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Skyline Sportsmen Association
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June 18, 2020

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

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

Dear Chairman Colton:

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

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

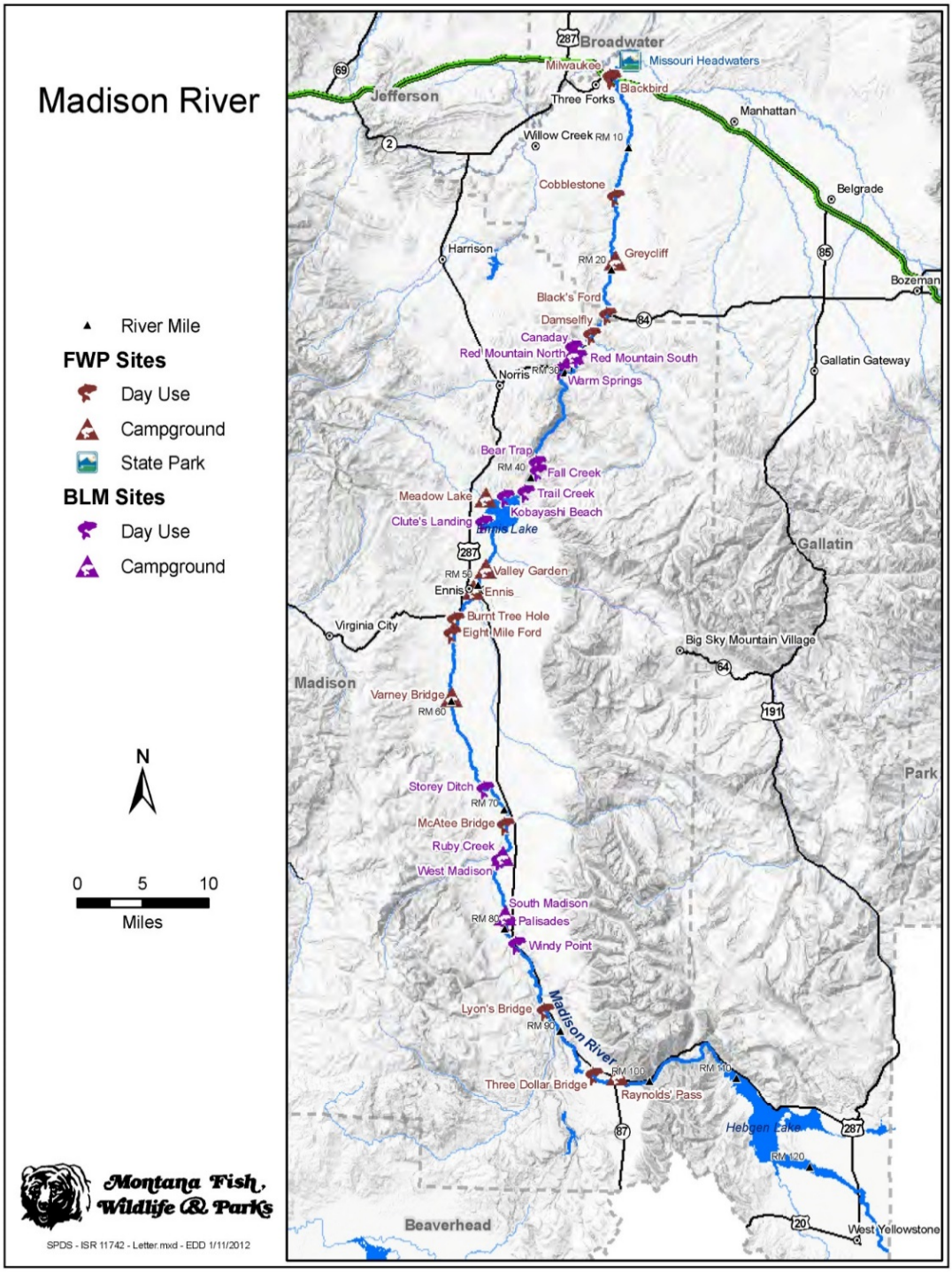
As you know, the river recreation management process on the Madison River has drug on for years. Montana sportsmen have participated in this process in good-faith and have been disappointed time and time again. Our patience is running thin, and we are beginning to question the integrity in the public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

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

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

Waterbody Description

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



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

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

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

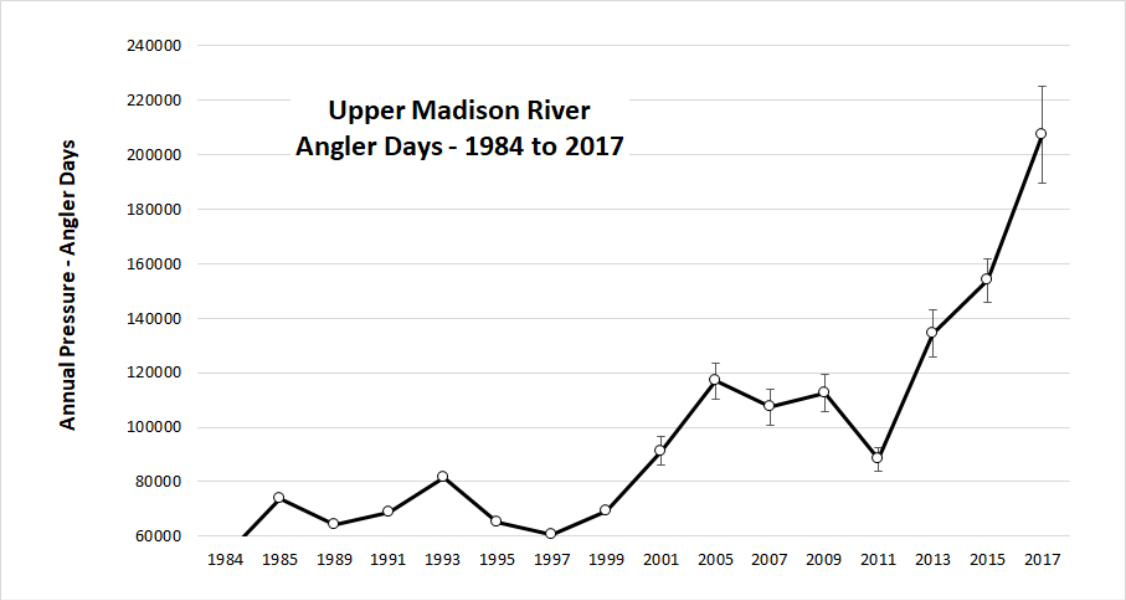
Historical Use and Data on the Madison River (Source: 2020 Draft Madison River EA)

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

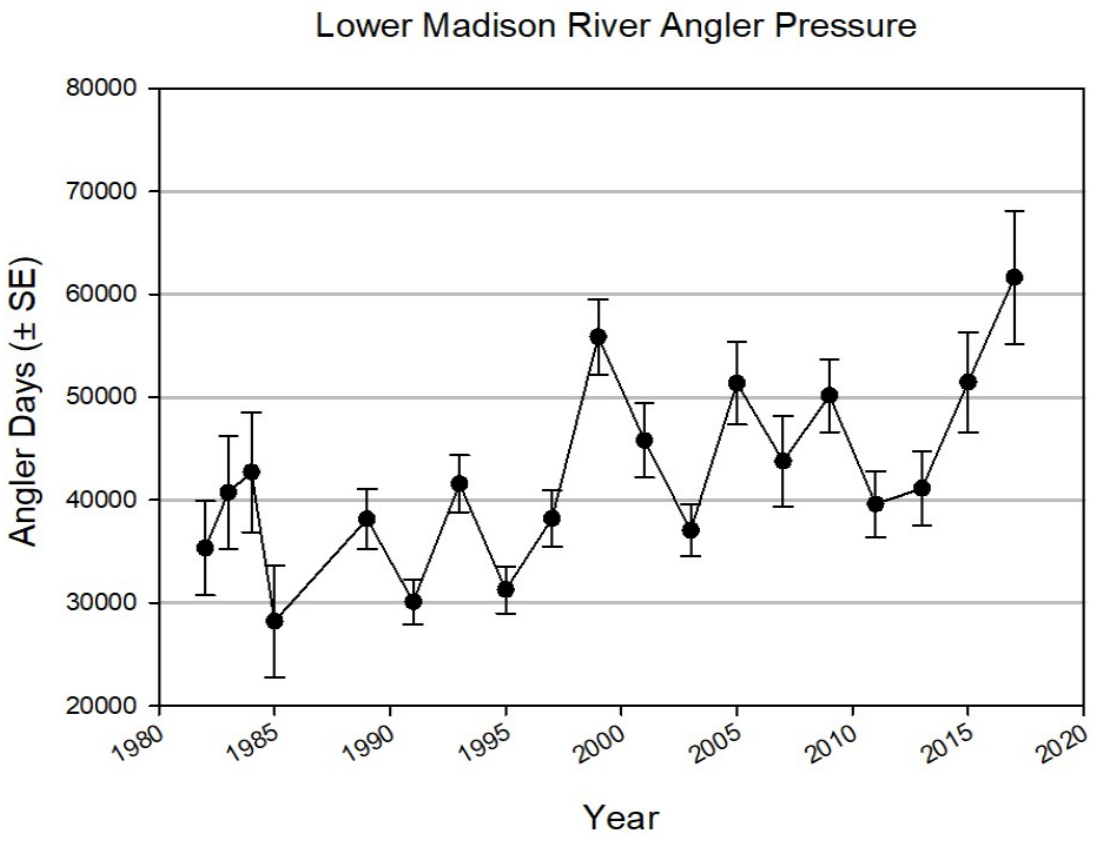
- 1959: Float fishing closure from Hebgen Dam to Varney Bridge.
- 1967: Float fishing closure rotated between two reaches of the river each year.
- 1975/1976: Snoball and Pine Butte reaches closed to angling and harvest, respectively for mortality study.
- 1980: 1-year moratorium on new outfitters. *40-years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

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

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



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



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

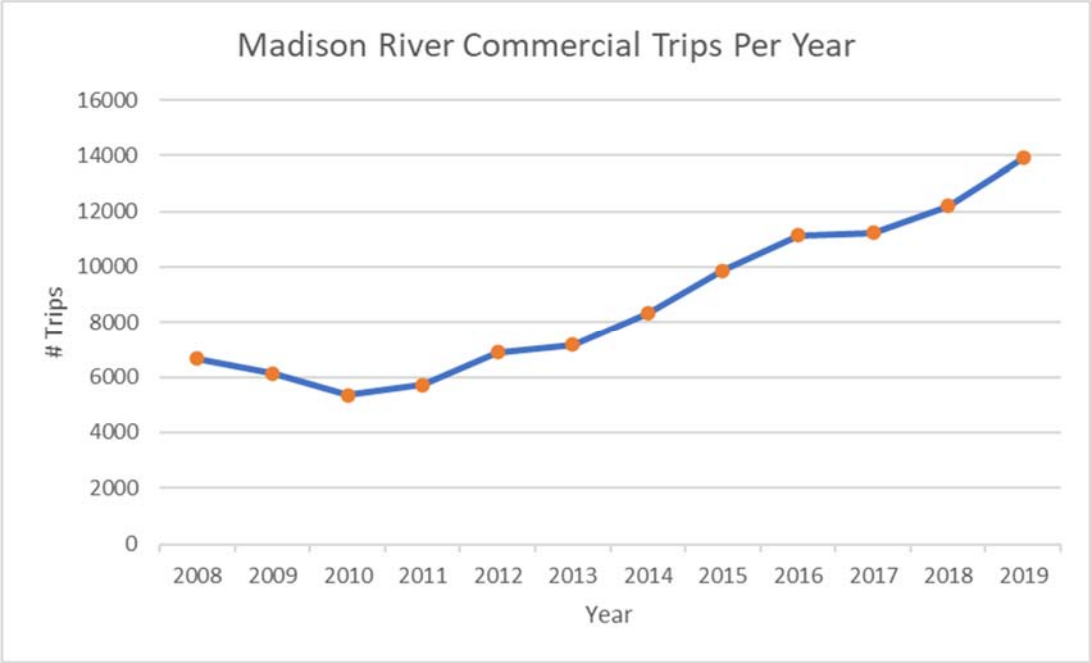
scenic floats. Permitted fishing outfitters active on the Madison in 2019 numbered 222, the highest under the program.

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

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

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

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

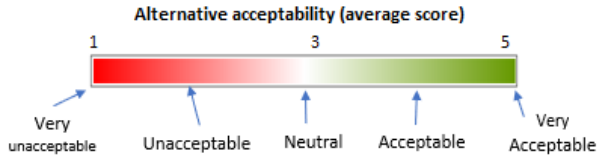


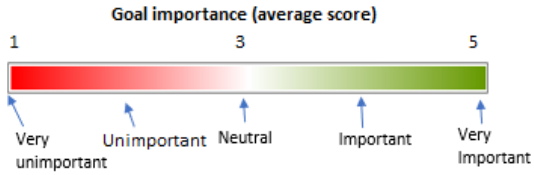
A FWP survey was conducted in late 2019 to gauge the public's views on a range of Madison River recreation issues and potential management tools. A total of **7,577 surveys were taken.** Among both resident and nonresident survey respondents, caps on commercial users, implementation of rest-rotation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

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

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

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





Proposed Remedy:

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

- Cap the total number of outfitter trips at 2019 levels.
- Two days per-week rest-rotation seasonally, June 15 to September 30

  Saturday: Varney Bridge FAS to Ennis FAS. No commercial activity.

  Sunday: Lyons Bridge FAS to Palisades Day Use Area: no commercial activity
- Seasonal walk/wade, June 15 to September 30

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

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

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

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

Sincerely,

Mark Thompson	Justin Mandic	Gary Ouldhous
President	President	President
George Grant Chapter Trout Unlimited	Skyline Sportsmen	Anaconda Sportsmen