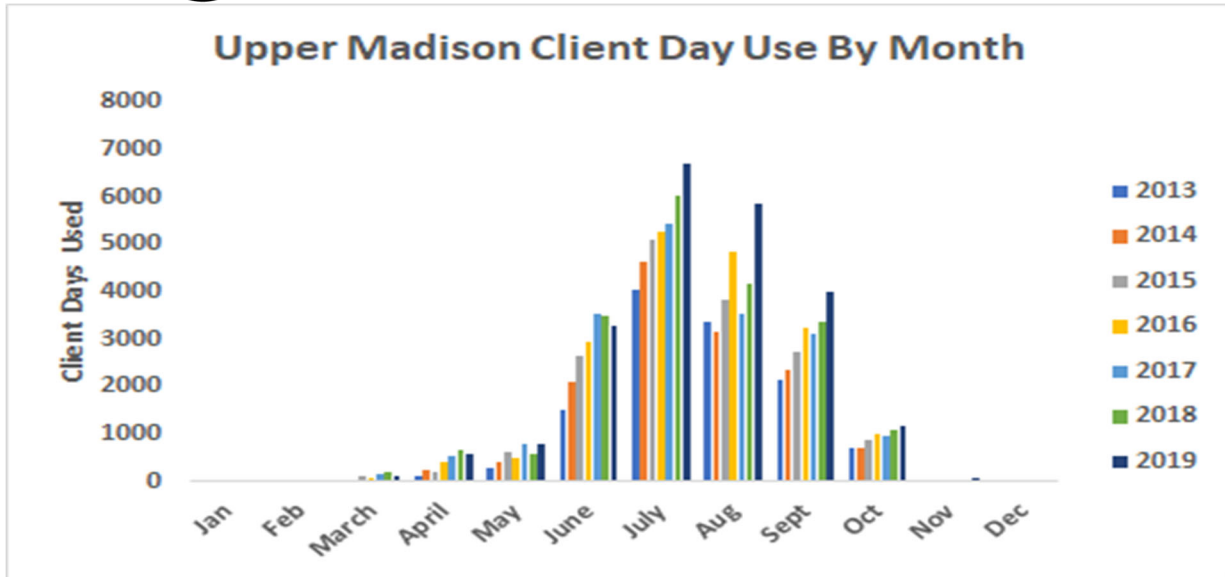


Figure 4. Commercial use of upper Madison River client days reported from 2013 to 2019.

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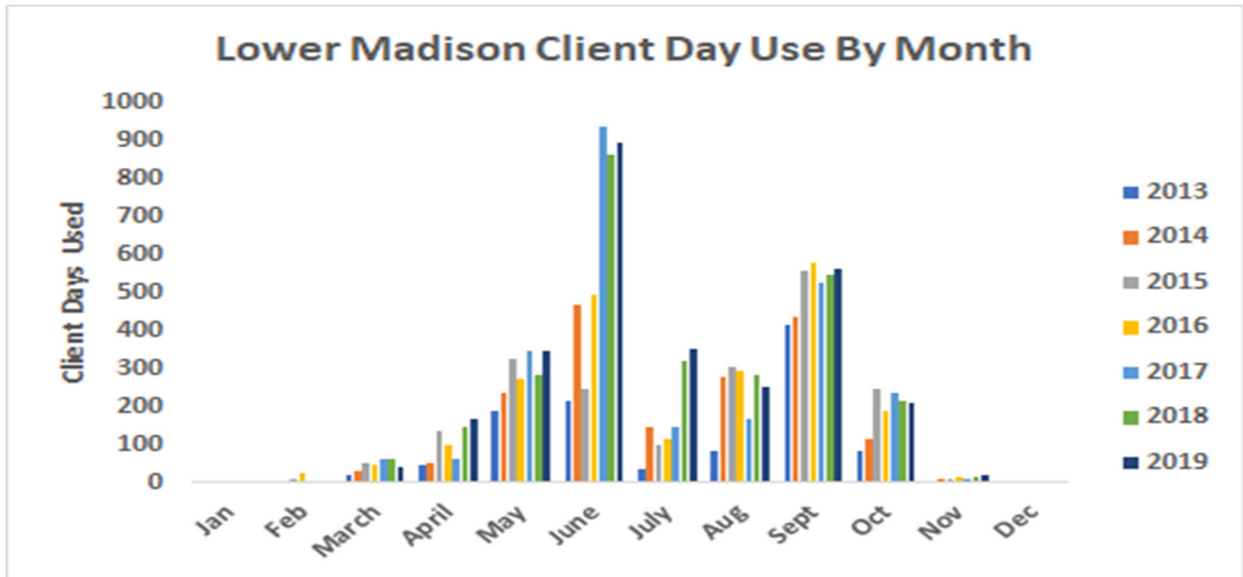


Figure 5. Commercial Use of lower Madison River client days reported from 2013 to 2019.

SRP outfitter reports show an increasing amount of outfitter use in the two wade-only reaches of the upper Madison: from Quake Lake to Lyons Bridge FAS and from Ennis FAS to Ennis Reservoir (Figure 6). Fishing from a vessel or float tube is prohibited in these reaches; however, it is legal to use a vessel or float tube to gain access for fishing. The reach from Quake Lake to Lyons Bridge FAS has nearly doubled in outfitter use since 2013 while the reach from Ennis FAS to Ennis Reservoir has increased by over 350%.

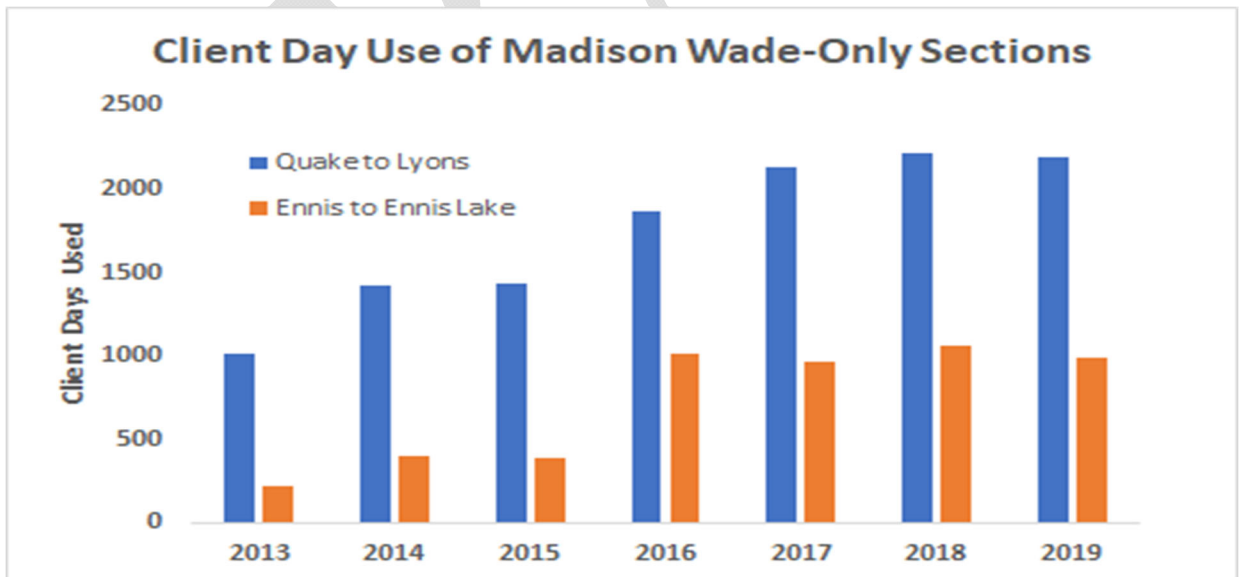


Figure 6. Commercial use client days used in wade-only reaches of the upper Madison River.



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FWP has been gauging the concerns of the public about Madison River recreation on a regular basis since 2008 through surveys, listening sessions, and multiple citizen advisory committees. The two most recent surveys are the best characterization of current conditions and sentiments. In 2016, FWP conducted a mail survey focusing on angler satisfaction on the upper river between Hebgen Dam and Ennis Reservoir. Data were collected from 2,921 respondents (46% residents, 54% non-residents) who reported fishing in the Madison River drainage between 2001 and 2015. When asked if their fishing on the river had changed over time, 59% said yes, and the number one reason (62% of responses) was “to seek times/places where there are fewer other anglers and/or people using the river.” Respondents were also asked to rank the acceptability of various conditions on the river in two reaches (Hebgen Dam to Lyons Bridge FAS and Lyons Bridge FAS to Ennis Dam) during different seasons. In the Hebgen Dam to Lyon's Bridge FAS section, the only condition that was viewed as more unacceptable than acceptable was the the number of people (and their vehicles) at river access points. Of all respondents, 45% felt that number was either very unacceptable or unacceptable, compared to only 26% who viewed it as acceptable or very acceptable (Table 5). In the Lyon's Bridge FAS to Ennis Dam section, conditions that a majority of respondents identified as unacceptable than acceptable were the number of people (and their vehicles) at river access points and the number of people float fishing. For the number of people and vehicles at access points, 42% felt the number was either very unacceptable or unacceptable versus 26% who felt it was acceptable or very acceptable. For the number of float anglers, 41% felt the number was either very unacceptable or unacceptable, while only 30% felt it was acceptable or very acceptable. The other conditions people were asked to judge in terms of acceptability included a) the number of people bank/wade fishing, b) the quality of the fishing experience, c) the number of people using boats to access the river for recreational purposes other than fishing, and d) the number of people using boats to access the river to bank/wade fish in sections of the river that are closed to fishing from boats. For all of these conditions, there was either a similar number of people expressing unacceptability versus acceptability or there were more people indicating acceptability (Table 5).



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Table 4. Locations of trips by commercial outfitters/guides in 2019. Sites listed in the direction from upstream to downstream. Blue highlighted areas are above Ennis Dam (upper river) and green highlighted areas are below Ennis Dam (lower river)

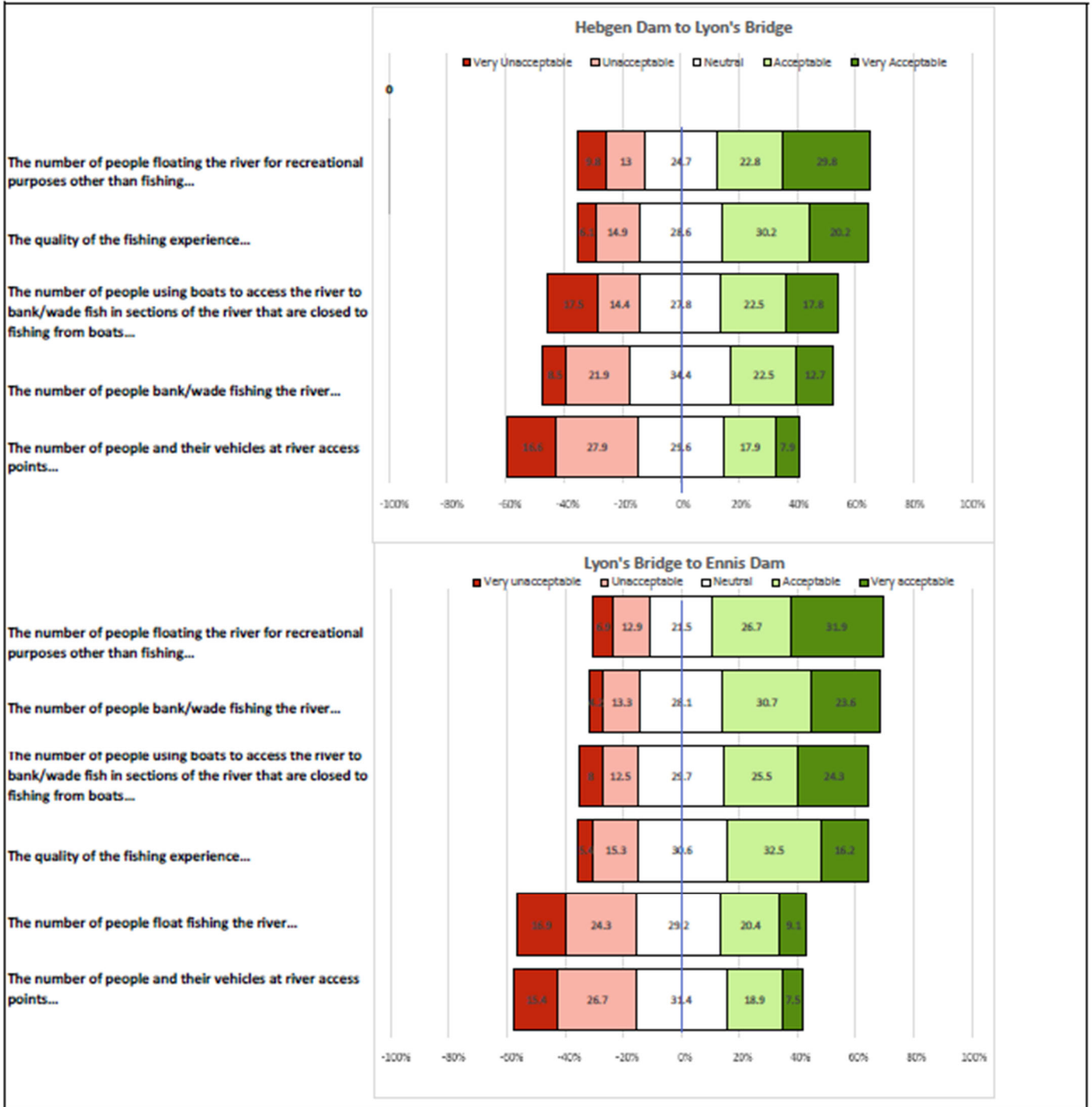
Access Site	Put-in	Take-out	Total	% Upper Madison	% Lower Madison	% Madison Total Use
Slide Inn/GNF area	107	10	117	0.47%		0.40%
Raynold's Pass	539	197	736	2.99		2.70%
Three Dollar Bridge	248	183	431	1.7%		1.6%
Pine Butte/Eagle's Nest	304	235	539	2.2%		1.9%
West Fork area	15	35	50	0.2%		0.2%
Lyons Bridge	3604	76	3680	14.9%		13.3%
Windy Point	1458	673	2131	8.6%		7.7%
Palisades	1193	1326	2519	10.2%		9.1%
Ruby Creek	1070	1620	2690	10.9%		9.7%
McAtee Bridge	773	1221	1994	8.1%		7.2%
Storey Ditch	869	1616	2485	10.1%		9.0%
Varney Bridge	1546	1978	3524	14.3%		12.7%
Eight Mile Ford	436	646	1082	4.4%		3.9%
Burnt Tree Hole	60	385	445	1.8%		1.6%
Ennis/Town	66	1418	1484	6.0%		5.3%
Valley Garden	186	294	480	1.9%		1.7%
Channels Ranch	10	1	11	0.0%		0.0%
Clute's/Ennis Lake	10	247	257	1.0%		0.9%
Bear Trap Canyon	6	1	7		0.2%	0.0%
Warm Springs	1301	2	1303		42.6%	4.7%
California Corner	19	0	19		0.6%	0.1%
Canaday/Red Mtn	80	0	80		2.6%	0.3%
Damsfly (Cherry Creek)	29	200	229		7.5%	0.8%
Black's Ford	14	630	644		21.1%	2.3%
High Bank	0	90	90		2.9%	0.3%
Greycliff	75	533	608		19.9%	2.2%
Cobblestone	2	0	2		0.1%	0.0%
Milwaukee/I-90/Blkbi	2	67	69		2.3%	0.2%
Headwaters	0	6	6		0.2%	0.0%
Other	21	1	22			0.1%
Unknown	11	0	11			0.0%

Madison Total 27745
 Upper Madison Total 24655
 Lower Madison Total 3,057



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Table 5. Selected results from the 2016 mail survey of Madison River anglers. Anglers were asked to rate acceptability (scale of 1 to 5) of various conditions on two stretches of river. Shown are the responses to conditions during the summer (June 15-September 30). Percent of respondents in each category is provided in the colored block.





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The 2016 survey results were a central part of the rationale for establishing a Negotiated Rulemaking Committee (NRC) in December 2018. The NRC aimed to seek consensus among stakeholders to resolve these areas of dissatisfaction resulting from crowding and conflict. Although the NRC did not reach consensus on any items, it generated much constructive dialogue regarding potential tools and solutions to crowding. An online survey was used from November 26, 2019 to January 6, 2020 to gauge the public's views on some of these approaches and helped identify potential alternatives for consideration as part of a recreation management plan (Table 6). Survey participants were asked about a proposed management goal, to ***“Manage recreational use of the Madison River in a manner that ensures long term health and sustainability of the fishery, diversifies angling opportunity while reducing conflicts, and sustains the ecological and economic benefits of the river to Montanans and our guests.”*** A total of 7,577 surveys were taken, and the major groupings-- residents, non-residents, and commercial outfitters--all agreed this goal was important, with some minor differences among the sub-goals. All groups agreed that maintaining a healthy fishery was very important, while commercial outfitters felt most strongly that maintaining the ecological and economic benefits were important. Diversity of angling experiences received the highest scores for importance by the non-commercial anglers. When asked about their view of commercial outfitter management, upper river social conflict management, lower river recreational use management, and upper river angler use management, non-commercial anglers gave the “no limits” or “no restrictions” alternatives low marks in terms of acceptability. Those low marks have been interpreted to mean non-commercial anglers want to see change and active recreation management on the Madison River. The non-commercial group gave the highest levels of acceptability to the alternative to reduce commercial outfitter numbers below 2018 levels, and to preserve the primitive nature of the lower Madison below Greycliff FAS. Resident anglers preferred rest/rotation restrictions as a means of social conflict management, whereas non-residents favored enhanced walk/wade restrictions. Residents favored a reapportionment of angler use on the upper river to restrict the number of non-resident anglers to 50% of overall use. Non-residents did not indicate a clear preference among the alternatives offered. Commercial outfitters did not favor any of the alternatives regarding outfitter management, social conflict management or angler use management on the upper river, but did favor the alternative to evaluate crowding and conflict on the lower river.

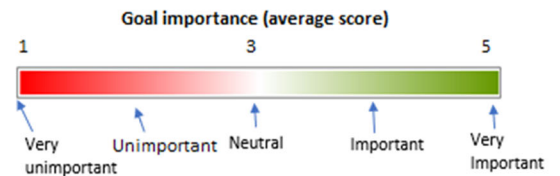
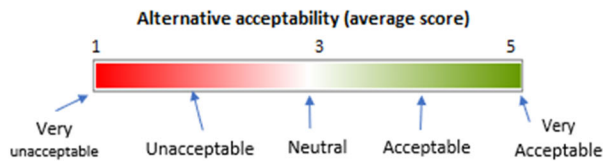


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Table 6. Alternative acceptability for various management approaches from 2019/20 online survey.

Proposed Management Goal		Goal Importance (average score)		
Healthy Fishery		4.48	4.42	4.66
	Economic Viability	3.28	3.69	4.29
	Diversity of angling experiences	3.74	3.87	3.32

ALTERNATIVE COMPARISON BASED ON COMMERCIAL STATUS AND RESIDENCY		Alternative Acceptability (average score)		
		Non-commercial Residents	Non- Residents	Commercial Outfitters
Commercial Fishing Outfitter Management	No Limits	1.65	1.88	2.61
	Cap # of outfitters at 2018 level	2.24	2.32	2.47
	Cap # of trips of outfitters at 2018 level	3.1	3.23	2.75
	Reduce number of trips below 2018	3.71	3.5	2.22
Social Conflict Management on Upper River	No restrictions	1.84	2.01	2.86
	Access Site social conflict mgt	2.5	2.66	3.19
	Rest-rotation	3.51	3.09	2.01
	Walk-wade	3.22	3.45	1.79
	Daily boat launch restrictions	2.92	3	1.88
Lower River Recreational Use Management	Status Quo	2.24	2.47	3.07
	Evaluate level of crowding and conflict	3.32	3.45	3.64
	Prohibit commercail use below Greyclif	3.19	3	1.61
	Preserve primitive nature below Greycli	3.58	3.69	2.59
Angler Use Management on Upper River	No Limits	1.96	2.4	2.6
	Non-commercial use cap at 2018 level	2.43	2.66	2.7
	50:50 resident:non-resident cap	3.44	2.29	2.35
	Citizen's Day	3.11	2.11	2.11





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III. Management Alternatives

The Management Goal for Madison River Recreation Use includes three major objectives: ***To manage recreation use of the Madison River in a manner that 1) ensures long-term health and sustainability of the fisheries, 2) diversifies angling opportunity while reducing conflicts, and 3) sustains the ecological and economic benefits of the river to Montanans and our guests.*** These objectives were well supported by all user groups in the most recent public scoping efforts. The alternatives presented below compare the Status Quo (No Action) to the two petitions received, and will be evaluated for their ability to achieve those objectives. In addition, because only the FOAM petition suggested a methodology for commercial trip assignment (the Sportsmen Groups/GGTU petition was silent on the issue), we have included a section that evaluates their approach with other possible approaches.

Alternative 1.0 Status Quo Alternative – No Action

This alternative imposes no new regulations on fishing or other recreational use of the Madison River or FWP access sites. Currently, commercial users of the river (fishing and scenic tour outfitting and shuttle services) must obtain a Special Recreation Permit (SRP) to operate, which requires filing reports of activity to FWP on an annual basis and paying 3% of gross annual revenue to FWP to help defray management expenses. Fishing regulations include catch-and-release for trout (or rainbow trout) on the river above Ennis Lake (except for children 14 and younger), artificial lures only above Ennis Lake, “hoot owl” restrictions below Warm Springs Day Use Area where no fishing is allowed between 2 pm and midnight from July 15 through August 15, and no limit on northern pike downstream of Ennis Dam. Boating restrictions do occur in two sections of the river (“walk/wade” sections), where fishing from a boat or vessel is not allowed from the Quake Lake outlet to Lyons Bridge FAS, and from Ennis FAS to Ennis Lake. Access sites will continue to be managed for unrestricted and free access, but those sites that charge for camping will continue without change. No new sites will be acquired or developed to accommodate increased recreational use as part of this alternative analysis.

A key assumption of this alternative is that use levels will increase as Montana’s tourism industry grows, and the types of use will change. As these changes occur, a dynamic flux will follow, with some users stopping recreation on the river, while others embrace the new patterns of use. Annual estimates of trout population numbers in different sections of the Madison River will be conducted by FWP as has been the practice since the 1960s. Changes in the population levels will be evaluated by fish managers and addressed as necessary, including changes brought on by increasing angling pressure and associated catch-and-release mortality. Responding to the changing needs would be FWP’s primary management responsibility.

Alternative 2.0 Fishing Outfitters Association of Montana (FOAM) Petition Alternative

The list of items below was included in the petition, and is only summarized here; the entire petition is found in Appendix B. The petition cover letter signed by FOAM Executive Director Mike Bias included the following description of the necessity of this proposal: ***“It is crystal clear to FOAM that the majority of commercial users are long past ready for a plan to be implemented.***



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We respectfully request that support be given to allow this process to proceed in a timely manner and offer some sustainability to our industry and protection of the resource.”

Overall River Use

- Replace regulations in existing upper walk/wade section which currently prohibits fishing from a boat or vessel between the Quake Lake outlet and Lyons Bridge FAS. The new regulation would apply to the reach between Reynolds’ Pass FAS and Lyons Bridge FAS, and would institute a prohibition on fishing from a boat or vessel on Thursday, Friday and Saturday, but no prohibition on the other days of the week. This would apply for the entire year.
- Evaluate above regulation to determine effectiveness, and adjust as appropriate.

Commercial Use Management

Institute a commercial use allocation system (Management Plan) for fishing outfitters as follows:

- Madison River SRP holders with a valid permit prior to June 15, 2020 will be assigned a number of Guided Trips that they may operate in a season equal to their historic use of Trips in the 2019 or 2020 season. An SRP holder with extenuating circumstances that resulted in a temporary reduction in their normal use of Guided Trips in the 2019 or 2020 season may petition to use their previous historic use to establish their Guided Trip allocation (e.g. military service, injury, illness).
 - SRP holders may access up to 10 additional Flex Trips annually 2 out of every 3 years. Flex Trips are temporary in nature, may be adjusted over time, and are non-transferable.
 - If use is 0, SRP holders will not receive historic use allocation nor the Flex Trip ability to operate.
 - If Total Trips (Guided Trips plus Flex Trips) exceed the permitted use allowance, the SRP holder will be subject to disciplinary action or loss of permit. If exceeding trip allowance is habitual, the SRP holder risks losing their permit.
 - Guided Trips may be transferred at the discretion of the Outfitter only with notice to FWP and may only be transferred to an already qualified SRP holder.
 - Outfitters that decline over time in their use of Guided Trips will receive a reduction in their allocation of Guided Trips. Guided Trips which are forfeited will be made available to other qualified SRP holders through a trip distribution pool. Tier I SRP holders with 25 or fewer Guided Trips are exempt from mandatory Guided Trip reductions. Tier II SRP holders with 26-50 Guided Trips will drop to 25 Guided Trips if they have 3 consecutive seasons of use fewer than 26 total trips. Tier III SRP Holders with 51-100 Guided Trips will drop to 50 Guided Trips if they have 3 consecutive seasons of use fewer than 51 total trips. Tier IV SRP Holders with over 100 Guided Trips will receive 80% of their Guided Trip allocation if they operate less than 80% of their Guided Trip allocation for 3 consecutive years. Any SRP Holder that increases their Guided Trip allocation by more than 150 Guided Trips through a transfer will be granted 5 seasons to increase their use before a loss of Guided Trips is required due to lack of use.
- Trip Distribution Pool:



MONTANA FISH, WILDLIFE & PARKS

- If the total trips for an SRP holder is 0 for 3 consecutive years, permit is forfeited and allotted trips will be placed into the SRP Trip Distribution Pool.
- Existing SRP holders that have operated at least 95% of their Guided Trips in the previous season may apply to receive Guided Trips from the Trip Distribution Pool via lottery.
- SRP Permits:
 - Permits are transferable.
 - Any SRP holder may hold a maximum of two permits. No outfitter can operate more than 10% of total allocated use for all commercial users.
 - New permits issued will receive a 10-trip Flex day permit unless being transferred from a current SRP which will receive whatever historic use that current SRP holds.

Commercial Working Group

- Establish a Commercial Use Working Group under the authority of the FWP Region 3 Recreation Manager. The group will be comprised of the Recreation Manager, a member of the Fish and Wildlife Commission, and at least three Madison River outfitters holding a current SRP. The group will:
 - Establish an appeal process for conflicts and complaints.
 - Award guided trips to eligible outfitters from the Trip Distribution Pool via lottery.
 - Review total use and adjust guided trip allocations as needed if SRP holder use declines.
 - Review the annual number of Flex Trips eligible for outfitter use. If the total use for Guided Trips and Flex Trips exceed the combined use levels of 2019 and 2020 the annual number of flex trips available to SRP holders may be reduced.
 - May assign a fixed number of new permits to be issued. New permits will be awarded to qualified licensed Montana outfitters that have applied for a new permit via a lottery.

Madison River User Stamp

- Institute a no-cost, no-limit Madison River User Stamp for all people recreating on the river.
 - Stamp must be obtained annually, and mandatory reporting of activity is required to ensure access to the river in future years.
 - After two years FWP will evaluate the effectiveness of the stamp and the information received from stamp holders to recognize and describe issues associated with specific uses and propose the best management responses and how to implement them.



MONTANA FISH, WILDLIFE & PARKS

Alternative 3.0 George Grant Chapter Trout Unlimited, Anaconda Sportsmen, and Skyline Sportsmen (Sportsmen Groups/GGTU) petition Alternative

The items listed below were included in the petition, and are only summarized here. The entire petition can be found in Appendix C. The petition includes the following description of the items described below: “Individually, these management actions would not achieve the Management Goal for Madison Recreation Use: To manage recreation use of the Madison River in a manner that 1) ensures long-term health and sustainability of the fisheries, 2) diversifies angling opportunity while reducing conflicts, and 3) sustains the ecological and economic benefits of the river to Montanans and our guests. However, collectively, these management actions would be expected to meet the above stated objectives:”

- Cap the total number of commercial fishing outfitter trips at 2019 levels (13,909 trips)
- Create two “rest/rotation” sections where commercial use outfitting is prohibited on different days. These will be in effect seasonally, June 15 to September 30
 - Saturday: Varney Bridge FAS to Ennis FAS: no commercial activity
 - Sunday: Lyons Bridge FAS to Palisades Day Use Area: no commercial activity
- Create two walk/wade sections from June 15 to September 30 to prohibit the use of watercraft or floatation devices to access fishing on Friday, Saturday and Sunday from Quake Lake to Lyons Bridge FAS and from Ennis FAS to Ennis Reservoir. On Mondays, Tuesdays, Wednesdays and Thursdays watercraft or floatation devices may be used to access fishing but no fishing can occur from watercraft or floatation devices from the outlet of Quake Lake to Lyons Bridge FAS and Ennis FAS to Ennis Reservoir. This would replace existing walk/wade section regulations that prohibit fishing from a boat at all times of year.
- New access acquisitions below Greycliff FAS will have limited development to maintain the primitive nature by limiting vessel or float tube access to carry-in only.
- Institute a no-cost, no-limit Madison River User Stamp for all people recreating on the river. Stamp must be obtained annually and river use must be reported every year.
- Access Site Management was part of the petition, but specific management actions were not articulated. Possible actions that would help achieve the management goal are evaluated in this EA, but the Fish and Wildlife Commission voted to exclude this item from the rule-making process.

Adaptive Management of Madison River Recreation Management Actions

Because of uncertainty based around the effectiveness of some of the alternatives it is recommended that there be a thorough evaluation by FWP and stakeholders of any actions two years after implementation, and on a regular 5-year cycle thereafter. It is also recommended that any management actions or adopted rules be adjusted as needed to manage recreational use of the Madison River in a manner that achieves the three objectives of the Management Goal.



MONTANA FISH, WILDLIFE & PARKS

IV. Analysis of Alternatives

The Madison River Recreation Environmental Assessment (EA) identifies three management alternatives: 1.0 Status quo; 2.0 FOAM petition; and 3.0 Sportsmen Groups/GGTU petition. This analysis addresses potential effects of each management alternative on recreation, natural/physical resources, heritage, and economics of the Madison River and predicts the efficacy of the management alternative to achieve the desired goal. For the alternative analysis, it is assumed that the trends in both commercial and non-commercial use will continue at rates comparable to the prior nine years.

Predicted Effects on Recreation Values

The Madison River is a popular destination for trout anglers worldwide. Angling occurs year-round in most reaches of the river but is less common during winter. Both wade and float fishing opportunities are exceptional, with two reaches of the Madison currently managed for wade-angling only.

Currently, 72 publicly owned or managed access sites exist along the Madison River and its reservoirs, and recreational floating is popular throughout the river corridor. Because of the varied water conditions, the Madison appeals to all types and skill levels of boaters and water recreators including the use of inner-tubes and paddle boards. The upper reach of river immediately below Quake Lake as well as the Bear Trap Canyon Wilderness appeal to whitewater enthusiasts while much of the river's beautiful scenery can be experienced by less-experienced floaters. In addition to providing access to the river, numerous access sites provide opportunities for picnickers, birders, campers, hikers, bikers, sunbathers, hunters, photographers and other outdoor enthusiasts to enjoy the Madison River. Commercial service providers are utilized by those who seek the knowledge and skill of a guide or outfitter to enhance their Madison River recreation experience.

1.0 Status Quo Analysis on Recreation Value

The quality of recreational experiences would likely drop among most river users if the status quo alternative is elected. Both the 2016 and 2019 surveys showed that the current levels of crowding and conflict on the Madison River and at the access sites were largely unacceptable to both commercial and non-commercial users. The 2016 survey results showed that 58.5% of respondents reported their fishing use of the river had changed over time, a sentiment expressed more frequently by residents (70%) than non-residents (30%). The most common way that use had changed in response to this sentiment was fishing the Madison less frequently (60%), fishing the Upper Madison earlier or later in the season (35%), fishing different stretches of the upper Madison (30%), and fishing earlier or later in the day (15%). The 2019 scoping survey found that 50% of respondents reported they had stopped fishing the Madison River. Respondents were not asked to describe how their uses had changed, but were asked how many days in the previous five years they conducted various types of recreational use. Those who reported they had stopped fishing the Madison reported an average of 1.3 fewer days of bank/wade fishing, 3.7



MONTANA FISH, WILDLIFE & PARKS

fewer days of float fishing, with a very slight (< 1 days) decrease in camping, recreational floating and inner-tubing. Based on these two surveys, it could be expected that under the Status Quo, the continued growth in recreational use on the Madison would probably increase displacement of some users to other rivers and result in a change in use patterns with unknown consequences.

2.0 FOAM Petition Analysis on Recreational Value

This alternative would limit commercial outfitter trips to historic use during the 2019 or 2020 season. The comparison and potential impact of this is impossible to know with certainty since the 2020 season is still occurring and outfitter records will not be filed until 2021. However, this alternative will certainly produce an aggregate number of trips (all outfitters combined) greater than one based on 2019 alone, because there are 17 new outfitters in 2020 who did not operate in 2019 and the outfitters who operated in both years are likely to select their highest year to set their number of Guided Trips. For this analysis, it is assumed that total trip numbers will be down in 2020 due to COVID-19 travel restrictions and other COVID related impacts, so outfitters who operated in both years or only in 2019 will choose their 2019 level. For 2020, it is estimated that there will be an average of 29 trips taken by each of the 17 new outfitters (estimated using actual data for new outfitters in 2018 and 2019). Adding 17 outfitters at 29 trips each (493 total trips) to the 2019 number (13,909) gives the estimated commercial trip cap of 14,402 trips under this alternative. This number is a 3.5 % increase over the 2019 cap number proposed by the Sportsmen Groups/GGTU alternative, and would create a minor increase in impacts, but less of an impact than the Status Quo where commercial use will be uncontrolled and expected to grow by 9.9% annually (long-term average growth, 2008-2019, see Table 3).

The impact of the allocation methodology proposed in this alternative on recreational values would be insignificant for non-commercial users but potentially significant for the outfitter clients. The method would restrict the pool of outfitters available for hire by the public as opposed to the current situation where any outfitter who has purchased an SRP permit can operate without restrictions. The impact of this new methodology on the cost of a guided trip is difficult to predict. Market forces will still be a dominant determinant in cost, but the proposal to allow the transfer (sale) of individual trips (versus an entire business) will create a cost for the purchasing outfitter and this cost will potentially be passed on to clients.

The primary function of the allocation methodology in this alternative is to establish a system that operates under a cap, with three main objectives: 1) existing outfitters are free to operate at historic levels (2019 or 2020); 2) outfitters have some freedom to operate above and below their Guided Trip allocation without penalty (through the use of Tiers and Flex Days); and 3) new outfitters are also provided an “on ramp” to guiding on the Madison through the issuance of new permits by the Commercial Working Group. The ability to transfer (sell) days as part of this proposal is not a necessary ingredient for this system to function effectively, although it does allow more flexibility for growth, shrinkage and new entry. The monetization of trips through transfer has potential to increase the cost of a trip for a licensed angler seeking to hire an outfitter.



MONTANA FISH, WILDLIFE & PARKS

The FOAM petition establishes a Commercial Working Group, with one of its duties being to review the total number of trips from all outfitters each year. If the total number exceeds the cap (maximum historic use of all outfitters in 2019 or 2020), then flex days **may** (emphasis added) be reduced in order to avoid an exceedance in future years. If the Work Group does not reduce the flex days, then there could potentially become what is essentially a permanent increase to the total days actually guided on the river (estimated to be 1,454 trips, see section on Economic Impacts of Alternatives) . This could increase crowding and social conflict with other river users, especially in those sections and times when commercial outfitters comprise a majority of users. If new permits are issued by the Work Group in future years, and Flex Days assigned to those permits are not reduced to stay under the cap, then the impact of unregulated Flex days could be even greater, at a rate of 10 trips/permit.

Non-commercial use would not be regulated or restricted in any way as part of this alternative, and so the impacts would be similar to the Status Quo alternative where displacement to other rivers and a change in use patterns would be expected to occur. However, the issuance of a Madison River Stamp to all users would serve to better understand the trends in numbers and types of use of the non-commercial and non-angler recreationist, especially on the lower river where non-anglers predominate. Although this alternative would only use the stamp for information gathering purposes, the information gathered could ultimately lead to other adjustments, including the regulation of non-commercial users, either in numbers or seasonal restrictions on types of use.

This alternative would homogenize recreational opportunities throughout the river from Quake Lake to Ennis as a result of the proposal to rescind the ban on fishing from boats four days per week in the current walk/wade only reach. Increased conflict between boat and wade anglers would likely occur which could result in further displacement of wade anglers away from the Madison River. This alternative would likely provide some temporary crowding relief in the float fishing section (Lyons Bridge FAS to Ennis FAS) as boat anglers from those reaches would spread throughout the upper walk/wade reach. Data collected by FWP suggest that angler-use levels in the walk/wade sections represent at least 25% of the angling pressure on section 2 of the Madison River. If allowing fishing from boats in the upper walk/wade section results in a reduction in wade anglers, overall fishing pressure may initially drop. However, data trends on the Madison River suggest that fishing from boats in the upper walk/wade reach may climb to exceed current angling pressure there.

3.0 Sportsmen Groups/GGTU Petition Analysis on Recreation Value

This alternative would limit commercial outfitter trips to current (2019) levels, preventing crowding and social conflict from getting worse than it currently is, especially in the Lyons Bridge-Ennis section of the upper river during the June-September period, where commercial use is concentrated and can comprise a majority of users in the busy summer months. The rest/rotation proposal would prohibit commercial use from Lyons Bridge-Palisades Day Use Area on Sunday



MONTANA FISH, WILDLIFE & PARKS

and Varney Bridge to Ennis FAS on Saturday during the June 15 to September 30 period which should give the non-commercial users less crowded sections two days a week.

Growth of non-commercial use would not be regulated or restricted in any way as part of this alternative, and like the other alternatives would probably lead to some displacement of recreationists to other rivers or change use patterns. The issuance of a Madison River Stamp to all users would be intended as an effort to better understand the trends in numbers and types of user of the non-commercial and non-angler recreationist, especially on the lower river where non-anglers predominate. Although this alternative would only use the stamp for information gathering purposes, it could ultimately be used to regulate non-commercial users, either in numbers or seasonal restrictions on types of use.

The changes to the walk/wade sections will prohibit using a boat to access fishing on Friday-Sunday in the Quake Lake-Lyons Bridge FAS and Ennis FAS to Ennis Lake reaches from June 15-September 30. This means boats cannot stop to let the occupants wade fish, and this may be seen as desirable to wade anglers seeking solitude and less competition for space along the riverbanks, especially in the more remote areas that draw few wade anglers. The other days of the week (Monday-Thursday) will retain the current prohibition on fishing from a boat, although outside the June 15-September 30 period, the prohibition on fishing from a boat will be removed. Overall this means that there will be an increase in the number of days a year that fishing from a boat can occur in these walk/wade sections, thereby potentially increasing the conflict between boats and wade anglers.

Anglers who are seeking angling opportunities with less crowded conditions may be satisfied with the rest/rotation sections of this alternative, assuming that use levels decrease with the prohibition of commercial use in these sections on these days. Non-commercial anglers may return to the Madison River to utilize these rest-rotation sections at high levels, resulting in little overall reduction in crowding. This is particularly possible if Bozeman and the surrounding areas continue to grow. This alternative would likely have an impact on commercial anglers, as they would be relegated to using other sections of the river on these days, which may increase crowding on those sections. However, non-resident anglers (the majority of commercial users) typically have different thresholds of crowding perception than resident anglers (Horton and Clark 2003). This alternative has a high risk of generating public controversy among commercial guides and outfitters, as they would be allowed to use less of the river than has traditionally been the case. Also, commercial guides and outfitters may be required to use parts of the river that may have undesirable conditions (e.g., high winds), which may result in greater difficulty rowing and angling.

The changes to the walk/wade sections will have complicated repercussions when combined with the rest/rotation changes on weekends during the June 15-September 30 period when the rules overlap. On Saturdays, commercial users (mostly boats) will be unable to outfit on the Lyons Bridge to Palisades section at the same time using boats to access fishing will not be allowed in the adjacent section of river from Quake Lake to Lyons Bridge FAS. Similarly, on Sundays,



MONTANA FISH, WILDLIFE & PARKS

commercial users (mostly boats) will be unable to outfit on the Varney Bridge to Ennis FAS section at the same time using boats to access fishing will not be allowed in the adjacent section of river from Ennis FAS to Ennis Lake. Wade anglers will benefit from less interaction/conflict with boats in these combined sections, but it will also make boat fishing more congested in the rest of the river on those days, assuming those people continue to fish on the upper Madison River. See Figure 7 for a comparison of all walk/wade and rest/rotation proposals.

To address access site conflict, this alternative would require the Department to enact “Access Site Management,” although the petitioners did not specify how that would be implemented. Based on discussions that began at the Negotiated Rulemaking Committee and continued through the earlier sets of petitions, there were multiple approaches that were proposed and warrant evaluation here.

At many upper Madison River access sites, use is more than the access sites can accommodate, leading to a shortage of parking, crowded boat ramps, increased time for launching and take out of boats, damage to access sites and neighboring properties, and behavioral etiquette issues at sites. The 2016 mail survey of angler attitudes captured some of this sentiment. When asked about the acceptability of the number of people (and their vehicles) at river access points, 44.5% felt it was either unacceptable or very unacceptable during the summer between Hebgen Dam and Lyons Bridge, while 42.1% felt the same way in the section between Lyons Bridge FAS and Ennis Dam. While not part of the commission’s rule adoption, some Access Site Management options are considered below to aid readers in their assessment of site use and management relative to the petition:

FAS Rangers

Having staff available at sites to direct traffic on boat ramps and in staging areas would help to ensure that parking areas are used most effectively and could alleviate some congestion issues at the sites, which can result in conflict. However, increased staffing at the access sites alone would likely not alleviate social conflict issues that occur on the river. Because the use at many sites is often more than they are able to accommodate, the FAS Rangers would have a difficult time managing the overflow. Increasing the efficiency at boat ramps would put more boats on the river more quickly and could heighten the social conflict on the river. Commercial use would likely increase in the remaining unrestricted stretches, and the displacement has the potential to cause increased pressure at the access sites and on the river.

Access Site Education

Increased education by using signs and other educational material may decrease social conflict at access sites by educating recreation users about proper conduct at sites. Education focused on proper boat ramp etiquette may decrease social conflict within the access sites by allowing more efficient launching of boats. Recreational values would likely increase within the FAS’s. However,



MONTANA FISH, WILDLIFE & PARKS

efficient use of FAS's and the launching of boats could increase the numbers of boats launching over a given period of time, and result in increased social conflict on the water.

Facility Improvement

Improving facilities at launch sites on the Madison River may decrease social conflict by creating better traffic flow patterns and defined staging areas that help users use sites more efficiently. Improved facilities at FAS sites could have a negative impact on natural resources depending on the scope of the work involved. This proposal may provide the opportunity to get more boats on the water over a given period of time, which could increase the number and density of boats on the river and result in increased social conflict on the water.

Access Site Acquisition and Development

The restriction of new acquisitions below Greycliff FAS to maintain the primitive nature by limiting development to carry-in only access would likely keep that section of river relatively unused, and the growth of user numbers would be considerably slower than elsewhere on the river.

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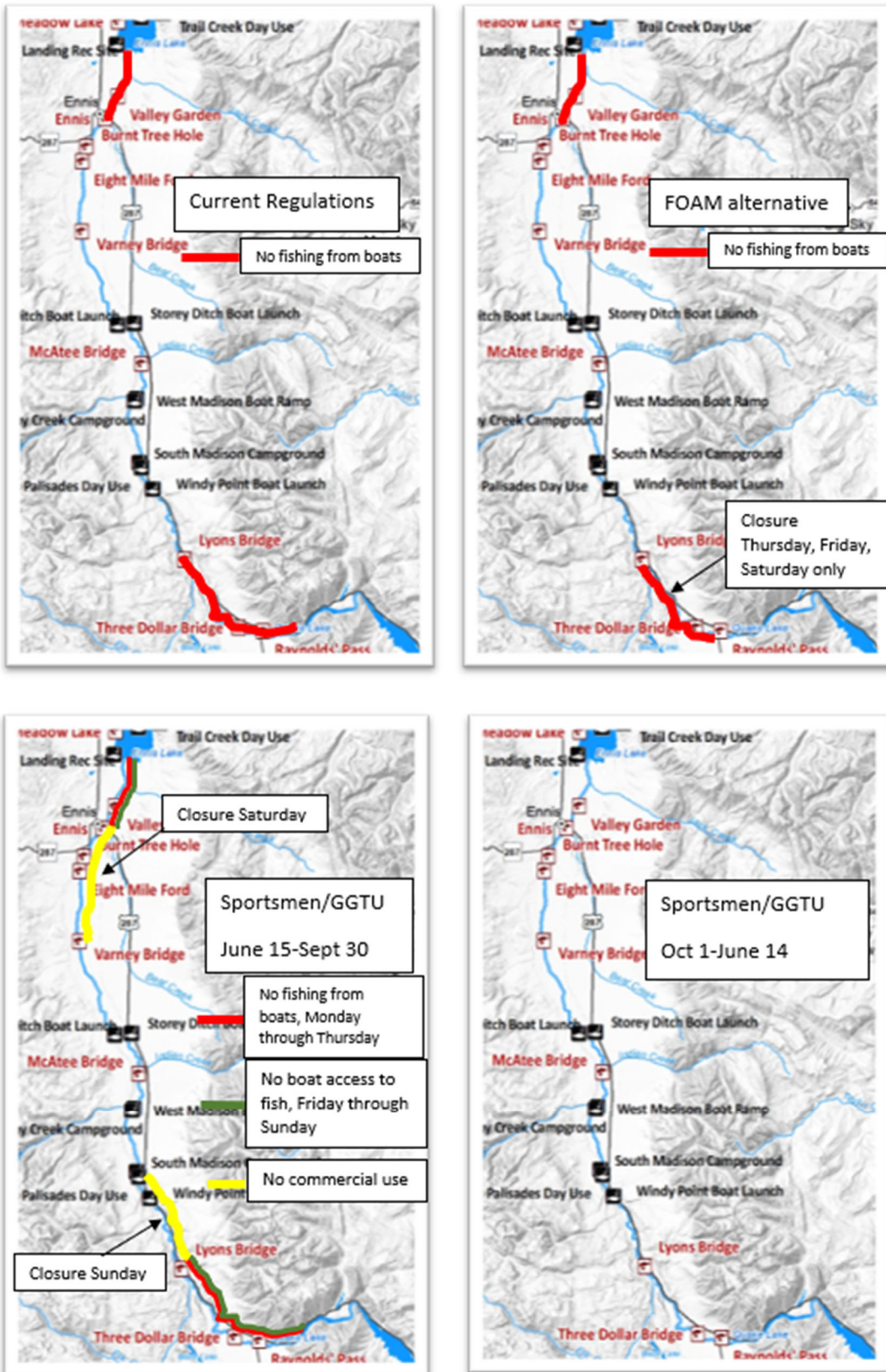


Figure 7. Summary of recreational restrictions in the three alternatives.



MONTANA FISH, WILDLIFE & PARKS

Predicted Effects on the Physical Environment and Natural Resources

Fish, wildlife, vegetation, topography, and the water itself are some of the outstanding natural resource values that define the Madison River corridor and contribute to the exceptional recreation environment.

Grasslands and shrublands are the dominant vegetation communities along the Madison River. The dry grasslands are dominated by Idaho fescue and bunchgrass. Common forbs include yarrow, Indian blanket flower and boreal bedstraw. Shrublands are dominated by a variety of sagebrush species including big mountain sagebrush and silver sagebrush. Willow and cottonwood stands are sporadic along the river while conifers are found predominately in the surrounding uplands and along the river corridor above Quake Lake. Other shrubs may be present but are usually at low cover values (5-10%). Species include rubber and green rabbitbrush, wax currant, woods rose, deerbrush, and snowberry.

The aesthetic character of the Madison River valley and the quality of the recreational experience on the river is defined by the open space, land use, and small communities. The aesthetic value of the river includes steep canyons, towering cliffs, beautiful forests, panoramic mountain views, and the qualities of the river itself. The two major land uses within the Madison watershed are ranching and residential development. Larger communities located near the Madison River include West Yellowstone, Ennis, Three Forks, and Bozeman.

Restrictive management actions have the potential to impact the physical environment and natural resources if they result in changes in user density and/or distribution. However, to not consider management actions could adversely impact the resources currently enjoyed on the Madison River. The carrying capacity for use on the Madison River is difficult to ascertain before resources are affected, but given unchecked growth, the resources that make the Madison River a popular destination may become impacted.

Two dams and a natural lake interrupt the flow of the Madison River outside of the Yellowstone National Park boundary. Hebgen Dam backs up the Madison to within two miles of Yellowstone Park forming Hebgen Reservoir. Quake Lake, a 4.5-mile long natural lake formed by a major earthquake and subsequent landslide in 1959, begins about two miles below Hebgen Dam. Ennis Reservoir is formed above Ennis Dam, which is about five miles north of Ennis, Montana. Although many small tributaries contribute to the Madison's volume, operations at Hebgen Dam primarily dictate flows at any point in the season. The quantity of water released is influenced by the amount of precipitation that occurs in the region, the amount of water diverted from the river for irrigation, and the water temperature of the river. Peak runoff typically occurs between late May and early July. Annual mean flow is 1,325 cubic feet per second (cfs) downstream from Quake Lake and 1,930 cfs below Ennis Reservoir. The peak streamflow measured on the upper Madison was 5,030 cfs in 1993 while the lower Madison peaked at 9,550 cfs in 1970. Water temperatures, which are moderated by releases from Hebgen Reservoir, are typically lowest in January at approximately 34 °F. and are highest in July, occasionally exceeding 80 °F near Black's



MONTANA FISH, WILDLIFE & PARKS

Ford FAS. Except during spring runoff, water quality on the Madison River is typically high with minimal suspended sediment in the river, creating clear water with good visibility.

The Madison River is home to nine native fish species including Arctic grayling, mountain whitefish, westslope cutthroat trout, longnose dace, rocky mountain sculpin, stonecat, longnose sucker, mountain sucker, and white sucker. There are seven known non-native species in the Madison River including common carp, yellow perch, brook trout, rainbow trout, brown trout, Utah chub and northern pike. Although considered a well-functioning aquatic ecosystem, the Madison River has and continues to face challenges including aquatic invasive species, whirling disease, high river use, and drought. The Madison watershed is home to a wide variety of wildlife. According to the Montana Natural Heritage Program database, 70 mammal species, 230 bird species, six amphibian species, and eight reptile species use the drainage for permanent or migratory habitat.

Traditional philosophy in fish and wildlife management has been to institute harvest levels that replace or off-set natural mortality (compensatory mortality), and to avoid situations where harvest adds to natural mortality (additive mortality). Over the past 30 years, the propensity of anglers to harvest trout in western river fisheries has declined, as an ethic of catch-and-release fishing has taken hold. There is a belief among some anglers that catch-and-release fishing does not harm trout. Contemporary research has shown that under controlled situations and using artificial lures mortality from a single hooking event is typically low. Mortality rates for fish caught in water exceeding 73 °F experienced three-day delayed mortality rates of 3%, 10%, and 20% for brown trout, rainbow trout, and mountain whitefish, respectively, for one hooking event in Montana rivers (Boyd et al. 2011).

Other studies have tried to quantify hooking mortality over multiple hooking events. During the 2017 creel survey conducted on the Madison River, FWP estimated that every rainbow trout was caught on average 4.5 times. Multiple hooking events during a short period of time likely will result in greater impacts for each hooking event due to cumulative stress when compared with the same number of hooking events over a longer period of time. For an individual fish, the cumulative chance of mortality due to a hooking event likely increases with age, potentially having an effect on the population age structure through time at high pressure levels.

Population monitoring on the Madison River during the fall of 2019 has shown that the number of larger rainbow and brown trout in the Pine Butte section (~4 miles upstream of Lyon's bridge) have declined to near 20-year lows. The only years in the 2000s that were lower were during drought years (2003 and 2004). Trout sampling results in the Varney Section (~20 miles downstream) did not show the same result. Although a conclusive cause cannot be determined at this time, it is possible that cumulative hooking mortality has resulted in the observed decline in rainbow and brown trout in the Pine Butte section. FWP will be collecting otoliths from trout in the Madison and other SW Montana rivers to obtain accurate age information, which will help determine mortality rates. Comparisons of mortality rates among sections and rivers will help FWP to better understand what factors are affecting sections with high mortality rates.



MONTANA FISH, WILDLIFE & PARKS

1.0 Status Quo Alternative Analysis on Physical Environment and Natural Resources

Under this alternative the physical and natural resources would degrade given the unrestricted growth of river recreation and commercial use. The riparian area would suffer increased pioneered trails, pioneered boat ramps and sanitation problems as people continue to find their own ways to decrease crowding conflicts. The physical and natural resources within FAS's would decline with increasing use if river users create their own parking areas in riparian vegetation or along riverbanks.

The potential for realized impacts to game fish populations through catch-and-release mortality (directly or indirectly by serving as an additional stressor to disease, warm water temperatures, or reduced flows) will be greatest under this alternative, as there will be no restriction on angler numbers. Changes to fishing regulations have the ability to counteract these negative impacts to some degree, but would be most effective only if entire sections are closed to fishing year-round or seasonally. In such an occurrence, there would be new and unpredictable patterns of crowding and conflict that arise as anglers shift use to adjust to closures. The preservation of the walk/wade sections would offer a minor degree of protection for the fishery because the ban on fishing from boats would be maintained and this segment of angler pressure would not be allowed to increase.

2.0 FOAM Alternative Analysis on Physical Environment and Natural Resources

Impacts to physical and natural resources would be very similar to that experienced under the Status Quo alternative. The only difference might come as a result of removing the ban on fishing from a boat for four days per week in the upper walk/wade section downstream of Reynolds' Pass FAS. This change might increase traffic slightly at boat ramps and parking areas for those days as more boaters use this section of river. Conversely, it is anticipated that there may be a decrease in wade-only anglers for these four days per week, as some of those anglers will seek other rivers or other parts of the Madison without boats. This could have some minor benefits to the physical and natural values through decreased traffic on trails and shorelines.

The impact to fish populations from allowing fishing from boats four days a week is hard to predict with any certainty. Because boats travel a greater distance in a day than a typical wade angler, it is likely that each boat impacts more wade anglers than wade anglers impact each other. Overall, there may be a net decrease in angler use of this section as boat use increases but produces a correspondingly greater drop in numbers of wade anglers, as the disgruntled ones go elsewhere. This alternative may represent less impact to the fishery as fewer anglers means less catch and release handling and mortality. However, if there is no cap imposed on non-commercial users in the long-term then the overall use of these sections will likely increase, along with any corresponding impacts to the fishery.

The choice of trip allocation methodology will have no impact on physical environment and natural resources.



MONTANA FISH, WILDLIFE & PARKS

3.0 Sportsmen Groups/GGTU Petition Analysis on Physical Environment and Natural Resources

Impacts from the commercial sector would remain the same as in 2019, and could potentially diminish over time relative to non-commercial use if that sector is not controlled. No change in impacts to bank trampling, erosion, water quality, or human waste would be expected. Because non-commercial angling would not be controlled under this alternative, the impacts from that sector due to physical habitat damage and impact to the fishery would be expected to continue and increase over time.

Social conflict management (rest-rotation two days a week) would potentially decrease impacts to the fishery in the heavily used Lyons Bridge-Palisades area, due to the possibility that this alternative would result in a lower level of use during the rest-rotation days in these sections, which may provide a break to the fish populations from angling pressure and stress from catch-and-release angling. Conversely, impacts to the fishery and the FAS's in the unrestricted stretches may result in the natural resource conditions at lower-use sites degrading if the rest rotation results in more frequent use of these sites.

Impacts on bank trampling and erosion from boat anglers getting out to wade fish will be reduced as a result of banning the use of boats to access fishing in the walk/wade sections. The restriction forbidding the building of boat ramps on new acquisitions downstream of Greycliff would limit but not stop the slow deterioration of physical habitat and catch-and-release mortality to trout.

Predicted Effects on Heritage Resources

Heritage resources are those resources, both human and natural, created by activities of the past that remain to affect and inform present and future societies. Minimal effects on heritage resources are expected from potential management actions. FWP would conduct all required heritage surveys prior to any ground-breaking activities and obtain clearance from the State Historic Preservation Office (SHPO) acting under authority of the National Historic Preservation Act (1966) to identify historic and archaeological sites that may be affected by actions contemplated in this EA.

1.0 Status Quo Alternative Analysis of Impacts on Heritage Resources

Unchecked river recreation use on the Madison may cause heritage resources to be degraded if more riparian areas are compromised with pioneered trails and pioneered boat ramps.

2.0 FOAM Petition Alternative Analysis of Impacts on Heritage Resources

Impacts to heritage resources would be directly related to the changes in numbers of people associated with the alternative. Commercial caps at 2019/2020 levels will have slightly more negative impact than 2019 levels proposed by the Sportsmen Groups/GGTU alternative, but less impact than the Status Quo alternative. These impacts will ultimately be minor when compared to impacts occurring from uncontrolled growth of the non-commercial sector. As the non-commercial sector grows, and new facilities are provided to accommodate their needs, the



MONTANA FISH, WILDLIFE & PARKS

National Historic Preservation Act will be triggered and heritage resources in need of protection will be identified at that time.

The proposed trip allocation methodology in this alternative will have no impact to heritage resources.

3.0 Sportsmen Groups/GGTU Petition Alternative Analysis of Impacts on Heritage Resources

Impacts on heritage resources from commercial outfitters would be limited to existing levels, with a cap put on at the 2019 level. While the Petition was silent regarding the commercial allocation methodology, it would make little difference in regard to impacts on heritage resources. Uncontrolled non-commercial use would mean that degradation of heritage resources would continue, although this may be ameliorated somewhat if the rest-rotation sections leads to fewer people in the Lyons Bridge to Ennis section. Walk/wade restrictions under this alternative would not control growth of wade anglers, so heritage resources on the banks of the river would probably show more impact, except in the primitive area downstream of Greycliff where growth will be much less than elsewhere.

Predicted Effects on Economic Resource Values

Rivers and their resultant recreation are important to Montana's tourism and travel industry, ranking 3rd in the top 10 attractions for vacationers to Montana with fishing ranked 9th (Economic Review of the Travel Industry, 2018 Table 7). River recreation contributes to the local, regional and state economies through recreation, tourism, and other travel expenditures including purchases of equipment, food, lodging and other amenities; job creation; and generation of tax revenue. Based on 2017 angler use data on the Madison River, about \$152 million are spent annually (in 2020 dollars) on fishing trip related expenses. Guided and outfitted activities are intimately entwined with the quantity and quality of natural amenities available. This connection deepens the importance of continued accessibility and preservation of quality public lands and waterways. Actions or events that lead to a real or perceived degradation of the natural resource quality of the rivers or riparian areas pose inherent threats to foundational components of Montana's tourism industry.

The angling trip related expenditure estimates provided in this environmental assessment were provided from FWP 2014 baseline expenditure surveys for river/stream fishing in Montana applied to the Madison River. The 2014 estimates were updated using adjustments provided by the Bureau of Labor Statistics to convert 2014 dollars to May 2020 dollars (to account for inflation). Residents spend on average \$90.93 per day on angling trip related expenditures while fishing on rivers/streams in Montana; non-residents spend on average \$704.59 per day on angling trip related expenditures while fishing on rivers/streams in Montana (in May 2020 dollars). Angling trip related expenditures include the following: (1) transportation (e.g., gas, car rental, airfare, and any other transportation costs); (2) food, beverages, and lodging; and, (3) equipment purchased just for the trip, access and/or guide fees, and all other expenses—NOT including the cost of licenses and any durable goods (e.g., fishing rod/reel, waders, boat, truck, etc).



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Table 7: Non-resident visitation and related expenses

Non-resident Visitation for Years: 2018 - 2020		
Years	Visits	Percent Change
2018	12,370,000	n/a
2019	12,636,000	2%
2020	13,770,000 (Est)	9%

2018 Non-resident Expenditures for Southwest Montana Region			
Categories	Expenditures	% of Region	% of State
Auto Rental, Repair	\$9,709,000	2.1%	0.3%
Campground	\$3,761,000	0.8%	0.1%
Farmers Market	\$353,000	0.1%	0.0%
Gambling	\$1,123,000	0.2%	0.0%
Gas, Diesel	\$126,868,000	27.4%	3.5%
Grocery, Snacks	\$28,515,000	6.2%	0.8%
Hotel, Motel, B&B	\$53,515,000	11.6%	1.5%
License, Fees	\$36,269,000	7.8%	1%
Made in Montana	\$13,338,000	2.9%	0.4%
Outfitter, Guide	\$75,875,000	16.4%	2.1%
Rental Cabin	\$7,578,000	1.6%	0.2%
Restaurant, Bar	\$80,823,000	17.5%	2.3%
Retail	\$23,667,000	5.1%	0.7%
Service	\$1,859,000	0.4%	0.1%
Transportation Fares	\$37,000	0.0%	0.0%
Total	\$463,290,000	100%	12.9%

*Data Source: Institute for Tourism and Recreation Research

These spending categories are rounded numbers and may differ slightly from other reports.

1.0 Status Quo Alternative

FWP cannot confirm sustainable economic growth if the Status Quo Alternative was selected. If the past is any indication, economic activity from both the commercial and non-commercial sectors is expected to continue to expand. Commercial outfitting, angler pressure and access site visitation have all shown trends in growth over the recent period of record (see section on Madison River Use and Public Scoping). Because this alternative would not limit any type of recreational use on the Madison River, growth (and associated economic benefits) would be influenced by public demand for commercial services and other influences on consumer spending. Over a longer period of time, there would be potential for unchecked increases in use



MONTANA FISH, WILDLIFE & PARKS

to have a negative effect on the local tourism economy if undesirable recreational conditions or resource damage result in fewer people choosing to recreate on the Madison River. Unchecked growth in angling could also lead to a prolonged decline in the fishery, which could subsequently discourage angler use and result in significant economic impacts.

2.0 FOAM Alternative

This alternative would stabilize economic activity of commercial outfitters at a slightly higher level than the Sportsmen Groups/GGTU alternative, but due to the cap on trips no growth would occur. It is estimated that there would be 493 more trips with this alternative than the 2019 cap alone, due to the new 2020 outfitters and their predicted number of Guided Trips. This would result in an increase of \$4,482 resident angling expenditures per year and \$312,838 non-resident angling expenditures. The allocation methodology in this alternative will also generate Flex Trips that could potentially drive actual use above the cap, until the flex trips and allocations are adjusted to be within the cap limit. With 200 outfitters operating in 2019 and the addition of 17 for 2020, this combined group would be allowed 10 flex days in 2 out of every three years, which is equivalent to 6.7 flex days/year x 217 = 1,454 maximum possible trips or 2,617 client days. As flex days are adjusted to maintain levels at or below the cap over a 3-year period, the economic activity would fall to that of the cap. For year two, the estimated increase would be 1,753 client angler days, and in year 3 there would be an estimated increase of 876 client angler days. Totaled over the 3-year period, this would result in the increase of \$47,738 resident angling expenditures per year; and, \$3.32 million dollars in non-resident angling expenditures per year.

The FOAM alternative also includes allowing fishing from boats four days a week in the Reynolds' Pass FAS to Lyons Bridge FAS section, where it is currently prohibited at all times. In the 2016 angler satisfaction survey, 17.5% of anglers indicated they considered it to be very unacceptable the number of people using boats to access the river to bank/wade fish in the Hebgen Dam to Lyons Bridge FAS section of the river which is closed to fishing from boats. It is assumed that this same group would find fishing from boats to be unacceptable as well and would stop fishing there if boats were allowed, and go to other rivers or the lower walk/wade section where the prohibition on boats would remain. Using unpublished data from the 2017 angler mail survey, 25% of the angler pressure (51,828 angler-days) between Quake Lake and Ennis Dam occurred in the upper walk/wade section and that 4/7th of these (days per week with boats) would be impacted at some time by this change, we can estimate that 5,317 trips would be displaced from this section. If these anglers moved to other areas on the Madison or to the lower walk/wade section, there would be no economic loss, but if they are displaced to other rivers (and in proportion to their residency status (15% resident, 85% non-resident)), the impact would be the loss of \$72,521 in resident angling expenditures per year, and \$3.2 million in non-resident expenditures per year to the Madison valley economy. The extent to which more boats from other rivers will be drawn to this section is difficult to predict but is assumed to be zero for this alternative because unrestricted boat use is already permitted on the 38-mile section of river between the two walk/wade sections. As a result, anyone wanting to float the Madison River is probably already doing so.



MONTANA FISH, WILDLIFE & PARKS

3.0 Sportsmen Groups/GGTU Alternative

The Sportsmen Groups/GGTU alternative would cap commercial activity at current (2019) levels. In that year there were 13,909 trips and an estimated 25,742 client days declared by outfitters for an average of 1.8 clients/trip. Economic activity in the commercial sector would be stable at that level but would not grow. Because this petition did not identify a preferred allocation methodology, the way the allocation might influence actual use under the cap is unknown.

How anglers might be expected to respond to the loosening of the restrictions on boats in the walk/wade sections of this alternative is difficult to predict. Most anglers (80-90%) in these sections are walk-in wade anglers (versus boat-access wade anglers). Of the wade anglers who responded to the 2016 mail survey and fished in the Hebgen Lake-Lyons Bridge FAS section during the June 15-September 30, 31.4% felt the number of boats being used to access fishing was very unacceptable or unacceptable, 30.4% said the number of people bank/wade fishing was unacceptable or very unacceptable, and 22.8% felt the number of people floating the river for purposes other than fishing was unacceptable or very unacceptable. Given that this group was just as unhappy with all wade anglers as with the boat-access anglers suggests that they are more unhappy with the numbers of anglers rather than their mode of transportation. The 22.8% dissatisfaction with non-angling boats supports the interpretation that crowding is an issue in this section of river. The assumption then in this analysis is that the days in this alternative where fishing from a boat is allowed (Friday-Sunday) 9.8% of the anglers (those who viewed boats as **very** unacceptable) in this stretch will leave the walk/wade sections on the Madison to fish elsewhere where boats are not an issue. This would be equivalent to a loss of 805 resident angler days and \$73,199 resident angler expenditures and 3,516 non-resident angler days and \$2.4 million non-resident angler expenditures. Those days (Monday-Thursday) where using boats to access fishing will be allowed but fishing from a boat will not be allowed, there will be no change in use and no economic impacts, as this reflects current regulations. There would be no economic gain expected from boats being drawn to this section since fishing from boats is already allowed on most of the river and boats would likely be drawn from those sections rather than other rivers.

It is expected there would be increased economic activity coming from the increases in anglers returning to fish the Madison river during rest days in the rest-rotation sections. The 2020 scoping survey revealed that 50% of respondents indicated they fished less in the past five years than they had previously due to crowding, and this amounted to an average of 2.5 fewer angler days (11% less). For this section of river where rest-rotation would be implemented, there were an estimated 138,695 angler days in 2017, so it is therefore assumed that these anglers may come back to take advantage of this rested section, yielding an increase of 7,628 angler days. This would result in the increase of \$208,048 resident angling expenditures per year; and, \$3.76 million dollars in non-resident angling expenditures per year.

The economic impact of limiting access site development downstream of Greycliff FAS is unknown but expected to be minimal. Increased use may occur, especially if the designation of “primitive” were to serve to attract anglers and floaters who are drawn to this type of experience.



MONTANA FISH, WILDLIFE & PARKS

However, growth here would likely be relatively low compared to the expected increase in use elsewhere on the lower Madison River. An estimated 23,069 individuals used the Milwaukee and Fairweather FASs in 2018 (where many people would take out on a float through this primitive section) based on traffic counter data, and these activities only accounted for 7% of all use on the lower river. Therefore, the economic effects from low use in the primitive reach would be minimal compared to the uncontrolled growth that would be allowed in the rest of the river and unaccounted for in this EA. Any changes in economic activity on this lower section may disproportionately affect the town of Three Forks due to its close proximity, and the primitive nature of this section may also draw more people from outside the local area than the rest of the lower Madison.

ALTERNATIVE SUMMARY

The goal of this EA is to consider the proposed rule language in the petitions as it relates to the Madison River Recreation Goal of ***managing recreation use on the Madison River in a manner that: 1) ensures long-term health and sustainability of the fisheries; 2) diversifies angling opportunity while reducing conflicts; and 3) sustains the ecological and economic benefits of the river to Montanans and our guests***. A summary of the management tools within each alternative (petition) is provided in Table 8 and the anticipated ability of each of the alternatives to achieve the management goals is summarized in Table 9. The Status Quo alternative is the least successful alternative at achieving the management goal. The long-term health and sustainability of the fishery is the most at risk under this alternative, with no caps on commercial fishing outfitting use and no provisions to investigate problems or impacts of the non-commercial sector. The Status Quo alternative has a neutral effect on diversifying angler opportunity as it does nothing to address existing social conflict; similarly, there is a neutral effect on sustaining economic and ecological benefits because no provisions are taken to protect commercial activities on the river.

The FOAM petition alternative is the most successful of the alternatives in sustaining economic (but not ecological) benefits through the use of a commercial cap that includes fishing outfitters new to the Madison River in 2020. The methodology proposed for allocating trips within the cap should provide the outfitters with flexibility to grow, shrink and sell their businesses as needed. This petition also proposes the Madison River stamp, which in combination with the commercial cap, takes a small step toward sustaining the health of the fishery through data collection that could be used in the future to develop controls on future growth of river usage. However, the FOAM petition would have a negative effect on diversifying angling opportunity. The proposal to rescind the restriction on fishing from a boat in the upper walk/wade section actually reduces angling diversity by diminishing the times and places for wade-only angling.

The Sportsmen Groups/GGTU alternative is able to partly achieve two of the three goals. The health of the fishery would be protected to a small extent by eliminating growth of commercial outfitters and evaluating growth control approaches for non-commercial users through the



MONTANA FISH, WILDLIFE & PARKS

Madison River stamp, which should also stabilize catch-and-release mortality of brown and rainbow trout. Economic viability would be preserved by allowing commercial outfitters to maintain current use and committing to enact an allocation methodology that would be acceptable to commercial outfitters by enabling them to continue to recruit customers and grow their businesses. The endorsement of access site management (albeit without specifics provided in the petition) will have beneficial economic impact, as it will likely lead to access site development, improvement and more satisfied commercial customers and general recreationists. This alternative is most successful at maintaining the diversity of angling through the establishment of rest-rotation sections, which would help to eliminate conflict between commercial/non-commercial users, the expansion on the restriction of boat use in the upper wade section, and the primitive status for the lower river would serve as a refuge for all types of floaters (angling and non-angling) who seek a seclusive and quiet experience.

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Table 8: Summary of management tools within each alternative.

	1.0 Status Quo	2.0 FOAM Petition Alternative	3.0 Sportsmen Group/GGTU Petition Alternative
Allocation cap	none	2019/2020 +flex days (estimated at 14,402 trips)	2019 (13,909 trips, based on currently reported trips)
Allocation method	none	Historic-use	No preference
Walk-wade	Existing regulation	Year-round 4 day/week removal	Seasonal June 15 to Sept 30
Rest-rotation	none	none	Seasonal 6/15 - 9/30 2 days: Lyons Bridge FAS to Palisades Day Use Area Ennis to Ennis Reservoir
FAS Rangers	None	None	Yes
Access site education	Yes	None	Yes
Facility improvements	Yes	None	Yes
Primitive designation below Greycliff FAS	No changes	No changes	Limited development
Non-commercial cap	None	No-cost/no-limit stamp	No-cost/no-limit stamp



MONTANA FISH, WILDLIFE & PARKS

Table 9. Effect of alternatives and management tools on ability to achieve Management Goal

	Long-term health and sustainability of fisheries	Diversifies angling opportunity	Sustains economic benefits to users
Management Alternatives			
1.0. Status quo alternative	--	0	0
2.0. FOAM petition alternative	0	-	++
3.0. Sportsmen Groups/TU petition alternative	0	++	+

Management Tools			
Social conflict management			
Seasonal Walk/wade sections	0	++	0
Partial removal of upper walk/wade section	0	-	0
Seasonal Rest/rotation sections (Varney-Ennis & Lyons-Palisades)	0	++	0
Access site management (FAS rangers)	0	+	0
Access site management (Access site education)	0	+	0
Limited development below Greycliff FAS	+	+	0
Access site management (Facility improvement)	0	++	0
User growth limitations			
Commercial cap at 2019/2020 levels	0	0	++
Commercial cap at 2019 levels	0	0	+
Client-driven allocation	+	0	0
Historic-use allocation	-	-	++
No-cost no-limit Madison River stamp	N/A	N/A	N/A

KEY

Major negative effect on achieving management goal	--
Minor negative effect	-
Neutral effect	0
Minor positive effect	+
Major positive effect on achieving management goal	++
Objective has no influence on management goal	N/A



MONTANA FISH, WILDLIFE & PARKS

Cumulative Impacts and Potential Risks or Hazardous Adverse Effects

The primary cumulative impact of all alternatives would have an aggregate result of increasing recreational use levels, declining fish populations, and a feedback loop that could depress local economies. As described previously, sub-lethal stressors to the fishery are difficult to quantify until it is too late. If non-outfitted angling, outfitted angling, or other non-angling use of the Madison River continues to increase, cumulative effects could cause adverse impacts to the fishery resource, particularly in a time when temperature, disease vectors, and water-level induced stressors are occurring more frequently. In turn, adverse impacts to the fishery resulting in reduced catch rates or average size of fish may impact upper river angler numbers (including commercial), which would have economic impacts to local communities, especially hotels, restaurants, gas stations, and gift shops. The fact that non-commercial use is not currently proposed for immediate regulation under any alternative means that the risk of this cascade of events is not insignificant.

The Montana Environmental Policy Act [MCA 75-1-208 (11)] requires evaluation of cumulative impacts from related future actions. The Highway 84-East of Norris Corridor Study currently being conducted by the Montana Department of Transportation will recommend highway redesign, which if implemented, stands to be affected by Madison River Recreation management actions. The Corridor study is being undertaken to investigate how to reduce vehicle accidents between Red Mountain Campground and Warm Springs Day Use Area by redesigning or rerouting the highway. This section of road has higher than average numbers of crashes for Montana highways. Potential solutions will be identified by the end of 2021 and construction could begin no earlier than 2026. Alternatives from this recreation plan are not likely to have an observable impact on the Corridor study, as the only use restrictions being considered are to commercial uses, the majority of which are on the upper Madison River and not in this corridor. Both the FOAM and Sportsmen Groups/GGTU alternatives would begin an evaluation of crowding and conflict in the lower river. If it were to lead to eventual restrictions on recreational use, it could slow the growth of vehicle traffic in this Corridor, and extend the length of time the highway engineering changes will be effective. If recreational growth is not curtailed in any way by this plan, it would not serve to extend the effectiveness of any highway redesign.



MONTANA FISH, WILDLIFE & PARKS

Appendix A

Land Ownership

Lands along the Madison River are owned by a variety of public and private entities (Table 1). Although FWP is the lead agency in the development of this recreation management plan, cooperation and coordination with other agencies and private landowners is imperative because of the diverse land ownership adjacent to the river and varying authority and management responsibilities of the land.

Table 1. Madison River Riverfront Land Ownership.

Owner	% Ownership
Private	42%
Bureau of Land Management	24%
US Forest Service	21%
Montana Fish Wildlife & Parks	7%
National Park Service	3%
State of Montana (DNRC)	2%
Montana State University	1%

Private

Although the majority of land along the Madison River is publicly owned, private property comprises 42% of river frontage. Private property boundaries extend to the ordinary low-water mark, but aquatic-based recreation is permitted by the Montana Stream Access Law (Montana Code Annotated §§23-2-301 – 23-2-322) and most of the River can be accessed by public land.

Bureau of Land Management

The BLM owns the largest percentage of public land along the Madison River and has jurisdiction over 28 public access sites. BLM manages the wilderness within the Bear Trap Wilderness Area on the lower Madison River in accordance with the BLM’s Bear Trap Management Plan. FWP administers a Special Recreation Permit system on BLM access sites through a memorandum of understanding with the exception of Trail Creek and Falls Creek Recreation Areas. The Trail Creek and Falls Creek Recreation sites are exclusively managed by BLM and they are the only access on the lower Madison River prior to the Bear Trap Wilderness Area.

United States Forest Service (USFS)

The USFS owns a large percentage of Madison River frontage upstream of Quake Lake but has no land downstream of Lyons Bridge Fishing Access Site (FAS). The USFS administers its lands in accordance with the Custer-Gallatin and the Beaverhead-Deerlodge National Forest Plans, which emphasizes management of lands for multiple uses of resources.



MONTANA FISH, WILDLIFE & PARKS

Montana Fish, Wildlife & Parks

FWP owns 16 parcels of land adjacent to the Madison River, 15 of which are FASs that provide public access to the river. The remaining site is the Wall Creek Wildlife Management Area, which is managed to provide multiple recreational opportunities and as secure winter range for elk and other wildlife. FWP also manages Lyons Bridge FAS under a cooperative agreement with the USFS.

National Park Service (NPS)

The Madison River runs within Yellowstone National Park boundaries in Montana for about 4.5 miles. The NPS preserves natural and cultural resources and values for the enjoyment, education and inspiration of this and future generations in accordance with the Yellowstone National Park Strategic Plan.

Montana Department of Natural Resources & Conservation (DNRC)

The DNRC owns a small percentage of the land adjacent to the Madison River, managed to provide income for the State Education Trust. In addition, the Madison River is listed as navigable water, and the streambed is owned by the State of Montana; therefore, the streambed below the ordinary low-water mark is also managed by DNRC, pursuant to Montana Code Annotated §77-1-102.

Montana State University – Red Bluff Research Ranch

Red Bluff Ranch is located near Norris, MT along the west side of the Madison River. The operation comprises 13,750 acres of land, 10,000 of which are deeded and 3,750 leased. Most of this land is rangeland, interspersed with limited hay meadows along the valley bottoms. About 170 cattle and 900 sheep are maintained year-round at the ranch. These livestock, along with the range areas, are used for both education and research.

County Government

The Madison River flows through Gallatin County and Madison County. Under state law (Montana Code Annotated Title 76, Chapter 3), these counties are responsible for reviewing the planning, road maintenance, and zoning for subdivisions as well as other use and development restrictions within their respective jurisdictions. In addition, each county has a conservation district that establishes rules for and administers the Montana Natural Streambed and Land Preservation Act, more commonly referred to as the 310-permitting process. FWP acts in a technical advisory capacity to the conservation districts. A 310 permit is required by any private individual or non-governmental entity proposing any activity that physically alters or modifies the bed or banks of a stream.



MONTANA FISH, WILDLIFE & PARKS

Appendix B

FOAM Petition

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FISHING OUTFITTERS ASSOCIATION OF MONTANA

18 June 2020

Ms. Martha Williams
Fish, Wildlife and Parks' Director's Office
PO Box 200701
Helena, MT 59620-0701

Dear Ms. Williams:

On behalf of the over 800 outfitter and guide members and the board of directors of the Fishing Outfitters Association (FOAM), I respectfully submit the attached petition that requests the Department of Fish, Wildlife & Parks (FWP) and the Fish and Wildlife Commission (Commission) to adopt these new rules pertaining to the management of recreational use on the Madison River.

FOAM has had a seat at the table in formulating a Madison River recreation management plan since before the first Madison River Citizens Advisory Committee in 2011. FOAM also had a seat on last year's disbanded Madison River Negotiated Rulemaking Committee (NRC). Following that, FOAM previously submitted their commercial plan as a petition to the Commission in November 2019, which was denied. Since then, your department has been trying to gain formal approval of a Madison River recreation plan. However, no plan has received widespread public support or been approved by the Commission.

FOAM, having over 300 outfitter members and over 500 guide members statewide, also represents over 75% of the over 200 Madison River SRP holders. Through a recent survey of our members, this plan – again - has the overwhelming support from our members and the majority of commercial use support these recommendations as part of an adaptive Madison River commercial use management plan. Despite the Montana Outfitters and Guides Association sending a link to our survey with strong narrative that we are moving forward in the wrong direction, 72% of our respondents have asked that we proceed with submitting the commercial use management plan as a petition.

It is crystal clear to FOAM that the majority of commercial users are long past ready for a plan to be implemented. We respectfully request that support be given to allow this process to proceed in a timely manner and offer some sustainability to our industry and protection to the resource. This may very well be our last opportunity to implement a recreational management plan on the Madison River for the foreseeable future. We look forward to working through this process with FWP and the Commission to develop a recreation management plan on the Madison River that can work for all stakeholders.

Respectfully,

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

Michael A. Bias, Ph.D.
Executive Director

Cc: Commissioners Colton, Aldrich, Brower, Byorth, and Stuker.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE & PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of New) RULEMAKING PETITION
Rules pertaining to managing)
commercial use on the Madison River)
)

TO: All Concerned Persons

1. Petitioner's name and address is Michael A. Bias, Ph.D., Executive Director, Fishing Outfitters Association of Montana, PO Box 485, Twin Bridges, MT 59754.

2. The Fishing Outfitters Association of Montana (FOAM), having over 300 outfitter members and over 500 guide members statewide, represents nearly all the fishing outfitters and the majority of guides across Montana. FOAM also represents over 75% of all 203 Madison River Special Recreation Permit (SRP) holders. FOAM has had a seat at the table in formulating a Madison River recreation management plan since the first inception of the Madison River Citizens Advisory Committee starting in 2011. FOAM has also had a seat on the recently disbanded Madison River Negotiated Rulemaking Committee (NRC). Since then, Fish, Wildlife & Parks (FWP) has been trying to gain formal approval of a Madison River Recreation Plan. To date, no plan has received widespread public support or been approved by the Fish and Wildlife Commission (Commission). Commercial outfitters conducted 11,224 trips on the Madison River during 2017 (FWP data). Nonresident visitors to Madison County expended over an estimated \$23.5 million on outfitter and guide services during 2017 (ITTR data). Any consideration of a Madison River recreation management plan could affect outfitting in Montana and our members' livelihood's and well-being.

3. Since the Commission's denial of Fish, Wildlife & Parks' April 2018 Madison River Recreation Management Environmental Assessment (EA), following the disbanding of the Madison River NRC in May 2019, during the June and August 2019 Commission meetings, and the denial by the Commission of FOAM's November 2019 petition for commercial use management on the Madison River, the Commission and FWP had not presented any proposal for a Madison River recreation management plan. During early 2019, in an effort to address commercial use on the Madison River, FOAM held 9 meetings with Madison River SRP holders, guides, and outfitters to discuss potential management options. From 9 days of NRC meetings during 2019 and 9 FOAM meetings, and during the year following the disbanding of the NRC, FOAM has compiled recommendations for plan that will help manage commercial use at 2019 levels while maintaining an avenue of entry for new outfitters and ease of transferability of Special Recreation Permits (SRPs) on the Madison River. FOAM's surveys and incorporation of comments from members into this June 2020 *Madison River Commercial Use Management Plan* represents the

majority of commercial use support for these recommendations as part of an adaptive Madison River recreation management plan.

ADOPTION:

NEW RULE I: Overall River Use

Current fishing regulations in the two walk/wade sections – the outlet of Quake Lake to Lyons Bridge FAS and Ennis FAS to Ennis Lake - of the Madison River prohibit fishing from boats or vessels. Revising current fishing access and floating regulations in the walk/wade sections of the Madison River will increase dispersal of recreational use, which reduces crowding across all sections of the Madison River.

- Quake Lake to Lyons Bridge FAS: remove the existing walk/wade reach of the Madison River from Reynolds Pass FAS to Lyons Bridge FAS during Sunday, Monday, Tuesday, and Wednesday, effectively allowing fishing from a boat or vessel within this reach 4-days per week. A regulation change would apply for the entire year.
- Quantitatively evaluate the effectiveness of allowing fishing from a boat or vessel for 4-days per week within this reach. If this adapted regulation proves to be effective, it could be permanently adopted or altered to include additional days.
- Ennis Bridge to Ennis Lake: Walk/Wade Access with Vessel; Status Quo

NEW RULE II: Commercial Use Management

From 2012 through 2019, the upper Madison River has seen a steep increase in use, doubling from 88,000 to an estimated 249,000 angler days. Estimates for angler use during 2017 were 207,000 angler days and were obtained from FWP. Outfitted angler days during 2016 and 2017 on the Upper Madison River was 20,018 and 19,662, respectively.

The Lower Madison River extends from the outlet of Ennis Lake to the beginning of the Jefferson River. Recreational use numbers on only the lower Madison River were estimated at 750,000 user days during 2017. Outfitted angler days during 2016 and 2017 on the Lower Madison River was 2,284 and 2,724, respectively.

Though overall angler and recreational use on the Madison River has increased substantially over the last 5 years, managing commercial use is a first step to managing overall crowding on the Madison River. Our commercial use management plan contains the following facets:

- This plan manages the total number of outfitted trips based on recent historical use during the 2019 or 2020 season. SRP holders with a valid Madison River SRP Permit prior to 15 June 2020 will be allocated outfitted

trips. This plan allows for a buffer and trip flexibility for permit holders through the use of *Flex Trips*.

- An SRP holder will be assigned a number of Guided Trips that they may operate in a season equal to their historic use of Trips in the 2019 or 2020 season, provided they held a valid Madison River SRP Permit prior to 15 June 2020.
- An SRP holder with extenuating circumstances that resulted in a temporary reduction in their normal use of Guided Trips in the 2019 or 2020 season may petition to use their previous historic use to establish their Guided Trip allocation (examples: military service, injury, illness, etc.).
- SRP holder may access up to 10 additional *Flex Trips* annually 2 out of every 3 years.
- If use is 0, SRP holder will not receive historic use allocation nor the *Flex Trip* ability to operate.
- Guided Trips from the SRP Trip Distribution Pool will be distributed to qualified SRP applicants.
- If total Trips (Guided Trips plus *Flex Trips*) exceed the permitted use allowance, the SRP holder will be subject to disciplinary action or loss of permit. If exceeding trip allowance is habitual, the SRP holder risks losing their permit.
- This Commercial Use Management Plan will not incorporate or endorse any form of rest-and-rotation schedules until such time following the 3rd year evaluation plan (see below) that a quantitative analysis of overall recreational use on the river is evaluated and those management options are suggested.

RULE III. *Flex Trips*

There is a need for *Flex Trips* on the Madison River for use by outfitters whose historic trip use has fluctuated greatly from year to year. Outfitters occasionally need to use the Madison fishery when other fisheries they historically use are closed or not performing due to circumstances not of their control.

- SRP Holders may use *Flex Trips* beyond their allocated number Guided Trips.
- *Flex Trips* are temporary in nature, maybe be adjusted over time, and are non-transferable.

- Outfitters report the use of *Flex Trips* just as they would standard trips at year end.
- *Flex Trips* can only be used by an outfitter two out of any three consecutive years.

RULE IV: Transfer of Guided Trips

- Outfitter historical use is attached to an SRP Permit. SRP holders may only transfer or receive Guided Trips.
- Guided Trips may be transferred at the discretion of the Outfitter only with notice to FWP and may only be transferred to an already qualified SRP holder.
- Each outfitter entering into a transfer of Guided Trips with one or more other qualified outfitters must do so by completing a transfer request form prescribed by the department. Prior to being filed with the department, a trip transfer request is not complete or valid for any purpose and may be cancelled by any licensee that is a party to it.
- The records of FWP comprise the official records of trips and each purported transfer of trips is invalid and void that is not reflected in FWP records.

RULE V: Tiers and Loss of Guided Trips

The percentage of total trips conducted by outfitters from 2011 through 2018 revealed consistent and distinct groupings of number of trips outfitters conducted from year to year. During 2018, 100 outfitters (56%) working on the Madison River conducted 25 trips or less, 24 outfitters (13%) conducted 26-50 trips; 19 outfitters (11%) conducted 51-100 trips. Twenty-eight (16%) outfitters conducted 100 trips or more. Applying management options to tiers of outfitters, whether Guided Trips or Flex Trips, can more effectively manage a distinct group of outfitters without affecting management across all outfitters.

SRP Holder's use of Guided Trips often changes over time. Outfitters that decline over time in their use of Guided Trips will receive a reduction in their allocation of Guided Trips. Guided Trips which are forfeit will be made available to other qualified SRP holders through a trip distribution pool.

- Tier 1 SRP Holder's with less 25 or fewer Guided Trips are exempt from mandatory Guided Trip reductions.
- Tier 2 SRP Holder's with 26-50 Guided Trips will drop to 25 Guided Trips if they have 3 consecutive seasons of use fewer than 26 total Trips.

- Tier 3 SRP Holder's with 51-100 Guided Trips will drop to 50 Guided Trips if they have 3 consecutive seasons of use fewer than 51 total Trips.
- Tier 4 SRP Holder's with over 100 Guided Trips will receive 80% of their Guided Trip allocation if they operate less than 80% of their Guided Trip allocation for 3 consecutive seasons.
- Any SRP Holder that increases their Guided Trip allocation by more than 150 Guided Trips through a transfer will be granted 5 seasons to increase their use before a loss of Guided Trips is required due to lack of use.
- If Any SRP Holder documents 0 use for 3 consecutive years the permit will be forfeit.

RULE VI: Permit Application and Fees

- SRP holders will apply annually to renew their SRP permit.
- Application fees will be \$110 per SRP permit.

RULE VII. Reporting and Use Fees

- SRP holders will submit an annual report for each SRP permit.
- Annual reports will include trip report logs (there is no need to differentiate between Guided Trips and Flex Trips on use logs).
- SRP holders will pay 3% of gross revenue less the permit application fee.

RULE VIII: Plan Evaluation

- The Madison River Recreation Management Plan will be quantitatively evaluated by section or reach and across time immediately following the first year of implementation.
- Following the first-year evaluation, similar quantitative evaluations will be conducted every 3 years.
- Our proposed timeline of quantitative evaluations and reports will allow this program to be adaptive to changing conditions and allow for timely fixing of any flaws or problems in the program.

- Annual reports will be generated by FWP that contain quantitative use data by river section and time as well as financial data.
- Evaluate river use from SRP holders.
- Evaluate satisfaction of SRP holders and generate use data annually.

RULE IX: Commercial Use Working Group

- Establish a Madison River Commercial Use Working Group under the authority of the FWP Region 3 River Recreation Manager.
- The Commercial Use Working Group will be comprised of the Region 3 Recreation Manager, a member of the Fish & Wildlife Commission, and at least three Madison River outfitters holding a current valid SRP.
- Establish an appeal process for conflicts and complaints.
- Commercial Use Working Group may award Guided Trips to eligible outfitters from the SRP Trip Distribution Pool via lottery.
- Commercial Use Working Group will review total use:
 - Adjust Guided Trip allocations as needed if SRP holder use declines
 - Review Guided Trip additions to the SRP Trip Distribution Pool.
 - Review the annual number of Flex Trips eligible for outfitter use. If the total use of Guided Trips and Flex Trips exceed the combined use levels of 2019 and 2020 the annual number of Flex Trips available to SRP Holders maybe be reduced.
 - If total trips for an SRP holder is 0 for 3 consecutive years, permit is forfeit and allotted trips will be placed into the SRP Trip Distribution Pool.
- SRP Trip Distribution Pool
 - Existing SRP Holders that have operated at least 95% of their Guided Trips in the previous season may apply to receive Guided Trips from the Trip Distribution Pool via lottery
 - Additional Guided Trips will be considered as part of the total Guided Trips for that SRP holder (not temporary as done on the Big Hole and Beaverhead Rivers).

- Additional Guided Trips may be forfeit in the future due to reduced use as defined in IV “Loss of Guided Trips”.
- New Entry
 - Commercial Use Working Group may assign a fixed number of new permits to be issued. New permits will be awarded to qualified licensed Montana outfitters that have applied for a new permit via a lottery.
- SRP Permits
 - SRP Permits are transferable.
 - Any SRP holder may hold a maximum of two permits. No outfitter can operate more than 10% of total allocated use for all commercial users.
 - SRP Permits shall remain individual permits to allow transferability of each SRP Permit separately. An SRP holder may request the Commercial Use Working Group to combine permits into one on an individual basis.
 - New permits issued will receive a 10-trip Flex day permit that allows the operator to operate up to 10 days annually while building their historic use unless being transferred from a current SRP which will receive whatever historic use that current SRP holds.

RULE X: No-cost, No-limit Madison River User Stamp

On an annual basis, 89% of fishing on the upper Madison comes from non-commercial anglers. Angler use has increased over the past 20 years and in 2017 was 207,000 angler days, projected estimated use during 2019 was 249,000 angler days. Information on trends in non-angling use of the river is less clear, but overall use on the river has been increasing and is expected to continue to rise, regardless of any cap on commercial use.

Management tools such as walk/wade, rest-rotation, and access site improvements can help maintain the quality of experience, but lose effectiveness as overall use increases. Setting limits or caps on non-commercial use is premature because of a lack of information related to the desires and concerns of non-angling recreationists on the river. However, instituting a comprehensive data-gathering tool is recommended to obtain more information on all current use and type of use on the river. Such a system could be implemented by requiring an unlimited no-cost river use stamp. Increasing use levels would probably necessitate a cap or limit on all use in the future to help protect the resource and maintain quality of experience.

- Establish that any recreational user would be required to obtain an annual stamp from FWP. Mandatory reporting of river use would be required to ensure access to the river in future years.
- At the end of two years, FWP will quantitatively evaluate the effectiveness of the No-cost, No-limit river use stamp to determine the best way to implement necessary limitations.

WHEREFORE, petitioner requests the Department of Fish, Wildlife & Parks and the Fish and Wildlife Commission to adopt these new rules pertaining to management of commercial use on the Madison River.

A handwritten signature in blue ink, appearing to read "Michael A. Bias", enclosed in a thin black rectangular border.

Michael A. Bias, Ph.D.
Executive Director
Fishing Outfitters Association of Montana

June 18, 2020.



MONTANA FISH, WILDLIFE & PARKS

Appendix C

Sportsmen Groups/GGTU Petition

DRAFT

June 18, 2020

Montana Fish and Wildlife Commission
Attn: Shane Colton, Chairman
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620-0701

Re: Petition to implement Madison River Recreation Rules, pursuant ARM Rule 12.4.103.

Dear Chairman Colton:

On behalf of the George Grant Chapter of Trout Unlimited (GGTU), Skyline Sportsmen Association (SSA), and the Anaconda Sportsmen Association (ASA), and the thousands of Montana members that our organizations represent, we submit this petition pursuant to ARM 12.4.103. We are requesting an expedited process.

All three organizations petition the Montana Fish and Wildlife Commission to begin rule making and implement rules consistent with the elements of the "Preferred Alternative" as referenced in the Draft 2020 Madison River EA (Alternative 5.0-Preferred Alternative), under the Montana Environmental Policy Act (MEPA).

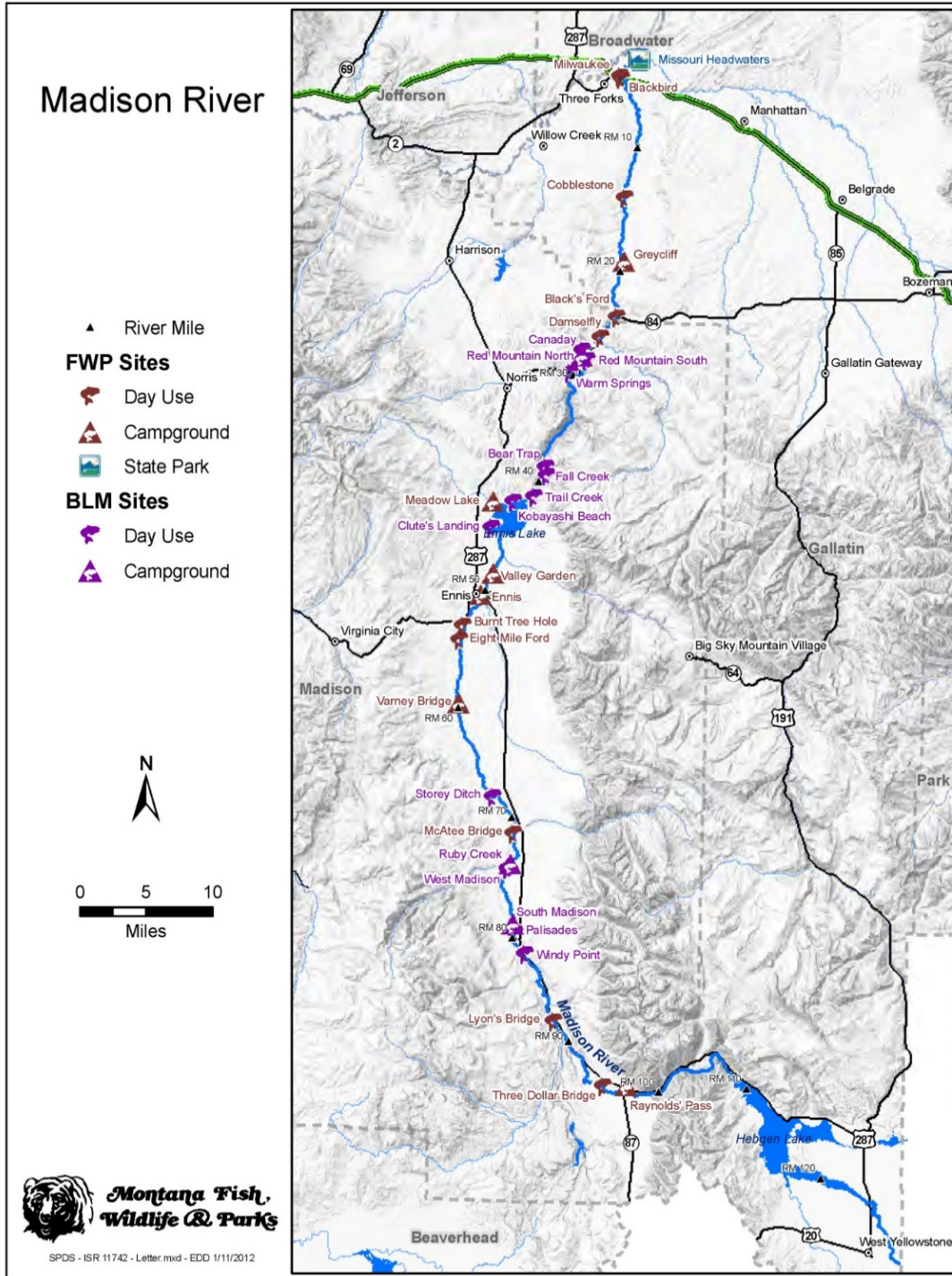
As you know, the river recreation management process on the Madison River has dragged on for years. Montana sportsmen have participated in this process in good-faith and have been disappointed time and time again. Our patience is running thin, and we are beginning to question the integrity in the public process. The cancellation of the June 12, 2020 commission meeting was the final straw in a long and disturbing series of missed opportunities to bring this issue to a conclusion.

The Madison River is the most heavily studied and surveyed river in Montana History. The most recent survey of Madison River users, conducted in late 2019, had one of the highest response rates in FWP history and revealed not only a highly engaged public, but also strong public support for Madison River Recreation rules. The survey also revealed **overwhelming public support** for a cap on commercial trips on the Madison River, special rest-rotation zones free of commercial use on certain days and continued protections for wading anglers.

We point out that nothing in the preferred alternative will reduce the current levels of any user groups on the Madison River. In fact, under the preferred alternative, commercial outfitting on the Madison River is capped at the highest ever recorded level of use. Thus, arguments that the preferred alternative would be economically detrimental to commercial users or riverside communities is simply false. Commercial use is not reduced under the preferred alternative or the proposed remedy we propose for implementation.

Waterbody Description

The petition of the GGTU, SSA and ASA concerns the Madison River in southwest Montana; from Quake Lake to its confluence with the Jefferson River.



The goal of this petition is to manage recreation use of the Madison River in a manner that: 1) ensures long-term health and sustainability of the fisheries; 2) diversifies angling opportunity

while reducing conflicts; and 3) sustains the ecological and economic benefits of the river to Montanans and our guests.

At the same time that recreational use peaked in 2019, rainbow trout populations in the Madison River declined below its 20-year average. In fact, according to FWP population data, the brown and rainbow trout larger than 6 inches declined by nearly 40% from 2018 to 2019 in the Pine Butte section. The 2018 estimated brown trout population was 1,600 trout per mile in 2018, or 80% of the 20-year average. In the Varney Bridge section, rainbow trout numbers “declined by 55% to 805 fish per mile, which is 72% of the 20-year average. (Source: FWP Region 3 Fish Population Data) Effects of intense fishing pressure combined with higher than normal water temperatures is a suspect cause.

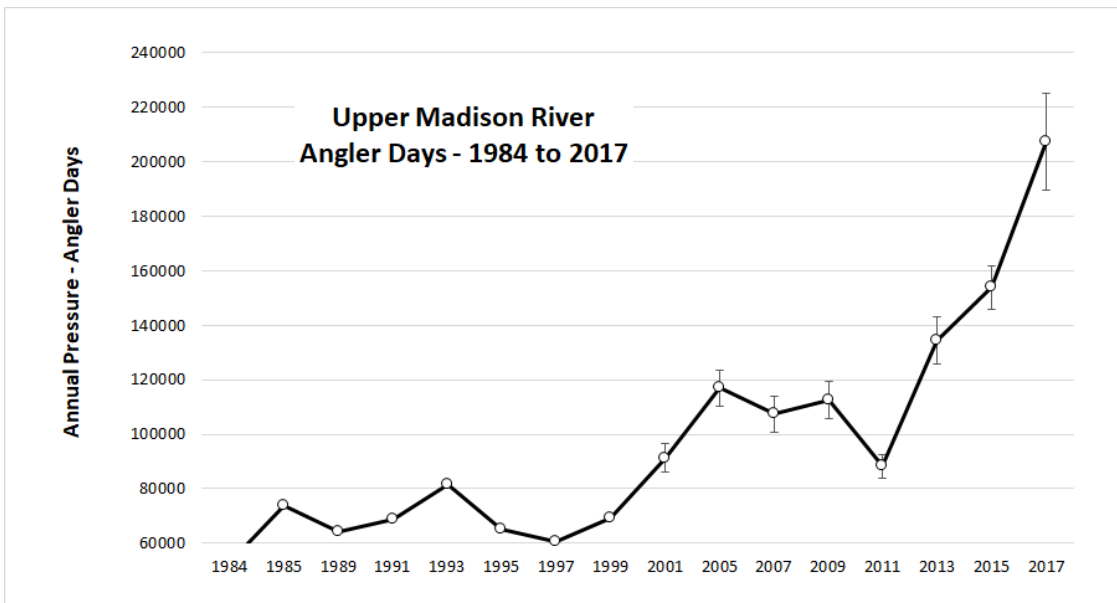
Historical Use and Data on the Madison River (Source: 2020 Draft Madison River EA)

The Madison River is one of the most heavily fished rivers in Montana. Because of the heavy use on the river, there have been many efforts over the past several decades to address angler conflicts and crowding on the River:

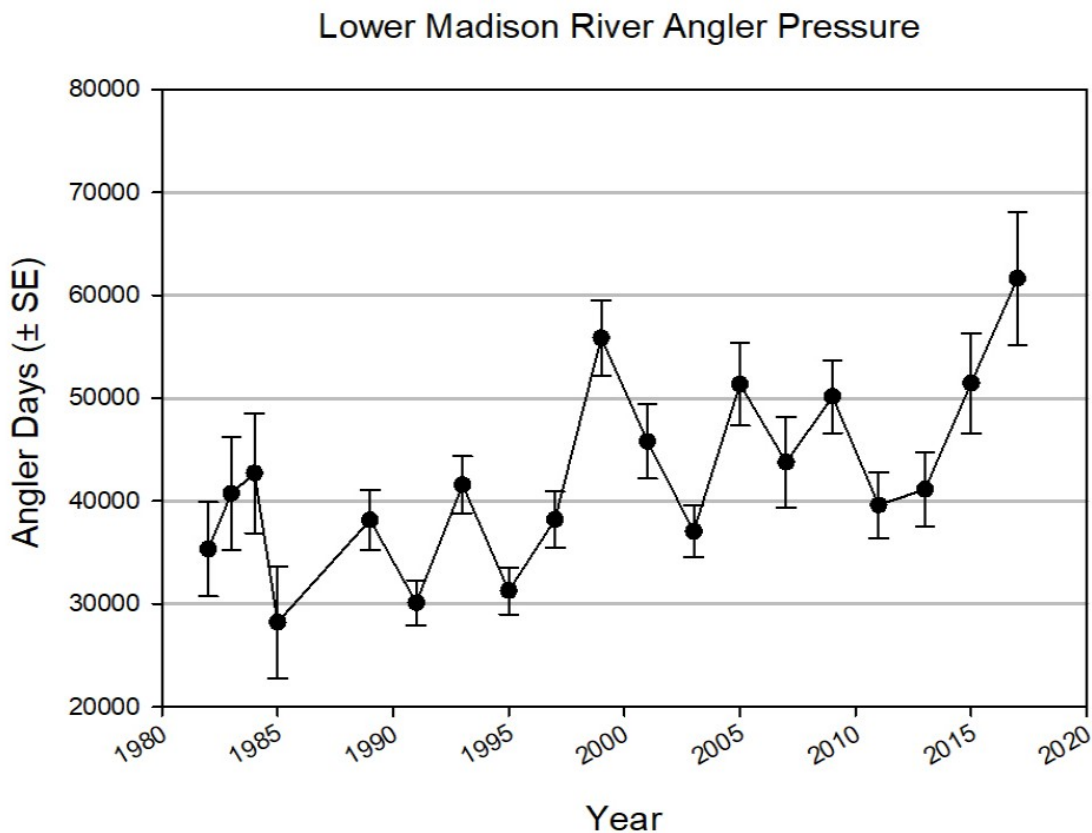
- 1959: Float fishing closure from Hebgen Dam to Varney Bridge.
- 1967: Float fishing closure rotated between two reaches of the river each year.
- 1975/1976: Snoball and Pine Butte reaches closed to angling and harvest, respectively for mortality study.
- 1980: 1-year moratorium on new outfitters. *40-years ago.
- 1988 to present: Fishing from a vessel only allowed from Lyon’s Bridge to Ennis Bridge on the upper Madison River.
- 2006: FWP and partners met with landowners concerned with Madison River recreation conflict.
- 2007: FWP and the BLM entered into agreement to implement Madison River Special Recreation Permits (SRP).
- 2008: FWP conducted survey of resident anglers concerning the Madison River.
- 2008: FWP surveyed Madison River Valley property owners about river recreation concerns.
- 2009: FWP conducted Madison River on-site visitor survey.
- 2011: FWP began formal process of Madison River recreation management planning.
- 2012: FWP initiated scoping process, including four public meetings and online survey.
- 2012: Madison Citizen Advisory Committee (MCAC) formed.
- 2013: MCAC recommendations presented to FWP Commission and distributed for public comment.

- 2014: FWP halted Madison River recreation management planning process because of agency-wide funding concerns.
- 2016: FWP reinitiated public engagement in the management planning process through three listening sessions and a mail-in survey of Upper Madison River anglers.
- 2017: FWP initiated a year-long on-site angler survey.
- 2018: FWP presented a draft Environmental Assessment and draft Madison River Recreation Management Plan and proposed administrative rules to the Fish and Wildlife Commission. The Fish and Wildlife Commission decided against release of the documents for public comment and instead asked FWP to come back with a proposal for a different process that would engage a broader range of constituents.
- 2018/19: FWP was directed by the Fish and Wildlife Commission to use a Negotiated Rulemaking Committee (NRC) to develop recreation rules for the Madison.
- 2019: The Madison NRC failed to reach consensus. Individual Committee Members submitted recommendations to the Fish and Wildlife Commission.
- 2019: The Fish and Wildlife Commission received 3 petitions for rulemaking on the Madison specifically for river recreation. The Commission did not adopt any of the petitions and instead directed FWP to conduct public scoping in order to narrow down options for consideration in a recreation management rule.
- 2019/20: FWP conducted an extensive public scoping process to identify alternatives for a recreation management rule. The survey was conducted online, in addition to FWP seeking input via email and regular mail. Over 8,000 responses were received.
- June 2020: FWP presents a draft Environmental Assessment to the Fish and Wildlife Commission. Commission postpones scheduled June meeting to consider releasing EA for public comment.

Madison River angler use data have been collected since the late 1970's. For the upper Madison River (Hebgen Dam to Ennis Dam), angler use has increased consistently over time, likely due to a combination of an increasing population, a productive fishery, and a general increase in the popularity of river recreation. Beginning in 2003, large increases in angling pressure have been observed on the upper Madison River. From 2003 to 2017, angling pressure has more than doubled from 91,000 to 207,000 angler days by a rate of 15% biennially. From 1982 to 2017, total angler pressure from non-resident anglers has remained stable at approximately 75% of users. The total number of out of state angler days has substantially increased.



Angler use on the lower Madison River (Ennis Dam to the Jefferson River) has shown a similar pattern to the upper river—slow growth from 1982 to 2011 and rapid growth from 2011 to 2017.



In 2007, the Bureau of Land Management (BLM) and FWP implemented a cooperative Special Recreation Permit Program (SRP) for administering commercial, competitive, and organized group activities on public lands and related waters within the Madison River corridor. Since the inception of the permit, FWP has issued 352 Madison permits to commercial operations. Permits issued to fishing outfitters have numbered 338, while 14 have been issued to shuttle services or

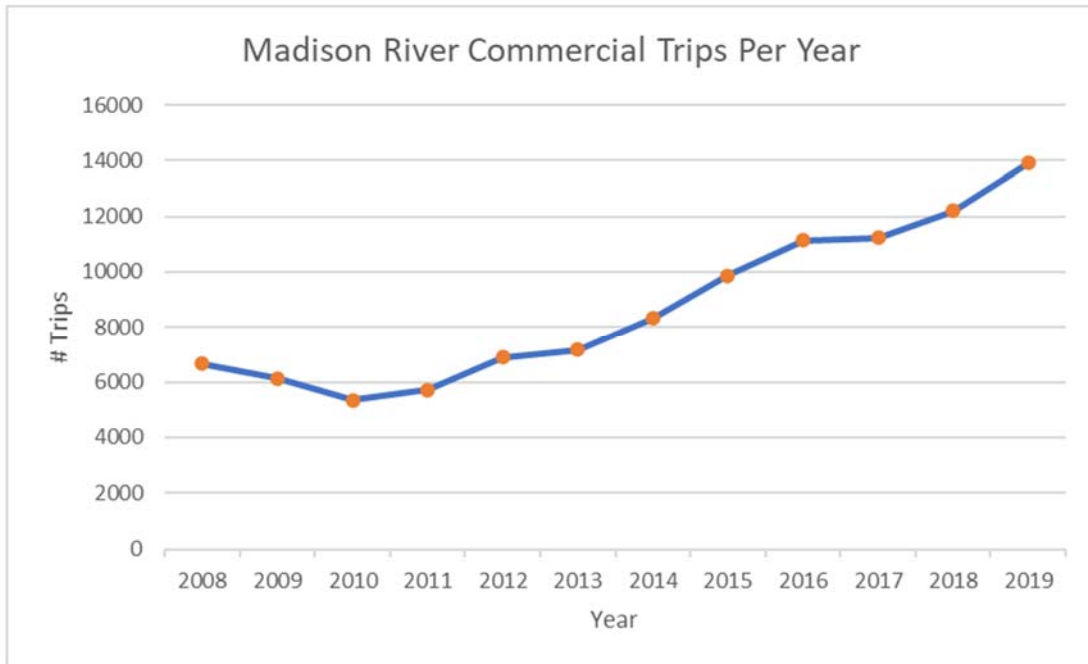
scenic floats. Permitted fishing outfitters active on the Madison in 2019 numbered 222, the highest under the program.

A stipulation of the SRP program is that all outfitters must report annually to FWP all commercial use on the Madison River. According to recent reports, Madison River trips reported by commercial outfitters has more than doubled since 2008. Use of the upper Madison River (Quake Lake to Ennis FAS) by outfitters occurs predominantly from June through September. Outfitter use on the lower Madison River (Ennis Dam to the confluence with the Jefferson River), occurs primarily in the spring and fall.

Most frequently used take-outs were Greycliff FAS followed by Blacks Ford FAS. In 2016, FWP implemented season-long fishing on the entire upper Madison River in an effort to provide an uncrowded opportunity for anglers and distribute use during the spring. The newly liberalized regulations have led to increases in spring outfitter use in previously closed sections of the upper Madison River.

Madison River Reported Commercial Trips Per Year. (Source: 2020 Madison River EA)

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Jan	0	1	1	0	0	3	4	9	4	3	5	5
Feb	1	1	1	3	0	3	2	15	21	4	6	3
Mar	3	15	21	25	27	24	26	92	63	121	137	83
Apr	86	133	100	69	118	82	159	184	296	329	437	432
May	229	151	167	173	205	276	347	523	437	622	472	621
Jun	1092	786	696	314	915	940	1368	1560	1834	2456	2427	2265
July	2536	2026	1811	2241	1927	2172	2588	2802	2883	2984	3396	3807
Aug	1624	1497	1326	1499	1861	1870	1869	2207	2754	2010	2405	3339
Sep	809	1256	996	1079	1374	1379	1497	1816	2132	1993	2152	2510
Oct	262	259	213	317	454	411	440	636	687	669	732	786
Nov	11	6	5	3	7	0	14	20	29	21	25	49
Dec	0	0	1	1	0	0	6	8	8	12	16	9
Total	6653	6131	5338	5724	6888	7160	8320	9872	11148	11224	12210	13909
% Change	n/a	-7.8	-12.9	7.2	20.3	3.9	16.2	18.7	12.9	0.7	8.8	13.9

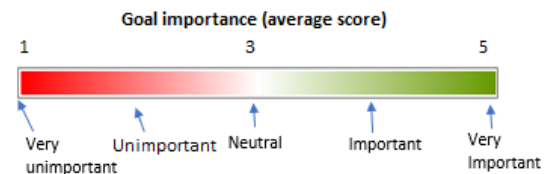
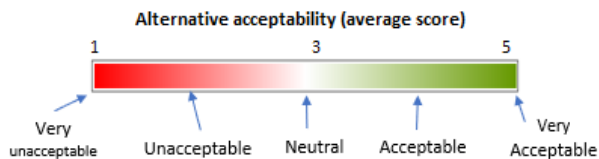


A FWP survey was conducted in late 2019 to gauge the public’s views on a range of Madison River recreation issues and potential management tools. A total of **7,577 surveys were taken.** Among both resident and nonresident survey respondents, caps on commercial users, implementation of rest-rotation zones free of commercial use on specific days and protections for wading anglers were the **overwhelmingly** favored alternatives.

Alternative acceptability for various management approaches from 2019 online survey. Source: 2020 Madison River Draft EA

Proposed Management Goal		Goal Importance (average score)		
	Healthy Fishery	4.48	4.42	4.66
	Economic Viability	3.28	3.69	4.29
	Diversity of angling experiences	3.74	3.87	3.32

ALTERNATIVE COMPARISON BASED ON COMMERCIAL STATUS AND RESIDENCY		Alternative Acceptability (average score)		
		Non-commercial Residents	Non- Residents	Commercial Outfitters
Commercial Fishing Outfitter Management	No Limits	1.65	1.88	2.61
	Cap # of outfitters at 2018 level	2.24	2.32	2.47
	Cap # of trips of outfitters at 2018 level	3.1	3.23	2.75
	Reduce number of trips below 2018	3.71	3.5	2.22
Social Conflict Management on Upper River	No restrictions	1.84	2.01	2.86
	Access Site social conflict mgt	2.5	2.66	3.19
	Rest-rotation	3.51	3.09	2.01
	Walk-wade	3.22	3.45	1.79
	Daily boat launch restrictions	2.92	3	1.88
Lower River Recreational Use Management	Status Quo	2.24	2.47	3.07
	Evaluate level of crowding and conflict	3.32	3.45	3.64
	Prohibit commercial use below Greycliff	3.19	3	1.61
	Preserve primitive nature below Greycliff	3.58	3.69	2.59
Angler Use Management on Upper River	No Limits	1.96	2.4	2.6
	Non-commercial use cap at 2018 level	2.43	2.66	2.7
	50:50 resident:non-resident cap	3.44	2.29	2.35
	Citizen's Day	3.11	2.11	2.11



Proposed Remedy:

GGTU, SSA and ASA propose implementation of the following elements as a remedy to the ongoing River Recreation issues on the Madison River.

- Cap the total number of outfitter trips at 2019 levels.
- Two days per-week rest-rotation seasonally, June 15 to September 30
 - **Saturday:** Varney Bridge FAS to Ennis FAS. No commercial activity.
 - **Sunday:** Lyons Bridge FAS to Palisades Day Use Area: no commercial activity
- Seasonal walk/wade, June 15 to September 30

Friday to Sunday: Quake Lake to Lyons Bridge FAS and Ennis FAS to Ennis Reservoir: no watercraft or floatation device can be used to access fishing

Monday to Thursday: Quake Lake to Lyons Bridge FAS and Ennis FAS to Ennis Reservoir: no fishing from watercraft or floatation devices; however, watercraft and floatation devices can be used to access fishing (current regulation)

- New access acquisitions below Greycliff FAS will have limited development to maintain the primitive nature by limiting vessel or float tube access to carry-in only.
- No-cost, No-Limit Madison River Stamp for all river users.
- Access Site Management

This combination of management alternatives would achieve all three objectives by using a blend of tools. The health of the fishery would be maintained by eliminating growth of commercial outfitters and evaluating growth control approaches for non-commercial users, which should also stabilize catch-and-release mortality of brown and rainbow trout. Economic viability would be preserved by allowing commercial outfitters to maintain current use and committing to enact an allocation methodology that would be acceptable to commercial outfitters by enabling them to continue to recruit customers and grow their businesses. A trial period for the Madison River stamp is intended to ensure that non-commercial use is well-understood before management restrictions occur, and that any system enacted would be as simple as possible and not serve as a deterrent for those seeking to use the river. The diversity of angling would be maintained through rest-rotation, which would help to eliminate conflict between commercial/non-commercial users. Moreover, the walk/wade alternative would help to eliminate conflict between wade anglers and boat anglers. Finally, the primitive status for the lower river would serve as a refuge for all types of floaters (angling and non-angling) who seek a seclusive and quiet experience. Individually, these management actions would not achieve the Management Goal for Madison Recreation Use: ***To manage recreation use of the Madison River in a manner that 1) ensures long-term health and sustainability of the fisheries, 2) diversifies angling opportunity while reducing conflicts, and 3) sustains the ecological and economic benefits of the river to Montanans and our guests.*** However, collectively, these management actions would be expected to meet the above stated objectives:

The time for Fish and Wildlife Commission to act on the Madison River, is long overdue. We appreciate your prompt attention to this petition. Time is of the essence.

Sincerely,



Mark Thompson
President
George Grant Chapter Trout Unlimited



Justin Mandic
President
Skyline Sportsmen



Gary Ouldhouse
President
Anaconda Sportsmen