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# MADISON RIVER NEGOTIATED RULEMAKING COMMITTEE

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December 14 & 15, 2018



1 **Mark Deleray:** We've got a new recorder here. Now we want to get this going  
2 we've got a full day here so we felt the need to continue on. My name is Mark Deleray. I'm the  
3 Region 3 Supervisor here in the Bozeman Office. I'd like to welcome you all to the Bozeman  
4 Headquarters Office for Fish Wildlife and Parks if you have not been here. Uh, a couple of house  
5 keepings items first. There's bathrooms right outside these doors here. Uh, we have breaks  
6 scheduled into the agenda but if they're not timely feel free to, to use the restrooms. Um, I think  
7 it's important, um, that you all feel comfortable here. That you, you, we'll go through  
8 introductions in a little bit. We're going to spend a lot of time together in upcoming weeks and  
9 so it's important I think to feel relaxed and, and comfort in that way. Uh, we have given an  
10 agenda in front of you and we will try to follow this and we will try to stick to it as much as  
11 possible. But there is likelihood that there'll be questions and we may have to vary somewhat  
12 from these time frames. We will take a one hour lunch break and we'll all leave this room. Uh,  
13 you can stay if you wish but we'll leave this room and then come back at 1 and start. Uh, I guess  
14 I'd like to go over a few of the ground rules. One, for the audience, uh, these meetings are  
15 different than meetings maybe you've attended over the years with Fish, Wildlife and Parks.  
16 These are working meetings. This group here in the front is going to be working on finding a  
17 solution to very challenging problems and your role as a, as an audience is observational. Uh,  
18 there will be no participation with the process during the meetings except for a public comment  
19 period at the end of meetings and in the comment period we will take comment but there will be  
20 no conversation. No dialogue back and forth. These are working meetings. The outcome of  
21 this effort will be a recommendation that goes to the commission. Our Fish and Wildlife  
22 Commission will then go through public process and there'll be the traditional type of meetings  
23 that you've experienced over the years. So these are pub, these are open to public, but they're  
24 open just for observation. So if, if a person, if any of ya have trouble with that this is how every  
25 meeting will be then we're going to have to ask you to leave these meetings. All right. Uh,  
26 ground rules for the committee, uh, you're in essence a group of partners, uh, tasked with a very  
27 challenging situation, a very complex situation so of course you're going to have to be courteous.  
28 You're going to have to listen fully. You're going to have to try to keep an open mind to  
29 different opinions. There will be different opinions. You've been chosen because you have  
30 different opinions. Uh, and represent different interests. So the key is that you'll be working  
31 together. Working together to find a solution. So please listen, be courteous, don't interrupt.  
32 Uh, you'll have, all have different opportunity to speak. That's the point of this so we'll be  
33 working together here as partners to try to come to a solution. Um, I guess with that I think it's  
34 probably important that we do a round of introductions.

35 **Eileen Ryce:** And Mark would you mention the tape recorder.

36 **Mark Deleray:** Oh, ya, yes, thank you Eileen. Uh, we have a tape recorder up  
37 here, uh, we will not be writing meeting minutes, uh, this tape recorder is just for staff to try to  
38 understand if we miss things what information was out there. Uh, it'll be a record of the meeting  
39 uh, but it, we aren't going to be writing anything verbatim but it was important to inform you all

1 that there is a tape recorder in the room and so that's, we have to do that. Also you'll see that  
2 there's a couple um, uh, electronic devices up here, one is a phone we, we will probably be  
3 talking to people over a phone during these meetings and this is a speaker for the video  
4 conference here so this is directly to our Helena office. All right. So I guess now's the time to go  
5 around the committee members, introduce yourselves.

6 **Unidentified speaker:** Can I

7 **Mark Deleray:** Ya

8 **Unidentified speaker:** make a comment

9 **Mark Deleray:** You bet

10 **Unidentified speaker:** about the recording, it was my understanding that um, some  
11 summary recording audio ah, printout would be available to public that can't be here or aren't  
12 here throughout the day so they could kind of keep track or know what's going on. And so that  
13 is not true

14 **Mark Deleray:** Ah

15 **Unidentified speaker:** at this point or not possible?

16 **Mark Deleray:** Yeah well my understanding is that our plan today, these, these,  
17 the outcome of these meetings is a recommendation that goes to commission and there's going to  
18 be all kinds of discussion we assume over the next weeks on these topics

19 **Unidentified speaker:** Of course.

20 **Mark Deleray:** ow our, we didn't expect to try to capture that dialogue verbatim or  
21 even, even, you know, conceptually for that effort. Uh, you know we're considering these  
22 working meetings. Uh, different from you know, some of our more traditional meetings, public  
23 meetings. Um, so I don't know if, do you have input on that or maybe Becky does too?

24 **Eileen Ryce:** Ya, I'll introduce myself first...

25 **Mark Deleray:** Ya...

26 **Eileen Ryce:** I'm Eileen Ryce, I'm the Fisheries Divis, Division Administrator.  
27 Our original intent was not to put out meeting minutes, you know because it's like Mark  
28 mentioned it's, it's more of a working groups session so putting out minutes we thought might be  
29 tough. Um, but it, it, it's up to you all, the committee and how you want to operate. Um, we  
30 could certainly help put together a, a summary who was present, topics discussed, even put a,  
31 you know the, the agenda. Um we could certainly make that available for the public if, if you

1 would like. Um, I think it would be tough for us to put out minutes or, or, or even a recording of  
2 the meeting. Um,

3 **Mark Deleray:** The the challenging...

4 **Eileen Ryce:** Oh, Becky did you want to share something?

5 **Becky Dockter:** Is that okay if I do right now?

6 **Eileen Ryce:** Yes please

7 **Becky Dockter:** It's kind of part of my, presentation .....

8 **Eileen and Becky talking at once, could not understand**

9 **Eileen Ryce:** Becky Dockter is our, our Chief Legal Counsel. Becky wasn't  
10 able to be here in person but we've got Becky here to basically provide the committee with legal  
11 advice so go ahead Becky.

12 **Becky Dockter:** Hi my name is Becky Dockter, I've been with the agency since  
13 about 2000 and worked with rule making quite a bit so I've been asked to just be on call kind of  
14 to help with any questions that might come up in particular this question. We did just check with  
15 our, uh, computer folks and confirmed that we cannot stream um, a video or audio from  
16 anywhere but Helena. And so, that is something that's requested by the committee it would have  
17 to be, you move your committee to Helena to do your meetings. So that's the first thing. The  
18 second thing is um, you do have the ability and I'll, you'll hear this when I do my presentation  
19 uh, to make your ground rules from the very beginning and so, you can make the determination  
20 like Eileen said that you'd like to appoint someone to do minutes every time. You'd like to um,  
21 have a recorder there every time. You'd like to have some, have your recording transcribed.  
22 That's something that you can actually decide to do as a committee. And I'll go through a little  
23 bit on how you make those decisions and all of that but, also I will say if you do choose a  
24 facilitator often times a facilitator uh, depends on their style but often times they will do some  
25 sort of summary for you, for each meeting uh, to summarize the past meetings. So that's another  
26 thing to consider is working through your facilitator on something like that as well. So, those are  
27 just some, some of the points I was going to make in a moment but since the question came up I  
28 thought I'd interject. So thank you for allowing me to do that.

29 **Eileen Ryce:** Thank you. The, the other thing I'll, I'll mention is this, this  
30 negotiated rule making is new for us too so, one of the things we'd like to do is sort of get all of  
31 you through the introductions and give you an orientation of what negotiated rule making is.  
32 Becky is going to spend quite a bit of time talking about how the committee um, would function  
33 according to statute. How, you know, what is meant by consensus decision making so if it's  
34 okay with the committee what we'd like ask you to do is sort of hold off until we get through,

1 especially Becky's presentation before really getting in to any decision making. If that's, if  
2 that's okay with the committee.

3 **Mark Deleray:** I think, I think what you're going to find today is you're, you're  
4 going to receive a tremendous amount of information uh, both on process, on resources and, and  
5 what your task is. So there's, there's a lot to come here today. Uh, that I think will help clarify  
6 what we're trying to do. Uh, I guess just before we go to introductions I just would like to say  
7 that, you know, thank you for taking this on. This is going to be a challenge for the group. Uh,  
8 this is a complex situation. It's a contentious situation and it's going to be a very large task for  
9 you to get to an end point. Other groups like you have failed in the past, which is why we are  
10 here again. So this, I guess, thank you for dedicating your time and energy and emotional  
11 resources to this. Uh, that being said I think, let's go around the table and introduce the  
12 committee members if that sounds good to everybody.

13 **Don Skaar:** Don Skaar, uh, in the Fisheries Division, uh, in a FWP in Helena.

14 **Eileen Ryce:** Okay

15 **Don Skaar:** We're, we're going to have more time later..

16 **Mark Deleray:** Yea, there'll be more time for .... This is just a quick introduction

17 **Don Skaar:** Ya....

18 **Mark Deleray:** to get things rolling

19 Melissa Glaser: Melissa Glaser. I am a Madison County resident. I do have a small scenic tour  
20 operation on the Madison River.

21 **Mark Deleray:** Thanks

22 **Lauren Wittorp:** I'm Lauren Wittorp. I'm the Executive Director of the Madison  
23 River Foundation.

24 **Scott Balmer:** Uh, fishing outfitter. Live here in Four Corners.

25 **Jim Slattery:** Jim Slattery. I own the Campfire Lodge on the Madison River and  
26 want to help.

27 **Mark Odegard :** I'm Mark Odegard. I've been fishing the Madison longer than  
28 most of you have been alive. Uh, and uh, I've got a lot of experience both in politics and uh,  
29 environmental sciences. I'm a consultant for the oil, mining and environmental industries  
30 around the world so, and I've been in a lot of very contentious things. Currently I'm, I'm a  
31 zoning commissioner in Ennis and uh, I'm used to being yelled at.

1 **Mike Bias:** Mike Bias. I'm the Executive Director of the Fishing Outfitters  
2 Association of Montana and I'm an outfitter out of Twin Bridges Montana.

3 **Julie Eaton:** I'm Julie Eaton, um I live here in Bozeman. My fishing operation  
4 is out of Ennis. And um, I've been a fishing outfitter for 24 years.

5 **Charlotte Cleveland:** I'm Charlotte Cleveland. I live in Bozeman and I'm an avid  
6 angler.

7 **Tim Aldrich:** I'm Tim Aldrich. I live in Missoula Montana and I'm the Fish and  
8 Wildlife Commissioner for District 1 which is virtually all of Montana west of the continental  
9 divide. Spent, uh, 14 years living in Bozeman working for the United States Forest Service but  
10 that was quite a while ago.

11 **Mark Deleray:** And Becky you've introduced yourself. Rebecca? Any other  
12 Someone speaking but not able to hear.

13 **Mark Deleray:** We can't hear you.

14 **Unintelligible**

15 **Becky Dockter:** I would, yes, I've introduced myself Mike. Unless you want me,  
16 um, to give a little bit about my background I'll just wait until my time.

17 **Mark Deleray:** Okay

18 **Eileen Ryce:** Have, have her, Becky can you introduce Jessica?

19 **Becky Dockter:** Yes, thank you, Jessica Snyder is a Paralegal in the agency and  
20 um, she will be the one to be graciously offering to write the rule should this actually become a  
21 rule. So she's an important part of this team.

22 **Mark Deleray:** Thank you. And then, well here I'll introduce or have them  
23 introduce our regional staff that's here to provide information.

24 **Cheryl Morris:** I'm Cheryl Morris. I'm a Recreation Manager out of Bozeman in  
25 Region 3.

26 **Andrew Puls:** Andrew Puls, a River Ranger for Region 3

27 **Travis Horton:** I'm Travis Horton, I'm the Fisheries Manager for Region 3

28 **Dave Moser:** Dave Moser, Fisheries Biologist for Madison, Gallatin County

1 **Mark Deleray:** And you're going to see a presentation presented by that group to  
2 you today. So, I believe that's all the introductions we have? And we're ready to move forward  
3 with the agenda. I'm going to turn it over at this point to Eileen and uh, let her go from there.

4 **Eileen Ryce:** Thanks Mark, um, our Deputy Director Mike Volesky is, is on his  
5 way uh, there's a little bit of misunderstanding on the start time so uh, he, he will be here around  
6 10 o'clock and we'll, we'll make a time for Mike to, to make some comments on behalf of the  
7 Director um, I think all of you probably know that the Legislative Session is currently going on  
8 and, and Helena um, Becky's, um, busy in Helena with that as is the Director but Mike will be  
9 here to make some comments on behalf of Director Williams. So, um, we do have a lot of staff  
10 here today, um, I wanted to, to make it clear that Don Skaar, um, is the only person on the  
11 committee that represents the Department. Um, Don and I both work out of the Fish Office in  
12 Helena. Um, typically you know, we will only have staff here when the Committee needs to  
13 have us here. Um, the regional staff that Mark introduced, their role is primarily providing you  
14 with, with information, background, um, technical assistance. Um, myself and Becky we have a  
15 bit of a unique role. We're sort of the conduits so to speak to the Commission. Um, I'm  
16 typically the person who makes the presentations to the Commission on behalf of the Fisheries  
17 Division. Becky provides legal counsel for both the Commission and the Department. So we're  
18 really here um, as needed for you also. Don will be our representative on the Committee. Um,  
19 there will be times when Don will need to caucus with us or others. Um, Don can help facilitate  
20 getting information to you. Um, but, we wanted to make it clear that, you know, this is the  
21 Committee's work. Um, we're here really as staff for you. Um, and we're not trying to you  
22 know, steer the work in any one direction or not so. Um, today as we mentioned is mostly a day  
23 of orientation for you. Um, we're going to throw a lot of information at you. Um, we want to  
24 get you comfortable with working as a committee. Um, the, the statute that if you haven't had a  
25 chance to look at, Becky is going to go over in detail. It talks about how the committee operates  
26 on a consensus basis. Um, and you'll have a chance to, to use that later today when we talk  
27 about selecting a facilitator. Um, so a lot of today is just really orientation and getting you used  
28 to sort of working together as a committee. Um, and sort of going over um, the bounds of the  
29 statute so to speak. Um, what I want to give you right now is sort of a background as to how we  
30 got here. Um, the, the staff later are going to give you detailed information on what's happened  
31 um, on the Madison on the ground. And what I'm going to cover is really um, what's happened  
32 at the commission meetings that led to this decision to form a negotiating rule making  
33 committee. So, um, this really, this phase started back in April. Um, when the Department took  
34 to the Commission um, a proposed rule and a proposed river recreation plan for the Madison.  
35 Um, I know several of you present here were at that commission meeting. Um, there was  
36 significant comment made by the public at the commission meeting. Um, there was a lot of  
37 discussion by the Commissioners. Um, one of the key points made by the Commission was that  
38 this process itself could become a blueprint for other waters around the state. Um, the, what the  
39 Commission, um, directed the department to do, um, was based on the public comment, based on  
40 the significance of this moving forward. The Commission decided not to put our rule, our

1 proposed rule out for public comment. Instead they sent it back to the Department to come up  
2 with an alternative, um, way of doing it. So at the time they didn't ask us to come back with an  
3 alternative rule or an alternative, uh, recreation plan. They asked us to come back with an  
4 alternative mechanism for developing a rule. Um, so then we went back in June. Um, after  
5 much consultation between the Helena Office, the Bozeman Office here, the Commissioners,  
6 legal assistance from Becky, we went back to the Commission with four alternatives. So that's  
7 what we presented in June. Um, Alternative A was to revise the proposed rule from April using  
8 negotiated rule making. Alternative B was to revise the rule using, uh, another, um, CAC group,  
9 another, um, group of interested people, um, but not using a formal process like negotiated rule  
10 making. The third alternative was for the Department to revise the rule on their own with the  
11 comment that we had heard during the Commission meeting and, and separately. And the last  
12 option was the no action alternative. Uh, for those of you who are familiar with how we operate  
13 we typically always have a no action alternative. Um, during the commission meeting the no  
14 action alternative um, was kicked out pretty quickly. You know no one sees that as being a  
15 reasonable way to go. Uh, so that left the Commission with A, B, or C which is basically the  
16 how do we take the proposed rule we took in April and how do we turn it into something that we  
17 can get through the Commission and out for public comment. Um, again after much input and  
18 discussion by the Commission a motion was made by the Commissioners to choose option A,  
19 which was to revise the proposed rule from the April commission meeting using negotiated rule  
20 making. The Commission did vote unanimously on that. Um, and just to provide another  
21 comment that was made by the Commission, "we want it done correctly, not quickly." So that  
22 was basically the mes, the message the Department got from the Commission was it didn't want  
23 us to rush and get something in place that may, may not be the right way to go. So, um, that was  
24 sort of the background as to how we got to negotiated rule making. Um, this is only the second  
25 time the Department has ever used negotiated rule making. The only other time we've used it  
26 was for the game farm rules uh, which I think were done about 15 years ago or so. Um, this is  
27 the only time the Fisheries Division has ever used negotiated rule making. Um, so, it's, it's, it's  
28 new to all of us. Um, we don't have any staff that are, are familiar with going through the  
29 process. Um, which, in a way is a benefit because we're, we're all learning together. Um, so the  
30 next phase in the process was in September we put out a notice announcing the negotiated rule  
31 making. Um, so there was a rule notice that went out and then there was also a request for  
32 applications. Um, what the rule notice basically asked for was public comment on using  
33 negotiated rule making for this effort. Um, the second part of it was requesting applications.  
34 Um, during that we received 49 applications. Um, again all of that had to go back to the  
35 Commission for the Commission to make the decision one on whether or not to move forward  
36 with negotiated rule making and secondly to choose the committee members. So, the first part of  
37 that was the easy part where the Commission decided to use negotiated rule making. Um, what  
38 the Department presented to the Commission um, in December, um, was, and I'm reading some  
39 of this so it's accurately reflecting the record. Um, I don't want to talk out of turn so what the  
40 Department recommended to the Commission was an order for the significantly affected interests

1 to be represented. The Department recommended membership include, um, a non-commercial  
2 resident angler, large outfitter, small outfitter, non-angling recreationist, and a non-angling  
3 business. In addition to having a Commissioner represented on the committee and the  
4 Department represented. So Becky will talk about statute and the role of the Commission, the  
5 Commission plays on the committee later. Um, the Department is represented just as the rest of  
6 you are as an impacted party. Um, so our role is to provide input on the, the, the ability to  
7 implement the rule, that, as the ones who are going to be implementing it so that, that's, we're on  
8 the committee as, as the same as the rest of you as an impacted member. So, the Department  
9 provided a summary of each application to the Commission as well as a recommendation and  
10 alternative for each of the interests and that's what the Commissioners had asked us to provide  
11 them. We recommended the Commission choose 7 or 8 individuals from the application pool in  
12 order to keep the size of the committee manageable. So the Commission voted, um, both to use  
13 negotiated rule making. Um, the Commission made a motion to select all of you. That motion  
14 was voted on unanimously and here you all are. So that really is the background of why this  
15 committee got established, how this committee got established. Um, if there's, I'll take, if  
16 there's any questions on that I'd be happy to take them. Um, then I'm going to pass it over to  
17 Becky to talk more about, um, the statute that's behind the rule making. Oh. Um, looks like  
18 we've got your much awaited binders.

19 **Unidentified speaker:** I've already have one.

20 **Eileen Ryce:** They'll probably all be waiting for you when you get home  
21 tonight.

22 **People talking at once. Can't understand.**

23 **Eileen Ryce:** We thought the US Postal Service would have got you them in  
24 time but um, we're, we're, as you'll learn later we're, we're impacted a little by the Federal  
25 Government shutdown. Um, does anyone have any questions on that background that was sort  
26 of a lot to throw at you but put it all in context. Kay, well I'm going to turn it over to Becky.

27 **Becky Dockter:** Thank you Eileen. And first I just want to make sure that everyone  
28 can hear me? Am I, am I loud enough?

29 **Mark Deleray:** Yup

30 **Becky Dockter:** I've not usually been accused of being quiet so I would have been  
31 surprised but I just wanted to make sure. So thank you for having me especially over the video,  
32 uh, I know you all didn't have any choice in the matter but thanks to the Region for allowing  
33 this. My original plan was to be there in person and I will be seeing you in person in the future I  
34 just have a, an

1 eight year old son who has a presentation today and I get to see it now thanks to the ability of  
2 technology to uh, transfer me to you over the miles so thank you for allowing that. Uh, as I  
3 mentioned, uh, when I spoke earlier I've been with the legal unit for 19 years. I originally began  
4 as an agency legal counsel in 2000. In 2011 I took over as the Chief Legal Counsel and I have  
5 been doing that since. We have a staff of, when we are fully staffed, five attorneys, right now we  
6 have four and two paralegals. Uh, Jessica here to my left is one of the um, actually it looks like  
7 it's to the right from you doesn't it but it's to the left. Um, she is the paralegal that's been  
8 assigned to work on Madison River rule making or uh, negotiated rule making and you will see  
9 her face and her name throughout this process as well. So, uh, in that 19 years that I've been  
10 here I, we have processed all the rule making through the legal unit. We've done that, we are the  
11 um, rule reviewers, the attorneys for, for all rules that go through the agency and as Eileen  
12 mentioned this is the second one that's going through this process. So, um, I realize this may not  
13 engender confidence in your counsel by telling you that I've never done this before but  
14 thankfully we have guidance in the law. It's called the Negotiated Rule Making Act and you  
15 should have a copy of it in front of you. It's a, it's a packet of I think of a, let's see, seven pages  
16 and this should be your basis. This is the, the process in law that has guided us from the  
17 beginning as, as Eileen illustrated to you up through today and it will guide you in your process  
18 as you come up with a proposed rule. And so, I won't be at every meeting with you as Eileen  
19 mentioned but I am always available to you to show up at a meeting if you would like me to. I'd  
20 be able to answer questions uh, even on the fly if you have questions during your meeting, you  
21 can get in touch with me. Uh, I'll give you my phone number to write down. Um, what I would  
22 ask is that you have a process for doing that. I mentioned already that one of your first chores  
23 might be to do ground rules or, or process rules for how you believe you will conduct your  
24 business. So I'll get to that in a minute. First I just want to say, this has tripped us up before so  
25 it's something that I think maybe you can try to get in your head early and often. Every time you  
26 look at this packet of information and you see the word agency substitute the work Fish and  
27 Wildlife Commission or the words Fish and Wildlife Commission. You might even consider  
28 doing that, um, actually going into to your packet and where ever you see agency you put Fish  
29 and Wildlife Commission. On the second page of the, that document you'll see the number one  
30 definition is agency and it means any board, bureau, commission, departmental authority, or  
31 officer of the executive branch authorized or required by law to make rules.

32 **Don Skaar:** Becky....

33 **Becky Dockter:** For the subject, go ahead

34 **Don Skaar:** uh, just uh, let everyone know the, the act is probably about ten  
35 pages back in your packet if you haven't found that already. That's what she's starting in on  
36 talking about here. Okay? Go ahead.

37 **Becky Dockter:** Thank you Don. I can't see you on my, on my video um, actually  
38 strategically Don Skarr and Tim Aldrich are left out of the committee and I'm left with the rest

1 of you. The very, uh, on page two of that packet the very first definition of agency, uh what I  
2 was just saying if you look at that definition it says any commission as authorized or required by  
3 law to make rules. The subject matter of the rules you'll be looking to propose are all  
4 commission authority. And, so that's why the commission is the agency that we're talking about  
5 when we look at this statute. So, like I said substitute agency with commission. That'll help you  
6 a lot in looking at these rules. Um, as Eileen mentioned and feel free to raise your hand and ask  
7 questions as I'm going along. Um, I'd be happy to answer them as we go. Commission  
8 determines the need for rule making and its decision. I think it was the June decision of this  
9 year. Uh, at the same time it, it appointed commissioners, or I'm sorry committee members and  
10 here you all are. Um, you'll go through your charter later and I think it's probably already what  
11 Eileen referred to which is the, the motion that you heard, uh, but you might take that apart a  
12 little bit more as you, as you go to start working. Uh, what you represent then is an identifiable  
13 interest that would be significantly affected by the rule. And that you will find, the language for  
14 that you will find at page, sorry I should've, I should have annotated my notes here, um, in 25-  
15 105 page 4 it talks about avocation for membership on the committees. And it shows that it  
16 would be um, a part interest that would likely to be significantly affected by the proposed rule.  
17 And that you as a committee member would have to be someone who could represent that  
18 interest on the committee. So that's why you were chosen. That's why you're here. Uh, Mark  
19 mentioned that your opinions are valuable to this because that's the whole purpose you were  
20 chosen to be on this committee is because you identified and will represent an actual interest that  
21 is significantly affected by this rule. You will see that there is a Commissioner that um, Tim  
22 Aldrich and a Department person Don Skaar on this committee. They don't have any more  
23 rights than you all do. Then the rest of you do with regard to this committee. They don't have a,  
24 organizational responsibilities or have any more vote than the rest of you on this committee.  
25 You are the same. And that's significant because and that, that you'll find in the, page 6 on the  
26 committee duty section sub section 2 it says the person that is representing the agency  
27 commission on a negotiated rule making committee shall participate in deliberations of the  
28 committee with the same rights and responsibilities of other members of the committee and is  
29 authorized to fully represent the agency in the discussion. So, if there were anyone that had any  
30 more rights it would be the Commission and this tells you that's not true. And Don Skaar is as  
31 Eileen already mentioned the same as you because he represents an interest that would be  
32 significantly affected by the proposed rule because the agency would be implementing it. So you  
33 all have the same rights and responsibilities. What does that mean when it comes to coming up  
34 with a proposed rule? It means that you will be willing to negotiate in good faith to reach  
35 consensus on a proposed rule. That's the reason you were chosen. We believe, the Commission  
36 I should say, sorry I sometimes speak on behalf of the Commission in my role so, whenever I say  
37 we or I sometimes I mean the Department, sometimes I mean the Commission so keep me honest  
38 in, in making me clarify. The Commission chose you because you would be willing to negotiate  
39 in good faith to come up with a proposed rule by consensus. That means not that it's a  
40 unanimous vote on each proposal. It means that you can live with an idea that is floated. You

1 may start off with, uh, you may start off with not being able to live with something. I would bet  
2 that your perspectives will evolve as you spend time with this committee. Um, the, that's the  
3 reason why it's not a vote because we, the facilitator, when and if you choose one, uh, will be  
4 helping you move to a consensus on a proposed rule. You might have any reason why you've  
5 changed from one perspective to another at the end. Whatever that reason doesn't matter. In the  
6 end what you come up with as a proposed rule has to be able to be lived with by every one of  
7 you on the committee from commissioner, department person to every other person on the  
8 committee. So what that means is if you are considering a certain proposal and you don't like it  
9 any one of you can in essence veto it. You have the same right as a Commissioner, as the  
10 department person and as every other person sitting to the left or right of you to veto any one  
11 particular proposal. So you can see that that might present a difficulty in coming to a proposal at  
12 the end of this and that's why it's a more lax standard when you say consensus rather than a non,  
13 or unanimous. Because consensus is you just have to be able to live with it. It might even mean  
14 you don't even agree with it. You just can live with it. Are there any questions on that? That's  
15 important and it will come up time and again when you are come, when you're deliberating on  
16 these matters. So I mentioned facilitator a couple of times. The very first thing that you'll likely  
17 do as a committee is choose a fac, facilitator. I think the Department, I know the Department has  
18 a suggestion on who to choose. Um, someone who's been very uh, uh, experienced in, in  
19 helping the Department in a number of different uh, uh rulemaking and proposals and policies  
20 and you name it, regulations and you name it. So uh, that'll, that'll probably be the first  
21 consensus decision that you'll have to make in conducting your business. The only reason I  
22 mention that here is because that will likely be the person who will help you organize and  
23 conduct your meetings. Uh, he or she will help you get to consensus on a certain proposal. They  
24 won't have a perspective on which way to go except as is guided by the statute. You are  
25 required to be consistent with the legal obligations of the Department and the com, Commission  
26 in proposing a rule but that's really the constraints in what you can and can't do. So you've got a  
27 pretty wide open, wide open plate with very few guidelines on what you are going to propose in  
28 the end. And, um, I would suggest that you could stand to have a facilitator and help guide that  
29 process as they are trained to do and as they are experienced to do. I also mentioned that I would  
30 suggest that the first thing that you do after your facilitator would be, um, after you choose a  
31 facilitator, would be to adopt procedures or ground rules in the beginning. Um, that's important  
32 so that you know how and you can have faith in how your meetings are going to be conducted  
33 each time you get together. And they can be as, as basic as uh, you know, no cell phones whi,  
34 while you're here. Uh, and they can be as specific as I'd like a recording and a transcription for  
35 every one of the meetings. So that, that, keeping in mind that is also limited by the ability in this  
36 staff that you might want to put to this but, but, you can see how broad um, you can have ground  
37 rules. I also heard there may be some desire to uh, include other committee members in the  
38 beginning. That'll have to be by consensus as well. And if you look at 2-5-107 which is on page  
39 5, that'll guide you on if and how you would choose other committee members if that's a desire  
40 you have to do so. Uh, any proposal you come up with in the end now, now I've kind of skipped

1 now from the beginning and doing ground rules you've now conducted your meetings in the way  
2 you feel comfortable. You've actually come to the end to a proposal. That'll be compiled into a  
3 report. And you will pu, uh, come up with a report that will then be a proposal that is presented  
4 to the Commission. That report can include those portions of your discussions that did not result  
5 in a consensus. So the Commission can hear what you worked on. And that you didn't just stick  
6 with the one rule you came up with. That you had a much more uh, robust conversation. But  
7 that'll still be presented to the Commission as uh, a portions of a rule that were not, that were  
8 considered but did not, uh, weren't reached to by a consensus. The, the, another important point  
9 to keep in mind is that the Commission has to approve your proposal and when and if it does  
10 approve your proposal it puts it out to public comment and goes through the process that's found  
11 in the statute called the Administrative Procedures Act. You don't have that whole act in front of  
12 you because it's not relevant to your conversations as you go through. It literally is just the start  
13 of another rule making process that we've done I've done perhaps hundreds of times. That's the  
14 process that's very well aware of. Jessica and I have worked on those for years but that is just  
15 the beginning of that process that includes public comment, publishing to the, to the  
16 administrative record, notice to the um, uh, through the administrative, um, Montana  
17 Administrative Record and then uh, hearings that would be conducted and oral comment as well  
18 as written comment. That then would go to the final as uh, to the Commission for a final  
19 decision. So your process is truly just the beginning of it. You are doing the work for the  
20 agency that we generally do internally and through a not as formal process. You instead like,  
21 like Mark mentioned, we've already done a Citizen Advisory Committee to come up with  
22 Madison River rule making and, and that went to the Commission and was not adopted. You're  
23 the second try of this, maybe third, maybe fourth, but there might be some perspectives on that  
24 but you're the second official attempt at this and it's going to be more through this Formal  
25 Negotiated Rule Making Act. And so we hope that, we have faith in you that you'll be able to  
26 come up with something that perhaps can have a little bit more success. You are, um, so keep in  
27 mind that the, keeping in mind that throughout this process that the Commission has to adopt  
28 what you propose in order for it to become a rule is really important because it, it depends on  
29 legal obligations of the Commission and the Department. It depends on perspectives that you  
30 might know that the commission to have and it means that if you're getting to far afield of uh,  
31 something you think they might be willing to accept as a proposal your, your work, you can  
32 adjust your work as you go along with that in mind. The only thing I would say is that um, in  
33 closing unless there is questions of course is that I'm available again, just to reiterate to you I'm  
34 available at any time for you. Uh, my direct line to my office is and it, and I would suggest, I'm  
35 giving this to you because your facilitator can get in touch with me. Maybe you appoint  
36 someone to get in touch with me. I don't necessarily think it's wise for every one of you to  
37 contact me separately to either um, get answers. I think that could be, I'm willing to do that but I  
38 think it could be cumbersome for you all to get the information that you need. I will work  
39 through your facilitator or whatever ground rules you set up and provide for you a resource. So  
40 my direct line is 444-4047. My e-mail is rdockter that's dockter @mt.gov and I'd be happy to be

1 a resource to you even to show up at your meetings if need be. Uh, Jessica will be also available.  
2 Like I mentioned she'll be writing the rule. She, she literally is the one that takes your words  
3 and tries to put them in the pro, in the format that the Secretary of State requires in order for it to  
4 be published in the um, manual that's required for the process. So she'll be around and available  
5 and is likely to be willing to help as well.

6 **Jessica Synder:** Definitely

7 **Becky Dockter:** So this rule is yours to make or not. It's a legacy you could leave  
8 for the department and a great help in this, in this um, part of what we do. Uh, we, the only time  
9 that negotiated rulemaking is appropriate is this with controversial issues and the Department is  
10 really accustomed to dealing with controversial issues wolves, bears, lions, we've got a number  
11 of issues that evoke um, controversy and emotion. But this is only the second one that's going  
12 through negotiated rulemaking. So I just, that doesn't mean that should be a weight on your  
13 shoulders but it means that we have faith in you and that we believe that this process could really  
14 be helpful for us in the end. So in any way that I could be helpful please let me know and good  
15 luck.

16 **Eileen Ryce:** Thank you. Is there any questions for Becky?

17 **Unidentified speaker:** I have a question. Becky going back to definitions um, 2-5-103  
18 number 2, consensus means unanimous concurrence among the interests represented on a  
19 negotiated rule making committee established under the rest of the sentence.

20 **Unidentified speaker:** (unintelligible)

21 **Unidentified speaker:** Yeah (unintelligible) so, it, uh, I wrote down it's what you could  
22 live with not necessarily consensus but that's not how, or not necessarily unanimous. So is that  
23 if we decide to do it that way?

24 **Becky Dockter:** So, so, thank you that's a good clarification because that used  
25 unanimous and as a, as a contrast. What I, what I should have said is you all have to agree and  
26 that's unanimous that you can live with it and that you can live with it part is consensus.

27 **Unidentified speaker:** Gotcha

28 **Becky Dockter:** There is a section of the rule or of the statue that says to the  
29 maximum extent possible consistent with the legal obligations of the agency, you as the  
30 negotiated rule making committee will use consensus as the basis for the rule proposed. So there  
31 is some growth in the definition that you've identified and in this, that was on page 3, uh, 1 G,  
32 uh, and that, so there is some understanding that there might be some that you come to that are  
33 not consensus but to the maximum extent possible you should use consensus. For two reasons  
34 one the law says you should and the second reason is what do you think is more likely for the  
35 commission to adopt if and when you get to the point. One that's reached by consensus or one

1 that's not. And so, I, I, I would propose to you that there uh, is some uh, understanding in the  
2 rule that we're human and these things might not come by consensus on every single one but  
3 there is um, a understanding that uh, to the maximum extent possible you'll achieve consensus.  
4 Does that answer your question?

5 **Unidentified speaker:** It does. And I actually have an additional one so, uh,

6 **Unidentified speaker:** Sure

7 **Unidentified speaker:** cause you've done your role okay, um so as a participant in this  
8 committee um, and thinking about you know talking to people over the last month or so um, is,  
9 does the FWP, um, give us, I don't know if protection is the right word, I mean, we're not  
10 professionals in rule making, I know that's your job to make the rule, um, appropriate, with  
11 Montana's uh, template. But for errors, omissions, I mean are we covered for people that don't  
12 care for what we come up with let's put it that way?

13 **Becky Dockter:** So if I'm understanding your question it would be more on the, not  
14 necessarily along the lines of a security detail

15 **Unidentified speaker:** No, let's not go there.

16 **Becky Dockter:** But, but

17 **Unidentified speaker:** You know something I don't know?

18 **Becky Dockter:** No I don't. I was just trying to understand your question um, when  
19 you say protection. I'm, do you mean as far as making sure that the legal obligations in a rule  
20 are met. That you're not going to far outside those responsibilities. Is that, is that a fair  
21 understanding?

22 **Unidentified speaker:** Um, No actually that if there are um, people in the public that um,  
23 like if they think that their business is hurt or they haven't been heard and they felt they should  
24 have and there's some legal action they need to take and I don't know...

25 People speaking at once can't understand

26 **Mark Odegard:** I think what she's saying is can we be sued.

27 **Unidentified speaker:** Yup, that's it. Stop dancing around that liability.

28 **Becky Dockter:** I kind of, I kind of got to that with your last comment but thanks  
29 for going straight to that, uh, you know you are a, an advisory counsel in the end.

30 **Unidentified speaker:** Okay

1 **Becky Dockter:** Um, Even though you have some structure and some formality to it  
2 you will only be doing a, um, a proposal at the end that then the Commission will be deciding  
3 upon. So I never like to assure people that they can't be sued. Um, you're, you're acting in your  
4 official capacity as a member of the negotiated rule making committee and there may be  
5 someone who believes that they could get some headway out of suing the negotiated rule making  
6 committee. I don't see that ability. The entity that can get sued and has been sued is the  
7 Commission and the Agency and they're the decision makers on this matter. In particular the  
8 Commission is the decision maker on this matter. You are essentially doing uh, an advisory  
9 work for the Department and the Commission to come up with something that we here to for  
10 have not been successful in being able to get passed through the Commission. And so I'm, I, I,  
11 that's not to say no you can't be sued. It is to say that I don't think that that would be successful  
12 because you're not the decision maker. (people talking at once) some comfort.

13 **Unidentified speaker:** Yup, layers and wording are our protection so I'll take it.

14 **Becky Dockter:** Right, right and I'll, what I'll say to that is also as long as you're  
15 acting within the scope of your duties as the negotiated rule making committee the agency would  
16 likely, me in particular would likely be defending you. So that's something that you, you know,  
17 if in a long shot that it happens and that um, a law suit occurs, um, you have some protections  
18 there.

19 **Eileen Ryce:** And just to emphasis, um, it's a great question, you know, Becky  
20 and I spoke about this last week just to emphasis that, that your all are really just the start of the  
21 process. There's still, you know, more process to go through it's what you produce as a  
22 recommendation that then goes to the Commission. You know then it's in the hands of the  
23 Commission to go through the formal rule making which involves more public comment and um,  
24 you know really your role is, is to, like Becky says to do what we've tried to do in the past and  
25 not been able to do. So Mike did you?

26 **Mark Deleray:** Yeah, we, so just to be clear the product we're producing is some  
27 river recreation management plan for the Madison River that goes to the Commission not to Fish,  
28 Wildlife and Parks and then

29 **Eileen Ryce:** So, so yeah, so how the process will work and Becky and Jess you  
30 guys jump in if I screw up but, um, it, it would be, so typically how items get to the Commission  
31 is um, the regional staff work on them, they go up through the regional supervisor then they  
32 come to me then I take them to the Commission. So basically the, the committee um, with the  
33 structure of the rule, the statute are playing that role of the regional staff so to speak where  
34 you're going to come up with um, language that Jessica and Becky will then draft into a rule and  
35 then we'll take that to the Commission and then help the Commission run it through the public  
36 process.

1 **Mark Deleray:** Right and that document is the River Recreation Management Plan  
2 for the Madison River.

3 **Eileen Ryce:** And, and then Jessica will put it into the rule language. So what the  
4 Commission will get is a proposed draft rule for going out for public comment.

5 **Mike Bias:** Right. Um, if I can, it was mentioned earlier that we're just  
6 revising the April rule.

7 **Eileen Ryce:** So that's, so that's the sort of starting point. So the motion that  
8 was made by the commission was to um, establish a rule, a negotiated rule making committee  
9 and the starting point would be the rule that was presented in April. So what you, as a committee  
10 and you know just giving you the whole options. Your option could be to change one word in  
11 that draft or it could be to scrap the whole thing. So that's, that's just your starting point.

12 **Mike Bias:** Okay

13 **Eileen Ryce:** And um, thinking back to the commission meeting and I'll let the  
14 Commissioner talk to, it's the discussion was based around there had to be somewhere to start.

15 **Mike Bias:** Right

16 **Eileen Ryce:** Part of the concern was not giving you a starting point and then  
17 basically loosing time. Commissioner Aldrich?

18 **Tim Aldrich:** Oh, I just wanted to stress I guess if the revision, you know, is a  
19 pretty wide open term, you know.

20 **Mike Bias:** Right

21 **Tim Aldrich:** It's not, you're restricted and you've got, you do the the same  
22 topics and whatever else there is. It goes same, same measures, same changes and whatever so  
23 no I, I think that it's said, I mean Becky's right on.

24 **Mike Bias:** Are our document or our plan or whatever we propose to you is  
25 gonna, gonna be like another version of the April plan? And it goes into those steps

26 **Eileen Ryce:** It, it will be another version in terms of another rule.

27 **Mike Bias:** Right, right

28 **Eileen Ryce:** But it doesn't

29 **Mike Bias:** Not this one, it's, it's the one that we give them.

1 **Eileen Ryce:** Right or you know, alternatively, you know the, the committee  
2 could decide that, you know, you either couldn't come up with

3 **Mike Bias:** Right

4 **Eileen Ryce:** a rule by consensus or you know you say we can't do it and ask the  
5 Department to do it or it really is like Commissioner Aldrich says its, its wide open. What, what  
6 we're doing is giving you that draft rule that pres, was presented in April that's as your starting  
7 point.

8 **Mike Bias:** Okay

9 **Eileen Ryce:** And I believe that's in the packet. Right?

10 **Mike Bias:** right

11 **Eileen Ryce:** Yep so you have that as a, as a starting point

12 **Don Skaar:** Well actually no it isn't but I've got that, the charter you mean?

13 **Eileen Ryce:** Well no I was talking about the rule that got presented

14 **Don Skaar:** Oh, the rule

15 **Mark Deleray:** The EA

16 **Eileen Ryce:** Yes and the EA

17 Many people talking at once

18 **Mark Deleray:** Yeah both the rule and the proposed rule are in the

19 **Eileen Ryce:** are in the packet

20 **Mark Deleray:** packet, yep yep

21 **Eileen Ryce:** Does that help Mike?

22 **Mike Bias:** Yes

23 **Eileen Ryce:** Okay. Is there any other questions for Becky?

24 **Scott Balmer:** So, one more, one more question Becky this is probably a little  
25 more about procedure more than anything else, uh, I'm looking at 2-5-107 expansion of  
26 committee membership. I'm just searching for when the appropriate time would be for us as a  
27 committee to look at interests that possibly haven't been rep, represented on the committee.

28 **Eileen Ryce:** So I'll

1 **Scott Balmer:** if anyone else can answer that

2 **Eileen Ryce:** Yeah Becky maybe I'll, I'll jump in on that

3 **Becky Dockter:** Sure

4 **Eileen Ryce:** um, so that's, that's you know, we've, we've heard that there may  
5 be interest in doing that um, so what we would like to do is sort of get you used to operating as  
6 consensus. Talk about the facilitator first. Um, talk about the charter before going down that  
7 road. So if you wanted to talk about it today, um, I think our suggestion was this afternoon once  
8 we get through the Charter.

9 **Don Skaar:** yeah and the facilitator

10 **Eileen Ryce:** And, and the facilitator so's you have that background before  
11 launching to far into another discussion. Is that okay?

12 **Scott Balmer:** I, I think my biggest concern is that I don't want to be put in a  
13 situation where that window has passed.

14 **Eileen Ryce:** No

15 **Scott Balmer:** And we can't go

16 **Eileen Ryce:** yep

17 **Scott Balmer:** back

18 **Eileen Ryce:** No we, we, we know, um, cause Don and I have seen notes from a  
19 few of you I think that have brought it up so it's on our radar too and there'll definitely be time  
20 today to bring it up.

21 **Scott Balmer:** Okay, very good

22 **Eileen Ryce:** Becky is that okay

23 **Becky Dockter:** May I just, yeah, I just wanted to also add in that, that Eileen and I  
24 had a conversation about this as well. And it was just kind of a chicken and the egg thing so I  
25 realize some of this information, if there are new committee members, some of this information  
26 might be good for new committee members to hear as well

27 **Scott Balmer:** Exactly

28 **Becky Dockter:** I'd be willing to come back and do this same thing um, again. And  
29 it's, and maybe, maybe you've looked into it and you have more questions but that time anyway.  
30 But we just wanted to make sure that you knew before you go make a decision on committee

1 members how to make a decision. And so, it was a chicken and the egg thing so we did it this  
2 way but we realize that um, there may be some need in the future if there's new committee  
3 members to hear this same information that you're hearing today. So, does that help? **1:02:54**

4 **Scott Balmer:** Yes

5 **Eileen Ryce:** And, and Scott you mentioned not wanting to miss the window of  
6 opportunity, Becky my understanding is with the statue new committee members can be brought  
7 up at any time. Correct?

8 **Becky Dockter:** Yes that's true there's no time line on it.

9 **Eileen Ryce:** Yep so, you know, if you get to a point and you know you  
10 suddenly realize that a particular interest is not present you can bring that up at any point  
11 throughout the process.

12 **Don Skaar:** Something I would mention here maybe it's not in the law but I  
13 think it's logic as far as I'm concerned is that this group operating by consensus is gonna go  
14 through a number of different steps you know. Yes the consensus will be on the final proposed  
15 draft plan or whatever would go to the Department or the Commission but to not have that  
16 member at the start I think would be a liability you know, and that whole liable discussion  
17 possible I think, I don't know.

18 **Scott Balmer:** That's why I was asking. Thank you

19 **Eileen Ryce:** Is there anything else for Becky? And Be, Becky are you going to  
20 be available up until when today?

21 **Becky Dockter:** Right, I will stay here this morning, I was just looking at my phone  
22 and trying to understand what time it was but I can stay here through the morning. I have until  
23 about quarter to 12 today so

24 **Eileen Ryce:** Okay, so anything else

25 **Becky Dockter:** I'm happy to listen

26 **Eileen Ryce:** Perfect. Um, if there's no other questions for Becky um, or oh,  
27 Mike?

28 **Mike Bias:** sorry

29 **Eileen Ryce:** Did you have something?

30 **Mike Bias:** Sorry, um, in reading this rule the, and this has come up I think in,  
31 in the commissions meetings in the past. It mentions agency over and over right so for example  
32 uh, we're gonna produce a report sent to the agency. In that case agency is the commission right.

1 And you go to the next one and under facilitator it talks about an agency may nominate a person.  
2 In that case agency is Fish, Wildlife, and Parks. Is that correct? It's not, agency is not the same  
3 throughout this rule.

4 **Eileen Ryce:** The agency is, well should be, should be um, commiss, commission  
5 throughout.

6 **Mike Bias:** well

7 **Becky Dockter:** So that's true

8 **Mike Bias:** There's, the commission didn't generate the facilitator nomination  
9 did they? I thought that came through Fish, Wildlife and Parks.

10 **Eileen Ryce:** Becky Mikes, Mike's question is specifically related to who makes  
11 the recommendation on the facilitator? When we

12 **Becky Dockter:** Right

13 **Eileen Ryce:** discussed that we've been going under the interpretation of the  
14 Department

15 **Mike Bias:** which in that case agency would be Fish, Wildlife and Parks

16 **Eileen Ryce:** right

17 **Becky Dockter:** So I guess I'm not sure what the answer is. I mean if you would  
18 have to, I mean, the, um,

19 **Eileen Ryce:** Becky

20 **Becky Dockter:** facilitator

21 **Eileen Ryce:** Becky, the, the question is who, who makes the recommendation  
22 to the committee on a facilitator appointment?

23 **Becky Dockter:** Well I guess that I understood that the Commission asks the  
24 Department to make one. Jessicas looking at the minutes right now to see if that's the case um,  
25 and so if that is the case then, then we're okay but I do think agency in here means the  
26 Commission. Yeah so, if you can accept or reject the, the nomination of the commiss, er, of the  
27 Department um, and the committee and choose your own if you'd like to

28 **Eileen Ryce:** Jess I'm not sure which, which meeting on your list. Was it the  
29 December meeting? Is that the one you're looking at?

30 **Mark Deleray:** That's where a lot

1 **Jessica Snyder:** I'm looking at June and April

2 **Eileen Ryce:** No it, it would be December. It was December that we spoke  
3 about it.

4 (Unintelligible)

5 **Eileen Ryce:** I, I have the December meeting notes here I can also look it up if  
6 you don't have it.

7 **Jessica Snyder:** Kay. Jessica yeah we don't have the

8 **Eileen Ryce:** So when we've

9 **Jessica Snyder:** December one here

10 **Eileen Ryce:** Mike we will, we will get that for you soon

11 **Mike Bias:** Well we, it's it's an issue for the facilitator but it's also an issue I  
12 think for membership on the committee. If, if a agency is to be represented on the committee  
13 that was interpreted in the December meeting to mean oh, agency is Fish, Wildlife and Parks and  
14 agency is commission

15 **Eileen Ryce:** So, so that one is slightly different so as, as Becky mentioned the  
16 committee memberships of agency is the commission. As I mentioned earlier

17 **Mike Bias:** Okay (talking at same time as Eileen can't understand)

18 **Eileen Ryce:** Our representative is still on as a impacted party

19 **Mike Bias:** okay

20 **Eileen Ryce:** That, that was the difference so Becky did you want to talk about  
21 how we got there?

22 **Mike Bias:** (talking at same time as Eileen can't understand)

23 **Eileen Ryce:** did you want to talk about how we got there?

24 **Mark Odegard:** You have a definition at the beginning here, which does not say  
25 commission. It says a variety of bureau, board, commission, department authority or an officer of  
26 the executive branch.

27 **Eileen Ryce:** Becky you might not have heard that question. The question  
28 related to the definition not referring to commission?

29 **Becky Dockter:** It, it actually, so are you talking about agency?

1 **Mark Odegard:** One, one

2 **Becky Dockter:** the very first one?

3 **Mark Odegard:** Number one definition in the rule

4 **Becky Dockter:** yeah, that, it means any board, bureau, commission, department  
5 authority or officer. You'd have to look at the second part of it too. That's required, authorized  
6 or required by the law to make rules. The Department is not authorized or required by law to  
7 make rules on river recreation management. There are some, I mean, you'll, there, there might  
8 be some where we can make those rules but the rules you'll be considering are commission rules.  
9 That's why the original a, attempt went to the Commission. You'll see Bitterroot rules that went,  
10 Beaverhead Big Hole rules, they're all commission rules. So the only agency that you can look  
11 at in this, um, law is the Commission. The Department has authority and, and I, I'd be happy to  
12 come back at some point to talk too about where those authorities lie and how we figure that out.  
13 That is part of my role with the agency is to try and figure out where our authority lies in  
14 statutes. Uh, you know, there's there's 13 of these books and this is the smallest one. The one  
15 that applies to us is about this thick by comparison. And so we look actually to those laws to  
16 make sure we can figure out who the, where the authority lies. In this case it's to the  
17 Commission. So like Eileen said we've been trying to figure out this as well. It's caused some  
18 confusion even internally with how you figure that out because also the agency, sorry the  
19 Department, the Department of Fish, Wildlife and Parks is just a secretary to the Commission  
20 and so the work we provide to the Commission often times is so they don't have to, one of the  
21 five members doesn't actually have to go do the typing up and work of the Commission. And so  
22 often times what we bring to them um, you know, is uh, some staffing and some technical  
23 assistance. But that doesn't mean we're part of the Commission. And so it's difficult to  
24 decipher between them and we are cognizant of that and very happy if you have some concerns  
25 with how these have come to you as a committee you can change it, suggest a different way.  
26 You make ground rules to fix it. You know, you're, you kind of have the table when it comes to  
27 um, addressing these issues. Does that help? Okay.

28 **Mike Bias:** Kind of. Well, I, I didn't mean to be this particular but it, it came  
29 up in earlier conversations on who picked the facilitator. And I was (unitelligable) and these  
30 guys tell me it was Fish, Wildlife, and Parks.

31 **Eileen Ryce:** So

32 **Mike Bias:** And so as, as I read the facilitator section of this it's, it's not. We,  
33 we don't bring recommendations for a facilitator to Fish, Wildlife and Parks. We bring them to  
34 the Commission.

35 **Eileen Ryce:** So, I, I think what will help Mike is we've got a couple of people  
36 looking for the commission minutes from that meeting. Um, like Becky mentioned you know,

1 our recollection was that the commission had asked us to come up with a facilitator  
2 recommendation. But we'll, we'll confirm that so I think what we're gonna to do is um, our  
3 Deputy Director Mike Volesky is here. I'm gonna have him uh, make a few comments. Then I  
4 think we'll take a break. Becky will try to find those minutes from December. Um, I've got  
5 someone in the fish office also looking for it. So, um, we'll go to Mike and then we'll take a  
6 break and then we'll reconvene and we can get, get it all clarified for ya.

7 **Mike Bias:** Very good, ya.

8 Eileen Ryce: Well it's an important question and we've got to figure it out  
9 before moving to far forward. So, Mike.

10 **Mike Volesky:** Thank Eileen. Well thanks all of you um, uh, kind of an honor and  
11 exciting and at the same time um, a lot of work and an awesome responsibility and hopefully  
12 some fun but a lot of work. Um, if this was easy it would have been done already. It's the  
13 Madison, um, it's such an awesome resource. We've done this with some other, as you've  
14 heard, the Big Hole and Beaverhead and Bitterroot more recently. You might even say we've  
15 done it to some degree on the Smith River. Um, uh, that's the Smith those are other important  
16 rivers incredible resources in themselves. Um, this is the Madison. Um, you all know what that  
17 means. Um, it's an incredible resource. I want to thank you in advance for basic, for your public  
18 service. Um, all us department employees here take our public service roles pretty uh, uh,  
19 seriously and I'm sure so do you. We've begun to talk about that public service role, that public  
20 servant role within the department in an interesting way. Um, much like in corporate America.  
21 Much like in any nonprofit board or much like in any for profit corporation there are these roles  
22 that is makes sense to really, um, to really delineate. Um, when you've got a public trust like we  
23 have with, with um, some resources in Montana the rivers, uh, the wildlife et cetera. Um, when  
24 you've got a public trust like that there's a role that a whole bunch of folks play. Um, there's a,  
25 there's a public trust, um, a trustee and that in this case is the legislator. The legislature  
26 sometimes it's the governor, sometimes it's the commission because those are truly the side  
27 board setters and the, and the decision makers. And then there's this public, this public manager  
28 role that we play as professionals and experts and, and biologists and wardens et. cetera. And  
29 that role is to provide good information and, and make some of those decisions as well under the  
30 side board set by the trustee. And then you've got this um, uh, the beneficiary role. And all these  
31 roles exist, these, these king of three roles exist with any trust resource right? Um, uh, you've  
32 got the beneficiary role that is the average citizen. That is the average fisherman. The average  
33 floater. The average whoever that may be in this case. Um, and then you've got the resource  
34 itself. You are an extension today it seems to me of that public manger role. You're helping the  
35 Department uh, provide a whole bunch of input to this process that, that we might be able to try  
36 to take a stab at ourselves. We're users of the resource too and we appreciate the resource too.  
37 Um, but you represent the diversity that's necessary to come together on something like this.  
38 Uh, and like I said, um, this probably isn't mostly your first role or your first exposure to being  
39 public service, a public servant in some respect but it's one I'm sure you'll take seriously. It's

1 kind of an awesome responsibility in this case, um, with the Madison River. Um, just remember  
2 that the Department in that same role as you're serving to some degree as a resource for you. We  
3 want to provide, um, good data, good information and we have plenty of that in relation to the  
4 Madison already. Um, good information. Good science. Um, at the same time a, a, most all the  
5 time, in fact, all the time decisions need to be made without exact, without perfect science,  
6 without perfect information. Uh, you'll find yourself in that role. Um, I don't think you should  
7 allow yourself to get bogged down with that. Get the best information you can from, from the  
8 Department. That is, uh, that's our role really here. Um, but likely you aren't gonna have  
9 perfect information and you aren't gonna have perfect science. Uh, that actually probably never  
10 exists if you're familiar with most definitions of science. It's always being um, perfected and  
11 added to. Um, but, um, let's just say it did exist. Still at the end of the day there's hard decisions  
12 to make with competing interests and uh, all of you represent, uh, a lot of those competing  
13 interests and so don't get to hung up on the fact that we don't have perfect science, perfect  
14 information. There's, uh, we still need to come to some decisions and, and um, and have great  
15 faith that you're going to be able to do that. Um, a couple of things I would just um, you know  
16 you all represent very diverse interest and I hope you represent those interests well. That, that's  
17 your job here. Um, at the same time you have to balance that with um, um, to get something of,  
18 of, that's a good product here. You've got to balance that with um, having an open mind and a  
19 give and take sort of mindset. Um, building some relationships and trust with each other. Um,  
20 and just working to get to yes. Um, it's kind of the, it's kind of the art of possible sort of thing.  
21 Um, and so I hope you do have that open mind and, and know right from the beginning nobody  
22 is gonna agree with everything that, that, that uh, this group comes up with in the way of  
23 recommendations. Um, So I lef, I just, I hope you allow yourselves some grace. Allow each  
24 other some grace. Um, um, I think uh, treat uh, allow some grace and seek to understand, seek to  
25 ask questions, seek to clarify uh, don't assume things about each other. Um, just, just allow each  
26 other some grace and, some, and that opens up I think a whole range of opportunities. When  
27 you're thinking about it from um, from other, uh, other people's standpoint I think. Um, we do  
28 have great faith that you're gonna come up with, with some good recommendations here. Um, I  
29 want to encourage you to, once you do that, um, stand by those recommendations and kind of  
30 stand together. It's all of your, all of your power as an advisory group, believe it or not, all of  
31 your power in this group relies on you being together. Um, once you kind of maybe go around  
32 part, go around each other, around different parts of the group maybe take your own ideas to the  
33 commission well I didn't like this so we need to change this. You've lost your, you've lost your  
34 power, you've, you've really lost, um, you've undermine each other and you really lost the  
35 power of all of you being able to come together and to come up with some recommendation,  
36 recommendations that you may like, some not so much but that you can live with and you've  
37 been through that discussion a little bit already. Um, a, but I would just encourage you to keep  
38 that in mind. All of your power, if you take this, um, you've set a recommendation and you say  
39 listen this is the best we can come up with. Um, a, we may not agree with it all um, but this is  
40 the best we can come up with and we all stand behind it. Um, there's great power in that and I

1 think you'll find, that the, the utility that the Commission finds in something like that um, I'll let  
2 Tim speak to that a bit but that has great power um, that you don't want to undermine as, as  
3 members of this and so. Um, again uh, thanks um, for your willingness to serve um, you aren't  
4 getting paid for this other than maybe uh, taking, getting some gas and, and meals paid for. We  
5 really appreciate your willingness to do that and uh, we have great hope in you.

6 **Eileen Ryce:** So we're gonna take a, a break. Maybe give uh, 15 minutes or so  
7 uh, we did just get sent the minutes from the December meeting. So we'll look at those and then  
8 uh, we'll uh, come back in uh, 15 minutes.

9 **Mark Deleray:** And one thing I didn't mention there's coffee here, water here so.  
10 The bathrooms right behind us.

11 **On break.**

12 **Eileen Ryce:** We'll uh, just ask the committee members to get back to their seats  
13 and then we'll, uh, get started again.

14 **Unidentified Speaker:** It never usually works that good at home.

15 **Eileen Ryce:** I think we're just waiting for Mike Bias.

16 **Unidentified Speaker:** I see him.

17 **Eileen Ryce:** It's okay Mike we're just waiting for ya.

18 **Mike Mitchell:** Are, are you waiting for me?

19 **Eileen Ryce:** No, no a different Mike.

20 **Don Skaar:** The other Mike

21 **Eileen Ryce:** Yeah it's gonna get confusing. Uh

22 **Mike Mitchell:** Yeah how many Mike's are we dealing with here?

23 **Eileen Ryce:** Uh, just 2.

24 **Mike Mitchell:** Okay

25 **Eileen Ryce:** All right so, uh, I think Becky, Jessica are you guys back on line?  
26 Can you hear us? Perfect. Um, just so everyone knows we've got uh, um, Mike Mitchell here  
27 on the phone um, listening in. We'll, we'll get to him here in a minute so, um, we took the break  
28 and uh, the staff uh, conferred a little bit. We looked back through the minutes from the  
29 December commission meeting. Um, the December commission meeting as we mentioned was  
30 the one you all got appointed. Um, there was discussion during that commission meeting from

1 the Commissioners about Mike Mitchell um, being a potential facilitator. So what we are going  
2 to suggest and again it's entirely up to the committee um, keeping in mind um, decisions are to  
3 be made by consensus. Uh, we're going to um, suggest Mike Mitchell as a facilitator um, then  
4 the first decision that we're going to suggest you make is whether to um, accept Mike Mitchell as  
5 a facilitator um, ask the Department to come up with someone else, suggest a different person or  
6 you could even to say not to have a facilitator. Right Becky the committee does not have to have  
7 a facilitator?

8 **Becky Dockter:** Yes that's true.

9 **Eileen Ryce:** Okay. And, and Mike Mitchell we might ask you to mute your  
10 phone until you speak. There's a little bit of feedback.

11 **Mike Mitchell:** Okay let's see if I can figure out how to do that.

12 **Eileen Ryce:** Um, so I gue, we're gonna, we're gonna ask Mike um, to tell you a  
13 little bit about himself, but, um, part of our thought, the, the Department's thought in this is, and,  
14 and it does seem like the phrase department and agency are already starting to cause a little bit of  
15 confusion and this does cause confusion for us so I think what we'll try to do is when we're  
16 talking about Fish, Wildlife and Parks we'll reference Department. When we're talking about  
17 the Commission we'll mention the Commission. So but if you get lost or we use words  
18 incorrectly please let us know. We want to make sure we're all on the same page. So, so the  
19 Departments thought in all of this was um, we think having a facilitator is a good idea. Um, our,  
20 our suggestion is in order for each member of the committee to have an equal standing. We're  
21 gonna suggest that you not have a chair but instead um, use a facilitator whose role would be as  
22 an, an unbiased non committee person who can help sort of, uh, direct you through the process.  
23 Help you with making decisions. Keep you on task. Keep you moving forward. Um, similar to  
24 how a chair would operate with the difference being a facilitator is not a member of the  
25 committee where a chair would be a member. Um, and a chair could be perceived as having a,  
26 greater role than any other one person on the committee. So, that, that's why we're gonna  
27 suggest you have a facilitator. Um, it's gonna be a complicated subject that you're all aware of.  
28 Um, and really that facilitator can help you shep, shepherd you through the process. The reason  
29 we got to Mike Mitchell is um, we were very conscious from the beginning of wanting um, this  
30 process to be as un-bias as possible. Um, you know, that's, I mentioned earlier about the staff  
31 being here. This is, this is going to be pretty rare that there's this many staff here but we had to  
32 help you get started. Um, we're not wanting to, to, to over influence the process at all. We've  
33 got our one representative and the Commission has one representative with an equal footing as  
34 the rest of you. Um, the Fisheries Division has only worked with Mike Mitchell one time before.  
35 That was on the west fork of the Bitterroot recreation um, rule. Uh, so one of the thoughts we  
36 has with recommending Mike was he's familiar with river recreation. Um, another reason we  
37 liked, um, the idea of asking Mike Mitchell was because we haven't worked with him on  
38 anything else. So you know up until

1 **Don Skaar:** I think you misspoke. Fisheries hasn't worked with him

2 **Eileen Ryce:** I mean, that's what I mean by we have

3 **Don Skaar:** the Department has

4 **Eileen Ryce:** Yep, yep. Fisheries hasn't worked with him so really in this  
5 process in the west fork of the Bitterroot was the first time Fisheries has worked with him so um,  
6 he's, he's not that familiar with the Fisheries Department, you know Don's gotten to know him  
7 through this process but we don't have a long standing relationship with him so. Um, we were  
8 trying to consciously pick someone who's un-biased. He has worked with the Wildlife Division  
9 on several projects. There's a, I believe Don provided those with you, for you. Don also  
10 provided you a copy of this CD and we're gonna ask Mike to give a little more background.  
11 Um, but the other reason we really like the concept of using Mike Mitchell is he's, um, worked  
12 with wildlife on what's call structured decision making. That's not a process again that Fisheries  
13 has used. Wildlife has used it a lot. Um, Commissioner Aldrich is familiar with it. Um,  
14 Commissioner Aldrich has worked with Mike Mitchell quite a bit in the past. Um, structured  
15 decision making is a, is a process to help you as it suggests make the decisions. Um so that's,  
16 that's how we got to the process of suggesting Mike Mitchell. As I, as I said you know that's  
17 your decision to by consensus to either agree to that, choose, suggest someone else. Um, not  
18 have a facilitator again all those decisions have to be made by consensus. Um, one thing I will  
19 mention that um, as I say timing is everything and in this case it's pretty bad timing Mike  
20 Mitchell is a federal employee and is currently furloughed because of the federal government  
21 shutdown. That is why Mike Mitchell is not here present right now. He is on the phone though.  
22 So um, our hope is that, um, government employees, federal government employees will all be  
23 back to work soon, um, obviously if it's gonna go much longer we'll need to come up with a  
24 backup plan. Um, we did try to get Mike here but because of, um, responsibilities that Mike's  
25 under he wasn't able to, to make it here in person because of the furlough. So, with that, um,

26 **Mark Deleray:** I think one addition prior to jumping with Mike is there seems to  
27 be some concern about, um, Mike Mitchell relationship with the Department, uh, he is not a  
28 Department employee. He is not being paid by the Department for this process. As Eileen  
29 mentioned he's a member or he's an employee of the USGS and he's a cooperative leader for the  
30 University of Montana so just to be clear that Mike Mitchell is not an FWP employee.

31 **Eileen Ryce:** Yeah, yeah that's a good point. Thanks Mark, yeah he's, he's not  
32 being compensated and would not be compensated um, from the Department for, for this work  
33 so. Um, Mike I'm gonna turn it over to you if you want to share some comments with the  
34 committee.

35 **Mike Mitchell:** Okay, I think I've got the mute button figured out so can you hear  
36 me?

1 **(many voices):** We can

2 **Mike Mitchell:** Okay, great. Hi folks, I'm really sorry I couldn't be there today.  
3 Uh, I obviously think what you're doing is really important. Uh, but I'm sort of caught between  
4 a rock and a hard place. Uh, so, uh for now looks like a phone conversation is going to have to  
5 do but I'm wide open to any questions uh, that you might have. Um, so, I, I guess to start off uh,  
6 facilitating decision making processes isn't my day job. I am a wildlife scientist in the, uh, for  
7 USGS in the Montana Cooperative Wildlife Research Unit and a member of the Wildlife  
8 Biology faculty at UM. And so, uh, what I do primarily for a living is, uh, research on large  
9 mammals uh, a management interest to state and federal agencies. Supervising graduate students  
10 and uh, uh, trying to do work that informs uh, management and conservation. Uh, I got into the  
11 facilitation business a few years ago where, uh, if you're not familiar with cooperative research  
12 units, uh, our reason for existence is to collaborate closely in research with agencies that make  
13 management decisions about wildlife and fisheries. And, uh, structured decision making  
14 became, uh, established in the Fish and Wildlife Service primarily through setting harvest quotas  
15 for migratory waterfowl uh, in the lower 48 which has always been a contentious issue. Uh, and  
16 uh, it was successful producing decisions that not only were transparent uh, and easily  
17 understood by anybody that wanted to look at them but also they're a great way for researchers  
18 like me to understand uh, information needs that make decisions difficult at times when it comes  
19 to managing wildlife. And so the cooperative research units made a strategic push to have its  
20 scientists collaborate with research partners uh, through structured decision making. And so, uh,  
21 that kind of took off within the Wildlife Division uh, of FWP. And so, uh, I got involved with,  
22 uh, facilitating a number of things that are usually some of the thornier issues that the Wildlife  
23 Division is dealing with and one of the things that uh, I'm told is beneficial is that because I  
24 don't work with the Department. I don't really have a dog in any of the fights. I'm able to come  
25 in and provide sort of a, an objective, uh, uh, facilitation of the discussion. So, um, that's about  
26 all I have in the way of self-introductions. I'd be happy to answer any questions that people  
27 have.

28 **Unidentified Speaker:** Would you be on the phone at every committee meeting or would  
29 you be present?

30 **Don Skaar:** He would be here

31 **Unidentified Speaker:** Okay

32 **Don Skaar:** Yup

33 **Mike Mitchell:** Yeah it's a, it's very much a, a, I would be there to do this. It  
34 would be really, really difficult for me to do over the phone. You guys would end up hanging up  
35 on me and I'd understand completely.

1 **Tim Aldrich:** I don't have a question but I'd like to talk about an experience I've  
2 had with Mike's facilitation effects with the people. Uh, a number of years ago long before I  
3 was on the commission uh, there was almost fist-a-cuffs at a commission meeting when we were  
4 talking about lion quotas in Region 2 of Fish Wildlife and Parks. It was ugly, ugly, ugly and I  
5 don't want to get into names but I mean people brought in resources from outside of the state and  
6 one and the other and it really was chaotic you know, and I thought wow how do we resolve this  
7 and I have lived in Region 2 most of my life. I was born there you know and I hunted there,  
8 fished there and it's like wow this is unbelievable. Well it happened that the Department at that  
9 point and time and the wildlife people decided to use the structured decision making process you  
10 know to, to you know facilitate coming forth with a proposal and come back to the Commission  
11 for approval (unintelligible) and uh, Mike Mitchell was selected the individual to facilitate that.  
12 Mike is a professional and every bit a facilitator. And he brings no subject matter biases but I'm  
13 gonna tell ya he's a task master in terms of making sure you'll follow a process to do things by  
14 the numbers, find the problem, establish objects and so forth and that you don't let yourself get  
15 ahead of yourselves. That you finish and reach an agreement on where you are at that point  
16 before you take the next step and I think that's very much what's needed in this process. You  
17 know, and I think Mike, uh, he certainly has my recommendations. There's somebody that is a  
18 facilitator that doesn't come through a number of facilitators in that situation Mike is far and  
19 away the best one. The one I would choose for this kind of matter.

20 **Mike Mitchell:** Thanks Tim.

21 **Mike Bias:** Uh, Mike, this is Mike Bias Fishing Outfitter Association

22 **Mike Mitchell:** Hi Mike

23 **Mike Bias:** So you just went through the west fork Bitterroot uh, rule making.  
24 Can, can you give us a, a, uh, a interpretation or synopsis of what you found about that process  
25 and also uh, how you felt that the actual rule worked out um, with regard to what all the people  
26 wanted, the various interests in that river?

27 **Mike Mitchell:** Uh, yeah sure, uh I should preface this with uh, when I go through  
28 things like this um, I really don't focus much on content. Uh, uh of what the discussion is about  
29 or what the problem actually is and uh, uh, that's intentional because I, I, I want the expertise of  
30 the group to be the deciding factor and not anything that I think. Um and so in some ways uh, I  
31 can only answer your question generally uh, because I did not become a subject matter expert on  
32 it. Um, the, the process that uh, I use structured decision making can be a really tough one.  
33 Particularly if there's been a lot of public debate and it's because it's about getting everybody  
34 that's been a part of that debate to put all of their cards on the table. And that could be really  
35 difficult and so I definitely saw that with the west fork of the Bitterroot um, problem. I feel like  
36 we did a pretty good job of getting everything out on the table so everybody could look at it and  
37 uh, discuss it open mindedly. Um, I had a sense that there, well usually people, not, nobody

1 walks away from these things entirely happy because you know there are a lot of other people  
2 there the room besides themselves. And I had a sense that some folks might not have been  
3 happy about that particularly if they go back and talk to their trap lines and uh, get feedback from  
4 other folks. And so I usually assume that when these processes are over uh, that things will  
5 continue to evolve. I don't honestly know how things might have changed after, or not changed,  
6 after the west fork of the Bitterroot decision. So, uh, I guess the short answer to your question is  
7 that, uh, I think the process was uh, difficult at times because it was a difficult conversation to  
8 have. Uh, I'm not particularly naïve or concerned about the fact that conversation uh, continues  
9 after the decision making process because that process is designed to achieve clarity and  
10 common understanding among everybody and sometimes that the start of the discussion not the  
11 ending.

12 **Don Skaar:** Mike it might be helpful, uh to ask Tim. Tim didn't you attend the  
13 meeting in Missoula last week where they had the year

14 **Tim Aldrich:** I did not attend that meeting.

15 **Don Skaar:** Okay

16 **Tim Aldrich:** What I, uh that brings to mind is that part of the rule that came out  
17 of that group was to revisit this very officially and formally I think in five years.

18 **Don Skaar:** Right

19 **Tim Aldrich:** And uh, and I think Region 2 recently brought the committee  
20 members and others together to talk about what they learned in the first year so I know that  
21 everybody realizes what you come up with is not going to be perfect. It will not be perfect you  
22 know. It's gonna need to be tweaked. And so part of the, the rule making process is to  
23 stimulate in that rule you know that we're going to revisit this, you know. We know there's  
24 going to be additional information that shows up. Things we didn't understand exactly right  
25 we're gonna need to make adjustments. I think uh, uh, Mike's process I think fully  
26 acknowledges what he just said is fully acknowledges that you know you never get it perfect the  
27 first time. You now when you got a group of people bringing a variety of interest together and  
28 trying to come together on the plan so I think, well I did, I did talk, to a (unintelligible) who was  
29 at that meeting and he thought it went very well. They, they kind of did their predictions in terms  
30 of what would happen to utilization to both commercial and non-commercial was pretty much on  
31 track and uh, but uh, anyway yeah I'm sorry I didn't get to make that meeting. I was traveling to  
32 a different location that day.

33 **Julie Eaton:** Mike, this is Julie Eaton I'm an outfitter on the Madison.

34 **Mike Mitchell:** Hi.

1 **Julie Eaton:** Hi. Um, so based on the behaviors or approach that you had with  
2 that group and the difficulties that resulted, is, is that something that informs your participation  
3 with this group? And how so?

4 **Mike Mitchell:** Um, nothing about my experience with the other group would  
5 inform my experience with you because again I'm going to be focused on process. And so, uh,  
6 the process in some ways uh, becomes unique to each group and trying to shoe horn it into uh,  
7 something that might have worked for another group really just doesn't work. And so, uh, I, I  
8 always come into these things uh, with as little expectation for how the process uh, will unfold  
9 and definitely with no end goal in mind. So even if the west fork of the Bitterroot plan turned  
10 out in some way I don't have any reason to believe that uh, solving the problem on the Madison,  
11 whatever you guys define it as, uh, would be in any way similar.

12 **Don Skaar:** Mike, uh, this is Don. I, kind of a follow up a little bit with what  
13 Julie just asked one thing you did recommend to us that you kind of see in front of you here is a  
14 small group so I, I appreciate your comments on the size of the committee that you think is  
15 functional and how that relates to what you saw on the Bitterroot and because there's some  
16 discussion here about adding other members and so, your, your experience with that would be  
17 useful or your opinion.

18 **Mark Deleray:** You there Mike?

19 **Mike Mitchell:** Yep still here uh, I couldn't hear real well what was ah, said.

20 **Don Skaar:** Oh geez, I got to say that again? Can you hear me now?

21 **Mike Mitchell:** Yeah I can hear you.

22 **Don Skaar:** Okay so, yeah, the one thing you did recommend to us just  
23 following up on Julie's question, the one thing you did recommend to us was a small committee,  
24 which is what the Commission initially approved here and um, I know the committee on the  
25 Bitterroot was larger and there's also been some discussion already this morning about adding  
26 new committee members and so I just thought it would be useful for the rest of the group here to  
27 hear your feelings on size of a committee that is best or most functional or appropriate or  
28 whatever.

29 **Mike Mitchell:** Yeah, sure um, so the makeup of a committee is always a concern  
30 going into this and justifiably so. Uh, there are a lot of folks that want to have a seat at the table  
31 in any kind of process like this and one of the things that uh, I try to emphasize is uh, the smaller  
32 the group the more efficient it's going to be and uh, members aren't selected because of the  
33 membership but organizational because they represent uh, specifically a group of people that  
34 might uh, have been part of the debate but they represent uh, perspective on the problem. So  
35 they have a familiarity with uh, you know group A's particular concerns about this. And so

1 they're able to talk about them. But they're not there to represent group A, they're there to  
2 represent their own perspectives, their own opinions uh, about the issue. So, uh, it can be a  
3 challenge to try to keep the group as small as possible and to make sure that all the perspectives  
4 again not the groups but the perspectives that are part of that group. So adding people to the  
5 group can be the right thing to do at times if the group feels a particular and important  
6 perspective is not currently represented. But again I would urge some caution that, you know,  
7 and again I totally understand but if everybody that wanted to be a part of this group were a part  
8 of this group it, it really would be intractable. We wouldn't be able to get very far very fast.  
9 Did that answer your question?

10 **Don Skaar:** Yep. Thank you.

11 **Scott Balmer:** Mike, Scott Balmer here, fishing outfitter

12 **Mike Mitchell:** Hi Scott

13 **Scott Balmer:** I just wanna have some clarification here uh, from you on  
14 structured decision making.

15 **Mike Mitchell:** Yep.

16 **Scott Balmer:** Uh, I'm not sure that the paper that to, given to us, you're not the  
17 author of course because I see the authors right here but I don't know if it was given to us from  
18 FWP or if it was given to us from you. But one of the things that I read that I want just to start  
19 with some clarification on is this paper talks about structured decision making and I will read it  
20 to you. It says to "strike a balance beteen, between the theoretical rigor and application  
21 usefulness our own work", that's the author speaking as reported in this paper "had led us to  
22 stress". And here's the important part "qualitative guidance for how to think clearly to make a  
23 smart choice rather than quantitative analysis to make an optimal decision". Now I understand  
24 the difference between qualitative and quantitative my clarification is, is what emphasis puts on  
25 one while another one gets shoved to the side so to speak.

26 **Mike Mitchell:** Well so my take on what they're saying um, is the, the greatest  
27 benefit that I am told has come out of the processes is that we have been through is clarity and  
28 common understanding particularly of what the problem is and what uh, uh, might be  
29 accomplished in solving the problem. People commonly within a group feel like, ya we all, we  
30 all understand it but that's almost never true and that's a qualitative process and walking people  
31 through a process like that to achieve that kind of clarity, uh, doesn't run by the numbers. Okay.  
32 That is, that is where, that's why we have a process, we're going to go through that process, I'm  
33 gonna facilitate the process. But what that will actually mean is what we go through depends on  
34 the group. Where it gets quantitative is where uh, you see a particularly strong diversions in the  
35 structured decision making, uh, community. Um, the strength of the process is at, the, the  
36 decision analysis is a quantitative process. It takes a lot of the thoughts and um, under, common

1 understanding of a group and put numbers to them that allows us to actually understand uh,  
2 which decisions are supported, which aren't, which, where the trade-offs are, where they're not.  
3 Uh, the divergent is some people can get just super complicated on that. And that's okay. I  
4 guess there's some situations where that's needed. Uh, we don't do that. We do pretty basic  
5 math on a spread sheet and the whole point as far as I'm concerned is if somebody disagrees  
6 with, well I don't think that's right, we can say, okay what number would you like to change.  
7 Okay and you can see that number, and you know what that number means. Say alright let's  
8 change that from a 3 to a 5 and see how that affects this decision. But that's as quantitative as I,  
9 I like to get. I haven't encountered a situation where we need to get any more mathy than that

10 **Scott Balmer:** I guess

11 **Mike Mitchell:** Did that answer your question?

12 **Scott Balmer:** Sort of and I'll just kind of take the next step with this, I guess  
13 really what I'm getting at is, is, we've been giving, given you know a ton of data, probably more  
14 so than any river in the country on the Madison river

15 **Mike Mitchell:** Um Hmmm.

16 **Scott Balmer:** and some of that data which is been done by FWP, I think what  
17 I'm trying to get at is, is, are we going to use that during this process or is that going to be  
18 something that is going to be set in the process of standard or um, structure decision making?  
19 Are we going to use that or is some of that data going to be set to the side and only visited  
20 occasionally when we need it.

21 **Mike Mitchell:** Oh, okay, I'm sorry. I guess I didn't understand your question.  
22 That'll be up to the group.

23 **Scott Balmer:** Okay

24 **Mike Mitchell:** Uh, it can certainly be used, I mean, ah, data can be really, really  
25 useful for understanding the consequences of the decision that might be made. But there are all  
26 kinds of data out there and some of them might inform the decision some might not and whether  
27 they do or don't will be up to the group.

28 **Scott Balmer:** So as facilitator what you're saying is if we decide that we want to  
29 use this or not use this then you will be behind us 100%.

30 **Mike Mitchell:** Oh yeah, it's not my decision.

31 **Scott Balmer:** Okay

1 **Mike Mitchell:** Uh, the group makes the decisions and I facilitate them and uh, try  
2 to help the group reach a point of common understanding. What that ends up being I have no  
3 dog in the fight and I, I don't know. It'll be up to the group.

4 **Scott Balmer:** Thank you. And I guess I have one more question for you too.

5 **Mike Mitchell:** Good

6 **Scott Balmer:** Not to get into the weeds too deep, but, I, I've been given another  
7 paper and again this is not your work so I'm not quoting you.

8 **Mike Mitchell:** Okay

9 **Scott Balmer:** But again clarification. But I've been given, given another paper  
10 and I will read a sentence from that to you as well.

11 **Mike Mitchell:** Okay

12 **Scott Balmer:** And this is probably a question for you and for anyone on the  
13 committee really. Ah, the, the sentence is "the intent of structured decision making is not to  
14 manufacture consensus or to much agreement". That's the exact sentence from this paper. And  
15 my question with that is, is, we're dealing with a different animal here obviously with negotiated  
16 rule making that revolves around consensus and I just want some clarification on those two  
17 things don't seem to match up.

18 **Mike Mitchell:** Yeah, sure I think that's a good question. Um, there's technically  
19 nothing about structured decision making that says consensus will be the result. Uh, sometimes,  
20 again the process is to achieve clarity. And I have to be honest like 95% of the processes that  
21 I've been a part of uh, because common understanding is developed each step of the way.  
22 Getting to a consensus decision happens. Uh, that is not always the case. Um, sometimes what  
23 you learn in going through the process is that, well we're not really in a situation where we're  
24 trying to make a difficult decision. We are in a situation where we need to, oh phooey the, the  
25 words just jumped out of my head, uh where we're in the realm of conflict uh, resolution. Okay,  
26 uh, that there's just too much diversity that there really, we're not getting anywhere in trying to  
27 achieve a consensus. And conflict resolution is sort of a different facilitator process than what I  
28 do but you know, in achieving clarity if you get to the point that's like I don't think we're going  
29 to achieve consensus let's go into a conflict resolution process. Uh, that can happen. Um, that  
30 has happened only once in the processes that I know of and I don't even know if it went to  
31 formal conflict resolution. But we did up, end up at the end that people were just so polarized  
32 we didn't get to a point where common understanding led to a consensus. Did that answer your  
33 question? I hate not being able to make eye contact.

34 **Scott Balmer:** I know. Nope thank you.

1 **Mike Bias:** Mike, this is Mike Bias again. Um, in, in the uh, you had  
2 mentioned in, in answering some of your questions about uh, what the problem is and defining  
3 the problem in the west fork situation um, there, what, what was the problem?

4 **Mike Mitchell:** Oh gosh, you're asking me to remember something that happened  
5 more than 15 minutes ago. Um, I'd have to go back and look at the problem statement the group  
6 came up with to be honest. Uh, again I am all about the process not necessarily the content.

7 **Mike Bias:** Right my point though is that one of their early steps was to define  
8 the problem so they did it go through a proper definition?

9 **Mike Mitchell:** Yes

10 **Mike Bias:** Excellent.

11 **Mike Mitchell:** Yes that was part of the process but I guess I'm, I'm not sure about  
12 your question now.

13 **Mike Bias:** that was it.

14 **Scott Balmer:** As a, this is Scott Balmer, Mike. Um, as a facilitator is that  
15 something you would think this group would be best to start with?

16 **Mike Mitchell:** Of defining the problem?

17 **Scott Balmer:** Yes

18 **Mike Mitchell:** Yeah, absolutely. It's essential. Uh, uh, it's, you could think of it  
19 like the base of the pyramid for structured decision making. If you don't do this then everything  
20 that happens afterwards is at considerable risk of being everybody, a waste of every bodies time.  
21 And so coming up with a common definition of what the problem is that needs to be solved and  
22 making this decision is essential. And it, it's, it takes a lot of time to be honest. It's a, it's a part  
23 of the process that requires, um, a lot of thought and a lot of discussions that could be  
24 uncomfortable but uh, if it doesn't happen then the rest of the process could be a waste of time.

25 **Scott Balmer:** Thank you

26 **Tim Aldrich:** This is, this is Tim Aldrich and I do have a statement out of the  
27 draft EA, Mike, that uh, it says "the propose rules are intended to address concerns about  
28 congestion on the river and at access sites and social conflicts between river users". So that was..

29 **Mike Bias:** It's pretty vague. Right?

30 **Tim Aldrich:** Well it certainly leaves the arena open for problem statement that,  
31 you know, to define, have to define it better than that and I'm sure they did.

1 **Mike Bias:** Right

2 **Don Skaar:** And um, Mike this is Don, I, I think following up on what Scott  
3 asked I actually asked Mike this question myself earlier, you know given that we have this rule  
4 that was already put together so there's already some ideas on how use might be partitioned in  
5 different sections of the river you know, that, that the Department went to the Commission with  
6 in April that's already out there and you're job, our job, is to revise that in some fashion. So the  
7 question I had to Mike was well how's, how's this structured decision making work with  
8 something you already have sort of out there. And, are you hearing me Mike?

9 **Mike Mitchell:** Yes

10 **Don Skaar:** Ya so how do ya, so even if we define um, a problem, come up  
11 with our problem statement then how do we circle back to, to you know revising what's already  
12 down on paper as some specific, you know there's already some specific recommendations for  
13 times a year in different sections of the river.

14 **Mike Mitchell:** Sure, um, so, it's, it, it, it's really hard to give a thumb nail sketch  
15 of what the structured decision making process looks like over a phone call. But the, the first  
16 three steps are defining the problem that you know, it's, you know what the decision that needs  
17 to be made, why is it difficult. Second step is a set of objectives where it's like if we solve the  
18 problem perfectly these are all the things that would need to be accomplished. Realizing that,  
19 you know there's no silver bullet out there. There's no one solution to the problem that's you  
20 know, absolutely map out all of those objectives. The next step after that is to look at, okay what  
21 are the alternative ways of solving the problem of achieving these objectives given again that  
22 there's no silver bullet and that would be again something that the group would define. What are  
23 alternatives they want to consider? You know, one is almost always do nothing alternative. And  
24 it's useful to evaluate that because if it's a bad idea the analysis will clearly show that. Another  
25 might be well okay let's go back to that original rule. How well does that solve the problem?  
26 And then other alternatives the group could define however they see fit that might modify that  
27 original rule, add to it, subtract from it, whatever or come up with complete substitutions for the  
28 rule. Now again I, I, I don't uh, I don't want to sound like I'm claiming I understand a  
29 negotiators rule making process. This is why it will be important to have FWP people in the  
30 room but just looking at it straight from the decision making point of view that's how something  
31 like pre-existing rule would fit into the process as I see it. Does that make sense?

32 **Don Skaar:** Yep,

33 **Mike Bias:** Ya that was great. Mike, this is Mike again, um, Don, just to uh, I  
34 don't know clarify or dissolve, my understanding is even though the April plan was written, it  
35 was re, you know it was unanimously rejected right? And there's, however it did have a number  
36 of management options to provide solutions to this perceived problem so, although it, even

1 though it was written, I don't want to given in that our starting point for that management uh,  
2 option, (unintelligible) like we're not gonna start at rest and rotation right?

3 **Mike Mitchell:** That would be entirely up to the group.

4 **Don Skaar:** That's right

5 **Unidentified Speaker:** And that's what you said before Mike came on the phone, all,  
6 nothing, or whatever, that's up to us so you clarified that a little.

7 **Eileen Ryce:** And just, um, we're sort of jumping around in the order a little bit  
8 after you get through the discussion on the facilitator we're gonna ask Don to talk about the  
9 charter. We're putting that out purely as a, a starting point because that was the motion that was  
10 made by the Commission. So, but again it's, it's up to the committee to say do you, you know,  
11 do you, you know, how, how far do you take your start from the rule but that's, we didn't, I  
12 guess the thought process was not just to say here's a blank slate have at it. We thought it would  
13 be easier to give you something to start with but you can decide to do with that as you will. Does  
14 that help?

15 **Unidentified Speaker:** Yes

16 **Eileen Ryce:** Okay

17 **Unidentified Speaker:** Um, I have question, I don't know who it goes to if it goes to  
18 Mike. I guess uh, well the question was, is Mike gonna be here tomorrow? And I guess the  
19 answer is well if we select him first?

20 **Eileen Ryce:** So

21 **Unidentified Speaker:** Perhaps?

22 **Eileen Ryce:** Um, Mike, Mike will not be here tomorrow as, what we are, unless  
23 some miracle happens.

24 **Don Skaar:** I keep checking new, news on the phone but ...

25 **Eileen Ryce:** Ya, so it, it we're sort of at the, at the mercy of the federal  
26 government a little bit so Mike er, may or may not be here tomorrow. Our suggestion is that you  
27 know you discuss the option of having a facilitator, not having a facilitator. It would have been  
28 our preference to have had Mike here but it's, it's entirely up to you what you want to do. I think  
29 it would be difficult moving to far forward without first deciding, are you going to be having a  
30 facilitator and whether or not you want to um, go with Mike Mitchell or suggest someone else  
31 so. That, our, our suggesting is this is your starting point. The rest of this afternoon is purely  
32 information and background and we, we would again suggest not delving too far into decision  
33 making until there's a physical facilitator here but again that's your decision.

1 **Mike Bias:** So just to clarify, if we get through this selection process he won't  
2 be here tomorrow as well?

3 **Eileen Ryce:** He, again it depends on whether or not the federal government shut  
4 down changes overnight.

5 **Mike Bias:** If it doesn't happen he will not be here.

6 **Eileen Ryce:** Exactly

7 **Mike Bias:** So we go through our first day...

8 **Eileen Ryce:** Or, or we cancel tomorrow.

9 **Mark Deleray:** Yep

10 **Eileen Ryce:** That's anot, that's option.

11 **Mike Bias:** Oh that's new.

12 **Eileen Ryce:** Well quite, quite literally for Don's checking for announcements  
13 minute by minute if, if the government reopens tomorrow Mike will be here. If it doesn't he  
14 won't be here. As we've said it might be hard to go forward with the decisions without a  
15 facilitator. But that's your decision.

16 **Don Skaar:** If they knew what we are doing here I'm sure they would have  
17 reopened for us.

18 People talking at once

19 **Don Skaar:** very inconvenient for us

20 **Eileen Ryce:** I think I heard that on CNN this morning.

21 **Unidentified Speaker:** Who cares about the wall.

22 **Unidentified Speaker:** I do

23 **Unidentified Speaker:** goodness

24 **Don Skaar:** I guess, I don't I might as well put in a pitch for us approving  
25 Mike, I mean just you know when we, when we talk to the Commission about getting Mike you  
26 know, him having the experience on the Bitterroot was helpful but him really not, you know I, I  
27 never even met Mike before um, you know, before we started talking to him, to him about this.  
28 So him not having a lot of history with us I think was helpful, I mean hoping that gave some  
29 separation between us and him that he's doing our bidding for us. You know I hope he's  
30 demonstrated that he, he doesn't back, to some degree, I think he's probably avoided knowing a

1 lot of specifics about what's going on here intentionally but you know, you know we've got a  
2 long road ahead of us. I think it would be very helpful just to, I mean if we can't get over this  
3 hurdle that's going to be a very long haul, you know and I, I would hope that we could just  
4 approve Mike and get him on board. If, if it doesn't work we can always change that down the  
5 road too. We can always, ah, you know select to not even have a facilitator later or we could  
6 choose someone else. Um,

7 **Mike Mitchell:** Fire me, please

8 **Don Skaar:** I didn't tell you about that one Mike.

9 **Unidentified Speaker:** comment then

10 **Mike Mitchell:** So this is the point where I get to lobby against myself. You know  
11 again this isn't my day job. I don't get paid more for doing it and it would be no skin off my  
12 nose at all if you decide um, you know, not to put me to work on this. Uh, I will completely  
13 understand, this is, this is your problem to deal with, not mine. About the only closing thought  
14 I'd put in there is that I've seen this process work for making some really difficult decisions  
15 where there are a lot of moving parts, a lot of strong feelings and uh, where there's been a lot of  
16 head knocking and disagreement in the past. So I do think it is a useful process for actually  
17 getting to a decision with difficult process. Uh, I'd be happy to help out with it but if you decide  
18 I'm not the person you want to work with right now or even later that's okay with me.

19 **Mark Odegard:** I have a comment. I've been through a lot of these and I've  
20 worked for a couple of large corporations and whenever we have a process like this we always  
21 have a facilitator. Otherwise you have chaos.

22 **Mike Bias:** This, this is a question to the procedure and, and schedule if, if we  
23 all had to choose Mark and he's not available tomorrow and, and the government doesn't open  
24 by the 24<sup>th</sup> are next series of meetings we're out a facilitator then too. What happens to a, this  
25 process, our schedule?

26 **Unidentified Speaker:** We go to plan B

27 **Mike Bias:** Well we need a plan A

28 **Unidentified Speaker:** Yeah

29 **Unidentified Speaker:** That's true

30 **Eileen Ryce:** Ya, that, you know none of us were anticipating that this would  
31 have gone as long either with the government shut down but Don and I have been talking about  
32 that and yeah, it's, we can't go on much past today without a facilitator. So um,

33 **Don Skaar:** Yeah we don't want to go to the next meeting without

1 **Eileen Ryce:** Yeah

2 **Don Skaar:** without one.

3 **Eileen Ryce:** At least that, that would be the Department's suggestion so again  
4 it's up to the committee to decide.

5 **Mark Odegard:** I know a good one but unfortunately she lives in Houston so.

6 **Mike Bias:** We could all go there

7 **Mark Odegard:** Hmmm?

8 **Mike Bias:** We could all go there

9 **Unidentified Speaker:** The dates set for the meeting, the future meetings could be  
10 changed as well right?

11 **Eileen Ryce:** Oh absolutely, yep, yep

12 **Don Skaar:** Yeah

13 **Mike Bias:** Well I hope not right? I mean a person has to plan you know, we  
14 scheduled around pretty, pretty solidly.

15 **Eileen Ryce:** yes

16 **Don Skaar:** Yeah, I, I mean, I set those as early as I could

17 **Mike Bias:** Yeah

18 **Don Skaar:** just cause I know every ones busy so. I guess in an emergency we  
19 could change things but um, hopefully we can stick with what we've got.

20 **Mike Bias:** I mean even if, even as far as canceling tomorrow

21 **Unidentified Speaker:** That could (unintelligible) unexpected things.

22 **Mike Bias:** Unexpected, I guess that's, unexpected

23 **Tim Aldrich:** Well for me it's extremely important that we start off right you  
24 know and uh, I think that means we need a facilitated effort and uh, like I said before I don't  
25 know a better person than Mike Mitchell to do that. You know if he becomes unavailable on the  
26 long haul then we'll have to make some choices. But I still believe it's got to be a really proven  
27 person in facilitating challenging, challenging decision making so

1 **Unidentified Speaker:** So he can facilitate over the phone for, for a while, is that what  
2 you're suggesting or?

3 **Mike Mitchell:** Uh, uh, I, I barely heard it was that a question about facilitating  
4 over the phone?

5 **Unidentified Speaker:** Yes

6 **Mike Mitchell:** I really don't think that's a good idea. There's so much interaction  
7 that takes place uh, between me and the group in working through the process that I think  
8 everybody would just get ferociously frustrated if we tried to do it over the phone. I, I realize  
9 our, that really complicates things for you, your, you guys take time out of your schedules to deal  
10 with this and it's just frustrating for me that my hands are tied right now. I'd sure like to be there  
11 but I, I really think we need to do this in person. If that's what you want.

12 **Mike Bias:** We I think we need uh, structured decision making on this cause  
13 it's,

14 **LAUGHTER**

15 **Mike Bias:** Well the chances of having Mike available for tomorrow are pretty  
16 narrow right now, and, and right? So it's kind of an interesting start. So if we're to have, the  
17 desire is to have a facil, facilitator and, and start tomorrow.

18 **UNINTELLIGIBLE**

19 **Don Skaar:** Yeah, we don't have a backup, I mean, the government shut down  
20 notwithstanding we came here figuring that if, if for some reason the group didn't like Mike we  
21 would take feedback

22 **Unidentified Speaker:** right

23 **Don Skaar:** fand maybe come up with someone who the group seemed to be a  
24 better fit. But, you know, this was the wrinkle we didn't anticipate as part of that but you know.

25 **Unidentified Speaker:** So

26 **Don Skaar:** if we don't, if we don't, if we don't have him we don't have  
27 anyone else for tomorrow either so

28 **Unidentified Speaker:** Right, so our alternatives are go without a facilitator until  
29 someone's available or cancel until we find somebody or over the phone might be a possibility? I  
30 don't know, I

31 **Unidentified Speaker:** Right

1 **Eileen Ryce:** Another suggestion that I, I'll put out there is that a lot of the, the  
2 early agenda is providing information background from the staff, um you know we're al, already  
3 off schedule which is fine but um, what Mark and I were just thinking was um, I'm guessing  
4 once we get into that information and background from the staff that you'll have a lot of  
5 questions and we can easily carry that on this afternoon and tomorrow without a facilitator.  
6 That's, that's purely background and information so it, it's gonna take a while to get everybody  
7 up to speed so that's, that, it, it's gonna be off at least not today and at this rate probably not  
8 tomorrow before you really jump into the real decision making so we can easily get by these  
9 early stages without a facilitator. So I wanted to throw that out so I don't want anyone to feel  
10 like your times being wasted.

11 **Mark Deleray:** And on that point at the end of today you as a group can decide if  
12 you need more time and more information and discussion tomorrow.

13 **Unidentified Speaker:** So, we have two weeks then essentially to find another facilitator.

14 **Unidentified Speaker:** No we have one week.

15 **Unidentified Speaker:** I mean we can, we can go with Mike or Mark,

16 **Unidentified Speaker:** Mike

17 **Unidentified Speaker:** Mike good. We can go with Mike now but if it's, it's gonna get  
18 protracted longer we need a backup plan. I guess what I'm saying is we can have two weeks and  
19 have a backup plan before our next meeting. Does that sound right?

20 **Unidentified Speaker:** Next week

21 **Mark Deleray:** Our next meeting is the 24<sup>th</sup>.

22 **Unidentified Speaker:** Right

23 **Unidentified Speaker:** Right, Saturday, Thursday, Friday

24 **Unidentified Speaker:** About two weeks

25 **Mike Bias:** And then that gives us 10 days to find an alternative facilitator.

26 **Melissa Glaser:** Maybe I'm missing something, uh, but it is about the shutdown  
27 but, I'm here, there's a government shut down and we're all here. Is Mike being paid by the  
28 government to be in this facility to your commission? Like why can't he be here as well. What,  
29 what am I missing that he's not able to be here.

30 **Don Skaar:** Well we'll let Mike explain that for himself.

31 **Mike Mitchell:** I'm sorry I didn't hear the question.

1 **Melissa Glaser:** So I'm just wondering why the government shut down affects you  
2 actually being here?

3 **Mike Mitchell:** Oh.

4 **Melissa Glaser:** Are you being paid by the government to be in this facilitator  
5 position or?

6 **Mike Mitchell:** Yeah, well that's, that's just it I'm not being paid, um, furloughed  
7 government workers, um, are not being paid while they're furloughed and uh, we're under strict  
8 prohibition from doing our jobs for free. Uh, even if we would be happy to do it and believe me  
9 if there was a way I could be there I would. But, uh, I would be at considerable risk of um,  
10 pretty severe professional penalties if I were found to be working when I wasn't being paid to  
11 work.

12 **Julie Eaton:** Okay, so to clarify, this is Julie what

13 **Mike Mitchell:** Hi Julie.

14 **Julie Eaton:** Uh, Mel just said so when the governments open yes you are being  
15 paid by the government to do this facilitator position.

16 **Mike Mitchell:** Uh, well there not paying me to be a facilitator, they're paying me  
17 to be a, a research scientist but this is part of my job.

18 **Julie Eaton:** So yeah, okay thank you

19 **Mike Bias:** I think we need a alter, an alternate today, tonight

20 **Unidentified Speaker:** Just so

21 **Mike Bias:** By tomorrow

22 **Unidentified Speaker:** (Unintelligible) shutdown or open up

23 **Mike Bias:** Uh, yeah that uh,

24 **Mike Mitchell:** I've wracked my brains trying to think of somebody else that you  
25 could uh, work with and unfortunately almost all the people I know that have experience  
26 facilitating structured decision making are feds. Um, there is one person in the Wildlife Division  
27 that I've worked with a lot on these things and uh, he's their Chief of Research and Technical  
28 Services, uh, Justin Goodie. And uh, I have no idea if that would be an acceptable alternative to  
29 the group or an acceptable alternative to, to Justin and the Wildlife Division but he's the only  
30 other person I can think of that I think would be able to do this. At least somebody locally.

1 **Eileen Ryce:** Um, from the Department just uh, a slight clarification is we've  
2 purposely chosen not to provide a Department employee as an alternative to maintain that  
3 separation. So there, there other facilitators that, that we have in the Department and others that  
4 we've worked a lot with but we wanted to be really clear with the separation so. Even although  
5 Justin is in the Wildlife Division not the Fisheries Division um, we would, we would suggest not  
6 going with the Department employee.

7 **Don Skaar:** I'll just throw this out to the group could we vote on what we feel  
8 about Mike as our primary right now and then, and then proceed with discussion on alternative.

9 **Scott Balmer:** I think we should start with should we have a facilitator first.

10 **Don Skaar:** Okay

11 **Scott Balmer:** And then take that next step. If anybody's in disagreement with  
12 that.

13 **Mike Bias:** I, I might be a wise guy but I think we might need a facilitator even  
14 as we're talking through some of the, the science.

15 **Scott Balmer:** Facilitate the facilitating?

16 **Mike Bias:** Perhaps.

17 **Don Skaar:** Well our staff will facilitate the, what we've got on the schedule  
18 for this afternoon but that's not, there's no decision making going on there.

19 **Julie Eaton:** Well I'll just say, Julie Eaton, um, I, I really like the idea of a  
20 facilitator. I'm not ready to say yea or nay um, right now.

21 **Charlotte Cleveland:** Yea or nay to Mike?

22 **Julie Eaton:** Ya, yep

23 **Charlotte Cleveland:** I, um, Charlotte Cleveland, I think we need a facilitator and that  
24 Mike would be fine and I, I'm not understanding exactly the conflict with the person that he  
25 mentioned because they work in, they work

26 **Unidentified Speaker:** Fish, Wildlife and Parks

27 **Unidentified Speaker:** They work for the department

28 **Charlotte Cleveland:** Okay and, and we don't want that or that it is suggested that we  
29 don't want that.

1 **Eileen Ryce:** Ya, our, our suggestion is in order to separate the Department from  
2 this process that you not have a Department employee be your facilitator.

3 **Charlotte Cleveland:** And, and if there's no one, no otherway to go forward without  
4 picking somebody like that then

5 **Eileen Ryce:** That's something that

6 **Charlotte Cleveland:** That's something we would have to consider.

7 **Eileen Ryce:** Yes

8 **Mark Odegard:** I personally don't have a problem with a Department employee  
9 being the facilitator. The companies I work for the facilitator always worked for the company so  
10 if they're a good facilitator they're unbiased.

11 **Unidentified Speaker:** Unintelligible

12 **Jim Slattery:** I, I think we a, Jim Slattery, I think we need a facilitator so that's  
13 what I think. Otherwise this uh, is unchartered territory for me at least and I would think it's for  
14 most people here.

15 **Unidentified Speaker:** Right

16 **Scott Balmer:** Uh, Scott Balmer, I'm in agreement. We need a facilitator. I'd  
17 like to have a facilitator from listening to what Mike has told us over the phone, uh, I feel like he  
18 can be impartial. That was my biggest wanting clarification about in certain things. Uh, like  
19 Julie though I'm, I'm not ready to go take the step of yea or nay because of the schedule. It  
20 bothers me. Uh, especially when you look at how we've scheduled, a lot of us I'm sure,  
21 scheduled our things well in advance for this and blocked out time and it could get, be, become  
22 very complex. Uh, I definitely don't want to move forward without having someone in the room  
23 because this cannot be done over the phone. Um, we've done a pretty good job so far but I think  
24 moving forward being face to face and having someone in the room is crucial. And I don't know  
25 where to go if we were with an alternative. I could make some phone calls and try to ask some  
26 people that I know but I don't have a name in mind.

27 **Tim Aldrich:** I thought of remind us of what's in the law here, first of all the  
28 Department or the agency makes a recommendations for a facilitator. The committee votes on  
29 that yea or nay and it's a consensus decision to, to have that person as your facilitator. If that's  
30 not acceptable the second alternative is the agency gets to make another second recommendation  
31 and then and only then after that does it fall to the committee to choose from within themselves  
32 and (unintelligible) a facilitator.

1 **Scott Balmer:** Yeah I'm glad you made that clarification because I was hearing  
2 earlier, I think Eileen said it, I was hearing earlier that if it comes down to a substitute it's in the  
3 hands of the committee and that wasn't what I read in the law so.

4 **Unidentified Speaker:** Ya good point.

5 **Unidentified Speaker:** Um, I would say yes absolutely to a facilitator and yes to Mike  
6 Mitchell even if that meant postponing our meetings.

7 **Tim Aldrich:** (Unintelligible) I know this guy from experience with him and  
8 (unintelligible) things his graduate students were doing the same thing so far as uh, he is the kind  
9 of person that I believe we need to deal with the issues that are, we're going to deal with today.  
10 As I, I think to make sure that everybody is heard. He is so damnably good at making sure that  
11 you don't get past a point before anybody that has something to say says it. And we in our group  
12 that are going to making the decisions not Mike, you know. Mike is gonna say you don't go here  
13 until you get there but once you get there he's gonna take you to the next step. Make sure you do  
14 that one right too. So he is the kind of an individual in my mind that I would, if I was up there or  
15 whatever I was you know, I want this kind of an individual with this kind of experience making  
16 sure that we touch all the basis and touch them in the right order.

17 **Mike Bias:** My names, Mike Bias, I, so, I, we, I, I strongly think we need a  
18 facilitator, um, I also, as soon as the agenda came out I fired an email about facilitator selection  
19 which implies choosing among several and it was a sample size of one which threw up a flag for  
20 me and I questioned it and um, but since then I've talked to west fork um, people on that  
21 committee um, and, and Mike comes highly recommended. I was okay well, we'll go that way  
22 but based on this whole government furlough thing we cannot go forward and not get in with  
23 Mike if he's gonna be unavailable. So were in a rock and hard spot to make it even worse um,  
24 kind of in opposition to, to Mr. Slattery as a, I think it's a very unwise choice to us a Fish,  
25 Wildlife, and Parks employee as a facilitator. Just the optics of, with you know, we've all dealt  
26 with newspapers. I don't think that would be a good idea.

27 **Jim Slattery:** I, I didn't recommend that.

28 **Unidentified Speaker:** No that was Mark

29 **Unidentified Speaker:** Mark

30 **Unidentified Speaker:** The other Mark.

31 **Mike Bias:** Sorry

32 **People talking at once**

33 **Tim Aldrich:** Again the law is not silent on that either you know the law says  
34 that a government representative on, on a committee cannot be a facilitator. You know, that's

1 pretty strong indication you know that, uh, they don't want the influence of the facilitator from  
2 the Department.

3 **Mark Deleray:** So in an effort to out a facilitator, Melissa has yet to voice an  
4 opinion on this.

5 **Melissa Glaser:** Okay, Yes I agree we should have a facilitator. I do like Mike  
6 Mitchell. I disagree with the schedule with the government furlough. Um, and do you have,  
7 does the Commission have an alternative in mind? Anybody that you've thought of leading up  
8 to this?

9 **Tim Aldrich:** You there, there just are not a lot of people around us to do this  
10 kind of facilitation. There really are not. So no, I guess

11 **Melissa Glaser:** No body. Then I'll just

12 **Tim Aldrich:** **Talking at the same time as Melissa can't understand**

13 **Melissa Glaser:** The schedule that we've had, it's, I've worked around that  
14 schedule as well so it would be great to stick with it. I understand if we have to change it but.

15 **Mike Volesky:** Can I, can I make a, um, a suggestion uh, to you folks so I didn't  
16 introduce myself well before. I work in Helena in the Director's Office as, as one of the Deputy  
17 Directors that's, that's, uh, my job is in charge of the seven regional offices um, and all of those  
18 operational things out in the offices uh, out in those seven areas for Fish, Wildlife and Parks um,  
19 um, comes through me in the Director's Office and so um, uh, certainly Madison River  
20 Recreation is, is, falls under operations. Maybe if I can just make it, um, a suggestion. You've  
21 got a day for sure and maybe two of just catching up in background. You don't need a lot of  
22 facilitation for that. Um, and so I think you should continue with your and, not, and, and not  
23 loose time. You've set this time aside that, that doesn't come back easily to you. Uh, so I think  
24 continuing and getting up to speed on, on things um, lots of information presented by the  
25 Department, uh, that's just information. Uh, there's not a lot of facilitation involved in that.  
26 Um, Justin Goodie, eh, who works uh, in, uh, mostly on the, mostly on the wildlife side in the  
27 research area um, is a very good facilitator and has done this stuff with Mike Mitchell um, and  
28 we could get him if he's available, we could get him here tomorrow. Um, and, and for, for the,  
29 for the amount of facilitation um, that you may need I'm sure that, that would be a good start.  
30 Mike and Justin could communicate and if we end up with Mike down the line uh, seeing what  
31 happens with Fed, uh, federal, the shutdown stuff, we, uh, that'll be a seamless transition. Um,  
32 even, even tomorrow if not one of the Department employees, I'm a Department employee too  
33 but we can get you through tomorrow one way or another and I can make that commitment.  
34 Whether Justin can, can come here or not, if you trust that I can do that with you or that Eileen  
35 or, or Mark or someone can do that with you great. But then we bought a little time until next,  
36 uh, and, and we can see if, if Mike's available great and if we have to start working on plan B for

1 a facilitator at least that buys us a bit of time to do that. Um, you know folks, these people who  
2 are skilled at this and, and, and I've been through many, many of them over my career, they fill  
3 up fast and their calendars aren't necessarily um, necessarily wide open but we'll see what we  
4 can do in that time and if we have to postpone something we certainly can but I think you want  
5 to get, you want to get on with your business and get at least a start today so I would just throw  
6 that out there.

7 **Mike Bias:** Just to clarify in the, in the law, the person designated to represent  
8 the agency in substantive issues may not serve as a facilitator or presiding officer with the  
9 committee.

10 **Mike Volesky:** Right that's Don

11 **Mike Bias:** No that would be someone as facilitator.

12 **Mike Volesky:** No he, he's a designee of your committee. Don is that designated  
13 person.

14 **Mike Bias:** No this is for, this is for a facilitator selection.

15 **Unidentified Speaker:** He's, he's talking about Goodie

16 **Mike Volesky:** But we're not

17 **Unidentified Speaker:** Jason

18 **Unidentified Speaker:** Mike

19 **Mike Volesky:** Yeah go ahead.

20 **Jessica Snyder:** Hi Mike it's Jessica in Helena. Uh, Becky had to go um, so she's  
21 not here. Um, but um, exactly what you're ready is so when it, again when it refers to the agency  
22 it's referring to the Commission which would be Tim Aldrich. So basically what that's saying if  
23 you replace it um, the word agency with Tim's name, it would be Tim cannot be the facilitator  
24 um, a, of this committee.

25 **Mike Bias:** No representing the agency and substantive issues.

26 **Unidentified Speaker:** (talking at once) commission, commission for agency

27 **Mike Bias:** Well so now we're really splitting hairs. Before the commission  
28 went round and round over whether or not Fish, Wildlife and Parks and the Commission are both  
29 the same agency and it was separate and now we're like, oh, (unintelligible).

30 **Mike Volesky:** I think one the points that Becky made earlier was in that sense  
31 that you're talking about

1 **Unidentified Speaker:** Right

2 **Mike Volesky:** agency means commission. Agency is a, is a, is a general word  
3 that also in some, in many circles means the Department.

4 **Unidentified Speaker:** When, when I went to Jess

5 **Mike Volesky:** Let's not get, I think we're way to bound up in what the law might  
6 say, we're not doing any illegal here.

7 **Mike Bias:** With all due respect you're Fish, Wildlife, and Parks

8 **Mike Volesky:** Yes

9 **Mike Bias:** all due respect and we're charged with a pretty big deal and um,  
10 Fish, Wildlife and Parks has gone to great lengths to keep Fish, Wildlife and Parks out of, out of  
11 this and you're up there telling us oh go ahead it's alright if we got a few bugs. Our perspective

12 **Mike Volesky:** It's, it's still, it's still not facilitated. I just want to make the point  
13 in this next couple of days I don't think it's incredibly important. We were gonna get you started  
14 down that line with a facilitator hopefully but even that wasn't guaranteed. That said you still  
15 got a couple, a day or s, or day and a half here of just, just gleaning some information, having  
16 some information, for a, for starting as a basis and so I think you can do that and still not have to  
17 right now make a decision on who your facilitator is. We can get you, we can get you through  
18 the next day and one half I think. Ah, that's all I'm proposing and if, and if, and if that involves  
19 one of us standing in for a moment as a facilitator or great and if not, if you don't want to do that,  
20 that's okay too.

21 **Scott Balmer:** What you're suggesting is, is rest of today, into tomorrow if we  
22 agree or not agree that Mike is facilitator the rest of the time in those days will be background  
23 information, presentations to us to give us information.

24 **Mike Volesky:** Right

25 **Scott Balmer:** If we get to a point where a facilitator is necessary we will  
26 immediately table the discussion and the meeting and reconvene next time with the hopes that  
27 our facilitator will be there for that. All I'm trying to do is, is, is that what you're suggesting?

28 **Mike Volesky:** Uh, yes, not exactly but that works too. If that's the way you want  
29 to do it. Sure.

30 **Unidentified Speaker:** That's what I would suggest.

31 **MANY PEOPLE AGREEING AT ONCE.**

32 **Tim Aldrich:** And if we, we approach a search you know, for an alternative

1 **Unidentified Speaker:** Immediately

2 **Tim Aldrich:** as soon as we possibly can knowing that, regardless how we vote  
3 on Mike you know if we vote on Mike today, uh, that's fine. But I still think we need to take  
4 action to make sure that uh, we don't get ten days down the road and not have somebody  
5 (unintelligible)

6 **Mark Odegard:** One of the problems is, Mark Odegard, uh, is the Commission has  
7 to, uh, propose and alternative. We can't.

8 **Tim Aldrich:** That, that's right. The second one has to come from agency.

9 **Unidentified Speaker:** Okay

10 **Unidentified Speaker:** Yes

11 **Eileen Ryce:** So just recognizing it's the noon hour so the, the only official  
12 decision that we had on the agenda for you today was on the facilitator. So I think what we'll  
13 suggest is we'll, we'll break for lunch, um, we'll reconvene a little after one so's everyone gets  
14 the, the full hour. When we, when we get back you can spend time, um, on this discussion again  
15 because we are a little behind schedule, um, you know, there'll be time tomorrow where the staff  
16 can give you background information. We'll look at the, what else was on the agenda for  
17 tomorrow. So after lunch we can give ya a better idea of what really that you're, you're go, our  
18 suggestions is for you to do today and tomorrow so. Let's, let's do that and we'll confer over  
19 lunch and give you a better idea. Jess?

20 **Jessica Snyder:** Eileen may I, may I just interject here before you leave for lunch  
21 and I'm off the phone or the monitor, um, on the first page of the statutes that were given to you  
22 in the purpose statement um, it does state this part may not be construed as an attempt to limit  
23 innovation or experimentation with the negotiated rule making process. I know somebody just  
24 stated I was listening and not looking up so I did not see who stated it that any alternatives must  
25 come from the Commission, um, based on that sentence I would maybe say that if the, if the  
26 committee comes up by consensus that, with another recommendation that is not necessarily  
27 from the Commission that it's appropriate and that, that last sentence moving forward is you  
28 know, it's these statutes are not meant to limit what this committee can do and come up with. So  
29 I just want to leave you with that before you break for lunch.

30 **Unidentified Speaker:** Thank you

31 **Eileen Ryce:** Thanks Jess.

32 **Jessica Snyder:** Thank you

1 **Mark Deleray:** Uh, one, one point for lunch. There is lunch provided by the  
2 committee. It'll be in a different room here. Uh, it's an effort to be efficient with your time and  
3 giving you back some time after one.

4 **LUNCH**

5 **Eileen Ryce:** Don do you want to hang up on Mike and then stop the  
6 (unintelligible)

7 **Don Skaar:** Yeah, Mike you still there?

8 **Mike Volesky:** Yup still here.

9 **Don Skaar:** So, ya I don't know um, I don't know will you be available after  
10 lunch?

11 **Mike Volesky:** Uh, yeah, do you uh, want to continue the discussion with me  
12 about, tell me what you would need me to do. I'm happy to do it.

13 **Don Skaar:** Maybe, maybe we'll just uh, hang up now and um, if people want  
14 to ask more questions of you we'll call you back.

15 **Mike Volesky:** Okay

16 **Don Skaar:** Are you going to be around, around this number for the afternoon  
17 or?

18 **Mike Volesky:** Oh yeah. I'm not going anywhere.

19 **Don Skaar:** Okay, so we'll just, I'll give you a heads up if it looks like we  
20 might want to get you back on.

21 **Mike Volesky:** Okay, I, I just hate this Don, I'm so sorry I can't be there.

22 **Don Skaar:** Well it's not, not your fault. So we understand. Um,

23 **Eileen Ryce:** We'll, we'll just uh, give you a call Mike if we think we'll need ya  
24 so thank, thanks for hanging in there with us.

25 **Mike Volesky:** No worries uh, uh, uh, if I created more questions than I answered  
26 or if anybody has anything they want to bounce of me just let me know.

27 **Don Skaar:** Okay. Thanks we'll talk to you later.

28 **Mike Mitchell:** Okay see you guys

29 **Don Skaar:** Ya, bye.

1 **Eileen Ryce:** I'll just make sure you get a dial tone that way you know you've  
2 hung up.

3 **Don Skaar:** Good to know

4 **Eileen Ryce:** Let's have a look at the agenda and see if we can't come up with  
5 stuff that they're not going to need a facilitator for between this afternoon and tomorrow.

6 **Don Skaar:** Oh I think

7 **Eileen Ryce:** Is it all, I haven't looked at it. Tomorrow's agenda so.

8 **Don Skaar:** We don't have one.

9 **Eileen Ryce:** Oh we don't have one?

10 **Don Skaar:** Ya

11 **Eileen Ryce:** Because there's no (unintelligible).

12 **Eileen Ryce:** We're gonna ah, once all the committee members are in their seats.  
13 Um, do we need to do anything to that? Don should we start that thing again?

14 **Don Skaar:** Yeah. Okay.

15 **LUNCH BREAK. EVERYONE TALKING AT ONCE.**

16 **Eileen Ryce:** Alright we're gonna try to get you all going again. Um, what we  
17 thought we would do is make a suggestion for your schedule this afternoon, um, and then  
18 because we are a little behind schedule which is fine and we've got a suggestion for tomorrow  
19 too. So our recommendation is for you to jump back into the facilitator discussion um, then, uh,  
20 to lighten things up again, those were Mark's words not mine. We thought we'd give all of you  
21 an opportunity just to spend a little bit of time for the committee members of introducing  
22 yourself. Um, you know your, your role and being on the committee and, and why, why you're  
23 interested, what your concerns are. Um, then we're gonna have Don talk about the charter.  
24 We've mentioned that a few times. Um, then we're gonna see where we're at time wise. We do  
25 have to leave some comment or some time for public comment at the end of today so once we  
26 get done with the charter we'll see where you're at. Um, so it could be that we get started on the  
27 presentations from the regional staff this afternoon or it could be that um, those are all tomorrow.  
28 Um, for tomorrow our suggestion is gonna be to start off um, with the presentation on the  
29 structured decision making 101. That's, we heard about it earlier um, we have a, a staff member  
30 Justin Goodie who Mike Mitchell mentioned who's, who's not gonna be facilitating but can give  
31 you the 101 on what the structured decision making is so we thought that would be um, a good  
32 thing to start with in the morning. Um, one of the things we are gonna ask you to um, discuss is  
33 what time you want to start tomorrow. The newspaper said 9. I think the intention was 8 so um,

1 we don't have to start at 9, we don't have to start at 8 that's up, that's up to you. Um, then after  
2 the, the structured decision making um, presentation then we'll finish off whatever else there is  
3 from the staff tomorrow which is mostly the, the information and background. So that's, that's  
4 gonna be our recommendation for the rest of today and into tomorrow. So, um, we're trying to  
5 hook back up with our, our legal counsel in case you have any more legal questions. But we  
6 have, we have a proposal to make on, on the timing and, and um, you know with the federal staff  
7 being furloughed it's not i, ideal for this at all and certainly none of us expected that to be  
8 impacting this. Um, but our, our suggestion is going to be to continue your discussion on the  
9 facilitator. Um, I think what we heard before lunch was consensus that you, you all agree that  
10 there's a need for facilitator. Um, with Mike Mitchell in particular the, the concerns that I heard  
11 were mostly related to the furlough situation and his availability. Um, but you know you  
12 obviously have more discussion to have on that. Our sug, our suggestion would be this. So if  
13 you decide today um, to, to select Mike as your facilitator we would say if the federal  
14 government is still furloughed by the 21<sup>st</sup> which is a week from today we will present an  
15 alternative to you on the 21<sup>st</sup> by e-mail. Um, then we'll ask for your input electronically and um,  
16 if the federal government is back open and your all agree that Mike, we'll have Mike here on the  
17 24<sup>th</sup> if not, if you can agree on an alternative before the 24<sup>th</sup> we'll go with that person. So we  
18 wanted to, to put out a definite time line for you, you know none of us want this to, to drag on  
19 either. So that's one option that we'll put on the table. Obviously if you want to come up with  
20 an alternative, um, that's, that's up to you. So um, I think that was pretty much, I'm looking at  
21 Mark. That was what we spoke about over lunch so with that I will uh, get out of the way. Do  
22 we need to do anything to make this work?

23 **Mark Deleray:** Uh, (unintelligible) is taken care of that

24 **Eileen Ryce:** Okay, so, I will let you all continue your discussion.

25 **Don Skaar:** Does everyone agree that we all agreed on a facilitator?

26 **MANY VOICES SAYING YES OR AYE.**

27 **Don Skaar:** Would it be appropriate uh, to ask for a vote on Mike? Um

28 **Unidentified Speaker:** Sure

29 **Unidentified Speaker:** Yes

30 **Don Skaar:** Okay, just see where we stand.

31 **Unidentified Speaker:** I vote yes

32 **Don Skaar:** All in favor. Very good. I guess we got a

33 get some clarity

1 **Mark Deleray:** The contingency plan that Eileen mentioned.

2 **Don Skaar:** okay and how about the contingency plan um, whose in favor of  
3 that approach.

4 **Unidentified Speaker:** Start now

5 **Eileen Ryce:** yeah that, so our plan on the contin, our plan for plan B or we're  
6 on plan A?

7 **Don Skaar:** (Unintelligible)

8 **Eileen Ryce:** Uh, we'll, we'll basically start right away. If any of you have any  
9 suggestions. Um, you know you can just get those to Don and we'll work through them so as  
10 just in case the federal governments not back up by the 21<sup>st</sup> we will have either Mike in place or  
11 we'll have an alternative for you. Does that sound reasonable?

12 **Unidentified Speaker:** Sure

13 **Don Skaar:** yeah, and the hope would be that, so that would be by e-mail and  
14 then the hope would be we could either get your responses by e-mail

15 **Mike Bias:** Sounds good

16 **Don Skaar:** or we could even get a conference call if we had to, to vote on that  
17 second person with the idea that, that second person on the 24<sup>th</sup> would be here ready to go so we  
18 don't have to decide on the 24<sup>th</sup> we'd be

19 **Mike Bias:** Right just to clarify that's um, voten on the 21<sup>st</sup> for whoever is the  
20 alternative to be the facilitator not to have the alternative to come in on the 24<sup>th</sup> and we decide  
21 then.

22 **Eileen Ryce:** Right.

23 **Don Skaar:** Correct

24 **Eileen Ryce:** right

25 **Don Skaar:** yeah just to get things going.

26 **Mike Bias:** So puts into a plan C if that person doesn't get approved on the 21<sup>st</sup>  
27 then we're.

28 **Unidentified Speaker:** the committee gets

29 **Mike Bias:** all right

1 **Unidentified Speaker:** to choose one.

2 **Mike Bias:** Okay

3 **Eileen Ryce:** I

4 **Unidentified Speaker:** Which is another process.

5 **Eileen Ryce:** yeah, I

6 **Mark Deleray:** So under the worst case scenarios um, we have our next meeting  
7 scheduled for March 6<sup>th</sup> and 7<sup>th</sup> so we would potentially miss

8 **Unidentified Speaker:** February, there's

9 **Mark Deleray:** I'm sorry

10 **Eileen Ryce:** yeah it's

11 **Mark Deleray:** two in February

12 **Eileen Ryce:** The next meeting after the 24<sup>th</sup> is the 6<sup>th</sup> and 7<sup>th</sup>

13 **Mark Deleray:** Oh, I'm sorry, 6<sup>th</sup> and 7<sup>th</sup> of February.

14 **Eileen Ryce:** right

15 **Mark Deleray:** Thank you for that sorry I got another month I ahead there. So  
16 what we, the worst case scenario is that we won't have a facilitator, we miss, (unintelligible) we  
17 cancel the meetings on the 24<sup>th</sup> and 25<sup>th</sup> and then try to come to some conclusion by that by  
18 February

19 **Mike Bias:** conclusion is a facilitator

20 **Mark Deleray:** either a facilitator or the government shutdown is done. If the  
21 government shutdown is down then we have Mike Mitchell. If it were not to be done then we  
22 would have another alternative for you.

23 **Mike Bias:** So

24 **Mark Deleray:** Actually at that point I think we'd be going back to the committee

25 **Don Skaar:** right

26 **Mark Deleray:** for a recommendations for facilitator

1 **Mike Bias:** so my, my concern now all of sudden is hey we pushed this thing  
2 into February that really wreaks havoc on our proposed schedule which means oh, this new  
3 committee didn't come up with anything by March and you know.

4 **Unidentified Speaker:** I, I think we as a group,

5 **Mike Bias:** It's not fair

6 **Unidentified Speaker:** I think as a group we have to figure a way to get more dates, more  
7 meetings.

8 **Mike Bias:** Well so the other thing on that is outfitters start working really  
9 hard by March and you know, if, if we push this thing beyond that and it gets stalled.

10 **Unidentified Speaker:** There's outfitters couldn't make it to our meeting I think

11 **Eileen Ryce:** so, that's why, we're, we're, first of all we're hoping we won't  
12 need the first contingency plan. So the first contingency plan is we will make another facilitator  
13 recommendation to you on the 21<sup>st</sup>

14 **Unidentified Speaker:** right

15 **Eileen Ryce:** and have that person or have Mike Mitchell on the 24<sup>th</sup>. So that's

16 **Unidentified Speaker:** okay

17 **Eileen Ryce:** that's, we've got those two plans in play and hopefully

18 **Unidentified Speaker:** What can go wrong?

19 **Eileen Ryce:** What can go wrong right?

20 **PEOPLE TALKING AT ONCE. CAN'T UNDERSTAND**

21 **Eileen Ryce:** All we need is a wall between us and Mexico and we're all good.

22 **Tim Aldrich:** The, the next step to me and I want to make sure you're looking at  
23 the 24<sup>th</sup> being our next meeting uh, at which time the committee would have to take on itself the  
24 job of appointing you know one of internal people of facilitator. So why would we not continue  
25 to have the meeting on the second week, second group...

26 **Mike Bias:** I, I thought that was an option.

27 **PEOPLE TALKING AT ONCE. CAN'T UNDERSTAND**

28 **Tim Aldrich:** cancel our meeting. I don't, I don't necessarily to do that. I want  
29 to, we got, we got this contingency period, we'll know on the 21<sup>st</sup> if we have you know a go

1 **Mark Deleray:** That's, that's a good idea

2 **PEOPLE TALKING AT ONCE. CAN'T UNDERSTAND**

3 **Tim Aldrich:** the next step is go with option 3

4 **Melissa Glaser:** Is there a possibility on the 21<sup>st</sup> you could have your B choice and  
5 a C choice where there's a couple in case B doesn't work out?

6 **Eileen Ryce:** We could certainly do that. We, we can see whatever we can come  
7 up with and put all those options out.

8 **Melissa Glaser:** And you're accepting suggestions?

9 **Eileen Ryce:** ya, I think that would, that would be helpful if any of you have  
10 suggestions as, probably just the easiest way is to funnel them through Don and that would  
11 probably help.

12 **Don Skaar:** As it's your su, Melissa your suggestion is that on the 21<sup>st</sup> we  
13 could potentially have two that we suggest?

14 **Mike Bias:** I have like 10

15 **Don Skaar:** First choice and second choice?

16 **Unidentified Speaker:** Yeah, I think that's a good idea.

17 **Tim Aldrich:** We're going to have to do a good job of sharing information if  
18 there is a second person and I guess a third person would be one, one that you people here as a  
19 facilitator and I think a face to face discussion we might have on the 24<sup>th</sup> or whatever would be  
20 the right time to do that and have that. And just take the time so we get started right. Doing too  
21 much over the telephone or the computer scares me.

22 **Eileen Ryce:** Mike

23 **Mike Bias:** So in that, in that facilitator section it says a, if the committee does  
24 not approve the substitute which is, whoever, um the committee shall select by consensus a  
25 person to serve as facilitator. It, it doesn't say, do we have to? In other words if we don't agree  
26 that one of us should be the facilitator which right now I don't think that's a good idea um,  
27 there's no D, there's no D in here.

28 **Eileen Ryce:** That's, no you're, you're correct though you don't, you don't have  
29 to go that route if, if that's not what you want to do by consensus so but let's, let's shoot for  
30 hopefully the, the federal government's back to work soon and we won't even have to go to plan  
31 B or D or whatever. Um, we'll work on having the alternatives for the 21<sup>st</sup> and um, hopefully we  
32 won't need to deal with anything else.

1 **Mike Bias:** Thank you

2 **Eileen Ryce:** Okay.

3 **Don Skaar:** So, so just to make sure was everyone good with that?

4 **Yes from many people**

5 **Don Skaar:** Okay. 21<sup>st</sup> we'll be sending ya two names.

6 **Eileen Ryce:** Yes, if the government is not back up

7 **Tim Aldrich:** the 24<sup>th</sup> and 25<sup>th</sup> we'll have meetings.

8 **Don Skaar:** right

9 **Eileen Ryce:** right

10 **Don Skaar:** Okay

11 **Eileen Ryce:** Okay. Good well that's all the easy stuff up to this so, and I just  
12 want to ask one clarification question does anyone have any other questions for legal? Um, we  
13 don't have them available right now but I can try to get Becky later if, if you think you might  
14 have other legal questions for clarification. You all good? And if anything comes up um, you  
15 know you can get those questions to us and we can funnel them through Becky and that might be  
16 the easiest way to do it so if something does come up we'll make sure we get your question  
17 answered so. Um, Don do you want to kick things off on, we're on the introductions now, we're  
18 gonna?

19 **Don Skaar:** Oh,

20 **Eileen Ryce:** Ya, ya

21 **Don Skaar:** Okay

22 **Eileen Ryce:** Mark decided to do that (unintelligible)

23 **Don Skaar:** Okay.

24 **Unidentified Speaker:** Excuse me. And so we're gonna have, I'm just thinking about this  
25 and how it's going to play, play out. So on the 21<sup>st</sup> we're gonna have two people to select from?  
26 Is that what the, the goal is?

27 **Eileen Ryce:** If

28 **Unidentified Speaker:** Or are we gonna have (unintelligible)

1 **Eileen Ryce:** It, so, if, if the federal government is still  
2 **Unidentified Speaker:** right  
3 **Eileen Ryce:** on shutdown  
4 **Unidentified Speaker:** right  
5 **Eileen Ryce:** on the 21<sup>st</sup> we will have at least one name. If we can we will have  
6 a first and a second as a backup.  
7 **Unidentified Speaker:** okay  
8 **Eileen Ryce:** Then we will  
9 **Unidentified Speaker:** if we don't agree on the first one then were get to see if we can  
10 agree on the second one.  
11 **Eileen Ryce:** How, yep, however  
12 **Unidentified Speaker:** We have to agree on one of them.  
13 **Eileen Ryce:** You don't have to  
14 **PEOPLE TALKING AT ONCE. CAN'T UNDERSTAND**  
15 **Unidentified Speaker:** So at that point then we take to, to somebody on the committee.  
16 **Mark Deleray:** Or other suggestions  
17 **Eileen Ryce:** Or another  
18 **PEOPLE TALKING AT ONCE. CAN'T UNDERSTAND**  
19 **Eileen Ryce:** Well what we want to do is make sure that you can meet on the  
20 24<sup>th</sup>.  
21 **Unidentified Speaker:** Right. So I, what I'm saying is I see a problem if we have to  
22 choose from one or two. Two then one, you know four people want number one and four people  
23 want number two. Then we'd vote again?  
24 **Don Skaar:** Well I, I think per the rule  
25 **Unidentified Speaker:** Per the rule there's only supposed to be one.  
26 **Don Skaar:** And so, so we would be voting on  
27 **Unidentified Speaker:** that one first

1 **Don Skaar:** Right and the backup is just if  
2 **Unidentified Speaker:** Okay  
3 **Don Skaar:** that first one fails.  
4 **Eileen Ryce:** Well and just as a reminder it's, it's, the committee doesn't operate  
5 by a vote. It's consensus.  
6 **Unidentified Speaker:** Well it's  
7 **Eileen Ryce:** So  
8 **Unidentified Speaker:** it's and agreement  
9 **Eileen Ryce:** Yup.  
10 **Unidentified Speaker:** Thank you  
11 **Eileen Ryce:** Kay. Alright. All good? Alright. Don  
12 **Don Skaar:** Yes so our idea for this section was just so you all get a better  
13 sense of what, what each of us is here for and I guess our background and kind of what we're  
14 looking for with the idea of us understanding what kind of common ground we can come to here  
15 since that's what we're gonna have to do if we're going to have any kind of, any kind of  
16 recommendations coming out of this group. So for me, um, my job, um, is on the Habitat  
17 Access Bureau Chief in Fisheries Division. Actually the third, third bureau chief job I've had up  
18 there, move around from one thing to another. Um, but in this job one of the things that's, or a  
19 couple of the things that are in my bureau are, are fishing access site program which actually  
20 relates a lot to, to river recreation. Some, you know, close to half of all angling in Montana goes  
21 through our fishing access sites so that's a pretty important, important thing. Also uh, our water,  
22 our water reservations, water rights programs in my bureau. But also the uh, river recreation is  
23 as well. You know and in, in recent years we've been getting a lot of opinions on what the  
24 Department should do for next step in determining river rec planning. I mean we're obviously  
25 dealing with this here, you know, kind of in the run up to this process getting going we heard a  
26 lot of um, you know, legitimate concerns about, you know, unintended consequences from  
27 whatever we do here. Thinking more about displacement, you know, what's gonna be the  
28 implications for other, other rivers, you know, if we do something severe here is it gonna push  
29 people over to the Yellowstone or up to the Missouri or whatever. And that's, that's legitimate,  
30 um, concern. I don't have a good answer for it. Um, one, one idea some people have had is that  
31 what the Department needs to be doing is statewide planning. You know, anticipating all this.  
32 I've been personally the opinion that we are smart enough to do that because we don't really  
33 know, really what the limits, the limits for every water in terms of the tolerance and what it can  
34 take are different. And I personally am of the opinion that they've got to be homemade

1 solutions. We can't anticipate all of this in advance. Doesn't mean that uh, so, um, doesn't  
2 mean we should be having this kind of group on ten rivers at any one time. But um, you know,  
3 we do have some proposals in the Legislature for funding that will hopefully give us some, some  
4 funds to do more I guess, statewide surveys of recreation pressure overall. Give us a little better  
5 sense of how, how pressure is trending on different waters. Right now we really have no idea.  
6 We know how many anglers there are out there. But you know the rest of what we have is not  
7 very well quantified. But in terms of where FWP and me are coming from on this group um, I  
8 think there is just a few general um, I guess maybe paradigms for the lack of a better word that I  
9 can share with you um, about our Department and feelings on recreation in general and river  
10 recreation specifically. One very important for us is idea of equal opportunity. I think equal  
11 opportunity shows in our regulations both on the hunting and fishing side. We tend to fight to  
12 provide opportunity for all more at the expense of providing you know trophy opportunities or  
13 select opportunities for the few so that, it will tend to be something that's gonna to be at the  
14 forefront of my mind as we're going through these um, looking for solutions here. Um, and um,  
15 uh, another thing is uh, by equal opportunity it also means we don't have any particular pension  
16 for picking on any particular group here and nor should we. So you know there isn't anything  
17 bad about outfitting, there isn't anything bad about non residence. The only filter I would put  
18 any category through if you have to categ, categorize anyone is if that group is having a  
19 disproportionate effect on the rest of the experience um, and, and then in that regard then maybe  
20 that group needs to be regulated in somewhat differently than the rest of the groups. Um, last  
21 thing I'll, I'll just say is um, the concern for the experience, quality of the experience, I think that  
22 quality of experience while that's extremely hard to pin down, that also can be very important in  
23 my mind so and so it's kind of a squishy thing. Social science sort of thing but it's real. And so  
24 crowding and congestion does contribute to experience. So uh, in that regard any measures we  
25 can come up with to either improve or make sure the experience isn't degraded any farther. I'm  
26 going to be sensitive to that. Um, you know lastly I grew up here in Bozeman actually. So I  
27 remember the Madison River when it was a lot different than it is today. And, and um, so even  
28 though I'm saying that I'm also um, am not one of those snobs that thinks it should be reverting  
29 back to the way it was when I was a kid. I mean I appreciate people who come here today and  
30 enjoy the experience as it is today that's, that's legitimate too. Um, so, um, you know the world  
31 changes. We all, we all move on but the quality of the experience I think is something that, it's  
32 kind of like killing the goose that laid the golden egg while Montana still got a gold egg and you  
33 know, I think, you know, there are places where you might reach a tipping point and I don't  
34 think a lot of us want to go over that. So that's my 15 minutes of fame there.

35 **Melissa Glaser:** So I'll just give you my background that led me to what this little  
36 sign says. Um, moved to Montana about seven years ago. Came here as a kid and loved it and  
37 um eventually made my way out here. I was able to actually get a guided trip on the  
38 Yellowstone. That was my first fishing experience in Montana which was fantastic. And then I  
39 got one on the Madison River. Probably my first year moving to Ennis which was magical of  
40 course uh, as the Madison is. And from there we moved to Ennis and you meet, everybody you

1 meet is somehow is connected to the river I feel guides and outfitters. So I have a lot of friends  
2 that are making their lively hood on the river. And eventually that led me to um, to the scenic  
3 tour operation um, so you know I do run a non-angling scenic tour. I am an angler. I do fish the  
4 river. Um, and then the other part of this that I have is that I work at Shedhorn Sports which is  
5 the, probably the largest business in Montana maybe, or I mean, excuse me in, in Ennis. So um,  
6 I see a lot of non-residence and everyone having a great time and I feel, I feel like that, the river  
7 is what's giving them the good time so um, to lose the opportunity for them on the river would  
8 be unfortunate as well. So I'm kind of coming at this in three different directions and that's  
9 where I'm at.

10 **Lauren Wittorp:** Um, we'll role with your tag thing. Um, I'm Lauren Wittorp. I am  
11 on here as a non-angling voter. I think I sort of have that definition because I am the Executive  
12 Director of the Madison River Foundation. And I think it was brought up earlier um, saying that  
13 each of us are here um, bringing perspectives. In that position I have the perspectives of people  
14 from all over Montana, all over the country and the world. We have members from all over.  
15 Um, they're anglers, non-anglers, a lot of them recreationists that outside of angling. Um, so I  
16 think I have that perspective of I hear lots of opinions and see why people join the foundation  
17 and why they are a part of that. Uh, as well on that I am an angler. I have been coming to  
18 Montana fishing the Madison for 25 years um, so I was one of those out of state people that fell  
19 in love with Montana through fly fishing. Uh, prior to becoming Executive Director here I did  
20 work on policy and advocacy uh, on the national, federal and local level for Trout Unlimited. So  
21 I have that experience there as well as with trade organizations prior to that. So I've done a lot  
22 of policy work. Uh, so I'm hoping to be able to take all the perspectives I've had and experience  
23 to make sure we're protecting the resource. Um, making sure the resource is you know the  
24 number one priority of this and making sure that it's there for future generations to be able to  
25 fish. Um, I think that's, and making sure, I think that you're equal opportunity speech I think is  
26 very important to me um, and is definitely a value I share and think it's important to make sure  
27 that the equal opportunity exists for everyone.

28 **Scott Balmer:** So I want to stay away kind of stay away a little bit from the labels.  
29 I don't think it will necessarily really help anything from the get go because I don't think of it as  
30 a label in one thing anyways. Um, somebody said to me about a week ago or so is we got to  
31 keep the idea of the Madison River in mind because you know, and we promoted it well. We as  
32 a state have promoted it well. And our governor continues to do it to bring an influx of people  
33 in, into our state in the we'll call quote unquote "tourism sector". And a lot of people are coming  
34 here and when a person from far off, somewhere else, we always say back east. But when a  
35 person from somewhere else thinks about fishing in Montana a lot of those people, what comes  
36 to mind where they want to go. And for a lot of people it's the Madison River. And that's very  
37 important for us to keep in mind. Um, I don't want to go so far as to say we've got the crown  
38 jewel right here but it's on peoples mind and it's on peoples mind a lot more than it used to be in  
39 the past. So keeping that in mind I'm here for the resource. I'm here for the Madison River.

1 Um, I'm here personally as a person who has fished the Madison River for 20 years. That's  
2 important to me. Again staying away from labels I'm an angler on the Madison River. I also  
3 represent a portion of the public and this is again important for us to keep in mind, a portion of  
4 the public that when they choose to use the Madison River, choose to hire out a guide or an  
5 outfitter in order to take them out. Because they don't have the skill and they don't have the  
6 knowledge and they don't have the equipment to do it. We are all users of the river. Some of us  
7 use it in one way, some of us use it in another way. What's best for us as a whole to keep open  
8 ended about this and open minded about this I should say is to keep in mind what is best for us as  
9 a whole. We have a lot of different users out there that want to do a lot of different things. Some  
10 of them choose to be guided, some of them choose to guide themselves. Um, so I do obviously  
11 as an outfitter, I take those people out who choose to use my services and other outfitters services  
12 and while I'm here as an outfitter representing that industry it's still representing the river as a  
13 whole. And that's my perspective. Um, that's kind of where I'm coming from and I'm also  
14 coming from the idea of, I use the place too. And love the place as well. Uh, I have been my  
15 entire adult life, even in college I have guided fisherman. I did it while I was in college in  
16 Alaska. I did it there for years. Moved here. Started guiding here, I was a guide for 12 years and  
17 an outfitter for the past three. So it's been my job for my entire adult life and I absolutely love  
18 the job and I want to pass it on to other people down the road because I think it's a incredible  
19 profession. And um, I want to just avoid the fact that you think of me as the outfitter. And also I  
20 want to avoid the fact of different types of outfitters being on the committee. Um, because I do  
21 represent outfitters. The commercial side of it but I also represent the non-guided si, side as well  
22 because that's what I do.

23 **Jim Slattery:** I kind of have a, a unique place, Campfire Lodge because being  
24 unique uh, window. We have, we have outfitters, we have guides, we have wade fishermen, we  
25 have tourists. They all come to my place. And I hear, I hear everyone's concerns and I hear  
26 everyone's like, this is incredible. And when this uh, recrea, rec claim came up I was hearing it  
27 from all different sides. So I think because of that perspective that I have I think that I can, I can  
28 speak for everyone and obviously I'm speaking for myself but for everyone that, all my  
29 customers and, and like I said so a wide swath of the people. And I know their concerns and,  
30 and, so that's kind of what I want to do. I want to try to speak for everyone so that everyone has  
31 an equal opportunity. I think that is a great expression of what we're trying to do here.  
32 Everyone should have a equal opportunity. But I think there's, the reason, the main reason why  
33 we're here is for that two, that three weeks in June, uh July, that's why we're here. That's why  
34 the most, that's when the most congestion that we have is in that three week period. And we got  
35 to figure out a way that, to make everyone happy. You know, I know that the outfitters and the  
36 guides absolutely have a right to make a living. I mean this is, this is how we make a living.  
37 And on the flip side the tourists and then the out of state fisherman or the in state fisherman need  
38 to be able to have a good experience as well. So that's kind of our task the way that I see it. And  
39 that's why I'm here.

1 **Mark Odegard:** I'm I have a very diverse background. I've been fishing the river  
2 for a long, long time. I was born in Plentywood. Raised in a, Glendive. Went to school and  
3 junior college there uh, University of Montana. Got my bachelors there. Oregon State I've got a  
4 Masters and a Ph.D out of the University of Hawaii in geology and geophysics. One of the  
5 things you learn in geology is not to think about things in terms of uh, the next couple of years  
6 but in terms of uh, many, many years. Uh, I work for the oil industry we're tasked with  
7 predicting what's gonna be in that when we drill a well, uh, and we have to predict what that  
8 well is going to produce over a period of 30 to 50 years. So we have a unique perspective from  
9 that view point. One of the things I really worry about and I don't see it in any of the, in here, I  
10 don't see it in a lot of evaluations, uh, I try to force our city government into worrying a little bit  
11 about climate change. It's going to have an in, a severe effect on the Madison River. Not next  
12 year although it's starting. Uh, one of the things I really worry about is climate migration. Uh,  
13 our Southern U.S. is going to become a desert. We're gonna displace 50 hundred million people  
14 and they're all going to come north. And they are. Unintelligible. Madison Valley is a great  
15 place so I've actually put together a presentation for the zoning commission because in Ennis uh,  
16 on climate change and its effect on Ennis. I've updated that for uh, the Madison Valley, the  
17 Madison River if you would like to see that presentation. I can tell you it's gonna scare the heck  
18 out of ya. Uh, and that's one of the reasons we have to get these regulations in place because at  
19 some point it may be impossible to do anything. We need to do something to guarantee our  
20 quality of life, fishing in the whole valley and not just the Madison Valley but it's gonna effect,  
21 uh, the whole area. All of Montana. People want to live here and they're gonna be forced to live  
22 up in here and Canada. So I'm looking at it in the long term uh, unlike somebody that says he's  
23 not worried about the debt because he's not gonna be around, I worry about things even though  
24 I'm not gonna be around.

25 **Mike Bias:** My names Mike, I'm a Safety Director of the Fishing Outfitters  
26 Association of Montana. And uh, who are they. They are about 836 uh, outfitters and guides  
27 throughout the state. Um, roughly 330 outfitters and 500 guides that uh, well I represent. Um,  
28 and that's a, that's a big concern for me. Um, we've prepared quite a bit coming into these  
29 meetings. We had a series of what you call listening sessions to SRP holders from West  
30 Yellowstone all the way to Gallatin Gateway. Um, we've been uh, in fact we've been working  
31 on this since the, the rejected plan in April. Um, I uh, I been, I, I think um, I, I'm pretty  
32 confident to say the only one to say the only one who knows the guide numbers on the Madison  
33 better than me is probably Andrew and Cheryl and they're the one I got the numbers from. So I  
34 been, I been chewing on these pretty hard um, since April and I appreciate, we appreciate uh,  
35 getting that data. Um, prior to uh, well not even prior still I'm uh, uh, a consultant, a biological  
36 consultant, ecological consultant. I, the last 20 years I've been studying mostly bugs way more.  
37 I've told people this I'd rather be counting bugs than sitting here. Um, I'm glad to be here  
38 though. Uh, so my, my background is, is conservation prior to uh, (unintelligible) I was  
39 Executive Director to the Bighole River Foundation. Um, it went through three iterations of the  
40 evaluation period for Ph2. Um, it, it, uh, those were quite exciting. Um, so where I, I don't even

1 know where I'm coming from on this. I'm, I'm very open I think uh, we have lots of ideas that  
2 you can imagine talking to outfitters since April so um, every outfitter has an idea how this thing  
3 needs to look and how, how aware of how to fix them. Uh, all these nuances of management  
4 options and how it effects different outfitters in different ways, big outfitters, small outfitters.  
5 I'm also an outfitter. I uh, I, I started guiding in, in uh, Island Park Idaho in, in 1997 and I  
6 thought man the Madison is closer than the South Fork and so in 98 I started guiding in the  
7 Madison and uh, it, it, uh, until I worked for the Big Hole Foundation I used to say the Madison  
8 was my favorite river but once I switched I have to say Big Hole but now I could go back. So  
9 anyway that's where I'm at and who I represent and I think we're all coming from.

10 **Julie Eaton:** I'm Julie Eaton and um, I come from a conservation background.  
11 Uh, before that there are pictures, black and white pictures of me in a little sun bonnet next to the  
12 streams and lakes back east, uh, North Central Pennsylvania. Um, upstate New York. And uh, I  
13 really never left the water except for a teaching job that I had in Southern California. I know  
14 there's water down there but I was too busy getting that job figured out so that's the only time in  
15 my entire life that I've been away from trout water. Um, so I fished almost 30 years on the  
16 Madison at this point. Um, guided for 24 of them. Raised my family over there for a portion of  
17 their life and uh, in and on the river so there's pictures of them in the drift boat and in the, in the  
18 stream so it's an important part, not just our business, for our family. Um, I mentioned the  
19 conservation background. I have a couple degrees, ones in uh, ecology and my secondary  
20 science degree is my other one. I spent about seven years as a technician for um, Idaho Fish and  
21 Game. I did a lot of fishery stuff, um, counting a lot of fish. Uh, surv, fisherman surveys, areal  
22 surveys on opening day. Most I've done a lot of big game stuff so, I've spent a good portion of  
23 time kind of in the depths of uh agency um, it, being a tech is the best. I don't know those  
24 people who work as a tech you get to do the awesome fun stuff. Um, so that was, that's my look  
25 on the other side. Um, the other great thing that I kind of want you to know about me on the  
26 Madison River is my husband guides and my son now is almost 21 and he's been guiding with us  
27 for three years. So it's, it's pretty awesome to be the mom, to look over, the one that kind of  
28 started this whole business, see your husband maybe a few miles down the river, oh, there's your  
29 son. Um, it's awesome and we've got a, a 18 year old that, uh, is looking to step in as well.  
30 She's getting ready. Um, so my concern is I guess in geological terms short range but I look to  
31 my kids and, and what they bring to the table as far as interest and information for the Madison.  
32 Um, but I also am concerned down the line after them. Um, I see this group as having a  
33 tremendous opportunity to educate myself, others around me on how it works for me or how it  
34 works for you and uh, see if we could put something together that I would, I would not say is a  
35 blueprint for other rivers because as other people have mentioned the Madison is different than  
36 the big Beaverhead, the Big Hole which is different from the Yellowstone, but maybe a process  
37 that can work and then filter down to each individual. I mean I hope our process is exemplary.  
38 That's, that's where I'm coming in the pot with this. So um, and the other thing I do want to  
39 reiterate I do appreciate hearing that the public is the public. I'm the public, when my husband  
40 and I have a day off we fish the Madison. When my son gets off the river and has to deposit his

1 clients back at, at a lodge there's a few hours of daylight. He fishes the Madison. Um, but  
2 whether you're a resident, non-resident, in the boat, out of the boat, we're, we're the public out  
3 there uh, using this amazing river. And I had, I had my pick. I'm the one that started the  
4 business on the Madison. I could have, you know, I fished lots of places of Montana but I fell in  
5 love with the Madison and that has not changed in all these years. So that's all.

6 **Charlotte Cleveland:** I'm Charlotte Cleveland. I'm one of those gosh darn Vermonters  
7 who came here on vacation. We fished. We went home. We said sell the house and come to  
8 Montana which is exactly what we did. Um we fished the Madison. I had no idea what load  
9 your rod meant. I had absolutely idea what wing one out there. I've, that was another like load  
10 your rod I had no idea. But fell in love with the Madison. Fell in love with Montana. Fell in  
11 love with every stream, every river that we've every fished. When this, I saw the add in the  
12 paper about people who might be interested in setting up a system, setting up some rules that  
13 would preserve what's here because a lot of people are blasé about it I could never be blasé about  
14 Montana or the Madison. Just took my breath away. Um, so I said got to be on that committee.  
15 Got to, got to find a way to make the experience the same for everybody and maybe I can maybe  
16 they'll share my experience that I had which was just in, just an incredible experience. So that's  
17 why I'm here. I'm a retired paralegal, um, that's what I used to do, and uh, that's my path.

18 **Tim Aldrich:** I always wanted to be a retired paralegal. Well I'm a, I'm a  
19 Montana native. I was born and raised in Missoula you know, through grade school, high school  
20 and University of Montana back when it was Montana State College. And uh, a, I'm a Grizzly  
21 but I've lived in Bobcat land for 14 years and survived it so (unintelligible). I don't know how  
22 many years I've had fishing licenses in Montana but's it's damn near my whole life except for  
23 damn few years, I'll tell ya so. I started fishing in streams basically in Montana. I was telling  
24 you folks that I started with a three foot piece of willow and a bought three feet of line and a  
25 snare hook on the bottom of it with a worm (unintelligible). I grew up and got to fish uh, with  
26 my father and Rock Creek was our, our river back then. And Rock Creek was an amazing river  
27 and to tell you that we seldom if ever saw a brown trout out of Rock Creek back when I started  
28 fishing there. That kind of ages me I guess but, uh, except for about the first mile of the river  
29 when I was teenager you never found brown trout. Today I've floated that river a couple of  
30 different times and um, it's brown trout every place and uh, most of them about that long but  
31 anyway I've been a fisherman my whole life basically. I've got (unintelligible) degree in  
32 zoology. I had intentions to going to, to graduate school at the University of Montana but I lost a  
33 brother and a fiancée in about 30 week, 30 day trend in the summer of 1995 and changed my  
34 mind and went back to smoke jumping. So I, so I worked with the Forest Service right out of  
35 school, uh, out of high, high school and, uh, I smoke jumped for seven years and I got into the  
36 business management side of the Forest Service. And I was Administrative Staff Officer at the  
37 Gallatin Forest from 1984 to 1997 and had all the responsibilities staff wise you know for the all  
38 the business functions, administrative functions in the forest. I guess more recently uh, I become  
39 very much involved in, in a, conservation issues in the State of Montana hunting, fishing, public

1 lands, wildlands, (unintelligible), all sorts of stuff. And uh, led me up to being appointed to the  
2 ah, member of the ah, Board of Outfitters with Mr. Wade over there, uh, we served there together  
3 and, and uh, I think we respect each other for the work we got to do together. It was some tough  
4 times for some of us as I think of it but anyway it was a good experience. Uh, two years ago  
5 almost I was appointed to the Commission and uh, my first chore was to wrestle with  
6 (unintelligible) waters (unintelligible). So everybody has a rude awakening to river uses and  
7 river users and what they wanted and what they didn't want and all those kind of things. I got a  
8 little bit of the nontraditional right there. My vote on that process was that (unintelligible) due to  
9 background noise) you know and you try to cover way to much ground, way too fast without any  
10 public involvement with an awful lot of people. And that's, that's just not right. Along the way  
11 I was a member of the Citizen Advisory Council at Region 2. I was also on the, the uh, River  
12 Recreation Planning Group for the Blackfoot River, which you know another one of those not so  
13 good experiences as we spent about a year and a half going to lots of different meetings and we  
14 had one or two people on there that just kept saying the rivers already being overused we got to  
15 go to permits. We got to go to permits and they would not back off. This was anything but a  
16 structured decision making process but it certainly bolstered my, my feelings that we really do  
17 need to do a very structured process to keep things on track and refine as we move forward.  
18 You're not ever gonna get any place (unintelligible) so. At any rate, um, as a commissioner it's  
19 a, we have just five of us and so one of us was gonna be a member of this committee and they  
20 chose me to be that person and I'm happy to be here. I, I think the challenges, uh, much, just the  
21 quiet water thing brought up some things. I think um, definitely the, my experience with the  
22 Blackfoot River you know talks to some tough. I think the west fork in the Bitterroot which is  
23 some of the country I used to hunt in an awful lot. I only fished up in the west fork of the  
24 Bitterroot a couple of different times you know but uh, we need to, we need to have a strategy  
25 you know, based on our values, you know along with fundamentally the resource things that we  
26 have to (unintelligible) and whatever else comes along, that's first in my mind. And glad to hear  
27 that people say that exact same thing. I, I just think that uh, maybe Don said it and I'll say it  
28 again, I think you know we have lots rivers that probably are going to be getting behind the 8  
29 ball for if they aren't already. You know the Yellowstone River, the Missouri River you know  
30 I've fished that river and loved to go over there and fish it and see it and so forth. But you know  
31 there's lots of different uses on that river and so it's not all fishing. There's all kinds of things  
32 going on over there so. So some way or other you know, uh, we need to make sure the resource  
33 is there and we need to protect, you know, a sense of the experience that we want to have in  
34 Montana. Whether it's provided by me standing over there waving my flies that I tied or it's  
35 somebody in a boat like an outfitter or guide you know. It's for all of us you know. If that's  
36 equal opportunity I'm certainly there. Uh, but it's a, the quality of experience you know. It's  
37 something that we need to play with a little bit and see if we can't work together collectively to,  
38 to kind of agree what's it supposed to look like when you're done you know. The process may  
39 be really messy you know, like making sausage I guess but I really believe that uh,  
40 (unintelligible) right next to the fact that we, we're gonna take care of the basic res, fundamental

1 resources. You can take care of you, always aware of that experience that we want to be able to  
2 build that chunk (unintelligible) is huge it comes out of the, out of the guide as well as the life  
3 style of Montanan's and Americans that just want to come here and live. It's precious. I look  
4 forward to working with this group and talking about a lot of these things you know and coming  
5 away myself better, better able to see what other people are thinking about too. We all need to  
6 have a say in what comes out. That's why I want to be here.

7 **Unidentified Speaker:** Any rebuttals?

8 **Laughter**

9 **Don Skaar:** Okay I guess I'll, that's great. Um, I'm sure we'll here plenty  
10 more from each other as time goes on. Um, I guess our last thing before we get into background  
11 materials is the charter. And um, the charter is very, very simple. Um, it's already been kind of  
12 described. So it's simple but there's uh, a fair amount of uh, that can be said about this and what  
13 the committee can do different than this as well but this is, it's simple but it's really the only  
14 thing (unintelligible). The only thing we've got guiding us so far as what the Commission  
15 specifically said. And so I think Eileen went over it um, briefly before but when, when the  
16 Department went to the Commission giving them ideas of what to use um, they chose negotiated  
17 rule making and so you know this was the alternative we gave them that they chose. And um, I  
18 guess the significant part of it is just that includes the phrase "revise the river recreation plan that  
19 was presented to the Commission on April 19<sup>th</sup>." And that's actually in your binder and that'll,  
20 that'll be described today or tomorrow. But we'll go over that in details on the, the EA that went  
21 along with it. Um, anyway uh, you know we can have some discussion on it, I know that um,  
22 this as been already been told, you know this committee can choose to use that as the template  
23 for moving forward or we can start from scratch if we want. But maybe, maybe significant with  
24 this also is if we don't come up with anything this plan is still out there that the Commission  
25 could, Commission could chose to use that they're stalled, that they're not giving any indication  
26 that the would but they've said we've got this plan, you guys, we need more input from affected  
27 parties and so that's kind of the perspective on this. So hopefully we can come up with  
28 something to compliment this or replace it, so just throwthat out. I don't know if anyone has any  
29 thoughts on that.

30 **Unidentified Speaker:** Not without a facilitator

31 **Don Skaar:** What's that?

32 **Unidentified Speaker:** Not without a facilitator.

33 **Don Skaar:** Yeah, totally

34 **Tim Aldrich:** I think what I hear this morning you know, again was revise this let  
35 you go, quite a bit of latitude to you know suggest something different. Maybe I think, to me I

1 spent all that time looking at the EA and the, and the you know the draft plan, and there's a lot  
2 of information that needs to be put in your own noggin you know, think about what's this  
3 supposed to look like you know, how, what do we, how do we move that way?

4 **Don Skaar:** I mean the plan, I'm probably getting ahead of us a little bit here  
5 but the plan is not a lot different from plans you know, Beaverhead, Bighole, and the Bitterroot  
6 in terms of dividing the river up into sections and partitioning use by sections so there's a certain  
7 practicality to that. How, how it looks when we get done with it I don't know but.

8 **Mike Bias:** Well the practicality is, it's a completely different river than 150  
9 mile long Bighole. Um, which is totally different from the Beaverhead. I think this idea of  
10 universal application of all plans is, is not a good idea. I mean a the Madison is different from  
11 the big rivers. That's why you're on the Madison and not the Yellowstone. That's why you're  
12 on the Madison and not the Missouri too. So um, to have this concept that we can take a BHT  
13 plan, tweak it and apply it for the Madison is gonna be a challenge. In my opinion.

14 **Charlotte Cleveland:** I had one question and that is when this plan was rejected was  
15 there a statement from the Commission as to exactly what was wrong with it?

16 **MANY PEOPLE TALKING AT ONCE CAN'T UNDERSTAND**

17 **Unidentified Speaker:** You dare ask that today?

18 **MANY PEOPLE TALKING AT ONCE CAN'T UNDERSTAND**

19 **Unidentified Speaker:** I thought if there was something that I could take home and read  
20 um, that it might be helpful. And I, I would assume that someone, somewhere must have said  
21 something about why it wasn't any good.

22 **Tim Aldrich:** There are other minutes which are, and uh, the oral too I think.

23 **Charlotte Cleveland:** Well then could we get a copy of the minutes?

24 **Many people answering Yes, Yup**

25 **Unidentified Speaker:** You can get them on line as well.

26 **Eileen Ryce:** Yeah, we'll make sure, we'll make sure that um

27 **Don Skaar:** We get that

28 **Eileen Ryce:** You get a copy of the minutes. I, I went through the record at the  
29 weekend and there wasn't anything specific that the Commissioners says was per se wrong with  
30 the plan. The concern was more, there was a, there was a substantial amount of um, public input  
31 made at the meeting um, so basically the comment that was made from the Commission was they  
32 wanted a different process to include more public um, involvement.

1 **Unidentified Speaker:** From the beginning? From the very beginning?

2 **Eileen Ryce:** Right, so that's um, what, what is on record of the Commission  
3 requesting of us is a different process for bringing forward a new rule or a new plan. There  
4 wasn't anything that, that I saw that really specifically said, there was, there was a couple little  
5 minor things but nothing real specific about, we don't like that or we don't like that. But Mike  
6 you were

7 **Mike Bias:** Eileen I beg to differ with a lot of that. I think my, you know my,  
8 my recollection of your meeting was right off the bat there were Commissioners that had issues  
9 with river closures and fishing access and, and even before there was any kind of discussion.  
10 There were four Commissioners that discussed their particular concerns with that plan even  
11 before it was brought to any sort of comment by the Commissioners or even, even the public. I  
12 mean that, all, all, the whole process, discussion happened later in the meeting. On, on, you  
13 know how, how would you go about doing this.

14 **Eileen Ryce:** Yeah, you're, you're right there was, that was the part I was  
15 referencing. I was trying to steer away from the specifics but there was specific comments made  
16 by the Commissioners on the, the walkway section.

17 **PEOPLE TALKING AT ONCE**

18 **Tim Aldrich:** Commissioner Aldrich made those comments

19 **Eileen Ryce:** Yeah, I'd, I couldn't remember exactly who it was. I just read the  
20 notes at the weekend but

21 **Mike Bias:** Commissioner Stuker had

22 **Eileen Ryce:** Commissioner Stuker also did

23 **Mike Bias:** (unintelligible) and then the other two Commissioners also jumped  
24 right on it.

25 **Eileen Ryce:** Right, but, uh, the part I was referencing was how they got to the  
26 decision. And the, the decision was based more on the, the process and the request the  
27 Department to come with a different process.

28 **Mike Bias:** For our discussion here and, and proceedings going forward um, I  
29 think it would be really important for uh, Miss Cleaveland to have access to that.

30 **Eileen Ryce:** Oh, well we'll

31 **Don Skaar:** We'll get copies for everybody.

1 **Tim Aldrich:** And, and I think you know you mentioned a couple of things. Like  
2 I did bring up the uh you know the, no float below the Ennis bridge and saying you know the  
3 access is not available. How can, how can an old gentlemen like myself have a chance to fish  
4 you know. And then I think the lowest reach you know down to the Jefferson, uh, you know it  
5 was one of the Commissioners really was not very happy about seeing that total closer to  
6 commercial so, uh, I think that maybe the second meeting you know when we came together and  
7 uh, several of you were there and offered testimony about you know the, the effort to, to actually  
8 change the or put the restriction on where we are at that point in time with outfitted use. It  
9 didn't, wasn't going to work. I mean by the allocation of five days during this period and ten  
10 days for that period, uh, if you looked at the 175 outfitters that we're dealing with at that point in  
11 time it allowed far more use than, than what was being thrown into any bodies calculations at  
12 that point so. Anyway it just looked like you know, we need to go back to the drawing board,  
13 get additional information, additional involvement you know and so I think, that's, that's pretty  
14 much it. I think Charlotte you know.

15 **Charlotte Cleveland:** Yeah if we, if the minutes are, talk about that, that would be great.

16 **Tim Aldrich:** Ah, I know the minutes are, (unintelligible) I read them myself so I  
17 know what I said.

18 **Unidentified Speaker:** And they do include you know those of us who stood up and spoke  
19 and um, the whole sale, like you say let's, let's get this right, let's start over. Um, but then, you  
20 can read it.

## 21 PEOPLE TALKING AT ONCE

22 **Tip Aldrich:** I, I don't think the Commission ever said this was the specific area  
23 you have to.

24 **Charlotte Cleveland:** Right, correct, just the general overall dissatisfaction with

25 **Tip Aldrich:** Just time to take a broader look, a broader view from people

26 **Eileen Ryce:** Our Admin Assistant is emailing you those, those minutes so you  
27 should all

28 **Unidentified Speaker:** Thank you

29 **Eileen Ryce:** have them by this evening.

30 **Unidentified Speaker:** Thank you.

31 **Mike Bias:** I don't know what our process is here uh, just kind of throw out  
32 stuff. Um, we talked earlier today or if we're done with the charter and we're gonna move on or  
33 are we gonna discuss the charter. I, I don't know. But not knowing that I'll just forge ahead and

1 uh, we talked early, early on today in the meeting about recording the minutes and, and we're  
2 talking about minutes with other meetings um, I'm, I've, I've been telling people all along that  
3 there'll, there'll be some sort of access to meeting notes or minutes that we're having and I think  
4 we should maintain notes and minutes. Somebody, um,

5 **Unidentified Speaker:** I agree with that

6 **Mike Bias:** So that for example when the facilitators here and we're in a robust  
7 discussion about something can, oh, can you read that back to me, what did I just say? Or what  
8 did he just say or? I mean

9 **Unidentified Speaker:** I think it would be important for the public

10 **Mike Bias:** Everybody does minutes of meetings correct? I don't know what  
11 the process is to get to that point or notes or, I think the idea of not having them is not a good  
12 idea.

13 **Unidentified Speaker:** I would agree.

14 **Mark Deleray:** I guess one comment on that is what level of record you're  
15 interested in. What you just described verbatim, discussion would be really quite really  
16 challenging to provide in a timely manner.

17 **Unidentified Speaker:** I understand

18 **Mark Deleray:** If it's you know here's what we were able to complete, here's what  
19 we did at this meeting. And uh, um, you know specific duties, tasks was completed or what  
20 ground you made, what progress you made, I think something like that would be possible. Um, I  
21 guess it's up to you all to decide what you're, what kind of detail you're interested in but

22 **Charlotte Cleveland:** What is the process used um, to like when you go up to Helena and  
23 48 hours later you get verbatim

24 **Eileen Ryce:** So um, the, the Commission has ah, full time secretary um, so, so  
25 there is someone present at all the Commission meetings um, who records the meeting and then  
26 who provides the minutes and that person, that's, that's their job is to um, basically take care of  
27 the Commission and do that. Um, for this committee um, we, we don't have someone assigned  
28 to do that uh, you know between myself and Mark if that's what the committee wants we'll need  
29 to talk about how to do that um, probably what I would have to do is reassign someone away  
30 from other duties to do that cause you're, you're talking about a significant effort um, if you  
31 really want the, the verbatim type minutes. Um, if you go for sort of a meeting overview  
32 summary type at the end of the meeting, you know that's probably something that we can help  
33 put together pretty easily.

1 **Mark Deleray:** And I, and I also think your facilitator will often provide that type  
2 of service if it were possible.

3 **Eileen Ryce:** Yes the facilitator won't be providing minutes, um, but they, the  
4 facilitator can certainly help with meeting overviews summaries, decisions, that type of thing.  
5 But they won't be providing minutes.

6 **Tim Aldrich:** The facilitator will manage the keeping of minutes and records so,  
7 managing it probably means trying to be responsive to what you people really feel is needed as  
8 you move forward. Mostly.

9 **Scott Balmer:** Circling back around here to kind of paraphrase what Mike is  
10 getting at I, I believe, correct me if I'm wrong on this is without a facilitator here what's the next  
11 step. Hey guess what we've already reached consensus cause if Mike is everything that we think  
12 we are then we've already reached consensus on that. So pat ourselves on the back we've got  
13 one down. But if Mike is everything that we expect and hope and think that he is, which we're  
14 all in agreement with that shouldn't he be ultimately the person who helps guide us through this  
15 process? Moving forward am I paraphrasing right Mike?

16 **Mike Bias:** Uh, I don't know how it gets done I think we need minutes. I think  
17 I, you know, our board meetings have minutes. Your board meetings I'm sure have minutes.  
18 Because for example what did Charlotte did just talk about five minutes ago?

19 **Eileen Ryce:** No, we, we can do that we just

20 **Mike Bias:** Oh, yeah we, minutes for the uh, we have, what else was your  
21 point? Yeah, I mean I forgot to write it down.

22 **Eileen Ryce:** If, if that's what the committee wants we can provide that. I don't  
23 have someone right here right now but, that's been assigned to do that. Um, but for the next  
24 meeting and on the 24<sup>th</sup> we can figure a way to do that. If it's the, if it's the verbatim type  
25 minutes that you're after

26 **Don Skaar:** I can suggest that maybe some have half way in between like this  
27 tape we could turn that into a MP3 file and put it on our web site that people could go through it  
28 themselves. As far as minutes you know like verbatim I don't know how many people are gonna  
29 want to actually read through eight hours of us talking but we can easily put together a summary  
30 of motions we passed I'm mean action items that we took care of. I mean that's critical really.  
31 Some ones, I, I can do that for today but um, the facilitator will probably be in charge of that.

32 **Tim Aldrich:** Just from experience with Mike you know the online thing you  
33 know captured the summaries of all of the points that were made you know and uh, the stuff to  
34 move forward and then the process but it was not a verbatim thing. It was, in terms of people  
35 being able to see what you considered and what you did with it you know it's there and that,

1 proposals and what not. Well I think, I've still got all that stuff from and the notes I think you  
2 know it's, I still look back them. How the hell did we get there you know.

3 **Unidentified Speaker:** We, we still go back to the BH2 meetings and look at notes and  
4 minutes.

5 **Tim Aldrich:** This verbatim stuff that you get from the Commission meetings  
6 you know (unintelligible).

7 **Julie Eaton:** I don't know, I read that. I just read April's meeting. Not  
8 everyone section just mine. But if I had been someone from the other section then I would have  
9 had the opportunity to go back because it was important to me to know who stood for what. You  
10 know and where, what are the ideas and how did that come about because I, this is, this is really  
11 important. We have such opportunities and to not be able to track our progress.

12 **Don Skaar:** So is your, your stuff just summarized your comments?

### 13 **PEOPLE TALKING AT ONCE**

14 **Julie Eaton:** No they were uh, minutes

15 **Don Skaar:** What you just read?

16 **Julie Eaton:** Oh, oh yeah, yeah I go, I go right to the site, get the PDF. Is that  
17 what you're saying?

18 **Don Skaar:** Yeah

19 **je** Yeah from April. Yeah I didn't any no, verbatim, and I'm like oh I  
20 really said that okay. Yeah, I really did use it.

21 **Tim Aldrich:** I, I think we owe to everybody to keep good track of what we  
22 consider and what we do with what we consider you know.

23 **Mark Deleray:** I hear, I guess if I could make a suggestion based on what I'm  
24 hearing. This is something you can bring up on the 24<sup>th</sup> with the facilitator at that time and how  
25 you want to as a group take care of minutes. We heard from Eileen that if it's verbatim we can  
26 provide that. If it's something intermediate we can provide that. So there's opportunity to do  
27 whatever. (unintelligible)

28 **Tim Aldrich:** I think we made, need to make sure uh, the 24<sup>th</sup> some way or  
29 another we have that ability. Cause I don't think we want to lose what happens on the 24<sup>th</sup>.

30 **Eileen Ryce:** So it, it would be, it just would be helpful for me to know what it is  
31 you're looking at. If, if you want someone to do something verbatim, you know I, I can make  
32 arraignments to, to basically um, get a committee type secretary who would be here and would

1 be responsible for transcribing the minutes if, if that's what you want for the 24<sup>th</sup> we can do that  
2 um, you know, and, and with that we're talking more along the lines of the Commission type  
3 minutes. If you're familiar with that you know detailed, who said what. Um, or if you want  
4 something else, just, you guys just need to let us know. Um, I can't, I can't have um, I can't  
5 make a promise of having something like that here by tomorrow but by the 24<sup>th</sup> I can have  
6 something figured out.

7 **Unidentified Speaker:** I have a question and that is I, I served on a lot of municipal board  
8 and we didn't have verbatim uh, uh, minutes, um, and I'm thinking about the six hour meeting.  
9 How many pages are we talking about. How many, how much, how much is that, six hours.  
10 Yeah, I'm just wondering if, something not quite verbatim but something a little more than just,  
11 you know we talked about this. Uh, there's got to be a happy in between there that lets you  
12 know that, you know Julie said this and Lauren said that and it was decided this and that. Or it  
13 was discussed at great length or, and these details were brought up. I'm just,

14 **Unidentified Speaker:** I think that's like you said when we get our facilitator but we can't  
15 go backwards. So if we start with oh I get the most

16 **Unidentified Speaker:** Yes

17 **Unidentified Speaker:** then we can always back off. But we can't capture what we don't  
18 have.

19 **Unidentified Speaker:** Gotcha

20 **Eileen Ryce:** The verbatim minutes are detailed.

21 **Mark Deleray:** Yes

22 **Eileen Ryce:** You know we probably average about ten pages per Commission  
23 meeting I guess, I would say is that about right?

24 **Tim Aldrich:** Oh, at least

25 **Eileen Ryce:** Yeah, that, I only ever pay attention to the Fisheries part so I don't  
26 care what happens in Wildlife. Um, well, like I say is you know it's, we're here, look at us as  
27 staff for the committee, you know I, I can myself and Mark can figure something out for the 24<sup>th</sup>.  
28 You just need to let us, let us know what it is you're wanting. We can do anything from the, the  
29 verbatim to a summary or something in between but, let us know what you think as a committee  
30 you would more want.

31 **Mark Odegard:** At our Zoning Commission meetings in Ennis we just do salient  
32 points and decisions in the minutes. We don't do a full transcript.

1 **Eileen Ryce:** It, it sounds like some of you maybe wanting the transcript? I, I  
2 guess it, its', is there anybody who, who doesn't want a transcript? There's several of you. But  
3 it looks like there's a couple of you do want it or?

4 **Mike Bias:** I, I,

5 **Unidentified Speaker:** Well I would say

6 **Mike Bias:** I could go either way

7 **Unidentified Speaker:** there'd be an opportunity to have both. If you start out with the  
8 verbatim then can't you

9 **Eileen Ryce:** Well that, that's what I was going to say is we can,

10 **PEOPLE TALKING AT ONCE**

11 **Eileen Ryce:** We can start with the full transcript and also provide the summary

12 **Unidentified Speaker:** and then decide

13 **Unidentified Speaker:** then decide

14 **Eileen Ryce:** But I would rather us not to have to do it if we don't have to so

15 **PEOPLE TALKING AT ONCE**

16 **Mike Bias:** If we need it it's a, it's a big process you've got to put, I we're  
17 putting investment in this and a

18 **Eileen Ryce:** So you want a transcript of the meeting. Okay we'll, we'll just  
19 plan on that then. That's, that's the easy thing. We'll plan on doing both for you. We'll, I can't  
20 promise it by tomorrow but for the next meeting we'll have someone here who can do the  
21 transcript and then we'll also do the summary. I'm guessing that it'll be Mike that'll do the  
22 summary.

23 **Don Skaar:** Yeah, yep

24 **Eileen Ryce:** Yep

25 **Don Skaar:** Yep

26 **Eileen Ryce:** So

27 **Mark Deleray:** well then, when we have the facilitator hopefully on the 24<sup>th</sup> you  
28 can work through with that person what you want and we can go from there forward with  
29 whatever you come up with.

1 **Tim Aldrich:** (unintelligible) some body's going to be writing things on the wall.  
2 We know that, on the board you know to keep us on track with where we've been and where  
3 we're going, I'm sure. Gonna be a flip chart you know. Capturing that usually tracks pretty well  
4 with where, where you were you know and then where got to you know. This is one topic on the  
5 agenda from the 19<sup>th</sup> of April you know that's five pages. That's small enough print I have to  
6 find somebody else's glass you know so.

7 **Unidentified Speaker:** But we're also, we're kind of changing history here maybe so it  
8 would be nice maybe 50 years down the road. Someone might want to read that.

9 **Mike Bias:** Well there, there's gonna be people that what you guys do at your  
10 meeting I saw in the minute you know I, I, it's not just for our purposes for the public to look and  
11 see where we're at.

12 **Unidentified Speaker:** And if it just takes one second you know to I know that's  
13 somebodies whole day but

14 **Eileen Ryce:** I'm sure there's people lined up wanting to do it so

15 **LAUGHTER AND PEOPLE TALKING AT ONCE**

16 **Mike Bias:** There's still a government person that isn't working.

17 **Unidentified Speaker:** Oh there not allowed to though

18 **Mark Deleray:** And there will be a report at the end with the recommendation that  
19 goes, and they'll be, this will be well documented

20 **Eileen Ryce:** We'll figure out a plan for the 24<sup>th</sup>.

21 **Don Skaar:** We're recording it now so nothings lost yet.

22 **Tim Aldrich:** In case the attorney's want to remember who said that, you're  
23 gonna need that.

24 **UNINTELLIGIBLE**

25 **Mark Deleray:** And that's a good point Don, we'll record today and tomorrow and  
26 then do it, nothing's lost. The information will be on these tapes and if we were today record  
27 them directly.

28 **Eileen Ryce:** Don's gonna spend the next 10 days transcribing this.

29 **UNINTELLIGIBLE**

30 **Don Skaar:** So disciplinary action is that what

1 **Eileen Ryce:** yeah

2 **Mark Deleray:** Don on the charter we didn't need a vote do we? On the charter?

3 **Don Skaar:** No, that's

4 **Eileen Ryce:** The decision for the charter is

5 **Don Skaar:** It was just what the Commission had

6 **Mark Deleray:** Okay then.

7 **Unidentified Speaker:** Are we on 10?

8 **Unidentified Speaker:** Yep

9 **Unidentified Speaker:** I don't think we break for lunch again.

10 **Eileen Ryce:** Ah, yeah according to the schedule you're on lunch time now so.

11 **Don Skaar:** I think every bodies gonna be late.

12 **Eileen Ryce:** I guess the, the part of what we have left is our, our information  
13 from the regional staff so um, unless there's, there's other sort of action itemy type stuff you  
14 want to continue to discuss, if not I suggest maybe a short break while the, the staff gets set up  
15 and then most of the rest of the afternoon then will be um, presentations. Okay, you guys good  
16 with that? All right so let's a maybe just a five, ten minute break while the staff gets set up.

17 **Eileen Ryce:** All right we're gonna um, I just, just had a couple of quick  
18 announcements um, so's for all uh, we all know what start time is tomorrow so tomorrow,  
19 Tuesday, we're starting at 9. That was, that was the time printed in the newspaper. We did  
20 intend at starting at 8 but since it was printed in the newspaper we're going for 9. At 9:00  
21 tomorrow Justin Goodie will be here to do your, your 101 on um, structured decision making.  
22 Um, this afternoon uh, Charlotte has to leave by 5 so we've decided to start the regional  
23 presentations but we're gonna stop with the presentations by 4 and then well take any public  
24 comment at, at that point. Um, I'm not sure how many people here are planning on making  
25 public comment. Maybe we'll do a show of hands so's we can, who in the audience is wanting  
26 to make public comment, two, three, okay.

27 **Unidentified Speaker:** Four

28 **Eileen Ryce:** So then we don't need to limit the time to much so we'll take  
29 public comment at four. Um, that's an opportunity for the, the public to, to address the  
30 committee. It's not really meant as a debate, or a discussion so with that. Oh

1 **Unidentified Speaker:** There will be public comment opportunities throughout the process  
2 is that correct?

3 **Eileen Ryce:** Yeah what we're gonna do is each day, each day, each day?

4 **Don Skaar:** Every day, yup

5 **Eileen Ryce:** Each day the committee meets we're gonna set aside a time  
6 probably at the end for public comment. Um, and then like we've mentioned earlier there'll be a  
7 formal public comment process when the rule goes to the Commission. Um, all right so I'm  
8 gonna turn it over to Travis Horton the Regional Fish Manager and we are gonna change things  
9 up again on the agenda cause that seems to be the flavor of the day.

10 **Mark Deleray:** Well maybe it was

11 **Eileen Ryce:** Ah shit I don't know. Any way uh, Travis your, your up.

12 **Travis Horton:** Okay

13 **Eileen Ryce:** I've got it Mark

14 **Travis Horton:** So obviously I'll start out with I assume in this crowd nobody  
15 really needs to know a whole lot about the Madison and the history of it. You know there's a  
16 reason why it's world renowned. A variety of reasons not only the, you know the scenery and  
17 the resource but you know it's the birth place of wild trout management. I think most people  
18 generally know what that means but some details about it which I'm not going to go into a  
19 tremendous amount. The first thing Dick Benson did was negotiate stable flows coming out of  
20 Hebgen Dam with the power company. Cause they were doing pulse peaking flows which fish  
21 are getting stranded up in the shallows. And then of course the second piece was he had the idea  
22 that the hatchery fish were out competing or st, um, or predating in some cases possibly on the  
23 wild fish and, and basically holding them back. At the time, in the late 60's or early 70's it was  
24 extremely controversial to go through that process to actually move that forward. In fact I think  
25 at a time our fish chief was asked if it didn't work if they would quit their job or maybe be fired I  
26 don't know which it was. So the reason I, I show this slide it kind of gives an outline. Some of  
27 you may not know back to 1959 there were issues between recreationists on the river. I'm not  
28 gonna read through all this. Eileen's told me I was already putting her to sleep when I put the  
29 slide up um, but it goes through a variety of steps here through the 60's, 70's, 80's, in the 90's  
30 and various things were there. Again you don't need to read this, we can provide the com, the  
31 committee a copy of the presentation. The highlighted one is what I want to talk about today. I  
32 want to spend a few minutes just referring to these three studies right here. Uh, this is in 2008.  
33 Uh, another thing to mention I should say is that prior to 2011 the River Recreation Program  
34 under the Department was in our Parks Division. So the fishery, Fisheries didn't get that  
35 program until about 2011. So the first survey again was of resident anglers. These are the main

1 questions they wanted to ask the, the public, you know, um, the main thing they're really looking  
2 at was people who consider themselves avid Madison River anglers. And then to get them to  
3 read the acceptability of angler related conditions on the river. Um, are there formally avid  
4 resident anglers the Madison are no longer fishing the river or are fishing infrequently, fishing  
5 due to social issues such as crowding and so forth? If so are these displaced resident anglers  
6 fishing other Montana waters as a replacement or substitute? And lastly what are the most  
7 important factors that will influence the resident angling participation on the Madison River? So  
8 to get to this uh, the survey focused on the, the whole 140 miles of the river between Hebgen  
9 Dam and Three Forks. It followed the 2008 um, 1,927 surveys were mailed out to resident  
10 fishing license holders in Region 3. So all through all the counties in the Region. And then one  
11 follow up survey postcard was sent as a reminder to people who hadn't responded. Over all 731  
12 people responded to the survey which is about 82 perc, I'm sorry of which about 82% had some  
13 experience fishing the Madison. 54% responded they fished the river and 42%, 167 of those  
14 people, that's a key number, um, indicated they're avid Madison River anglers. The 143 self-  
15 declaring avid Madison River respondents they had fished the river for more than three years.  
16 That was one of the criteria to become an avid Madison River angler. Of those 143, 97 of them  
17 reported they no longer fished there or fishing infrequently fishing there for a variety of reasons.  
18 Of the 97, 43% reported that they're no longer fishing the Madison or less due to congestion,  
19 crowding, and user conflicts. The other reasons that were listed up in this question were you  
20 know, to busy taking kids to baseball games, things like that. The, this, this percentage 43 is the  
21 one that say they have left the river because of the crowding. Um, most displaced anglers  
22 reported that they are fishing another body of water in Montana. These are the top listed the  
23 (unintelligible), the Yellowstone, the Ruby. That's where they went. Um, it, it should be noted  
24 that the majority of people that responded to this survey uh, raised the overall quality of fishing  
25 during the summer being acceptable or very acceptable. Again this is about 11 year old data. So  
26 this goes through a variety of questions and you guys have this in your packet. I, I just took  
27 pictures of the tables and put it up here because I didn't want to type that thing back out but  
28 there's a variety of questions on the left. The overall quality of their fishing experience. Um,  
29 this is number of respondents to each question and then the break down between very acceptable  
30 or I'm sorry very unacceptable or unacceptable, neither acceptable or unacceptable, very  
31 acceptable or acceptable are, are the criteria that were rated on. And so you can see 16% of the  
32 respondents said that the overall quality of the fishing experience was um, very unacceptable or  
33 unacceptable. And the other thing here shows when you break down each of these next  
34 questions it's broken down temporally in to the different season. And so yeah, I never really had  
35 anything to highlight particularly here. This is for the river between Lions Bridge and Ennis  
36 Dam. Mike

37 **Mike Bias:** You highlighted 16% but you can also highlight 77% thought it  
38 was very acceptable right?

1 **Travis Horton:** Yeah absolutely. And I just have the top to the left that's the way I  
2 was reading. Um, but I was going to go through and highlight some of this other stuff so the  
3 quality of the fishing experience um, you know, go to this end, very acceptable or acceptable.  
4 And it was pretty consistent between 70 and 80 almost 90 with the summer period obviously  
5 sagging down there where on the, on the flip side of that you've got the highest percentage of  
6 dissatisfaction occurring there. Again remember these are long time avid Madison River anglers  
7 self-determined. Um, number of people and their vehicles at river access points. You can see  
8 similarly um, there was a few in the early season that said that was acceptable or very acceptable.  
9 There was a big sag here where the, a, dissatisfaction I guess you'd call it increased in the  
10 summer for that group of anglers. And generally speaking in the winter people were pretty  
11 happy, fall and winter. So again this is in your packet, um, and I think one of the key questions  
12 here that was related back to comments the Departments heard over time, and this doesn't relate  
13 is the uh, this is Lions Bridge to Ennis Dam. I believe the next one and maybe they didn't pin it  
14 down but that. The uh, the question about wade fishing is relevant in the walk wade sections but  
15 this one here um, number of people bank fishing in this case most people were satisfied with the  
16 number of people bank fishing and again that's between Lions and Ennis. Um, recreational  
17 floating of the river um, other than fishing you can see generally people are pretty happy with it.  
18 Down here you got a 53% during peak season which is a little bit of a head scratcher because  
19 um, there's not that much floating going on. But keep that question in mind. If you look at the  
20 next section which is the down river. So I don't, if people want to look at that in more detail like  
21 I said it's in your packet. You can look at it whenever. Again these are about 11 year old data.

22 **Mike Bias:** You say that, can you go back?

23 **Travis Horton:** Um hm

24 **Mike Bias:** You said there's not a lot of people floating?

25 **Travis Horton:** This is, this is non fishing

26 **Mike Bias:** Oh

27 **Travis Horton:** floating

28 **Mike Bias:** Yeah not a lot of that

29 **Travis Horton:** yeah

30 **Don Skaar:** Travis

31 **Travis Horton:** yeah

32 **Don Skaar:** Uh, these respondents that made up the, these numbers here. Were  
33 they wade or float anglers do you know?

1 **Travis Horton:** I don't think that was asked. To my knowledge, reading through  
2 report, unless there's a more detailed report I don't think that question was asked. I never did see  
3 a questionnaire for it.

4 **Don Skaar:** Okay

5 **Travis Horton:** The main focus was to try to isolate the people who are avid long  
6 time Madison River anglers, resident. Again this was done from our staff up in Helena our  
7 Responsive Management Unit Staff. I wasn't involved in this at all. So then this is the lower  
8 reach from Ennis Dam to Three Forks, which is back to the question about non-recreational  
9 floating you can see there is some dissatisfaction in the summer with uh, 54% of people not  
10 really being too excited about non-record, non-angling floaters. Um, so some general questions  
11 through here you know take it for what you want obviously more response occurred in this  
12 section um, compared to the upper river. Um, number of people float fishing and I guess even in  
13 that case in the summer people thought there were too many people float fishing the lower river  
14 which is surprising in my mind because not much fishing going on there between Warm Springs  
15 and Greycliff anymore anyway, maybe there was more back then. So I won't go through all  
16 these in detail you guys have them in your packet. So the next one in this list was a survey of the  
17 Madison Valley property owners about river recreation concerns so these are people who have  
18 property that touches the Madison River. Cadastral was used to identify a list of those folks.  
19 Um, you can see here by section so Hebgen, sorry Hebgen Dam down to Lions Bridge, 60  
20 people were mailed a questionnaire, 38 responded. Lions to Ennis, 61 mailed the questionnaire,  
21 43 responded and Ennis to Three Forks 20 and 12. Um, simply asking land owners if they know  
22 how acceptable or unacceptable various conditions on the Madison River use was along their  
23 property. Similar kind of graph here um, very unacceptable to acceptable. Uh, similar questions  
24 that we've had on the previous surveys so overall quality of the fishing experience, the number  
25 of people float fishing the river, the number of people bank/wade fishing the river, the amount of  
26 people floating for recreational purposes other than fishing and the number of people trespassing.  
27 So that's a new question that was added in. This first is from obviously from Hebgen to Lions so  
28 this is the walk wade reach. You can see overall everybody was pretty happy with their fishing  
29 experience, I guess very happy. Um, the quality similarly, it's interesting I guess it's lower in  
30 the spring and I'm not sure that why it would be compared to the summer in this case.

31 **Unidentified Speaker:** The water is high.

32 **UNINTELLIGIBLE**

33 **Travis Horton:** It's high and maybe you can't fish part of it back then, uh, during  
34 the spring. So, and then I guess, you know one of, this really gets more to that question I  
35 mentioned earlier then of course this isn't a cross demographic of people and so, nobody'd be  
36 surprised by this but there's higher dissatisfaction with the number of, sorry this is the one I was  
37 thinking of, not that one, this one, you can see 34 % don't like the boats being there. And I think

1 that's one of the two common things the Department gets complaints about. So this is the upper  
2 walk wade region in 1989 for those of you that don't know the river up there was put to the no  
3 fishing from a boat rule. The intent was to provide a sanctuary you could wade fish and

4 **Unidentified Speaker:** Based on this? Just this?

5 **Travis Horton:** What's that?

6 **Unidentified Speaker:** That was based just on this?

7 **Travis Horton:** No

8 **Unidentified Speaker:** Okay

9 **Travis Horton:** This is, this is survey was done 20 years after that rule.

10 **Unidentified Speaker:** After that yeah.

11 **Travis Horton:** So a number of people trespassing clearly an issue to land owners  
12 in the reach there's a lot of dissatisfaction I guess with people walking on their property. So  
13 moving, oh this was uh, kind of the general comments that were given by those land owners in  
14 that reach concerns about increasing use, concerns about the number of floaters, need to limit the  
15 floating use, number of bank wade anglers, concern about too much fishing pressure, becoming  
16 too crowded, trespass, um, setbacks associated with the building their houses clearly not related  
17 to what was being asked, um, concerns about increasing development along the river, concerns  
18 about the number of out of state river guides and outfitters, uh, enforcement on the river needed  
19 to be more, and noxious weeds. So then we're moving down to Lions Bridge to Ennis Dam,  
20 same questions, we can bounce around and kind of compare some of these things. Again pretty  
21 high level of acceptable, or very acceptable for the overall quality of the fishing experience. Uh,  
22 number of people of float fishing we've seen that bump up a bit from the section above I believe  
23 if I remember the number right. Bank fishing isn't quite as big of an issue for folks, and  
24 similarly recreational floating isn't too big of an issue. And their comments um, again lot of  
25 concerns about the number of out of state river guides and outfitters, uh, currently we have five  
26 out of state outfitters, maybe three?

27 **Unidentified Speaker:** The only one that lists an out of state address is one.

28 **Travis Horton:** One. Okay. Um, concerns about the high number of floaters and  
29 their boats at certain times of the year diminishing the quality of experience. Trespassing again a  
30 request for more enforcement. And in the lower reach again this is primarily associated, a lot of  
31 these questions are going to be associated with um, the two main crowds essentially uh, you can  
32 see these landowners felt that a little bit less strong about the quality of their fishing experience  
33 wasn't quite as good as the previous ones. Um, I would say though in general these numbers are  
34 lower for the dissatisfaction compared to the other, upper regions. Amount of people floating the

1 river for recreational purposes other than fishing, that's pretty impressive, it's like 25% that are  
2 dissatisfied. And then trespass is clearly a big issue in this lower reach. And that kind of comes  
3 out in the comments here. Uh, trespass, concerns about illegal hunting, and then the high use of  
4 certain times and stuff.

5 **Mike Bias:** This uh, idea of trespass with land owners come up a couple of  
6 times in the last few weeks and is it, uh, how much of these trespass claims are from enforcement  
7 and there is actual trespass or is it some dude walking up the river fishing you know below high  
8 water where the land owner doesn't even realize that they're not trespassing. They have, so

9 **Travis Horton:** Right and clearly I can't speak to these people in the survey  
10 because

11 **Mike Bias:** Right

12 **Travis Horton:** I don't know who they were, um, and, and that question comes up  
13 in a lot of forms. I would guess this stretch be, down the lower river is probably related to really  
14 people coming up and being on their property where they're not supposed to be.

15 **Mike Bias:** Is, is there records from enforcement on trespass in the Madison?

16 **Travis Horton:** They probably have something. I don't, well they certainly have a  
17 record of any tickets that are issued.

18 **Mike Bias:** Cause there's a big difference between getting a ticket and going to  
19 Court and oh that son of a gun there's been folks around my, that are always having picnics or  
20 something.

21 **Travis Horton:** Right and I guess what I was going to down here where this illegal  
22 hunting concern is I think related to that trespass probably. As you move up stream into the  
23 upper walk wade reach there's some tolerance for people being outside the ordinary high water  
24 mark with those land owners. I know that. Um, I don't know of any current situations where  
25 you've had somebody contest it, somebodies outside of the ordinary high water mark. I hear that  
26 in Yellowstone and the Ruby more than I hear it on the Madison.

27 **Unidentified Speaker:** Would those normally be Fish, Wildlife, and Parks enforcement or  
28 is County?

29 **Travis Horton:** I think it can be either to be honest. I don't know how that works.  
30 I'd have to ask Adam. Does the County call you?

31 **Unidentified Speaker:** Either but we would be the primary call taker on that

32 **Travis Horton:** So somebody certainly can call the Sheriff and say the see  
33 somebody trespassing on their property.

1 **Mike Bias:** I, I just think it, that's an important distinction cause, because Fish,  
2 Wildlife and Parks brings it up all the time as, is it an actual you know fined conviction or is it  
3 hey you know there's guys on my

4 **Unidentified Speaker:** Well, if I, if I may say above the Reynolds Bridge they to, they  
5 hired a security guard cause people were walking up to the houses, defecating on the lawns, their  
6 lawns, and stuff like that. So, so they weren't guided but it was an obviously,

7 **Unidentified Speaker:** so there is a concern.

8 **Mike Bias:** I understand that concern and, and that's my whole point, how  
9 many of those are enforce trespass issues as how many are oh he's

10 **Unidentified Speaker:** How many are misinterpretations of the stream access law?

11 **Travis Horton:** Yeah, yeah,

12 **PEOPLE TAKLING AT ONCE**

13 **Travis Horton:** It's, it's tough because by the time they could respond to it

14 **Mike Bias:** That's not my point. It's like, you know,

15 **Travis Horton:** I think you know like I said we're not here about these things that  
16 are primarily, there's one issue up in Yellowstone where a particular land owner, I don't even  
17 know the name has been warned by the Judge if their pulled back in one more time for harassing  
18 over stream access their going to go to jail. It, so there's some people that just are incensed  
19 there's anything in front of their house.

20 **Mike Bias:** right

21 **Travis Horton:** There's some that are watching that high water mark, maybe they  
22 know it, I've seen them hire a consultant to determine where the high water mark is, uh, and then  
23 you've got the situations where they're outside of the high water mark and being tolerated. So  
24 it's across the board.

25 **Mike Bias:** yeah

26 **Travis Horton:** I know all those things are happening in, in cases where people are  
27 completely trespass, killing elk, whatever it maybe.

28 **Unidentified Speaker:** ducks

29 **Travis Horton:** And usually it's the other way around, the complaints I get there's  
30 a fence across the river I can't float down, or that kind of a thing and an impasse from that. So I  
31 think, uh, the last survey here was an on the ground survey in 2009 uh, it went for 10 weeks or

1 so, June 18<sup>th</sup> through August 30<sup>th</sup>. The river was stratified into three sections, Quake Lake outlet  
2 to Lions, Lions to Ennis, mouth of Bear Trap to Three Forks uh, primary purpose of the survey  
3 was again get acceptability of various conditions being the number of people in vehicles that  
4 access sites, number of people recreating on the river by type of activity, litter, amount of visitor  
5 caused impacts to the natural resources, and the number of river access sites and the number of  
6 sites that have a boat launch. And you can see here 570 surveys were conducted. This is how  
7 they were broken down among those section so pretty equally. 180 in the upper, most of the  
8 upper walk wade there so, there, obviously it's a shorter distance compared to the other two so  
9 there's a little more effort with that regard. Again another nasty table that I just took a picture of  
10 and stuck in here uh, a lot of questions along this one. I can't even read the top one. Number of  
11 river access sites that have a boat launch, again acceptability in the same scale we've been  
12 looking at, number of people in vehicles in river access sites, number of people float fishing the  
13 river, number of people floating for river recreation other than fishing, overall number of people  
14 floating the river, number of bank, people bank fishing, overall number of people fishing the  
15 river, overall number of people on river banks and shore lines, the amount of litter in, in the river  
16 and along the river banks and shore lines, and the amount of litter at river access sites. And  
17 finally the amount of visitor cause impacts to natural resources. And instead of time, instead of  
18 these being split out by time, these are split out by location so it give you an idea, ability to look  
19 through those tables to see the various levels of acceptability uh, considering where you're at in  
20 the river so, down here, uh, number of people floating the river for recreational purposes other  
21 than fishing, over across the board pretty high acceptance of it. Uh, you got a little bit higher  
22 level of dissatisfaction when you start looking at the, in the upper reach there. Again this is in  
23 your report, or these reports are in your packet and you can dig through these more, I don't really  
24 have anything in particular to highlight, uh, again keep in mind these are 10 year old data. Um,  
25 so this is one table that was in there. Overall recreational experience, where were you, very  
26 satisfied to very unsatisfied and again by these different uh, sections of the river, you can see  
27 pretty good. Nobody was very dissatisfied with their recreational experience, um and then you  
28 come over this side there was a lower level of satisfaction with the upper river compared to the  
29 lower. It kind of progressively declined.

30 **Unidentified Speaker:** Um, I'm most confused by recreational. Does that include fishing  
31 or does that

32 **Travis Horton:** This is just your day on the river,

33 **Unidentified Speaker:** Oh

34 **Travis Horton:** No matter what you were doing.

35 **Unidentified Speaker:** Gotcha

36 **Travis Horton:** And, and that's a key question I think in the surveys they, I think  
37 there was a statement or a sentence that talked about comparing back and that question wasn't

1 asked consistently in the two other surveys so you can't really compare you're fishing experience  
2 to your overall rec experience. They're not necessarily comparable. And I think, okay a little  
3 be demographics about the people um, Quake to Lions 93% were there fishing, most of those  
4 were bank and wade anglers. 2% of them were guided, uh, less than 1% non-fishing recreational  
5 floaters and 11% resident, 89% non-resident, average group size 2-3, uh, Lions to Ennis 89%  
6 there to fish, 83% use water craft, 42% were guided, um, 8% non-fishing recreational floaters, so  
7 you're seeing a larger proportion of non-fishing recreationists, 25% resident, 75% non-resident.  
8 Similar size of groups compared to the upper reach. And then when you drop into the Bear Trap  
9 major difference here, 21% were there to fish, 52% of people use water craft, 7% were guided,  
10 um, most of them, 62% were non-fishing floaters we know this, tubers, and then the majority of  
11 folks on that stretch of river were residents, with a much larger group size when you start  
12 thinking about rafts, flotillas of tubers. And I think that was the last slide, it was. So any  
13 questions before we move on to Andrew presenting some of the historical commercial  
14 information? Again those, I just summarized those things and, and threw up those tables. My  
15 picture your aware of them, again there 10 year old data so.

## 16 PEOPLE TALKING AT ONCE

17 **Unidentified Speaker:** Here's this

18 **Cheryl Morris:** How do you use this?

19 **Unidentified Speaker:** It's front and back

20 **Unidentified Speaker:** That's forward, that's back

21 **Cheryl Morris:** Oh, that's not good

22 **Unidentified Speaker:** (unintelligible)

23 **Cheryl Morris:** Okay, I guess unless you have something up there you don't need  
24 the laser

25 **Travis Horton:** Which one is it

26 **Cheryl Morris:** You need the laser, I don't need a laser

27 **Andrew Puls** I don't need the laser

28 **Cheryl Morris:** you can show,

29 **Unidentified Speaker:** The middle button

30 **Travis Horton:** Andrew

31 **Andrew Puls** All right, NGRC2019 second from the bottom

1 **Mike Bias:** Oh, cool that sticker

2 **Andrew Puls** You haven't seen that before

3 **Mike Bias:** No

4 **Andrew Puls,** a few times, once or twice on the river

5 **Cheryl Morris:** So we're going to talk to about the Madison River Special  
6 Recreation Permit Program. Uh, we have two in the State of Montana, Blackfoot and the  
7 Madison are the only two. Um, so the SRP, that's what that stands for, Special Recreation  
8 Permit. What that is, the program is cooperative agreement between us and the Bureau of Land  
9 Management, Fish, Wildlife and Parks and the Bureau um, too jointly permit use on the river um,  
10 so that we can uniformly address public use of recreation sites lands. And the BLM and the  
11 FWP have most of the public land on the Madison River from Quake Lake down. There is a  
12 little bit of Forest Service in there but they have their own permitting system. So the SRP  
13 Program, the permits covered are for commercial use, competitive events and organized groups,  
14 um, so basically we have some parameters uh, commercial use is anything that involves an  
15 exchange of money. Competitive event, um, we get a lot of like uh, foot races and they, they  
16 stay in the campgrounds, um, and for organized groups it's anybody that's in a group of over 15  
17 people, 15 or more and we permit them for different uses like weddings, uh, business floating  
18 together. Yeah Mike.

19 **Mike Bias:** Is it okay to just like launch questions? Um, in particular with this  
20 one over the last couple of months I've been getting a lot of questions on, on the lower river  
21 users, BLM access sites, and there's Fish, Wildlife and Parks, access sites and there's, apparently  
22 there's a distinction between which ones do you need an SRP to use and which ones you don't  
23 and that there....

24 **Cheryl Morris:** I'm going to cover that

25 **Mike Bias:** Okay, thank you

26 **Cheryl Morris:** So when they set this up, they um, started this in 2007, program  
27 didn't actually go into place until 2008, um, so their objectives where to have a joint process for  
28 Fish, Wildlife, and Parks and the Bureau of Land Management so uh, both could have a single  
29 point con, a contact for the permits, uh, they thought it would improve public service and it does  
30 reduce administrative costs. Because rather than have a permit from BLM and a permit for FWP  
31 it's just under one permit so, um, it saves a lot of time actually, uh, and to ensure consistent  
32 natural resource protection and ensure that the public receives fair return for commercial use of  
33 the public lands and the Madison River. This is the area part. So the SRP does not include the  
34 entire Madison River. Um, the SRP starts basically at the outlet of Quake Lake and ends the first  
35 section of it, um, at the Ennis Dam. So from the headwaters in Yellowstone National Park down

1 through Quake Lake is not included. So that tiny stretch that I know gets considerable use  
2 between um, Hebgen and Quake, that's not in the SRP at all. We don't have any kind of  
3 management there, that's, a lot of the, most of the access there, as a matter of fact, all of the  
4 access there is Forest Service there so they regulate that. And then on the second part of the  
5 river, the lower part of the river um, it actually goes, um, Bear Trap Canyon and Bear Trap  
6 Wilderness Area are solely under BLM. So aside from that little tiny section that is, goes from  
7 Ennis Lake to the Dam um, we don't have the rest down to Warm Springs. The BLM manages  
8 that solely on their own. But after Warm Springs down, um, clear down to where it meets up  
9 with the Missouri, that is part of the SRP. So it's a little bit choppy in there on what this covers.  
10 So because of the SRP we have great data on group use out on the river. Um, so we've been  
11 collecting data on the Madison since 2008 and I, I said before the, it's either commercial use,  
12 competitive events or organized groups of more than 15 people. And so the type of data that we  
13 collect from anyone that has a permit is dates, location, the number of participants, what activity  
14 or what recreational use they were doing out there and whether the trip was commercial or non-  
15 commercial and gross income if it was commercial. And then cause all this fun stuff since, I'm,  
16 I'm the manager I get to pass this off to the ranger and get out of working so hard. So Andrew is  
17 going to cover all the statistics involved with all the data we've collected.

18 **Andrew Puls:** So some of you have, again I'm Andrew Puls, I'm the Region 3  
19 River Ranger and uh, for the last seven and a half years I've been with Cheryl putting together  
20 all the use data for the Madison River, and um, specifically the commercial use, the SRP permit  
21 holders. Um, this first figure here and this is figure heavy so if you have questions or can't  
22 understand anything, I apologize for the color right away, it's hard to differentiate those but uh,  
23 they start on the left, each one of those months, 2013 and progress through 2017 on each of those  
24 months, but this if for the upper Madison River and this is totally client day use by months. So  
25 this is not trips this is client days. This is the number of clients in the boat or on a walk wade  
26 trip, whatever the case might be. Um, you can see by this figure that use has increased  
27 significantly from 2013 to 2017 and consistently particularly in June and July um, September  
28 and the early months. August gets a little weird, I'm wondering how much of that had to do with  
29 Hebgen being uh, kind of out of wack for a few years there. But again commercial use on the  
30 upper Madison River increasing annually. Similarly on the lower Madison we have uh, again  
31 we're seeing not quite as clear of a trend but use is increasing on lower Madison. Oh, I should  
32 have said this before, upper Madison, Outlook to Quake Lake to um, to Ennis Lake, lower  
33 Madison basically the end of the Bear Trap Wilderness area to the confluence with the Gallatin  
34 and the Jefferson. Uh, again, not as clear of a pattern because as you all know the lower  
35 Madison isn't as, it's on tale water fishery so it's not as consistent conditions and we have, it's  
36 almost five level distribution where July, the summer months are used far less commercially  
37 because the waters to warm. People are fishing, the number of people are fishing other places.  
38 Um, this blip in 2017 that I thought when I first saw that figure, whoa what did I get wrong there  
39 because that just can't be right but that is right. Um, and I don't know what happened in June of  
40 2017, um, but again not as clear of a trend because that's not as consistent in terms of conditions

1 as a fishery, that's my guess on that. Um, I should say too 2017 is the last year that we have  
2 complete data for. Um, we're through a good chunk of our 2018 data at this point and we're  
3 looking again at uh, another very, very high use here. Probably going to be the highest  
4 commercial use on record but we're not quite there yet. Um, we don't have all those reports  
5 entered. So just to compare, yeah go ahead.

6 **Don Skaar:** Why the dip in July?

7 **Andrew Puls:** Because the wa, it's um, below Ennis Dam that water gets really  
8 warm and the fishing is junk uh, unless you're out at the crack of dawn and also it's tuber  
9 madness so, for those reasons, but more, more probably the fishing is just not as good unless  
10 you're out there you know, the crack of dawn. And there are people that are using it then  
11 obviously but uh, uh, boy you don't want to be there during the middle of the day trying to fish  
12 I'll tell you that.

13 **Unidentified Speaker:** Do you have a time frame on when we get 2018 data?

14 **Andrew Puls:** It's probably going to be another few months, we have, our permits  
15 are, reports are due on the 10<sup>th</sup> of uh, the 10<sup>th</sup> of January so just a few days ago. We have to go  
16 through and manually enter those or transfer the data into um, spreadsheets if it's sent to us  
17 electronically so it takes quite a while to do that we have stragglers that don't get it to us and so  
18 until we have complete data we're, I'll tell you right now um, we're right at about 10,000 trips  
19 with a whole bunch of outfitters yet to enter. So last year, to put that into perspective I think it  
20 was just over 11,000 trips so we're there with a bunch of outfitters to go. Almost there with a  
21 bunch of outfitters to go. Mike

22 **Mike Bias:** You know uh, SRP numbers for 2018? How many?

23 **Andrew Puls:** Total number of permits?

24 **Mike Bias:** Yeah

25 **Andrew Puls:** Cheryl?

26 **Cheryl Morris:** Um, I glanced at it. I can't remember what it is right now but I  
27 think it's right around 230 but I'm not sure of the exact number.

28 **Mike Bias:** Wow

29 **Andrew Puls:** But that includes shuttle operators to.

30 **Mike Bias:** Right

31 **Cheryl Morris:** Yeah, yeah

32 **Andrew Puls:** And, and non, I guess those are commercial users too so

1 **Mike Bias:** Right

2 **Cheryl Morris:** Yep, yep

3 **Andrew Puls:** Melissa for example.

4 **Cheryl Morris:** Yep, it was right around 230 I think

5 **Andrew Puls:** Um, so this just to compare upper and lower Madison client day  
6 use, um, the blue on the left in each of these is lower and then the orange on the right or brown  
7 however you see that is upper. Um, so there's clearly a big difference in the amount of use the  
8 upper receives versus the lower.

9 **Unidentified Speaker:** So I just, for clarification the client day is, it's included there's two  
10 people in a boat?

11 **Andrew Puls:** Both, both included yes, yeah and that's the easiest way for us to  
12 track this data in this, in this, but in a few minutes I'm going to transition into total number of  
13 trips, um, but uh, for this portion it was, but I guess the reason that we put it together like this,  
14 one of the reasons is because when we look at our um, angling survey estimates it's all based on  
15 total angler number not trips. So to be more accurate comparing you know apples to apples we  
16 put this information out there as client day use. Um, does that make sense?

17 **Unidentified Speaker:** Um hmmm

18 **Andrew Puls:** So client day use of the Madison wade only sections, this is again  
19 another area we're seeing a large increase in the amount of commercial use so there's two wade  
20 only sections where you can only use a boat to gain access but you cannot fish from the boat  
21 while it's um, while it's floating. You have to get out, I, you have to get out of the boat to fish  
22 period. Um, so from Quake to Lions and the from Ennis to Ennis Lake um, Quake Lake to Lions  
23 gets far more use and again you're seeing an increase in total client days used and um, and then  
24 again on that lower river, um, one caveat to this too is that there was the rule change in what was  
25 it Travis 2016?

26 **Travis Horton:** Yes

27 **Andrew Puls:** That opened up both of these sections during the spring and winter  
28 seasons or the, what was, what was the closer on that?

29 **Travis Horton:** It used to be uh, it used to be March 1<sup>st</sup> through the 3<sup>rd</sup> Saturday in  
30 May

31 **Andrew Puls:** Yeah

32 **Travis Horton:** it was closed.

1 **Andrew Puls:** Okay, and so now, so now that's opened so one of the reasons  
2 you're seeing this increase but, um, yeah

3 **Mike Bias:** So, just to uh, I, I understand you're presenting just commercial  
4 use?

5 **Andrew Puls:** Yep

6 **Mike Bias:** The same if not greater rates of increase also occur with what,  
7 general public use on, on both sections.

8 **Andrew Puls:** Right, well ya, especially that upper walk wade I'm mean that's  
9 where, and I'm sure you've talked about this or you're going to talk about this, the, and  
10 enormous amount of use in the summer on the Madison occurs by non-residence that are not on  
11 commercial trips occurs in that upper walk wade section particular in Raynolds Three Dollar  
12 Bridge area um, I mean, you go there, there's vehicles there just, it's amazing the number of  
13 people fishing those sections.

14 **Mike Bias:** And I, I think it's important when we're saying you know  
15 commercial use has increased from 2011 to 2017 you've also seen super increases of rates in  
16 general public use from you know 100,000 users days to 207,000 user days in 2017.

17 **PEOPLE TALKING AT ONCE**

18 **Mark Deleray:** Mike also you are going to see that information tomorrow  
19 (unintelligible) information,

20 **Mike Bias:** Okay, all right.

21 **Mark Deleray:** so I just uh,

22 **Cheryl Morris:** Yeah we're just covering,

23 **Mike Bias:** Yeah right commercial use

24 **Cheryl Morris:** that's all the SRP is

25 **PEOPLE TALKING AT ONCE**

26 **Mike Bias:** I know, I know and I'm just making you aware that

27 **Travis Horton:** And actually we were gonna do this last but we have Andrew  
28 today and so we moved it up or you would have seen those numbers first.

29 **Eileen Ryce:** Sorry guys that's my fault for not explaining that with the shift in  
30 time

1 **Mike Bias:** I'm good with all of that

2 **Eileen Ryce:** I just want to make it clear that Dave Moser biologist is gonna talk  
3 more on it tomorrow so he's to cover the commercial stuff so

4 **Andrew Puls:** You know I want to add too and we'll here tomorrow but just  
5 round about doing it real quick here and I don't have the exact numbers but when you look at  
6 that 2017 for those two walk wade sections we'll call them, that represents roundabout 13%  
7 commercial use or thereabouts so, I just wanted to add in the fact that this not a large portion of  
8 commercial use.

9 **Mike Bias:** Right

10 **Unidentified Speaker:** Right

11 **Cheryl Morris:** Well ya over all commercial use that's not

12 **Unidentified Speaker:** Overall

13 **Cheryl Morris:** Yeah no

14 **Andrew Puls:** Okay so

15 **Mike Bias:** We're very sensitive about this

16 **Mark Deleray:** I just wanted to point out that we intentionally put it in different  
17 order to try and address that but

18 **Andrew Puls:** But I have to go back to Billings to watch my kids tomorrow so  
19 I'm the one, I'm the one messing everything up

20 **Mike Bias:** No, no I

21 **PEOPLE TALKING AT ONCE**

22 **Cheryl Morris:** I, I was to lazy to have him and sit and tell me all the high points of  
23 his part of the presentation cause he's been doing this several times.

24 **Mike Bias:** I could have done it

25 **Cheryl Morris:** so, so since I'm lazy I was like, can we go first so I don't have to  
26 do this so it was me actually.

27 **Andrew Puls:** Okay so at this point we're gonna switch away from this client day  
28 portion, or this client day definition and we're now going to move into trips because that really  
29 is, especially in the, in the floating component of use, that's what, that's the unit of crowding I  
30 guess or that's the unit that is causing the crowding, the number of boats not the number of

1 anglers in those boats, but it's the number of boats on the river, the number of users on the river,  
2 it's not the number of people on each of those trips. So what we have here is the total number of  
3 trips per year for the total Madison River, upper and lower from 2008 to 2017 and the increase in  
4 the number of trips, number of commercial trips per year and then the percent change from 2008,  
5 or from the, from the previous season. Sorry about that. Um, so the total percent increase from  
6 2008 to 2017 in commercial use is 68.7% and most of that as you can see is just the last couple  
7 few years it's just grown, grown, grown. 2017 stayed roughly the same with slight growth. So  
8 that made us wonder where is this growth, where is this growth coming from right. There's three  
9 different scenarios that, that we figured that this growth could be coming from. Number one we  
10 have, there's an unlimited number of SRP permits that can be issued. So we could have new  
11 outfitters entering the system that are contributing these new trips to the pool. We could have  
12 two, number two, we could have equal growth among all outfitters through the system, right, I  
13 mean everybody could be growing at roughly the same rate, or three, we could have a few  
14 outfitters that are exploding, and I guess four which is most likely, which is the scenario a  
15 combination of these factors. And so more outfitters entering the system, increased growth by  
16 everybody and that some businesses growing into huge businesses. So what we did was we went  
17 from 2011 at the bottom which is the first, this is the year that Cheryl and I came on and this is  
18 the data that we're far more comfortable with, we uh, um, we revamped our admistr,  
19 administrative end of this and the data collection of this so that we're very comfortable with the  
20 data from 2011 to 2017. You can see the number of permittees, active permittees, um, which, in  
21 any given year we have a large number of SRP permit holders that do not use the river at all.  
22 They have zero use. Those usually in the neighborhood of 30 of them, 30 of the permit holders  
23 don't use the river at all. They, you know, they're either small outfitters, their outfitters from  
24 across the state or wherever. The just don't use the river, um, so they are excluded from this so  
25 you can see this is broken down into the number of trips they conducted in that year. And what  
26 we see is that the number of active river based permittees from 2011 to 2017 increased by 25.  
27 But we've seen the number of trips, the maximum number of trips per outfitter increase from, in  
28 2011 from 451 to 1,012 in 2017. Last year um, we've had the record broken again and uh, we  
29 had an outfitter that uh, reported 1211 trips or something in that neighborhood and it, it was over  
30 1200 trips just barely over 1200 trips on the Madison River and so a 20% increase from 2017.  
31 Um, and if you look at this in, in bins we have greater than 1,000 trips, 999 to 500 trips, 499 to  
32 250, 250 to 100, 99 to 50, 49 to 25, 24, to 1 trip. Look, the number, most of our outfitters is  
33 over, the majority of them is in the 24 to 1 trip per year. In fact the median number of trips in  
34 most years is right around 24 trips a year per outfitter or is, it's around 24. Um, so what we've  
35 seen is this shift from outfitters in this 250 to 499 trip category transitioning into these very large  
36 business that are conducting an enormous amount of use on the river. Um, we are seeing, we  
37 have had some new outfitters come in and uh, have a fair amount of use but um, most of these  
38 large, most of this growth right here that we're seeing right there has been growth in a few large,  
39 a few business, um, you can, you can almost watch them step up in the amount of use from 2011  
40 to 2017 and if you look over at this end of the spectrum these numbers haven't changed an

1 enormous amount um, and in fact 85% of the outfitters on the Madison River fall into one of  
2 these three categories.

3 **Unidentified Speaker:** I'll just bring up um, that section right there, there's many  
4 outfitters that I know that are doing 30 days on their own outfitter license but they're working 50,  
5 80 days for a larger outfitter so it's not that the smaller outfitter isn't, that he's only doing a  
6 couple, er 20 days on the river. They're actually doing 100 days on the river they're just  
7 working for other outfitters.

8 **Andrew Puls:** Correct but those are trips that are reported by those other outfitters  
9 so they're operating as a guide in that instance. They're not operating as an outfitter in that  
10 instance. They're operating as a guide so, and because those trips are reported by the, by the  
11 outfitter of record for those reports that is why those are not counted under that out, the outfitter  
12 that's operating as a guides permit if that makes sense.

13 **Unidentified Speaker:** Yep definitely

14 **Andrew Puls:** So, one question that we've had is what percentage of overall  
15 Madison use is commercial. Um there's a consistent concern of the public that non-commercial  
16 angling is very high on the Madison in a lot of the surveys coming back is too high. Um, field  
17 observations is that commercial use is a high percentage of total use in specific sections and  
18 times, um, for example Lions to Ennis, um, the, the number of um, commercial boats in that  
19 section most days out numbers the number of non-commercial boats but we had to figure out a  
20 way to piece together how, how much, what percentage of use is commercial and what  
21 percentage is public or is non-commercial. And because we have SRP data we have a great idea  
22 of what the outfitters are doing in those sections. Can I just finish this thought before you jump  
23 in? Um, we know how, how much commercial use is occurring, we don't know how much non-  
24 commercial use is occurring in those sections because we don't have the resolution with our  
25 angling surveys to pin it down to what section of river these individuals are using. But we have,  
26 so um,

27 **Mike Bias:** Andrew before, before you go, you're right, we, we do not know  
28 non-commercial trips. The other thing to remember this en, Lions to Ennis is the only place we  
29 can float a boat. Everybody says oh Lions to Ennis is, that's the only place we, we float, so I, I  
30 got, so when you say, you know it turns out 75% of all outfitted trips are, occur between Lions  
31 and Ennis, it's like well duh, it's the only spot we can float in you know, we're not, we're not

32 **Andrew Puls:** It's um, I guess I'm

33 **Mike Bias:** Commercial trips, most commercial trips on the Madison are  
34 between Lions and Ennis

1 **Andrew Puls:** Right and so that's what I'm saying but in this section, in the Lions  
2 to Ennis section we have a consistent concern of too much commercial use and field observations  
3 that there is just a lot of commercial use. You can watch the boats go down day after day and  
4 you see green tag, green tag, green tag, green tag, non-green tag, green tag, non-green tag, green  
5 tag, and so,

6 **Mike Bias:** right

7 **Andrew Puls:** And if you go out there you're going to see that. You see that  
8 when you're out there guiding I mean, but our angling survey estimates is that the commercial  
9 use is only relatively small component of the total Madison angling days. This is something  
10 we've had to address, we've had to figure out a way to answer this. Um, for example in 2016 we  
11 had 179,000 angler days on the upper Madison, in 2016 the SRP reports show only 18,360 client  
12 days on the upper Madison. That's not a very big component of that. So why are we seeing  
13 this, why are we getting this concern. Why are we seeing this in the field and why is there  
14 disparity between those numbers. So that's why, yeah Travis?

15 **Travis Horton:** Finish your sentence

16 **Andrew Puls:** That's why we put cameras out between Lions and Windy Point so  
17 that we could take a picture of every boat going down the river on any given day and we have the  
18 SRP reports that say what section each float occurred on, or each trip occurred on and then it's a  
19 simple matter of counting the number of boats that go past in a given day, subtracting the number  
20 of commercial boats and you're left with the number of non-commercial boats.

21 **Travis Horton:** I, I just want to say it's really unfortunate that we didn't have Dave  
22 go first obviously because some of this stuff is covered in that but the thing that I want to  
23 mention about the 180,000 angler days, that's a statewide survey. The Madison's chopped up  
24 into really five waters. There's three river sections and two resi, reservoirs that people are  
25 reporting on and it's a black box. We don't know exactly, we do know somewhat temporally  
26 month by month where people are fishing at but we don't know specially at all. We don't know  
27 if they're in the walk wade at, or anywhere else. And that's, that's where this debate is kind of  
28 generated from in the past, um, and that's why some of these other data were pursued to try to  
29 answer that question and have better special and temporal understanding of patterns of use on  
30 that river and the demographics. But that's stuff we'll talk about tomorrow. I just want to  
31 mainly keep in mind that that's a black box that 180,000 is pretty much, we have no idea where  
32 that's at in terms of where in that reach, or 55 miles of river.

33 **Andrew Puls:** So we ran a camera in 2016 and in 2017 and it was between Lions  
34 Bridge and Windy Point. We had 113 total days observed in 2016, 98 in 2017 and uh, in 2016,  
35 3,049 boats, total boats, 2017 3,798, and then just over 2,000, and just over 20, 2,300 in uh, 2017  
36 commercial boats so the percent commercial use 67.7% in 2016 and 60.7% in 2017 and again  
37 this is just simply observed trips minus reported trips equaling non-commercial trips. The

1 camera was operated from May through October, days with incomplete data where our card got  
2 full or we had uh, you know poor viewing conditions, they were eliminated, if we didn't have  
3 complete data for a particular day it was completely eliminated. The camera took a picture every  
4 three seconds of the river so it was interesting to watch. You watch this kind of like a choppy  
5 movie, just ch, ch, ch, ch, ch, boats going down and it got monotonous to say the least just to  
6 watch that so, um, you're waiting for a bird to fly in front of you or something but any way and  
7 daily commercial use ranged from 0% on some days to over 100% on other days meaning that  
8 there was an error in reporting or an error in reporting or something like that, an error occurred in  
9 that but uh, we did have days where it was 100% commercial use and days where it was zero  
10 percent commercial use. But again 67.7 and 60.7 for 2016 and 2017. And that's the end of the  
11 SRP data section.

12 **Cheryl Morris:** Anyone have any questions?

13 **Unidentified Speaker:** So that's essentially like 40 boats a day?

14 **Andrew Puls:** Some days there's more than a hundred.

15 **Unidentified Speaker:** Okay average 40 boats a day

16 **Andrew Puls:** yeah I didn't do that math but I mean it's, ya, it's an enormous  
17 number of boats going through that section, just that one section.

18 **Eileen Ryce:** Is there, any other question for Travis or Cheryl or Andrew? Wake  
19 every one up, turn the lights back on

20 **Andrew Puls:** Wake up

21 **Eileen Ryce:** Eh, well rather than um, squeezing in the other part I believe from  
22 the region is um, Dave Moser the Biologist we don't quite have the time to squeeze him in do we  
23 Dave?

24 **Dave Moser:** Uh, no it's going to be 45 minutes to an hour.

25 **Eileen Ryce:** Okay so we want to make sure, and then after you hear Dave there  
26 might be more rap up discussion so let's um, take public comment if there's, if there's no more  
27 questions for any of the staff. Jim?

28 **Jim Slatterly:** Yeah do you, do we have that, the SRP, do you have that?

29 **Cheryl Morris:** Oh yes

30 **Eileen Ryce:** Yeah that was the

31 **Andrew Puls:** Here you go Don, do you want to take one of those and pass  
32 around?

1 **Eileen Ryce:** Um, and then it was, is there anything else that you, you had  
2 wanted that we says we would get data wise or information now, make sure we get it before  
3 tomorrow. Kay, um, before we move in, before we move into public comment just to remind  
4 everybody gonna start at 9 tomorrow um, we need to start with the structured decision making  
5 talk, Justin's only available for a certain period of time so we'll do that first, then we'll move  
6 into Dave and then you can finish up with your background information. Um, I won't be here  
7 tomorrow but um, Mark will obviously everyone else will be available. Um, Andrew won't be  
8 here but Cheryl will in case there's questions on that. Um, if there's anything else comes up, uh,  
9 you might get messages, email messages from Kim Wedde, she's um, Don and I's  
10 Administrative Assistant in Helena. I've been texting her to send you the minutes and some  
11 other stuff. Um, if there's anything else you need before the next meeting you know how to get  
12 ahold of us. If there's any questions you have for legal um, you can funnel them through Don or  
13 myself and we'll make sure we get them to Becky, um, it's a busy time in Helena right now so it  
14 might be better just to get those through Don or myself rather than going to Becky directly so  
15 something doesn't get lost. Um, I think that's all the general housekeeping stuff, right Don?

16 **Don Skaar:** Um hmmm

17 **Eileen Ryce:** Um, so here, what we're going to do for public comment is um,  
18 we're just in order so's we can make sure we get every bodies um, name and comments on the  
19 recorder I'll ask each of you to come up here. Please state your names, spell it for the record,  
20 um, I'll ask Don to take notes also so's we have a record um, we, we don't want it to, to break  
21 into a huge debate or discussion. It's an opportunity for public comment now so um, I don't  
22 think there's that much comment so we won't limit anyone to a certain time um, we'll just ask  
23 each of you to come up individually and address the committee so whoever wants to go first.  
24 Anybody? Everyone's done? Fine, looks like we're getting out early, no?

25 **Brian McGeehan:** Do I need to push any, any buttons or is it already

26 **Eileen Ryce:** No you just need to go

27 **Brian McGeehan:** Okay

28 **Eileen Ryce:** Start talking.

29 **Brian McGeehan:** Uh, my name is Brian McGeehan, that's spelled B-r-i-a-n last  
30 name is M-c-G-e-e-h-a-n, um, I would like to thank all of ya for, um, the time investment you've  
31 already made and you'll continue to make and um, this is uh, an important process that's near  
32 and dear to everybody in this rooms hearts and many others that aren't. Um, my family and I run  
33 an outfitting business um, little more than half of our business uh, is based around the Madison  
34 River so, um, I do come at it from that standpoint. Um, I'm also an avid angler that's why I love  
35 to take people fishing and so I also like to recreate with my family on the river um, so like many  
36 of you, you know I see the river in a couple of different ways. Um, I would just like to provide a

1 few suggestions uh, to consider uh, to help guide you in this process, um, as I talked to many  
2 outfitters um, and many friends and users of the river um, I personally do see the growth on the  
3 river and um, and it's not unique to the Madison, um, I travel to different parts of the State to  
4 fish, I travel outside of the State to fish, uh, the popularity of river recreation is increasing on the  
5 Madison River but it is everywhere else in the world. Anywhere there's rivers to float, uh, more  
6 people are enjoying those rivers. And so, um, we need, you know, be aware that uh, I think you  
7 kind of talked Mark, about future proofing and looking for solutions that work not just in five  
8 years but long into the future so that trend is not going to stop anytime soon. People will  
9 continue to move into Montana. More and more people want to uh, recreate in the outdoors.  
10 Um, I know in 2012 there was a Citizens Action Advisory Committee. Some of you were  
11 members of that, that asked these same questions and the outcome of that was there's still a lot of  
12 people having fun on this river you know let's allow, let's not restrict use. Um, since then we've  
13 seen you know, I don't know but about double the use but um, it's certainly, on the outfitting  
14 side I think the number was just under 70% increase and I think on the non-outfitted public, it, it  
15 maybe more than double. Um, so I do have concerns um, you know we do need to future proof  
16 the river, we do need to pay attention to you know, what's this going to look like in ten years .  
17 Um, all the outfitters I've talked to and I've tried to talk to a lot um, there is a difference of  
18 opinion, there are outfitters that, that see room for growth and uh, have a lot of happy clients so  
19 we certainly have a lot of happy guests. The uh, members of the public could choose to hire our  
20 services. Um, but I do ask myself what will this experience be like if it doubles again in ten  
21 more years. And I, I personally don't was to see that happen. I think we are getting to the point  
22 um, Don you used the tipping, you know the tipping point and I think we do have to be  
23 concerned with that. Um, what I would recommend that all of you do when you come out of this  
24 first and foremost is we do need a, a cap on the number of commercial trips that can be operated  
25 in some, in a season. Um, there is difference of opinion in the commercial side whether that's  
26 freeze it right now, leave some room for growth but when we're done with this we need to have a  
27 number, uh, to work with. Um, you know we see ourselves as providing a great service. I know  
28 Melissa you shared some stories of just how wonderful it was to learn about fly fishing through  
29 the assistance of a guide. Um, well I guide myself, I also use guides services. I've got four kids,  
30 their young, got two boys, two girls, um, I take my two boys on a trip once a year and we go to  
31 Fort Peck Reservoir. I don't have you know the knowledge of that Reservoir and I don't have  
32 the money to invest in a, you know long billed walleyed fishing boat and my boys are a little  
33 young. They're really getting on fly fishing all day. So we go there and hire a great young  
34 guide and we have a blast and they catch pike and they catch you know walleye and um, for me  
35 that's uh, the highlight of our entire year with, with my boys. Um, so again as guides and  
36 outfitters, um, we want to be looked as providing a great service. We want to be looked as  
37 stewards of that river. That's they was we view ourselves. Um, we don't want to be viewed as  
38 uh, the bad guy and so I think what we ask from you is, you know what is an acceptable level of  
39 use. What should that number be and um, and then we can kind of work backwards from that.  
40 Um, secondly I want to point out that um, there are many different users of the public, of the

1 public that enjoy the Madison River. Our guests that enjoy the Madison River are members of  
2 the public. Um, I ask you not to discriminate against members of the public that choose to hire,  
3 um, a guide to provide a service. Um, they should have, if someone hires a guide to provide a  
4 service, our guides have higher standards of safety, um, we carry safety equipment in our boats.  
5 We have, have expertise if they're rowing boats, um, they have you know talking about  
6 trespassing, um, you know we do know where the, what the laws are and where those boundaries  
7 are. Um, so we're stewards of the river and also educators when we have members of the public  
8 who choose to hire us to guide them and in how to safely release fish, how to crimp barbs in their  
9 hooks, um, et. cetera. Um, so whatever management options are in place um, I strongly feel that  
10 all members of the public should be ah, we talked a lot about equality, I think Don mentioned it,  
11 I know Lauren mentioned it, um, and opportunity and I would like to see members of the public  
12 who choose to hire a guide have equality and opportunity in how they use the river when they're  
13 on the river. Um, thirdly, um, I think we have to be very careful to be stewards and safe guard  
14 our opportunity for all members of the public in how what the, the part of the river they can  
15 access. We have the Montana stream access law, we have a lot of public access sites on the  
16 Madison River. Um, there are a lot of sections in the river that are privately held, um, the  
17 Montana Stream Access Law gives us opportunity to go and enjoy those for all users. So I  
18 strongly recommend that you consider , um, you know safe guarding the opportunity that we  
19 currently have for all users uh, in this management process. And finally um, I want to emphasize  
20 the, a successful management plan should be, you know, employing the least restrictive methods  
21 possible to achieve the goals. Um, those goals are to eliminate or to minimize the sense of  
22 crowding, uh, one way to do that is certainly uh, put some kind of cap on use, and while  
23 members of the public that choose to hire guides we do have um, this permitting system in place  
24 and that is an easy way we can certainly um, put caps on that segment of the public that choose  
25 to hire guide services. The members of the public that are self-guided, that's a larger more  
26 complicated issue. Um, and that's a, I wish you luck trying to solve that one. Um, but at least in  
27 terms of you know that 10% of the public that is hiring guides, um, we can control that.  
28 However, I would strongly caution um, the other thing that cases crowding is where people are  
29 located in a certain point in time. So management practices that um, don't encourage organic  
30 spreading of the river and as a fisherman when I'm on my own I do it. You know if it's a busy  
31 spot I go somewhere else. If I'm guiding I kind of operate the same way and I think all fishing  
32 guides do. If we get to a ramp and it's really busy you know we can go somewhere else. Um,  
33 you know the point that I think uh, Lions Bridge to Windy um, the camera show about 60% give  
34 or take use as being guided remember you know a lot of the non-guided public especially that  
35 does use boats um, come from Bozeman and the Gallatin Valley and you know a lot of times we  
36 see them driving up the highway and pulling off and the get to the river and they get to Varney  
37 Bridge and they pull off (unintelligible) and they pull off, uh, a lot of times we're trying to get a  
38 little further than that with the guests that we're taking um, so but, some of these technics that  
39 were management practices that you know these folks are gonna, you can't go here, and these  
40 folks are gonna start here and stop here. Uh, it's a very small section of river where floating can

1 happen and in those zones if there are artificial stopping and starting points that, instead of letting  
2 people organically spread out, um, which minimizes the sense of crowding is going to encourage  
3 a sense of crowding by putting groups in clusters and floating in large masses down the river and  
4 so. Uh, I really appreciate again your time and good luck with this process and it won't be an  
5 easy one but we hope that it comes out uh, fair process that safe guards the river for time to  
6 come. Thank you.

7 **Eileen Ryce:** Did you want to give (unintelligible.)

8 **Brian McGeehan:** Um, sure

9 **John Way:** My name is uh, John Way. J-o-h-n-W-a-y. I am a, uh, outfitter,  
10 fly shop owner, in Ennis Montana. But, I'm here today to talk to you about a couple of other  
11 things. In my other job I'm the Chairman of the Montana Board of Outfitters. And I would  
12 suggest to you guys make sure that these proceedings are all recorded. I know in my work at the  
13 Board of Outfitters when we're dealing with complex rule changes and complex issues, um, over  
14 multiple meetings it's often extremely helpful for me to go back and listen to the past meeting.  
15 Um, not just the highlights and who made what motion but the actual discussion, um, a lot of  
16 times I do it driving down the road in my pickup you know load it on MP3, throw it in to, in the  
17 truck, and uh, as I'm driving down the road I'm listening to the past meetings, um, the whole  
18 thing. Um, whether that meeting is one hour or eight hours, it's extremely helpful for me to  
19 wrestle with these complex issues over multiple meetings. Um, so I encourage you guys to do  
20 that and have that available, not just to the members on this committee but to the general public  
21 as well. So if, if um, interested parties miss a meeting they can go back and kind of hear what  
22 was said. My third job is uh, I'm very active with the Ennis Chamber of Commerce, a four time  
23 president of the Ennis Chamber of Commerce. And I encourage all of you to, to, as you look at  
24 use on the Madison all 179,000 users on the Madison, make a mark on the local economy. And  
25 the velocity of money in the small towns is really incredible. You know it's been proven that  
26 about six or 60 cents of each dollar spent by out of state tourists stays in those local communities  
27 where it's spent. And we need to keep that in mind that any change that affects overall tourism  
28 or use on the Madison trickles down and affects not just the fly shop owners like myself but all  
29 those business owners on main street. And I just want you to keep that in mind as you're making  
30 those decisions that it affects more than just the greedy fly shop owners. It affects every, every  
31 one of those uh, businesses along main street. And I, I thank you for you guys' service. I don't  
32 envy your position because you're in a tough spot and I wish you all the best of luck. Thank  
33 you.

34 **Unidentified Speaker:** Thanks John

35 **Unidentified Speaker:** Thanks John

36 **Eileen Ryce:** Anyone else?

1 **Joe Dilschneider:** I'm Joe Dilschneider D-i-l-s-c-h-n-e-i-d-e-r, I know most of you  
2 guys but I haven't met a few of you so nice to meet ya. Uh, mostly I really just wanted to say  
3 thanks for doing this. Um, for taking the time, it's a hard job uh, John and I sat in this room a lot  
4 in 2012 we were both on the previous Madison CAC so I know um, a lot of what you're gonna,  
5 you know, deal with here and go through and it's not easy. Um, so good luck with it. Um, I  
6 would say, um, that, that particular outcome by the way was characterized a couple of times as  
7 being maybe a failure um, I would take issue with that. I think that in 2012 the, the committee  
8 largely um, came to the sort of agreement that there wasn't enough user data particularly in the  
9 non-commercial side of things to really affectively take a holistic view at addressing, and, and  
10 really restricting use in any way. So there were some recommendations made uh, that the  
11 Commission did adopt but I think weren't implemented for other financial or budget reasons  
12 anyway to gather more data. Now uh, there's, there is more data now um, deductively through  
13 the cameras I guess and some other things. So anyway it is what it is. We're here right? We're,  
14 we're here, all good things in all good time. Um, so um, I'm hopeful that you guys, once you all  
15 collectively and individually have the time to work through all of these different ideas and uh,  
16 proposals down to the most you know minute are all gonna arrive at the right decision for all of  
17 us. Um, I didn't mention it but I'm an outfitter, guide, angler, shop owner so I have a great  
18 vested interest business wise but all that came from the love of, uh, fly fishing in the Madison  
19 River. So first and foremost that's, that's it for me. It's a way of life, it's everything. Um, so  
20 my biggest fear in all this frankly is that um, it will result in a bunch of new rules that will  
21 degrade the user experience that several of you talked about and I know that's already been  
22 negatively impacted for some and that's why we're sitting here having this conversation. But I  
23 wouldn't want to make that worse uh, than it already is through like over management. So that's  
24 really, that's really my biggest fear. I would encourage you to try to keep it as simple as  
25 possible. Um, whatever solutions you come up with I think simplicity is really a key and really  
26 important and I don't think you have to solve all the worlds' problems in one day. Uh, you're  
27 gonna come up with some plan to revisit this every couple years or every year and uh, I think it,  
28 you know, should be looked at as an ongoing sort of thing and not just a final solution. Um,  
29 that's really all I got. I'm gonna, uh, hopefully see you guys a whole lot in the next few weeks.  
30 Thank you again. I really appreciate it.

31 **Unidentified Speaker:** Thanks Joe.

32 **Unidentified Speaker:** Thanks Joe.

33 **Nancy Delekta:** Hi, I'm shaking from sitting so long. My name's Nancy Delekta  
34 and I'm part of Beartooth Fly Fishing on the Madison River and we are a lodge, we are a retail  
35 shop and we're a fishing outfitter. I have personally fished the Madison River for over 35 years.  
36 Started here with friends and, who I was tying flies with in the North East and relocated here to  
37 fish more and ski more. Um, I love it. I love where I am. The environment. Being between the  
38 two mountain ridges. Being on the river it's, it's a beautiful place. I want it to stay that way and  
39 I want everybody to enjoy it that way. I um, I'm so grateful for this process that we have this

1 process and I'm grateful for all of you participating. I, I want to listen in as I can and try to cheer  
2 you on and help if there are questions about what we experience. We have a lot of customers  
3 coming through our shop and they have questions for us, where should I go, where's the right  
4 place to fish today, what's going on, what's the right hatch, what's the location, where can I  
5 wade today and not run into a lot of people, where can I float today and get under the bridges,  
6 what can I do. One of the challenges I see in this meeting we haven't addressed and that would  
7 be for Jim's benefit, between the lakes is not in your information. And can you get Forest  
8 Service information. And that might help

## 9 **SOMEONE TALKING AT THE SAME TIME**

10 **Nancy Delekta:** because I have customers coming in on weekend time and say it's  
11 busy between the lakes. That's the weekend hot spot. What do I do? I love it there but. The  
12 other thing is we haven't talked about the, we went back, way back in time with Travis but today  
13 the river is healthier and fishing better than it ever has and I hope the biological information that  
14 we get will share that. Because the whirling disease effects on my husband Dan were dramatic.  
15 He could not fish the river. And he had to go to the Big Hole and Beaverhead and fish those  
16 because the Madison was unfishable. And so there were several years that it was a tough line.  
17 And now it's like really good fishing but yes there're more people. In 2017 was one of the  
18 biggest years also because there was another river that had a lot of drama and a lot of people had  
19 to come over to our river. So they're biologic things that impacted us as well and I, I'll be  
20 listening a lot to what is in that in the next presentations. I'm gonna stay as a listener and wish  
21 you all good luck in the process. I forgot to spell my name. D-e-l-e-k-t-a.

22 **Unidentified Speaker:** Thank you

23 **Eileen Ryce:** Any other comments? All right then. Then I, is there any other  
24 business Don that the committee needs to be aware of? Paperwork or anything like that? Travel  
25 forms? Boring stuff.

26 **Don Skaar:** Yeah I, um, I can go over that tomorrow but tomorrow I'll go over  
27 forms for folks who need reimbursement for travel um, we'll do that tomorrow and we can fill  
28 them out then.

29 **Unidentified Speaker:** Um, I guess I have one more thing, if you're interested, and this is  
30 a facilitator thing, um, decisions on how we proceed as a group, our process, and this is just um,  
31 information from the Governor's upper Yellowstone River Task Force, um, of 2003. This is  
32 basically how do we talk to each other. How do we work together? And I didn't know if you  
33 wanted this as part of your background on how another group made their rules about how they  
34 worked together um, copies are here. So, if you, that's all.

35 **Eileen Ryce:** Anything else Travis, do you have something?

1 **Travis Horton:** Um, if the committee wants to get to five we could probably  
2 review the 2012 process, some of the pieces, um, the recommendations are in your packet that  
3 came from the Citizen's Advisory 2012 and there's a couple of I think relevant pieces of  
4 information on the time line. But thinking that could be tomorrow or now, I don't care.

5 **Eileen Ryce:** I think there'll be plenty time tomorrow. Everyone's looking a  
6 little dazed. Um, so let's plan on covering that tomorrow. So um, everyone have what they need  
7 for tonight? Meeting back here at 9 in the morning. Thank you all.

8 **END OF MONDAY MEETING**

9 **BEGINNING OF TUESDAY MEETING**

10 **Mark Deleray:** So, that'll be in the second round here. Uh, with that, Don I'll  
11 hand it off to you to some of the housekeeping measures.

12 **Don Skaar:** Just remember to turn the recorder on.

13 **Unidentified Speaker:** Thanks Don

14 **Don Skaar:** You bet

15 **Mark Deleray:** Oh, I'm sorry, there is a WiFi in this room here. Uh, there's uh,  
16 we've put these little uh, tags of paper over by the sign in sheet that will show you the user name  
17 and password. So if are interested in WiFi, you know we have it here for you.

18 **Don Skaar:** So I'm gonna talk about reimbursing folks for their travel. So  
19 whoever um, you know, doesn't, isn't able to get paid by whoever you work for which I think is  
20 probably most of you. You know we're happy to reimburse your meals, lodging, mileage, for  
21 attending these meetings. So we tried to make this easy here. So um, I'll just pass these around  
22 and um, actually this one sheet just has all your names on it and so if you could just, it has, if you  
23 can just write down your mileage, your um, date and time when you arrived and departed the  
24 meeting and then if you had a motel stay, we'll need your receipt to get reimbursed for that. So  
25 this is just sort of our ledger, or, um, and we'll do this every meeting. Um, and then here's our  
26 uh, travel expense voucher that we do for the State and we can fill out this stuff here but down in  
27 the left hand corner is just a signature box so if you can, if you're, need to claim some expenses  
28 fill that in and we'll fill in the rest based on what you've, uh, indicate here that you need for  
29 expenses. So

30 **Mark Deleray:** Do you need copies made Don?

31 **Don Skaar:** I think, oh this, this is enough for just this meeting.

32 **Mark Deleray:** Okay.

1 **Don Skaar:** Oh, this is, this is enough for just this meeting.

2 **Mark Deleray:** Okay

3 **Don Skaar:** These are individual. And then lastly the uh, IRS tax form. The  
4 W9 which we need back in order to um, issue a check to you folks for volunteering your time.

5 **UNINTELLIGIBLE**

6 **Don Skaar:** So, um, Anybody want uh, one of each of these vouchers and W9's  
7 and then everyone can just do that one form. So thank you.

8 **Mark Deleray:** We will also, uh, on the timing of today's meeting we're uncertain.  
9 We went long yesterday on some of our agenda items. Uh, I believe there's plenty of time today  
10 to get through what we talked about so, expec, our expectation is that we won't go till five but  
11 we'll see. Uh, there will be lunch again provided. There will also be at the end of the meeting,  
12 uh, depending on what time that is an opportunity for public comment. So anyone who's  
13 interested in, in sharing information with the group, you're welcome to do so. Uh, depending on  
14 how many people are interested we'll set time, associate appropriate amount of time for each  
15 person to relay that information. Uh, as far as uh, most of you, I think I recognize from  
16 yesterday but if you weren't here, uh the ground rules for audience participation is that you're  
17 here to observe with the exception of the public comment period. Uh, this is a working meeting  
18 uh, where, we'll put out, I think the group has decided they'll be some sort of meeting minutes  
19 that'll be available uh, but the opportunity for public comment will be at the end of the meeting.  
20 Are there any questions on that from anybody, okay so we'll jump right into it. Justin Goodie as  
21 I mentioned, gave a short introduction of, what don't you go ahead and provide more of an  
22 introduction on, on yourself.

23 **Justin Goodie:** Sure

24 **Mark Deleray:** (unintelligible) what I do. Thanks Justin

25 **Justin Goodie:** So I am Wildlife Research and Technical Service Bureau Chief, so  
26 what I do is, has nothing to do with Fisheries Management. I know where the Madison River is.  
27 When I first moved to Montana I lived down there, south of Cameron. Other than that I found  
28 out I was doing this yesterday about 3:30 in the afternoon so, I'm just, I work with Mike Mitchell  
29 a lot um, we work on wildlife related issues quite a bit. We got exposed to this process at the  
30 same time. Uh, we sort of did that together and we've been working on facilitating these kinds  
31 of things uh, a lot sense. So I'll run through generally what it's about and some of you know,  
32 you know Tim we've worked with on, on this, on this process before on various issues. Um, but  
33 it, I'm going to go into some detail, not, not a lot of detail, some detail though on the parts of this  
34 that are going to be tough. They're always tough but feel free to stop and ask questions. I, you  
35 know I'm not really clear what your process is going to be so, especially if you have question

1 related to this issue that, that you're working on. Just feel free to interrupt me. Yeah other than  
2 that, you know I have a lot of staff here in Bozeman the, the Health Lab, the Wildlife Health Lab  
3 is out here. We've got some research staff here but I don't have any clue what you guys are  
4 going to be working through so I'm totally ignorant in that sense so if I, if I'm speaking out of  
5 turn feel free to tell me that too.

6 **Unidentified Speaker:** Oh, you got that.

7 **Justin Goodie:** Okay.

8 **Mark Deleray:** That um, for the audience is that dark enough? We can pull some  
9 of these shades? All right, the committee can see that okay?

10 **Justin Goodie:** This was working just a second ago.

11 **Unidentified Speaker:** There you go

12 **Justin Goodie:** All right, so the basic premise is a decision has to be made.  
13 Something's got to be done but what should you do? And that's the impetuous for this whole  
14 field of decision theory, decision analysis. And it's a, became a field of study in the business  
15 world sort of business operations um, through the 1950's and 60's and it really came into it's on  
16 in maybe the 1970's and 80's so a lot of the people, some of the people you'll see me quote here  
17 are still working that it, folks that helped shape this field. So it's a, it's a pretty new field. Some  
18 of the technical things are actually like new thoughts but as you'll see a lot of this is like  
19 common sense, there's, this is not rocket science. Okay. So the, the premise of this, there's this  
20 guy Danny Kahneman, some of you may have read this book. It's a relatively recent book. So  
21 this is a guy that's um, summarized most of his life's work in this book. It's uh, written for  
22 popular audiences. So he's a psychologist. He won the Noble Prize in Economics because of  
23 the work that he did with, a lot of his work was with ano, another guy named Amos Tversky. So  
24 he studies how people make decisions. And it, he sort of summarizes it so it's easy to understand  
25 and that there's two systems in our brain. The physiology of our brain is, we've got this system  
26 one that we, we sort of know what we want and our decision making process sets us up to choose  
27 the option that we want. We, we've got all of these sort of innate tendencies to find the evidence  
28 that we want and this is the, system that the parts of the brain are shared with reptiles and all  
29 kinds of other animals that, the exact same physiology in the brain. So they, so this is the system  
30 that operates all the time and it doesn't take much energy to run that system and that's why it  
31 operates all the time. There's another system that you have to engage, the critical thinking  
32 system and this is the part of the brain that we've got and, and a lot of the other animal, they  
33 don't have it, they don't have it. It takes a lot of energy to run so it has to be purposeful when  
34 you engage it, it has to be purposeful. So a lot of what um, Kahneman talks about are, what,  
35 what he worked on, are these heuristics or biases which are, these are just our innate tendencies,  
36 this is our system one. This is what's running all the time and we've got these, I like to call them  
37 biases because most of the time they work. I mean obviously we're very successful, humans are

1 very successful. These, these are the, our decision making tendencies and they work as  
2 evidenced by you know our dominance we have over the earth, right, it works. But there are  
3 these things to be aware of. We tend to focus on um, availability bias. Information that's readily  
4 available is what we use to make decisions. There's this thing called anchoring where like once I  
5 give you a number every, everything, all your decision making after that is going to be anchored  
6 on that number. That's a tendency that we have. Affect bias, things that affect us emotionally,  
7 we tend to remember and that affects our decision making. There's just, it goes on and on and  
8 these are just some examples of them. So this is the system one that operates typically when  
9 you're making decisions. So what we're going to try and do, what this process is designed to do  
10 is to take all of that into account but we're going to try and engage the other system to think  
11 through this in a rational way. Not that we, we want to, all of that stuff is important, things that  
12 affect you emotionally, all of that is going to be the basis for the decision making but we're just  
13 going to think through it in a logical way and get it out in the open. In doing so is going to,  
14 should uh, provide us a better, provide you a better chance of achieving your objectives. And  
15 we're going to try and counteract some of these tendencies and, and it, that's really important  
16 especially in these, in the kinds of decisions that involve a lot of information there's uncertainty,  
17 there's conflicting objectives maybe, uh, and you have to make tradeoffs. So that's the reason  
18 for this process is just to take into account how humans make decisions in a way that allows  
19 everybody to see it so that you can be purposeful in the decision that you make, purposeful in the  
20 sense that you're going to try to achieve specific objectives. In a nut shell that's the purpose of  
21 this process. This structured decision making. Like I said there is nothing that's rocket science  
22 about it. It's a formal application of common sense because it's too complicated to do that  
23 informally. The, the key to this is that its values focused. The values, what you want to see  
24 happen are going to be the basis of the whole process. And usually when we start making  
25 decisions the first thing we think of as humans is okay, what should we do. We jump right to the  
26 options that we've got. So we're going to take the problem, or you're going to take the problem  
27 without me, you know, I'm just here for an hour today or so, you're going to decompose it,  
28 there's whole, the decision has got components, we're going, you're going to work through each  
29 one of these components, put it back together and as a group see if you can come to a decision  
30 that makes sense. So what do you think about this? We like to show this figure. If you think  
31 about the objectives and the facts of two axis, there's a certain realm that structured decision  
32 making is useful for. If you can't really agree on what the objectives are it's a conflict resolution  
33 situation, it's not appropriate. If you can't really agree on what the facts are it's a joint fact  
34 finding situation. But there's this realm that does include a lot of disputed, of the disputed  
35 objectives territory and a lot of uncertainty where structured decision making is a useful tool  
36 when a decision has to be made. And then adaptive management, many of you have heard that  
37 like in a formal way, in a formal definition sense, it's um, it's structured decision making in a  
38 specific case where there's a, an uncertainty that needs to be reduced and decisions have to be  
39 repeated over time. So that's, it gives you an opportunity to learn, reduce some of that  
40 uncertainty, as you make decisions so then you can get better at achieving objectives over time.

1 So this is going to be a wildlife centered presentation because again I don't work in Fisheries but  
2 we've used this process a lot for some pretty controversial things. Um, these are examples of  
3 where we've gone through this whole process that I'm going to explain to you and they include  
4 things like uh, the first wolf season, and uh, legally, uh, the legal um, recreational harvest of the  
5 wolves in the lower 48 states, we use this process. Our Chronic Wasting Disease Plan which you  
6 have been reading about um, you know was based on this process. Actually Brucellosis Risk  
7 Management which is sort of focused in this region is another one. But we've used in on a, on a  
8 lot of uh, issues. Right now we're working through a process to come up with management  
9 guidelines for mountain goats. We've used it quite a bit over the last, I'd say 12 years. Um, and  
10 we've used pieces of it uh, a lot as well. A lot of times we don't go through the whole process.  
11 So, we use this, uh, easy to remember acronym PROACT is how we explain the process. The  
12 problem is step one. What's the problem, what are your objectives, what options or alternatives  
13 do you have, what, what do you think the consequences will be of choosing various one or more  
14 of the alt, the different alternatives. And then there's the step, the decision analysis step where  
15 you're going to have to look at what are the trade-offs. What's the optimal decision, given that  
16 you can't probably simultaneously meet all your objectives equally well. Alternatives or actions  
17 that's where human beings tend to start. It's missing the first critical steps. If you don't, when  
18 things are really complicated like I imagine this issue is starting with what is the problem and  
19 what are your objectives is really critical. And I'll tell you if you go through process that'll,  
20 those two steps will take at least half of your time together. But it's very hard to agree, it's, it's,  
21 should be easy and I've been through lots of uh, these processes where everybody thinks it's  
22 going to be easy and then once you try and do it in a group you realize it's not easy to agree on  
23 what the problem is or what you want to accomplish, what are the objectives, it'll take a long  
24 time. The process it's, it's easier to think about it this way in sort of a, a diagram. You start with  
25 the problem, something triggers this, there's some reason you're together now, you work through  
26 that first, you go through next, you work through the objectives, and that's going to be  
27 influenced by policies, preferences, you know values, there's going to be some laws that affect  
28 this I would imagine. And a lot of times what you'll see, you'll see the arrows go this way but  
29 then there's also back arrows. Especially in these first two steps are going to be tough and even  
30 when, as you get into objectives and alternatives you're going to have to back track. You know  
31 these first three uh, is called decision framing when you, you get what it, what is the problem,  
32 what is your objectives, what are your alternatives. It takes a lot of back and forth to get to a  
33 decision frame that you all can agree on. Okay here's what we have to choose. And then you  
34 get into the more linear thinking kinds of steps. Uh, these last steps, it, it goes very fast because  
35 those are, these are, these are work tasks that you can make a plan, a timeline and just work  
36 through it. Okay so the problem definition is the most important step, agreeing on what you're  
37 here to decide, what, what is the actual problem. It's going to, after, once you've got that written  
38 down all of your thinking is going to be constrained, not just written down but the process that it  
39 takes to get it written down as a group is going to get all of you focused on a specific thing. So  
40 this is very important to make sure you get the problem statement correct. So there are certain

1 things that have to be in a problem statement. Whom is it that has to make a decision? Who is it  
2 that is going to implement the decision? What action actually needs to be taken? What is the  
3 legal regulatory context? How often does the decision need to be made, uh spatial scale? And  
4 what is it that you, you don't know, that what, you would need to know optimally to make the  
5 decisions?

6 **Unidentified Speaker:** Excuse me Justin, are you handing these out?

7 **Justin Goodie:** Yeah, um, I didn't bring printed copies but it's on the computer

8 **Unidentified Speaker:** Okay

9 **Justin Goodie:** and I, we can get it

10 **Unidentified Speaker:** I had to listen and write

11 **Mark Deleray:** We can make printed copies for ya.

12 **Unidentified Speaker:** I just want to listen

13 **Justin Goodie:** Okay, so, we like to start with a recipe, like give this, give you all,  
14 groups like this a recipe. So somebody is trying to do something to achieve something over a  
15 time scale in a specific place with some considerations. That looks so easy, like you could just  
16 fill it in. We'll just see, maybe you guys are different but we'll see how that goes. So I just want  
17 to show you an example so this is a actual problem statement that uh, a group similar to this  
18 came up with, the context was setting mountain lion hunting seasons in west central Montana. I  
19 want to give you a second to read through it. Just kind of give me a thumbs up or something to  
20 let me know when you've, once you're done reading through it. Okay so I'm going to go  
21 through some of these elements that are in that recipe. The decision maker in this case is the  
22 Commission, the group I did (unintelligible), the action to set a hunt, a lion hunting season, the  
23 time frame that we're working on was a specific season but they put this in here that there is no  
24 lion management plan and part of that discussion was related to time and that we, some of you  
25 may be aware of this but this is controversial setting lion hunting quotas every year and we're  
26 going to keep doing it until we get a plan. It's going to keep being controversial until we get a  
27 plan. So that, this process actually led to us writing a plan, the plan that's out for uh, public  
28 comment

29 **Tim Aldrich:** It's over

30 **Justin Goodie:** Ya I think it's maybe, it just ended ya. Ah, follows, the plan  
31 follows the methods they used actually in this process pretty closely, that sort of thing.

32 **COULDN'T HEAR THE QUESTION**

1 **Justin Goodie:** We were talking specifically about one region, Region 2,  
2 headquartered out of Missoula. The con, there's conflict that they outlined, different kinds of  
3 conflict, deer and elk hunter interests and lion hunter interests, allocation of residence, non-  
4 residence, et. cetera. There's a lot of uncertainty. So you know as you read this you can see ya,  
5 it's easy to understand I think, okay I can see why this is not easy to do. And that's what you  
6 want to convey. You want a statement that in the end you can hand it to somebody that doesn't  
7 know what you've gone through or what you're working on, they can read it and say I  
8 understand why that's difficult. I understand the decision that has to be made, who has to make  
9 it and I understand why it's difficult. It must be difficult, I imagine, again I don't know what  
10 you're working on but I doubt all of you would have been convened here if this was an easy  
11 thing to do, right. So you just want to capture that in a way that's easy for others to understand.  
12 Okay, objectives, I say the problem statement is the most important part, objectives are not far  
13 behind. Those two pieces the problem statement and the objectives uh, getting everybody on the  
14 same page about those two pieces we have gotten more mileage out of that than anything else  
15 that we use in this process. In fact, uh, the objectives for the, the wolf hunting season, that  
16 would, we did that in um, 2010 and those objectives are still a part of every wolf hunting season  
17 the Commission has adopted. It's the first part in the season that they adopt. So they are clear  
18 on what they are trying to accomplish. It, they, this is what you really care about. This is the  
19 heart of the values part of this values focused thinking. So you're going again go through kind  
20 of a recipe that we use, you're going to start with, uh, you articulate concerns, wishes, things that  
21 you know are important to you about this issue in a sense you're going to look, convert those to  
22 an objective so if there's something you're concerned about you're going to need to phrase it as  
23 something you want to accomplish as a result of making this decision. Then you're going to  
24 have to go through this process of classifying objectives and this is where it gets very hard.  
25 There are strategic fundamental means objectives and I'm going to explain a little about what  
26 these are. You I, I'm not going to be involved in this so Mike in, there's a good chance he's  
27 going to go through some of this again with you once you actually get in the process so some of  
28 this might be difficult to follow because you haven't done it yet, just let me know if you've got  
29 any questions, uh. Okay fundamental objectives, that's what you need to help you make this  
30 decision, that's what you're going to work towards. It's the, these are going to be, as a set  
31 encompass everything you care about accomplishing making this decision or recommendation, I  
32 don't know who the, again I don't know what you're working on so I don't know who the  
33 decision maker actually is. Means objectives are going to be ways to achieve fundamental  
34 objectives. So there are, there are things that you could do but you don't have to do. There are  
35 other ways to achieve those objectives. Strategic objectives are high level objectives, they're  
36 going to be things that as you read them they look more like things you would see in a vision  
37 statement or something like that where they're certainly related to the decision that has to be  
38 made but they don't really help you make the decision, they're, they're things that need to be  
39 paid attention to in lots of decisions. This particular decision you're not going to have complete  
40 control over accomplishing these kinds of objectives. So again these provide guidance, strategic

1 objectives for all decision making. They are going to be related so it doesn't hurt to outline them  
2 but they're not really going to help you choose among alternatives in this con, particular contest.  
3 Because they are often too vague, um, they do help though, they help you think through the issue  
4 and, and provide the context that you, will help you guide what should be fundamental  
5 objectives, to help guide you in determining what are fundamental objectives. So fundamental  
6 objectives have two properties, they have to be essential so that if you didn't include them uh, you  
7 wouldn't be able to choose among your alternatives because you need to accomplish this so they  
8 have to be essential to the decision context. And they have to be controllable um, in a sense that  
9 as you make the decision you in, you have some influence over whether or not these objectives  
10 are going to be achieved or not. Means objectives are not desired uh, in and of themselves, they  
11 help you achieve fundamental objectives. In, and you do end up including some means  
12 objectives as fundamental objectives. It might limit the range of alternatives uh, or lead to um, a  
13 failure to consider what's really important. So an example, well I think actually I have some  
14 examples, okay, so these are actually objectives in, that we worked through in these process, the  
15 difference between means and fundamental. So fundamentally in, uh, this is Brucellosis Risk  
16 Management we need to be as cheap as possible. One way to do that is to give the elk hazing  
17 contracts to the cheapest contractors. That's not the only way to minimize cost, it's one way.  
18 Uh, for hunting access planning, we want to maximize the available area of free public hunting  
19 access so a target that would help with that is 10% more landowners in block management.  
20 That's not the only way to accomplish that objectives that's a means, one means to  
21 accomplishing that objective. So again this gets really grey like where is the line here. You got  
22 to struggle with it, everybody struggles with this as you get into your process and your issues.  
23 So there's this spectrum like what is means, what is fundamental, what is strategic. So the  
24 difference between means and fundamental objectives is really that means objectives you have  
25 control over but if you didn't do them you could still, if you didn't accomplish a means objective  
26 you could still accomplish a fundamental objective so their controllable but they're not essential.  
27 So you got to make it essential and the way that you do this, the way that Mike, you'll get sick of  
28 him saying this is he's going to, if he sees means objectives or if he sees any objectives he's  
29 going to ask why, why do you want to accomplish that. And that's going take you more towards  
30 what is essential. So strategic objectives those are things you have to meet, their essential but in  
31 a particular, in this discussion context you don't have total control over them. You, you, every  
32 decision context would need to consider these objectives. So you got to push it back towards  
33 what, what you have control over in this particular context. And the way you do this is by asking  
34 how, how did we do that in this context. How would we accomplish that in this context? So to  
35 get from means to fundamental you ask why, to get from strategic to fundamental you ask how  
36 and, and that will happen as you work through this process. Okay, alternatives, once you get to  
37 this point things really start cracking because most of the time this is what everybody showed up  
38 to do anyway. Like what can we do, so you're not going to work on that until you've got an  
39 agreed upon list of what you want to accomplish the fundamental objectives. So alternatives are  
40 things, possibilities, actions that you can take to meet those objectives so at this point the means

1 objectives become very useful so that, you're not going to throw those away as you go through  
2 the process because they're going to help you think about options that you've got to meet  
3 fundamental objectives. Ya so alternatives you want to come up, you're going to come up with a  
4 set of options basically, alternative actions in this decision context that you're working on. You  
5 can't choose an alternative that's not there so the set has to be complete enough that you can  
6 actually you know weigh options that you've got. It, it needs to be forward thinking, you know  
7 this sort of a creative open minded kind of step uh, once you get to this point, off the wall kinds  
8 of suggestions start coming out and that's okay. Forward thinking in, in the sense that you don't  
9 want to be, only consider things that have been done in the past, that sort of thing. You want to  
10 be thinking about things you could do to accomplish the objectives. And it's important that the  
11 creativity is not stifled. This step of options is a brainstorming step. Let's get it all out on the  
12 table, there, the next step is, you're going to get to choosing among the options but this is the  
13 step where the creativity is going to help you guys. You know get, get it out on the table if you  
14 want, if you want it to be considered. If you don't get it out on the table it's not going to be  
15 considered. So again this whole process is value focused. The options, the alternatives you're  
16 going to come up with need to be value focused too in the sense that their designed to influence  
17 the fundamental objectives which are your values, values that you have or that are mandated to  
18 you by laws, things like that. So the alternatives, the, this step, you're going to come up with  
19 options to influence achieving your fundamental objectives. They do need to, it needs to be  
20 realistic so something that people can actually implement, the decision maker, and this is a, a  
21 good chance to find objectives, again this is the part of the process where you need to go back,  
22 cause it, there, a lot of times I have seen where people come up with alternatives, options, that  
23 they know are important. But when you compare them to the objectives, it doesn't look like they  
24 would be helpful. But if you know that they are important and it doesn't look like their helpful  
25 there's a good chance you're missing objectives. There's something that's important to you that  
26 is not in the list of objectives. So that's what I mean by hidden objective. If an alternative is  
27 good why it is good is, you should be able to see it, in, in terms of achieving objectives. Again  
28 they need to be complete um, and fully specified so that you can evaluate them and internally  
29 coherent, what, what this means is that you're, most situations you're not going to choose the  
30 among single actions. You might group actions by theme or something like that, all of the  
31 actions within a particular objective, they need to match with each other so that they're not,  
32 they're not inconsistent with each other. They need to be different enough especially on, as you  
33 go through this the first time, they need to be distinct from each other so that there's actually a  
34 difference, they're not like option A, and option A with one slight modification and option A  
35 with two slight modifications because they're not gonna really be different. The most important  
36 thing at the first step is come up with some alternatives that differ from each other so that you  
37 can see what affect they would have and then you have time and I've seen this a lot, in fact it  
38 happened with the mountain line season setting process where none of your options are that great  
39 because you have to make tradeoffs. But you can compare distinct alternatives and use that to  
40 craft a new one from pieces of the ones that you compared that will really do well. You know I

1 might be confusing but, but I am going to go through an example where um, you might see that a  
2 little bit. Again you want the set of alternatives to be large enough, um, that you considering all  
3 the options but it, this gets to be overwhelming if you've got a lot of objectives and a lot of  
4 alternatives. There's just too much to consider so there's this balance between complete but  
5 small enough to actually get through the process in a reasonable amount of time. Again address  
6 the future not the past, you know the status quo usually isn't an option so I don't mean ignore the  
7 past but what can we do is the way to think about this. Different from each other, again  
8 creativity is important, has to be reasonable but in a practical sense, things that can be  
9 implemented, and then aju, address all the objectives that you've come up with. Okay, so that's  
10 just an over view of these first three parts of the process. Now I predict you'll spend 80 85% of  
11 your time together on these. This is a really hard part of this process, again this last part is very  
12 linear. I'm gonna go through an example just to show you of, give you a little flavor for how the  
13 last part works but it's really kind of unique to every context. Once you come up with the  
14 framing for the decision this part will be very unique to however you have framed the decision.  
15 Okay, bear with me, this is a stupid example but it's, you know I can, we can go through it  
16 quickly and everybody will understand what we're talking about so you can just sort of see how  
17 these last steps work okay? So this is a young family they're talking about buying a new house,  
18 that's what this example is about, okay the problem statement. The house isn't big enough  
19 anymore is essentially it. Uh, doing something would be expensive, and add all these other  
20 considerations that they need to work through as they make this decision about what to do.  
21 Fundamental objectives, they need enough space, schools, neighborhood, commute time, costs.  
22 They've come up with alternatives, they've got the status quo, do nothing, they could renovate  
23 their current house to make it big enough, they've got these options for houses on the market. So  
24 this is the decision frame. It's easy to understand. Okay, so this next step, consequences, you're  
25 gonna end up creating a table just like this, this is called a consequences table. So on the one  
26 side you'll have objectives, you'll have your alternatives, across the top or you know they might  
27 switch it back and forth but for each option that you've got, each alternative you're going to have  
28 a prediction about what you would get relative to each one of your objectives. So in the natural  
29 resources con, context this is kind of the science step. In this case it's easy, you just know how  
30 many bedrooms each house has. When you make a prediction about, I know you're working on  
31 Madison River, I don't if it's like fish density related or people density related but you're going  
32 to make a prediction about options that you've got affecting fish density or people density, you,  
33 you're not gonna know, it takes you know some, you got to have some method for doing that so  
34 that's why this is the science step. Okay, so you get this table, you've got options, objectives,  
35 you get how many bedrooms, how big the house, or the yard is, schools, you've got different  
36 ways to measure all of these things. So you get this consequences table, this predictive step, the  
37 next step you have to do is the decision analysis step. So this is where you're gonna uh, evaluate  
38 which, what's the best option here. So there's different tools that Mike's going to use to lead  
39 through this part of it. So one, one way once you get a table like this is just looking at them you  
40 might find an option like this, well they've got this option here on Eaton Street where, on every

1 objective there's another option that's at least as good or better. So this is the most expensive,  
2 it's got the longest commute time, the neighborhood is not that great, the schools are only fair,  
3 some of the schools, some of the houses have, are around good schools, it's not the biggest, et.  
4 cetera. So this option, or this alternative is called the dominated alternative. You can simplify  
5 the decision by saying this is not the best option. So you just get rid of that one. Then it starts to  
6 get trickier because, and part of the reason it's trickier, let me go back, is that all these uh, objectives  
7 are measured on different scales so how do you compare achieving one to another, that sort of  
8 thing. So one easy way to do it is just to rank them. Then you have ranked, their all in the same  
9 scale you can see what's the best what's the worst, and these are the options that you've got left.  
10 There's other, you, you might end up using something that's more complicated than this but that  
11 is an issue you have to get things on the same scale so it's comparable. So then you might,  
12 another way to simplify the decision is to look at your objectives so this is important but in the  
13 end if you look at the difference you know going back you see the ranks but if you look at the  
14 difference you're talking 15 to 25 minutes and you, in this case they might decide well any of  
15 that's doable, there's not really any difference there so it's not that that's not important but it's  
16 not going to help you make this decision because but there's no difference among your  
17 alternatives. So you can get rid of that one. So you start to simplify your choices, simplify your  
18 objectives, you need to choose, some, I mean they have to choose what to do here. So you know  
19 some of these things like renovating and Wade Street that would give them enough room uh, but  
20 you know there not cheapest. So you have to make tradeoffs. So you see that throughout this  
21 table. But you can also just sort of combine, you know look at each alternative, you know,  
22 independent of each other, at, you know compare them on the whole to each other, so when you  
23 rank them you can just sum it, lower is better. So in this case it looks like on the whole Wade  
24 Street might be their best choice, however they still have some thinking to do about this so it, if  
25 you do it this way you just sum ranks you're treating every one of these objectives as though  
26 they should have equal influence. You know is cost the highest priority like it is for a lot of  
27 people? If that's the case this one that's the best option is the most expensive option maybe they  
28 just can't afford that, maybe that objective needs to take priority over the other objectives so you  
29 have to go through this process of weighing how important each one of your objectives are. And  
30 maybe they should renovate, if they can't afford this one you know maybe they can afford to  
31 renovate. My guess is, the point here, again, they, I don't know, the point I'm trying to make  
32 here is that you get to this step of decision analysis you're going to be able to see what tradeoffs  
33 you're making. It's not going to be clear what you should do. I assume you are here because  
34 this is a hard problem. This process is not going to make it an easy problem but it is going to  
35 clarify things for you. What, what are you going to tradeoff, what's most important, that sort of  
36 thing. So back to the beginning, kill a skunk or not, maybe this is the most important because the  
37 dog doesn't care that much about getting sprayed but he wants his dinner, I mean you, you're  
38 going to have to weigh options, I guess that's the point. The, uh, I think as you can see now that  
39 this process is not, there's not going to be anything that's hidden or, or, you guys are going to  
40 have to come up with all of this on your own and you, this issue that you're working on is not

1 going to get easier but you are going to break it apart and work through each, each step so that  
2 you can clarify the decision you're making and why, the recommendation you're making and  
3 why. Good luck. So that, that's the overview I had Mark, I don't know if that, what you guys  
4 were (unintelligible). Does anybody have any questions?

5 **Mark Deleray:** You can see that it's called structured decision making for a  
6 reason, there's definitely a prescribed structure there. Thanks Justin for walking us through that.

7 **Justin Goodie:** I guess one thing that I will say is that Danny Kahneman talked  
8 about in that book too is that there, when you ask people how happy they are or what makes  
9 them happy, it's not clear how to answer that question and there's different ways to think about  
10 enjoyment and one of the things he points is that when you ask people more advanced in life the  
11 thing that made them the happiest throughout their life, most of the time it, they talk about things  
12 that they, as they were doing them, when you interview people that are in that situation it doesn't  
13 make them happy. I just, I'll say that now and you'll see how relevant that is later. Because it's  
14 difficult, this is difficult thing to go through, in the end I've never seen a situation where it isn't  
15 rewarding because you learn about the decision but it's not going to be easy while you're doing  
16 it. It's time well spent but it is rough. It's a grind.

17 **Mark Odegard:** In my field we just call this the scientific method. It's, but it's, it's,  
18 it's bring this complexity in. A lot, in so much of science we have very simple objectives and  
19 paths but when you get to environmental problems it gets much more complicated.

20 **Mark Deleray:** Okay, ah, so thanks Justin.

21 **Justin Goodie:** Thank you

22 **Mark Deleray:** So uh, you know our expectation is that this is a difficult problem  
23 uh, I think you all made good decisions yesterday in that you recognize the need for a facilitator  
24 to work through this uh, this structured decision making is one method to work through this and  
25 uh, you can see the Department has had some success as Eileen mentioned yesterday we haven't  
26 really used it at Fisheries but it's been used in our Wildlife Division on a number of cases as  
27 Justin just described with success. So anyways it's a, that was a great overview, I think it's, does  
28 that help clarify when we were talking about structured decision making yesterday, it might have  
29 been kind of a black box but now this hopefully clarifies it. It's uh, relatively straight forward  
30 but difficult process. So um, with that any questions or are we ready to move forward? All right  
31 we will get a copy, oh go ahead.

32 **Tim Aldrich:** Just to make a comment you know that in my experience you know  
33 I read the what was handed out to all of us by Mike you know before we took on the process and  
34 you get uh, you get ready and then you become convinced that there's no, you need, this is  
35 needed, you know right now. We can't use this linear type of problem solving you know to deal  
36 with complex problems and this is something that obvious, obviously is much more thoughtful

1 with how we normally make our decisions. But I think as we went through it you know and  
2 Justin said it went quite well you know I mean, it took us a day at least to define the problem,  
3 maybe more you know but I mean we all learned as we went how meaningful each of the pieces  
4 was gonna because they all stacked on one another to you know gets you to where you want to  
5 go get a decision that uh, ya I think it's one of those things, I had to be patient you know and uh,  
6 go with the flow and read and understand why we were doing this and it's, it's uh, I think it's a  
7 very thoughtful process and I think in the end you'll be very happy you had an opportunity to go  
8 through it. It's a, it's, it's something we don't generally involve ourselves in but we probably  
9 should a more often.

10 **Don Skaar:** I will also mention Mike asked me to buy each of you this little  
11 book uh, I can't remember the name of it about structured decision making. They're actually  
12 going to be delivered here maybe even today, if not well I can just mail them to ya but anyway  
13 that will be a little reference book for you to read as we go on here.

14 **Mark Deleray:** Okay, they, you can see it's a very thoughtful process and I, it's  
15 also very transparent and I think all of you, all the cards will be on the table for you all to see as a  
16 committee and also for the public to see. So it's a very open process which I think you know is,  
17 is important when we, when we talk about challenging situations and challenging decisions.  
18 Um, okay, so we're going to go on to the next step here. We're going to have, going to have  
19 Justin uh, provide his presentation to our Administrative staff, they will make copy of it and  
20 we'll distribute that to you too. I'll have a copy of it to uh, the presentation.

## 21 **JUSTIN SPEAKING BUT CAN'T HEAR OR UNDERSTAND**

22 **Mark Deleray:** Thanks Justin, uh now we're gonna continue on with uh, uh,  
23 presenting some of the information that's available for you to consider during the process, uh,  
24 we'll start again, Travis Horton, the Region 3 Fisheries Manager has a, a more to present. Well  
25 maybe, uh, looks like we could, could people use a five minute break?

26 **Mike Bias:** Yes

27 **Mark Deleray:** Let's take a five, let's see it's 10 after, it's 10 now, let's, how about  
28 10 after 10 we reconvene for, starts your presentation.

29 **Mark Deleray:** Are we ready to go Mike?

30 **Travis Horton:** All right everybody so, to start out today I want to apologize  
31 because I (unintelligible). So again I wanted to start by apologizing, I feel like yesterday, the,  
32 the information was given, it was kind of discombobulated and it should have been more in a,  
33 you know a progressive nature chronological so I'm coming back to this slide and I want to go  
34 through some of the detail. I'm going to try to, the one thing we didn't anticipate doing and it  
35 was a mistake was to provide the public comments that we've received over the years with the

1 various scoping and that's the several trees piled up there at the end which'll get here in a  
2 minute, we'll walk through that but again I was to start again. We talked about the 1959 flow  
3 fishing closure from Hebgen Dam to Varney. 67 they started rotating section between two  
4 stretches of river and it varied each year. I don't remember the specifics on it but one year a  
5 reach would be closed the next year it would be open to float fishing. This next thing in the 70's  
6 and, was more related to harvest and angling fishery science not necessarily related to the  
7 recreation component and in 1980 there was a one year moratorium on outfitters, I don't know  
8 any of the details about this. I had a gentleman come in my office that was around at the time  
9 and obviously only lasted for one year so I don't know what the specifics were. Uh, in 83 an  
10 angler satisfaction survey was initiated due to wade and boat angling conflicts and then  
11 presumably that resulted in 88 or something along those lines of what we have to the present  
12 which is a fishing permit vessel only allowed, not sorry, the two walk wades, not fishing, not  
13 using a boat to fish from out in the walk wade sections. So then more importantly in the  
14 chronology in more recent years and this is kind of stuff that I didn't really work up to in 2006  
15 keep in mind this was the Parks Division and I was in Great Falls so I wasn't here but the  
16 partners at FWP met with landowners concerned about Madison River recreation conflict. And I  
17 believe that was kind of the first spur to the Department that something needed to change.

18 **Charlotte Cleveland:** Can you explain what a partner is?

19 **Travis Horton:** I believe that's BLM probably Forest Service, um, again I don't  
20 who was at that meeting because I wasn't there. Um, and then in 2007 is when Fish, Wildlife  
21 and Parks and BLM entered into the agreement on the implementation on the Madison Special  
22 Recreation Permit which you heard about yesterday from uh, Andrew Puls. So and then we get  
23 into these three surveys that I talked about yesterday and again this is largely based on the fact  
24 that you know the comments were coming out and people were coming forward with concerns to  
25 the Department and other partners and so those three surveys were initiated to try to get some  
26 data associated with that again still under the Parks Division. In 2011 this is when the process  
27 began. There was another meeting which was called by landowners of the Madison, I believe it  
28 was in the fall of 2011 and that meeting you know it was not just landowners that showed up to  
29 it, in fact I know of Nancy your husband was there I recall that. Uh again concern that  
30 something needed to be done on the Madison and so that's really when FWP the Fish Division  
31 began the process of starting into this, this information and information gathering and the process  
32 of the Citizens Advisory Committee. And so you see here in 2012 the scoping process was  
33 initiated with four public meetings and an online survey and Cheryl's going to talk about that in  
34 a minute but the first thing before we get to that you've got one hand out that came around and  
35 this was kind of a white paper that was written probably in 2011 so the, the data in here aged a  
36 little bit. I'm not going to read through it in details it's just for your information. The front  
37 sheets basically a summary some of which you've already seen again the data in the second  
38 bullet points says the bullet points that data are out if date there those are talking about 2009 and  
39 2011. A big part of what this document does aside from provides some of that background,

1 history and management, on the third page you'll see the table detailing up through 2009 and we  
2 can provide, run that up through 17, uh, the sections of the river and the use on those sections  
3 broken out by um, total and then the percent of that being non-resident. Um, and you've seen  
4 this, and you'll see it later in graph format when Dave pre, presents so it goes through some of  
5 those details and then, the kind of interesting part of this I think is comparing massive river use  
6 to similar rivers, or other western rivers sorry, other rivers in Montana with trout fisheries and to  
7 try to get a relative sense of the size of the river relative to the use. And so it's an analysis based  
8 on um, a variety of things to get a gauge of river width average discharge was used and there's,  
9 there's a table back here I think on the fifth page that kind of goes through some of the  
10 summaries, you see the Beaverhead, Big Hole, Big Horn, um, and it shows the total number days  
11 in 2009, and the miles of the river and again remember that's a black box, those miles of the  
12 river we don't know how those angling days fall out within any of these rivers in that stretch.  
13 Um, and then we compare that, the mean discharge is Q, mi, uh, miles of the river times by Q,  
14 days per mile, but what this really does is give you, uh, the ability to compare effectively density  
15 of anglers on different rivers in the State. And with that nuance that we know that there's a black  
16 box with example being that the Beaver Head River is 74.9 miles long. The reality is there's,  
17 there's 38,000 angler days on that stretch of river, it's fairly narrow its average discharge is 380,  
18 3 feet per second right so it's a small narrow river. 75 miles long with 38,000 angler days on it.  
19 Reality is we know that the majority of the angling is happening in 20 miles of that river. So  
20 what you'll see as you read through this is the Beaver Head is probably one of the most dense  
21 fished bodies of water in the State when you look at on that per distance basis and the width.  
22 The Big Horn comes out also in that top realm with the same consideration. We did the tail  
23 water fishery the majority of the fishing's taking place right below the dam, a few miles below it  
24 or whatever it may be, obviously it's a much wider river. So this just kind of gave a sense to be  
25 able to compare these things over other, the region, or excuse me the State to try to make sense  
26 out of it. So that's really all I'll go through on that, you guys can read it at, at your will. It does  
27 go through some more details. So then Cheryl you ready to come up and talk about the Madison  
28 River outreach stuff, so we're going to go into this 2012 scoping process including for public  
29 meetings and an online survey and I think one of the things that maybe the general public isn't  
30 very aware of partly because of you know experience doing it but one of the challenges with a  
31 public entity doing anything with comment is you don't typically hear verbally anything but the  
32 extreme comments. Right? You get somebody that's completely against something or  
33 somebody that's completely for it. The people in the middle are generally lost to the crowds  
34 noise and they don't come to meetings, they don't speak up and being able to get people to  
35 respond to surveys is a better way to get a broad representation of public perspective on these  
36 things, if it had been a perfect world what we would do is we would stratify all the anglers in  
37 Montana or all the people who fish Montana, we'd go through a statistical design to ensure that  
38 we're representing every bodies perspectives but that cost a lot of money. We can't do that for  
39 every issue we have to look at. And so you know I just want you guys to make sure you're  
40 aware that in you know public settings, a Commission meeting or meeting where it's contentious

1 you're not hearing a balance, quite balance, um, perspective on anything in those situations you  
2 have to keep that in mind. And similarly when you're on some kind of a self-selecting survey,  
3 that's what I call it, every bodies aware of like Bozeman Chronicle showed whatever questions  
4 there click it say yes or no, those are self-selecting. So you can have anybody with a particular  
5 interest coming in voting multiple times. So you have to weigh those things and understand  
6 that's not necessarily representative but it's better than just a public forum where a group maybe  
7 speaks up, maybe some people are intimidated to speak, they don't want to speak up. So keep  
8 that in mind when you're looking at all this information that and what your hearing is that may  
9 not represent the public as a, as a whole. So with that Cheryl's going to start showing,

10 **Cheryl Morris:** Maybe

11 **Travis Horton:** If she can find it.

## 12 **PEOPLE TALKING AT ONCE**

13 **Travis Horton:** W'll give you a copy of all the results the summaries, um, this  
14 questionnaire and the outreach that was done in 2012.

15 **Cheryl Morris:** And basically all's I did was this morning kind of throw this up on  
16 the power point. Um, you've got more information in the handout um, so I thought it would be,  
17 uh, a little bit easier than me up here spouting numbers to see something. Uh, so in 2012 we  
18 were trying to get public input so um, we did a online survey with survey monkey and uh, we did  
19 four public scoping meetings and we ran those all between mid-January and March. The scoping  
20 meetings we had were in Ennis, Bozeman and West Yellowstone and Whitehall. And uh, Travis  
21 sent out approximately 35,000 emails to people who had bought a fishing license in 2011 to get  
22 some respondents to our online survey. So what we mainly asked is we wanted to know the  
23 three things, the top three things people enjoyed the most about being in the Madison, the three  
24 things they didn't like about being in the Madison and uh, the top three recreation management  
25 changes that they would like to see. So there were 1200 surveys online that were initiated. Of  
26 those 1200, 286 of them were blank, and 325 were only partially filled out.

27 **Unidentified Speaker:** Cheryl you said 35,000 emails

28 **Cheryl Morris:** 3500,

29 **Unidentified Speaker:** unintelligible

30 **Cheryl Morris:** 35,000 I'm right, yeah that was right

31 **Unidentified Speaker:** But only 1200 even began

32 **Cheryl Morris:** yeah, yeah we notice that a lot you know with surveys, it's uh, we  
33 try to be more and more creative about getting response because you know people are busy and  
34 they have good intentions and you know, life.

1 **Travis Horton:** And at that time we didn't know, that was based on our ALS  
2 system, what was in there if people read their e-mail. I don't even know if those are accurate. I  
3 definitely got emails back from people saying I've never even been to Montana why are you  
4 emailing me.

5 **Unidentified Speaker:** Okay

6 **Cheryl Morris:** So yeah it was kind of weird but ya we got some response which  
7 was great.

8 **Don Skaar:** So some of the negative was or a lot of it was probably because it  
9 really wasn't you know hadn't fished here or had no idea.

10 **Travis Horton:** Yeah, mistyped, (unintelligible) or made one up, I don't know

11 **Cheryl Morris:** Right, right exactly. So um, of the people that responded there  
12 were 71% that were residence, 28% non-residence and then basically we went through and just  
13 um, had them, who they were, basically what main recreational use they had out there and so,  
14 10% were outfitters or guides, um, 6% were Madison outfitters or guides, 8% landowners, uh,  
15 16% that answered had business interest out there, um, then we had the (unintelligible) wade  
16 angler 77% of respondents, uh, float anglers 68, uh, non-angling like our tubers out there that  
17 was 71%, campers 82%, and non-angling was 66. So 306, I, I should say of those interests they  
18 were exclusive so people filling out the survey would say oh yeah I had tuber, and an angler, and  
19 a this so we counted them in whatever they identified with. So of the 306 um, that responded  
20 that specifically addressed crowding um, which was 33% of all the surveys we got, 88% of the  
21 surveys indicated that crowding was a problem, um, and then we further broke it down into  
22 general crowding, who, who specifically said up the river, who said lower river and then both.

23 **Mike Bias:** So this is the challenge I have with survey presented so it's 33% of  
24 the filled out surveys um, address crowding, so

25 **Cheryl Morris:** Specifically

26 **Mike Bias:** Right, and, and so what's that number right?

27 **Cheryl Morris:** Is, it's about 100 yeah

28 **Mike Bias:** It's a 100 people right and 33% of those responses right, there  
29 were 1200 response, you keep drilling down to these oh crowding's an issue and it's 100 people  
30 out of 1200 said crowding was an issue.

31 **Unidentified Speaker:** Well no, it says 88% of these people thought crowding was a  
32 problem.

33 **Mike Bias:** 88% of the people that responded

1 **Unidentified Speaker:** Of the 306

2 **Cheryl Morris:** Right

3 **Travis Horton:** This, you're right, this is getting confusing

4 **Mike Bias:** So, so a couple of things happened when, when so, the biases that  
5 are inherent in public meetings with, however it goes, the loud guy gets up to the microphone  
6 first are also to an extent occur in surveys

7 **Unidentified Speaker:** Unintelligible

8 **Mike Bias:** And, I'm gonna get those guys and

9 **Travis Horton:** Self-selecting surveys

10 **Mike Bias:** Right, and, and, and you know, solicited surveys, cause, cause  
11 you're not gonna hear back from the guy that, oh man, it was, it was cool you know I should do  
12 that survey again. I mean, and then uh, and then when you present, when you present  
13 percentages of numbers of numbers I mean you get smaller and smaller and smaller and you go  
14 88% holy mackerel that's like everybody and it, it's really not it's like 88% of what a hundred.  
15 And then it's, it's a hundred of those out of 12 hundred. You know what I mean so,

16 **Travis Horton:** Right

17 **Mike Bias:** so I see a lot of bias and a lot almost exaggeration in, in a lot of  
18 survey data.

19 **Travis Horton:** Well and those are great points Mike and I wish again we had the  
20 money to go do these things right.

21 **Mike Bias:** That's right and

22 **Travis Horton:** five designs and we clearly, in some cases we try different  
23 approaches and you'll see some of those data today.

24 **Mike Bias:** Right

25 **Travis Horton:** Where, or it was mailed to specific demographics and we just  
26 randomly choose them you still have some bias in that. Everything,

27 **MIKE BIAS TALKING AT THE SAME TIME AS TRAVIS, CAN'T UNDERSTAND**  
28 **WHAT TRAVIS IS SAYING**

29 **Mike Bias:** I know, I mean you talk to any of the survey people, ITRR it's like  
30 dude trying to get surveys back from people it's impossible.

1 **Travis Horton:** Yeah it's an imperfect you know world out there with social  
2 sciences but

3 **Mike Bias:** Right, well, well that's my point understanding that I think is  
4 important as we go forward cause if the handout you handed out is you know surveys in 08  
5 surveys in 09 surveys here surveys there.

6 **Travis Horton:** Right

7 **Mike Bias:** And then why don't you know, why don't we, when are we just  
8 going to count, you know we counted with the camera and it, that's like all the data in all the  
9 Madison we finally got a count and it,

10 **Travis Horton:** Well

11 **Mike Bias:** That, well that's just my point. There's a lot of bias in, in

12 **Travis Horton:** Sure

13 **Mike Bias:** percentages and surveys um, and, and, counting's important, that's  
14 why the, that's why the commercially you stated is so amazing cause we have 100% of the  
15 population counted, stratified, numbers, everything

16 **Travis Horton:** Right, well can I just ask you know that we

17 **Mike Bias:** Yeah

18 **Travis Horton:** go through this background information because I think there's  
19 some patterns that you'll see out of it and later today when Dave speaks it'll be more you know  
20 the, the random stratified sampling type data that can come out of that, both (unintelligible) and  
21 mail in survey that were done. Those are the best we're gonna get through the statistical

22 **Mike Bias:** Right

23 **Travis Horton:** validity, and you're right this is, this is stuff everybody needs to  
24 keep in mind these, these things are biased. Other thing I want to mention about this is when this  
25 process kicked off there was a Facebook group that started about Madison River tubers. They  
26 thought we were gonna kick them off the river and so it could be that half of the people that  
27 logged on to this and actually filled the survey out were afraid it was because we're kicking them  
28 off the, the river reach. And so you got, you're right you have to

29 **Mike Bias:** it's only

30 **Travis Horton:** be cognizant of those things and that was my basic message to start  
31 with if you're, if you're hearing from the public in a meeting saying you know, in public

1 comments these sorts of situations there are biases as Mike pointed out, ironically his last name  
2 is Bias but

3 **Mike Bias:** Irony there's no irony in it

4 **Travis Horton:** And so be aware of those things that, be aware you know that the  
5 best we're gonna do is these scientifically designed, statistically designed surveys and those still  
6 even have a bias but they're far better off than what you're deal with and far better off than  
7 something you see in the Chronicle that says should FWP go away yes it's every bodies answer  
8 so with that let's just go through it and I won't, like I said there, you can see the stack of paper  
9 next to Don here that we'll go through and, there's gonna be a lot of this stuff that's gonna, the  
10 self-selecting qualitative, look for patterns kind of analysis and comment, uh, comments and then  
11 we'll get into more updated stuff.

12 **Cheryl Morris:** Yeah, and, and I would say that you it's, I would love to have like  
13 scientific exact counts but this is a social conflict.

14 **Mike Bias:** My only point of that was is, is

15 **Cheryl Morris:** So you know it's hard to capture so basically the numbers aren't as  
16 important as the trends so we're just establishing patterns not so much the percentage of this or  
17 percentage of that because out of the total most people didn't respond to this.

18 **Travis Horton:** Yeah and when we get to the next thing I'm going to talk about the  
19 Madison River CAC recommendations, we'll talk about data collections as was you know Joe  
20 mentioned this yesterday but some of the issues associated with the costs of doing those things  
21 and I think that will illuminate this a little bit more.

22 **Cheryl Morris:** Okay, so uh, we went through all the surveys and we established  
23 scoping meetings and we have consistent issues that kept coming up, um, so a lot of people said  
24 they wanted 505 respondents said that um, responded to whether or not there needed to be a  
25 change in management um, the majority of those did indicate that, um, there should be a change  
26 to the current management, the, just the SRP program out there. Um, 143 people responded  
27 directly to crowding at accesses and as you can see most of the people that responded to that said  
28 it was an issue, there's a lot of crowding at the access sites. And then we broke it up into if  
29 people mentioned specifically upper, lower, both, or just said you know in general there's too  
30 much crowding in the sites. Um, too many tubers, there was 97 people that or respondents that  
31 addressed that and that um, the majority said that was an issue out there as well, there's too many  
32 tubers and recreational flo, flo, floaters, uh, too much commercial use. We had a slightly smaller  
33 number of respondents to that and 86% indicated um, there was too much commercial use, but  
34 remember that's only the minority of respondents. Uh, we had people say that uh, commercial  
35 use should be limited by launches per day, um, 135 and the majority of them thought that there  
36 should be, that it should be limited as opposed to not limited. Um, for as far as limiting tuber

1 and recreational floaters 157 responded uh, directly to that issue and it was about half and half  
2 whether we needed to uh, get them, um, have them limited on the river. Um, the limiting of non-  
3 resident use, 48 respondents and the majority indicated that um, non-resident use should be  
4 limited, um, only slight, it's pretty close to half and half and initiating a citizens day uh, of the  
5 43% that responded to that the majority said they were in support of initiating a citizens day.  
6 Um, commercial fees and permits, uh, 32% of the respondents and these are only people that  
7 address this specifically um, 25% agree with commercial fees um, we also asked about non-  
8 commercial fees or permits so charging the floaters basically um, and other recreational users out  
9 there 107 people responded to that and the majority said that yes those people should be charged  
10 a fee for using the river. Um, we also had people respond to limit the number of outfitters of the  
11 39 respondents the majority there did indicate that outfitters should be limited. Um, we had  
12 people addressing the wade only sections. We had a larger responding group there, 92 people  
13 um, and the majority felt like the wade only sections that are currently in place should be  
14 maintained. So of, of, these are just in general the groups that um, were basically people  
15 commented about issues with certain groups and stuff on the river what they, the people that  
16 actually have input and stuff, so you can see that the majority of people that responded to us  
17 were multiple groups meaning they did a bunch of different things out there, I believe that's what  
18 that meant. That's what I assumed anyway. I didn't really go back and see exactly what the  
19 question was there but I believe that's people with multiple uses out on the river. So and other  
20 things that were brought up in these scoping meetings and that came across on our survey  
21 monkey site was trash issues, the big one was no glass, uh, education, changing fishing  
22 regulations which we actually did, they said that to spread out use to open up the river in the  
23 spring time um, which we did and um, they had comments about access mostly that they wanted  
24 to see more uh, facilities out there. Um, they had comments on alcohol they wanted to see more  
25 camping, um, institute a fee on the tubers, more enforcement, so this is just basically all the stuff  
26 that people during the scoping meetings or in the survey just touched on when we were out there.  
27 And that's pretty much it and you have some more stuff in the back too that gives more specific  
28 of the overall stuff that we're, was commented on in those surveys. You want this back?

29 **Travis Horton:** yeah, the only thing I mentioned keep in my back to Mike Bias's  
30 question or comment, we didn't ask people well what are your thought about commercial use,  
31 what are your thoughts about boats in the walk wade, we didn't ask specifically, these,  
32 everything that was listed up there were, that's respondent coming in and saying, I think one, you  
33 know one set of words or another was too much non-resident use, whatever it might have been.  
34 So we didn't specifically ask those we asked broad general questions. And so it's difficult again,  
35 it's best to be able to ask a stri, a very specific question to a randomly chosen repre, group of  
36 people that represents the users of that river to get the right answer you're looking for, or to get  
37 the information specifically on what you're looking for. So keep that in mind, there's a whole  
38 bunch of tools to be able to use to go through and try to ascertain public perspectives.

1 **Cheryl Morris:** Yeah we were trying very hard not to lead people so that's why we  
2 very broadly said what are your three favorite things, what are your, the three least favorite  
3 things so we didn't want to lead them at all in what they were commenting on.

4 **Travis Horton:** Okay so the next handout um, and you see here in 2012 we just  
5 covered that piece and the second piece was the forming of the Madison's CAC re, uh,  
6 committee. Can you hand me that calculator? So what we gave you is the full report from that  
7 committee, Cheryl and I'll try to give some summary of that. We learned that people don't  
8 necessarily read things all the time so, look through them, and if you'll turn

9 **Don Skaar:** Uh, you just handed this out, is that

10 **Cheryl Morris:** Do you need a recommendation

11 **Travis Horton:** Do you guys have a recommendation

12 **Cheryl Morris:** Yeah they already have the recommendations

13 **Travis Horton:** Oh there in you book, I'm sorry, there already in the book

14 **Cheryl Morris:** So if you want to look at the committees' recommendations

15 **Travis Horton:** Yeah it might take you a second to find them.

16 **Unidentified Speaker:** Some of the research 2008

17 **UNINTELLIGIBLE COMMITTEE LOOKING FOR CORRECT DOCUMENT**

18 **Unidentified Speaker:** First page after the table of contents

19 **Don Skaar:** Yep

20 **Travis Horton:** So if you flip in there to about the third page, you know the first  
21 few pages of this obviously are summarizing the process, how they went through it, um, interests  
22 they were considering, on page 5, page 6 overall desired conditions for the Madison, you guys  
23 can read through these things but then you come down to general river wide recommendations to  
24 be implemented immediately and we can go through them, I'm just going to summarize them, so  
25 to begin with, collect accurate recreation data for each section of the river. Again, this  
26 committee certainly didn't like having statistically derived or non-statistically derived  
27 information depending on how it was to be comfortable with that, to make decisions and so what  
28 they recommended was to install iron rangers, and iron ranger is a steel tube that's got a locking  
29 top on it there's a slot you can put information in, most of you've probably seen them, their  
30 buried in the ground with concrete so when a truck tries to pull it over it tears the axle off the  
31 truck, or the bumper. And so the intent of what the committee asked for and Joe can chime in if,  
32 if I get this wrong but what they wanted was mandatory daily reporting of all river users. Okay,

1 and so when you went out to fish the Madison, you got done, if you accessed by private land or  
2 somewhere where you weren't in an official public site then you'd have to go find a public site to  
3 go in and put you're survey in, fill the survey out. So the, the one, the failure, the failure, I don't  
4 want to say failure, but the difficulty involved with this was the logistics of such thing. So think,  
5 not even thinking about putting these in the ground, you know I don't know how many iron  
6 rangers that would have taken probably a couple hundred, you know, two, three thousand dollars  
7 each to install, so there's that capital component of it, then you got to have somebody on the  
8 river making sure all of them have surveys available all the time. So that's bodies running up  
9 and down the river in vehicles and burning gas, and then if you, if you calculate like simply um,  
10 let's assume we're counting tubers, we're counting anglers, we have a general idea of how many  
11 people are on this river so let's just say for example purposes, you have 400,000 user days on the  
12 river, this is the whole river so from Hebgen Dam down, I think that would include above  
13 Hebgen too but that's for simplicity let's say 400,000 so you times that by 2 minutes for  
14 somebody to sit down, take that, enter it into a computer so it could be analyzed right? That's  
15 800,000 seconds, sorry, 800,000 minutes, 13,333 hours, and if you divide that by 2080 which is a  
16 full FTE, a person working for a year that takes 6.4 people to enter into those data just to get it  
17 on. And so you know the real, I, I think that was one of the biggest problems we had with that  
18 data structure, we don't live in that world where we have the ability to hire a dozen new people  
19 to enter, get these data, collect them, get a half a million dollars to put in iron rangers in the  
20 ground and be able to process this information in a timely fashion, and make some sense out of  
21 it. That was the unfortunate reality of it and I don't remember the specifics Joe of how that  
22 feedback really wasn't allowed to be given from the Department to the committee and I think  
23 that was generally the, the facilitator that didn't want to stifle that creativity. It's unfortunate  
24 because it probably would have been better to say that's just not affordable, we can't do that and  
25 I think that's something important for folks to keep in mind. So on the next page,

26 **Mike Bias:** Travis, how does, um, how does Idaho do it?

27 **Travis Horton:** I don't know, do which

28 **Mike Bias:** Do the iron ranger or

29 **Travis Horton:** you do the survey in Idaho for every

30 **Mike Bias:** Three bucks a shot to launch

31 **Travis Horton:** Oh, that's paying to launch

32 **Mike Bias:** yeah

33 **Travis Horton:** I don't know

34 **Mike Bias:** It's, it's, I you know, I mean they did it. This isn't

1 **Travis Horton:** But that's collecting fees, not getting data

2 **Mike Bias:** Both

3 **Travis Horton:** Both

4 **Mike Bias:** Yeah

5 **Travis Horton:** I, I was completely unaware

6 **Mike Bias:** (unintelligible) but it, my, my point is that you know we don't have  
7 to reinvent, come up with something new, just look at other states and see how their doing it and  
8 adapt it right. I mean clearly it's working for them, they, and it's, it's the BLM uh, system down  
9 there so

10 **Cheryl Morris:** Oh, that's would be why the Feds have considerably more money  
11 to invest in stuff

12 **Mike Bias:** There's FWP slash BLM right on our SRP

13 **Travis Horton:** Again I don't have any idea what Idaho does so I guess, you know  
14 if you guys, the committee wants to look into and report on it or maybe staff could look into it  
15 we can make a phone call but I, I just have no idea. I'm sure there's better ways to do it but I  
16 think even Idaho's probably dealing with, with surveys rather than census, census means  
17 everybody gets talked to, because it's just not feasible. So um, the, the committee the third bullet  
18 point under this thing where it's general, where am I, page 7 the second bullet there. The first  
19 three years of data will be used to establish a base line used for numbers and satisfaction. So  
20 again a count of who is using that river and then their perspective on how the use was that day.  
21 Um, and that was needed, the committee felt that that needed to be collected, three years of  
22 information, this way with the iron rangers before anything took place. Um, they also requested  
23 a annual SRP, annual survey of all SRP holders, they wanted to develop and implement effective  
24 education outreach um, one of the key components of this was why the data are important that  
25 they're collecting, the iron rangers uh, user etiquette to try to educate people on using the river  
26 and fishing access points, how to keep the river in the banks free from trash, and then the last  
27 bullet there is um, that the public effectively should re-adjust their expectations for using these  
28 rivers in these periods of time when they're difficult, so you know it's not 1970 anymore you're  
29 going to have to deal with it that there's going to be the people out there. So expect high use  
30 levels during the summer and adjust your fishing times accordingly. So that wasn't just  
31 expectations but to also consider moving to another location. Monitor impacts from glass bottles  
32 river wide, I don't know exactly what the specifics of that were but to do some kind of  
33 evaluations and surveys to see if it's a problem or maybe look on the ground for broken glass I'm  
34 not, again I'm not sure exactly, uh, evaluate effectiveness of management actions, uh, if a new  
35 management action is applied it should be tried for two years and then evaluated for the desired

1 effect. So again three years of background data collection if there's a problem, implement  
2 something and wait two years to see if that worked. Uh, promote timely completion of work on  
3 Hebgen Dam, that's done now so we don't have to worry about that. And then uh, on page 8  
4 now general river wide thresholds and I read through this again last night. I don't think there  
5 was an actual number established for each reach of river but I, Joe I kind of remember talking  
6 about 140,000 as a base, so the, the threshold for number of users um, the established baseline  
7 for number of users to derive from the data collected from the iron rangers is exceed for two  
8 consecutive years by 10%. So again, I guess, now I now this was after three years of the  
9 collecting iron ranger data, see where we're at with total number of users, then if that exceeded  
10 10% for two more years then something needed to be done. The threshold for user satisfaction  
11 if, if on these surveys, if anglers, anglers were, had their you know the specific question we don't  
12 know exactly but if there was less than 80% um, satisfaction with those users then that was also a  
13 trigger to do something else, again this is, we'll get to the tools they have recommended, but  
14 reaching from a less restrictive to a more restrictive action. And then after a management action  
15 has been implemented this last paragraph affectively talks about how you reevaluate if it, if it  
16 worked and you're, you're use came back down then you waited for a four year period I believe  
17 and then if you reevaluated it if you still needed it. So you could remove it if, if needed. So then  
18 at the bottom of page 8 there, um, data from the iron rangers, let's see here, again the least to  
19 more restrictive to try to redistribute or suppress the number of users, displace uh, reverse  
20 displacement of users, uh restrict users on how, when, and where they might use the river so their  
21 progressively going on more complicated or restrictive things is the concept. Um, so the, the  
22 CAC recommended that when social crowding data indicates the established threshold on a  
23 particular section of river has been exceeded FWP should consider the following, least to more  
24 restrictive management actions. The first of those was to identify and evaluate additional access  
25 sites and site design. Um, you know this was something that philosophically we struggled with  
26 um, the basis in river recreation management largely is to control the access if you have a  
27 problem, you know limit the parking lot size. This is contrary to that so if there's a problem and  
28 Lions Bridge is an example, they specifically wanted Lions Bridge reworked so there are double  
29 ramps do you could move the congestion off the ramp and some of the staff went well that just  
30 puts the congestion on the river and which would you rather have, you know the congestion in  
31 the parking lot at the beginning day or the end or as you're floating down the river so those are  
32 philosophical discussions that really didn't happen between the committee and the Department.  
33 Um, the second step was to require all users to obtain an annual permit for fishing the entire  
34 river, the permits would be unlimited. And then there was some discussion and disagreement of  
35 whether or not that should cost anything, initially the discussion was a two to five dollars some  
36 members of that committee didn't want to charge money for it to begin with others did. And  
37 then the third step was add a mild impact fee, so then we did come to an agreement apparently  
38 the committee that if we hit a certain level now not only do you have to get this permit but it's  
39 gonna cost five bucks. And then the fourth step that they recommended was placing time  
40 restrictions such as seasonal openings, closures, time of day, specific days, and then the final step

1 was to cap the number of users and define how use could be allocated. Clearly there's not much  
2 di, dynamic ability to move through this when you know the Department can reach for a more  
3 restrictive tool in, in the Statewide rules and say we've blown past one, two and three but if you  
4 started with that step and so okay first lets go um, you know fix the sites, let's see if that will  
5 work and we'll wait two more years to see if it worked, if it didn't then we go to requiring all,  
6 everybody to get a permit, then we're two more years down the road and then if you had to  
7 charge five bucks for a permit then you're six years down the road and so again dynamic nature  
8 of that recommendation was pretty tricky to implement. So then it I don't think we need to go  
9 through all of this, there are specific um, stretches of the river that they had recommendations,  
10 you guys can read that at your leisure, um, you know it starts on page 9 Quake Lake to Lions  
11 Bridge some specific actions for that reach and, and there in here and I think it, generally, I don't  
12 remember anything beyond the general um, that was in that specific river stretch do you Joe or  
13 Cheryl? Well I can, I can look through a couple of them here so Lions Bridge to Ennis, redesign  
14 Lions Bridge, talked about that, improve the maintenance of Eight Mile for fishing access, dirt  
15 road through peak seasons, that been done.

16 **Cheryl Morris:** Several times

17 **Travis Horton:** Okay, refurbish, realign the boat ramp at Varney, that's been done,  
18 uh, at Macatee create a gate to allow people to access one side of it, I don't know if that's been  
19 done, probably not

20 **Cheryl Morris:** No, just for, for lack of time

21 **Travis Horton:** Educate the public to high use on the stretch of river you know and  
22 again back to that it's not the 70's and then open the year, river year around from Lions Bridge to  
23 Macatee that was the recommendation of the committee the Department said if we're gonna open  
24 up another stretch it's not gonna be just a piece, we're going to do the whole thing, lot of debate  
25 on that and if you guys want to talk about it you can. So anyways I think that's sufficient for  
26 that, so this, the committee went to the Commission and, this is up here, yeah in 2013 when the  
27 committee finished up they presented to their, the FWP Commission their report that I just gave  
28 you guys, and then that report was mailed out, or put out for public comment. Again back to  
29 Mike's comment there are only 40 comments received back to the Department from people that  
30 reviewed what they had said. And that's the next one, you already have

31 **Don Skaar:** Yep, I was just handed that out

32 **Travis Horton:** And again I don't think we have to go through every one of these  
33 things um, I think a lot of these I think were open, these are open comment processes so we  
34 didn't say answer this question, this question, and this question, the, the comments came in  
35 organically so create a Citizen's Day was brought up, uh, 35% of the 40 people keep in mind the  
36 sample size, recreation is not a problem it should not be regulated 30% of the people said that,  
37 education should be a primary focus, higher fees for commercial use supported, higher fees for

1 non-residence, too many people on the Madison, CAC benefited from commercial use on the  
2 Madison, do not require Montana residence to pay a use fee on the Madison, no, no more data  
3 needed, again we're getting to be pretty small percentages when we get down to that, we flip the  
4 page, there were some, there were specific comments to reaches of the river so the upper one  
5 doesn't not adequately address commercial use crowding seen presently 42%, regulate  
6 commercial users 40%, wade fishing absol, with absolutely no floating section, Sly to Lions 7%  
7 of people commented on that and continuing through lower Madison I think it was more  
8 obviously littering, parking and trespass and drinking, um, parking, get a plan to get people back  
9 and forth, and glass bottles, recycling bins and so forth. So the next hand out is I believe is the  
10 full 40 comments that were received and you guys can read through these if you choose, these  
11 are what came specifically to the Dep, Department, uh, the names of these people are on here so  
12 I probably should have redacted that but I didn't. Your, at your leisure read through those.

13 **Mike Bias:** Travis, it might be, I think it would be important if you explained  
14 Citizen's Day cause everybody might not know what that is.

15 **Travis Horton:** Uh, Big Hole, Beaverhead there is a Citizen's Day where a stretch  
16 of the river can only be fished from a boat by resident anglers. Non-residents can fish but they  
17 have to be on the bank right?

18 **Cheryl Morris:** Yes

19 **Travis Horton:** That was put in place almost 20 years ago on the Beaverhead, Big  
20 Hole and that's what he's talking about. Okay everybody getting tired yet? Okay so the next  
21 step on our list up here 2014, FWP halted Madison River recreation management planning  
22 process due to Agency wide funding concerns, at this point in the Legislative session the  
23 Department had gone to the Legislature and said we don't have the funding it's time for a, a fee  
24 increase to even keep the existing staff we have on place. And so clearly by deduction there's no  
25 way we were going to add more staff on to be able to continue and, and work on this or  
26 implement anything and so that was when it was delayed. And then in 2016 uh, the Department  
27 went back out to the public one more time, we had several meetings, I don't remember how  
28 many, I know West Yellowstone, Ennis, regardless there were at least two maybe three meetings  
29 the Department did,

30 **Cheryl Morris:** Oh definitely three maybe four

31 **Travis Horton:** Okay three or four

32 **Unidentified Speaker:** Yeah and we went to Butte didn't we?

33 **Cheryl Morris:** Yes

34 **Travis Horton:** The Butte folks always want us to come over

1 **Cheryl Morris:** Do you want them to have that?

2 **Travis Horton:** Yeah go ahead and pass that one out. And so this was a little  
3 different structure, this was run from our um, Responsive Management Unit up in Helena and  
4 they, they chose not to go with the standard 300 people in a room, everybody walking up to the  
5 mic. So they broke folks out into groups to try to allow those folks to be more comfortable to  
6 speak their mind, to have their opinions, some of this was written, where a question was on a  
7 card and they handed it, they turned it in before they left. The number of people that came to  
8 these meetings totally was about 400, 300, 400, I couldn't find a calendar,

9 **Cheryl Morris:** Yep about 400 each meeting, approximately

10 **Travis Horton:** Yeah, and some of them obviously were bigger than others, and  
11 there were a variety of questions that were talked about in a group setting, these smaller group  
12 settings, some of you may have been at these meetings, um, and I've kind of organized these,  
13 again these are the uh, I think these comments, I don't recall if these were written, these were  
14 written down, so this, this first page I think these comments were written down on, on a easel in  
15 that sa, small group, (unintelligible) was running one of them.

16 **Don Skaar:** 2016?

17 **Unidentified Speaker:** 2016

18 **Travis Horton:** The 2016 meetings so one facilitator had their, their thing and they  
19 wrote down what people were saying so the question, you can read it there, Hebgen Dam to  
20 Lions, again this is the, the most upstream reach, the walk wade, having come to a point where  
21 there's a need for FWP to regulate when and where the river, the public or river service providers  
22 can recreate in this stretch of river, or the types of recreation are allowed in the stretch of the  
23 river, FESY, second page is if no Y, okay, and these are listed in the order of magnitude, this  
24 wasn't intended to be qualitative where we can count up and say 45% of people said this, but as  
25 you progress down that list those are the more uncommon comments, the top ones are the more  
26 common. So not enough enforcement, conflict between wade in, wade anglers, I'm sorry walk  
27 and wade anglers and the people on the boats in that walk wade section, no boats should be  
28 allowed, to many boats, too much crowding, you can read through them. These are the folks that  
29 said yes something needed to happen, the second page, no the river is working as it is, it can self-  
30 regulate allowing boaters, can decrease fishing pressure, need more or better data, data doesn't  
31 indicate problem, again you can read through those in your leisure to go through, similarly the  
32 most common response to the least common. The third page is just Lions Bridge to Ennis that  
33 same, the same question to many boats, boat crowding, too much congestion, concerns about  
34 commercial use, concerns about the fishery, impacts to the landscape and resources, again, these  
35 are the people that said yes there's a problem, something needs to change. Then the fourth page  
36 is the folks that said no capacity crowding is not an issue, it can self-regulate, not the right time,  
37 not enough data to warrant the decision, public awareness, uh, education is better than

1 regulations, fisheries healthy, so on and so forth. Again you can read through those. The next  
2 one was, I think these were the questions as I recall, no I think this was still the easel work. So  
3 going forward in the future was the one thing, what one thing do you think is most important for  
4 FWP to manage the stretch of upper Madison River from Hebgen Dam to Lions, keep it as is, I  
5 believe these are also, yeah they're listed in order magnitude as received, keep it as is, do  
6 nothing, stop all boats, do not permit fishing from boat or float fishing, make it wade only area,  
7 need more enforcement, turn seasonal closures, no killing trout during spawning season, you can  
8 keep reading through those. A laundry list essentially of, I, I imagine some are compiled if they  
9 were a similar comment. Jim is that you no bait fishing between the lakes?

10 **Jim Slattery:** Uh probably

11 **Travis Horton:** And then the same question on the next set of sheets is um,  
12 between Lions Bridge and Ennis, similarly do not regulate or change regulations, limit the boat  
13 traffic, teach etiquette, reduce the number of guides and outfitted trips, implement management  
14 plan similar to Big Hole River, reverse year around season opener, close the river for fishing  
15 from March 1<sup>st</sup> to third Saturday in May, limit non-resident guides, on and on. And again those  
16 are in the order of magnitude received. The last page, or sorry, you keep going back, response  
17 from Lions Bridge to Ennis, I had these out of order, um, haven't come to a point where there's a  
18 need FWP, this is breaking out in more detail of those, that first question, is there a problem, do  
19 we need to do something and it breaks it out by the different sessions so there, three, there's a  
20 Bozeman listening session, I don't know if these are in order of magnitude, the Ennis listening  
21 session, so again these are all just self-generated comments from the public and then, as you go  
22 back that the first few are yes the second few were no, and then really that next section is with  
23 proper walk wade reach, so I'm not going to read through every one of them. And then on the,  
24 the next page, I wish this was numbered, I apologize, we're getting close to the back probably  
25 four pages in, yeah the fourth page from the back, this was the, the self-selected write in on the  
26 little piece of paper and hand it to the people as you left the meeting and again it's broken down  
27 specifically by the which, which meeting this was in so in Bozeman those listening session and  
28 again I don't think these are listed in order of magnitude, this is just raw showing you every  
29 comment that was received, no killing of trout during the spawning season, non-commercial  
30 fishing days, no guide to deal with commercial crowding, these are the public's words, keep it as  
31 it is, access, address conflicts with landowner fencing down to the water, expand wade fishing  
32 areas, again I don't need to read through all these you guys can do that at, at your leisure. The  
33 Ennis sessions next and I believe on the last page there's some demographic, and my staple fell  
34 out.

35 **Don Skaar:** Now Travis, on that side of that um, you people who just filled in a  
36 card as they

37 **Travis Horton:** Yeah there were cards given to everybody who came to the  
38 meeting, it had a question on it said going forward what's the one thing you think is most

1 important for FWP to do on the stretch of the upper Madison between Hebgen Dam and Lions  
2 Bridge and I think there was a question between Lions and, and Ennis and you've probably write  
3 down two things, and so then based on each meeting these are, there's just a laundry list of  
4 people who filled those out. Again this is their words, so they wrote something down and it was  
5 transcribed into a spreadsheet. That's part of the problem with this format it was in a spreadsheet  
6 that printed it off so that's why fonts very small in some cases.

7 **Don Skaar:** But they're already queried during the listening session on the  
8 same question cause you've got separate.

9 **Cheryl Morris:** Our (unintelligible) felt that by doing it where they could just write  
10 and, and not be worried about their response that they might see some different stuff.

11 **Don Skaar:** Oh, I see

12 **Cheryl Morris:** So they decided to do that to get a key (unintelligible) folks

13 **Travis Horton:** Yeah I think the questions are slightly different but same flavor.  
14 So on that last page it just gives you some demographics in the people, how they described  
15 themselves at the different sessions, Bozeman listening session was 61% recreationists, 23%  
16 river service providers, um, whatever, Ennis 33% recreationists, 31% river service providers and  
17 so forth, you can read through that, at the bottom there it talks about residence and status of the  
18 people that responded. So that puts us 2017, it's 11:00, I know Dave's presentation is probably  
19 going to be about 45 minutes, right Dave?

20 **Dave Moser:** It could be an hour

21 **Travis Horton:** So I don't know with how you guys want to, we probably should  
22 get started on it, we could throw the extend to questions later or, or push lunch back a little,

23 **Dave Moser:** On that the regs there you know

24 **Travis Horton:** Yeah, let's do that, and before we break if we have any questions  
25 or comments related to everything that I've thrown at you today, a lot of it you're going have to  
26 look at on your own time if you choose to. But again patterns are what's important through  
27 those, the whole process of these kind of qualitative right your own answer verbally questions  
28 that are listed here, you can see there's a few common threads and I think, and you pull this  
29 information together with some of the survey information and the phone calls and the emails we  
30 get outside of these things and that, that's really how, and also back to the Citizens Advisory  
31 Committee, all those things were considered together to put forth what went out in April to the  
32 commission. So, Dave

33 **Mark Deleray:** Let's take five minutes unless there's questions.

34 **BREAK**

1 **Mark Deleray:** Okay so a little bit about logistics here, uh, the next presentation  
2 will probably take 45 minutes to an hour and so that'll push us against noon, uh we did, we also  
3 have a public comment period and then an opportunity prior to that for questions or discussion so  
4 I guess my question to the committee is uh, would you prefer just to continue through the agenda  
5 without a lunch break and then, uh, the lunch would be provided after at you know, one

6 **Charlotte Cleveland:** Lunch

7 **Mark Deleray:** it would be about 1:30 maybe, or uh, excuse me 12:30 or would  
8 you rather try to break, have this presentation um, we could even do public comment now, take a  
9 break for lunch and then come back for the presentation.

10 **Unidentified Speaker:** Do you have more after this presentation for the rest of the day or  
11 is that?

12 **Mark Deleray:** No, were we, what we have left on the agenda is a presentation  
13 which will probably take about an hour, and an opportunity for questions, discussion from the  
14 committee and a public comment period is what's all that's left on the agenda.

15 **Unidentified Speaker:** Okay

16 **Unidentified Speaker:** I would like

17 **Mark Deleray:** Unless there's something else that the group would like to add to  
18 the agenda at this point.

19 **Scott Balmer:** It doesn't matter to me either way

20 **Unidentified Speaker:** Yep

21 **Charlotte Cleveland:** Uh, I opt for lunch at noon and do uh, comments from the audience  
22 and, and then just break and then come back after lunch and do this as a total unit.

23 **Mark Deleray:** Okay

24 **PEOPLE TALKING AT ONCE CAN'T UNDERSTAND**

25 **Mark Deleray:** We can do that, we can so what I'm, what I'm hearing then uh,  
26 Charlotte is, is do public comment maybe some discussion if there's questions, discussion about  
27 the information that's been presented today uh, take a break for lunch, come back and see this  
28 presentation? Is that

29 **Tim Aldrich:** I think public comment might come also with what Dave's going  
30 to pre, present.

31 **Don Skaar:** Yeah

1 **Unidentified Speaker:** True

2 **Tim Aldrich:** I think personally we've said we're going to put it at the end.

3 **Mark Deleray:** Okay

4 **Tim Aldrich:** I just think there's that's expectation and we have to be careful

5 **Mark Deleray:** Okay and that's, that's fine with me

6 **Charlotte Cleveland:** So can we break at noon, interrupt his presentation and break at  
7 noon?

8 **Mark Deleray:** We could do that too, we could get part way through the  
9 presentation, take a break.

10 **Travis Horton:** We could bring in the sandwiches and talk, continue discussion  
11 while you're eating your sandwich.

12 **Unidentified Speaker:** Yep

13 **Mark Deleray:** Or we could take a half an hour break and then jump right back  
14 into it. What I want to try and do is I just want to, I just don't want to extend this longer into  
15 your days then need be, to try to allow you, you know more time out of the process. So, it  
16 doesn't matter to me, I'm here. So if you have a preference we can work, we can do any of those  
17 different gyrations to get this to work for you. Okay so how about

18 **Don Skaar:** Dave's thing will end close to noon they why not just

19 **Mark Deleray:** Take a half hour break and come back for public comment?

20 **Don Skaar:** yeah after Dave's

21 **Mark Deleray:** Okay well let's, let's just go then with Dave's presen, if this  
22 sounds good we'll go with Dave's, or go ahead Mark

23 **Mark Odegard:** The public doesn't have lunch here.

24 **Unidentified Speaker:** Yeah that's true

25 **Unidentified Speaker:** Yep

26 **Mark Odegard:** So they'd probably need an hour

27 **PEOPLE TALKING AT ONCE CAN'T UNDERSTAND**

28 **Travis Horton:** Let's take an hour and a half break and come back at 12:30

1 **Mike Bias:** Just go to lunch now

2 **Unidentified Speaker:** yeah

3 **Mike Bias:** Let's go to lunch now

4 **Mark Deleray:** We, we could go to lunch now at 11:15, come back at 12:15 do the  
5 presentation and the public comment.

6 **Travis Horton:** And we do have sandwiches coming from Jimmy Johns' for the  
7 committee if you choose to use those but they won't be here for a little bit.

8 **Mark Deleray:** That would be opportunity for a break. Does that sound like what  
9 you want to do?

10 **Unidentified Speaker:** Yep

11 **Mark Deleray:** Okay so that's what we're going to do. We're going to break now  
12 for an hour and return at 12:15.

13 **LUNCH**