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SEP 26 2019

**LEGAL UNIT
FISH WILDLIFE & PARKS**

September 25, 2019

Via U.S. Mail

Fish and Wildlife Commission
Montana Department of Fish, Wildlife & Parks
1420 East Sixth Avenue
P.O. Box 200701
Helena, MT 59620

Re: Petition to Adopt Preferred Alternative

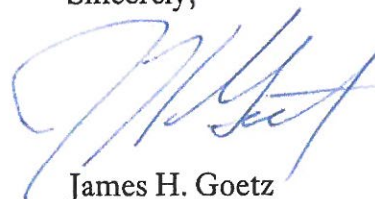
Dear Commissioners,

I represent the George Grant Chapter of Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Association, and the Public Lands Water Access Association regarding the petition they have submitted to the Fish and Wildlife Commission entreating the Commission to adopt the "Preferred Alternative" as laid out in the 2018 Madison River EA published by the Department of Fish, Wildlife, & Parks.

Having reviewed the petition, I believe it meets the requirements of the relevant Administrative Rules, namely ARM 12.4.103-104. The Commission will find that the petition provides all necessary identifying information for the river at issue, describes the "historical recreational use of the river" (ARM 12.4.103(2)(e)), alleges (with accompanying data and documentation) a "clear and immediate threat" (ARM 12.4.104(2)(h)) that the current state of public recreation on the Madison River could "adversely affect[...] fish or wildlife" (ARM 12.4.104(2)(c)) that inhabit the river, and "state[s] the remedy that the commission is being requested to grant" (ARM 12.4.103(2)(c)).

Accordingly, I respectfully request the Commission to accept the petition and to order the Department to initiate proceedings according to ARM 12.4.103(3)-(8).

Sincerely,



James H. Goetz

George Grant Trout Unlimited
PO Box 563
Butte, MT 59703

Skyline Sportsmen Association
115 Grand View Dr.
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Anaconda Sportsmen Association
201 Cherry St.
Anaconda, MT 59711

PLWA
3609 Willoughby
Butte, MT 59701

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SEP 26 2019

LEGAL UNIT
FISH WILDLIFE & PARKS

Dear Fish and Game Commissioners,

On behalf of the George Grant Chapter of Trout Unlimited, Skyline Sportsmen Association, Anaconda Sportsmen Association, Public Lands Water Access Association, and the thousands of local Montana Members that these organizations represent we implore you to approve the attached petition pursuant to ARM Rule 12.4.103 based on the Administrative Rules of Montana. All parties involved want the commission to adopt the "Preferred Alternative" as referenced in the 2018 Madison River EA (Preferred Alternative) published by MT FWP as a tentative rule and put it out for public comment under the Montana Environment Policy Act (MEPA). The fact that we agree that the Fish and Game Commission needs to adopt the Preferred Alternative as a tentative rule does not mean that all petitioning parties agree on all aspects included in the Preferred Alternative. What we do agree on is that the premise of this plan provides an opportunity to create River Recreation Rules on one of the most recreated rivers in Montana.

River Recreation Rules are not a new concept for Montana waterways. As you know there are very similar regulations in place on the Big Hole, Beaverhead and Bitterroot Rivers. On those rivers the regulations implemented, albeit with much controversy, were for the betterment of not only the health of the resource but more importantly the experience for those that are using them. ~~There are those who might suggest that there is no biological reason for regulating the Madison but our groups don't believe that and are not willing to stand by and wait for the Madison to degrade.~~ As local sportsmen, those who enjoy Montana every day, who depend on our local FWP and your commission to manage our waters we are discouraged and frustrated with the commission for not taking action to address such an obvious and controversial problem with one of the most heavily used rivers in this state. Please make the right decision and get the Preferred Alternative out for public comment.

We appreciate your time and urgency with this petition.
Sincerely,

Mark Thompson
President - George Grant Chapter Trout Unlimited

Justin Mandic
Director - Skyline Sportsmen Association

Gary Ouldhouse
President - Anaconda Sportsmen Association

Tony Schoonen
Director - Public Lands Water Access Association

Please leave this sentence in.

Tony

Gary Ouldhouse - by Tony Schoonen - life member

Tony Schoonen - 792-1560

Original

The History and the Data

Angling Use Estimates

Every odd-numbered year, FWP surveys anglers to obtain statewide use estimates of all waters. Beginning in 2003, significant increases in angling pressure have been observed on the Madison River. Over the last four years the upper Madison River has seen a steep increase in use, doubling from 88,000 to 179,000 angler days (Figure 1). Since 2013, angler use on the Madison has increased by a rate of 15% biennially. From 1982 to 2015, the proportion of total angler pressure from non-resident anglers has remained remarkably stable at approximately 75% (Standard Deviation - 0.05) Though there are no obvious trends in proportion of angler days, either non-resident or resident, the total number of out of state angler days has increased significantly. To date, fish populations have remained relatively stable despite the significant increase in river use. However, FWP has concerns that increased use may reach a level that negatively impacts fish populations, especially during warm summer months.

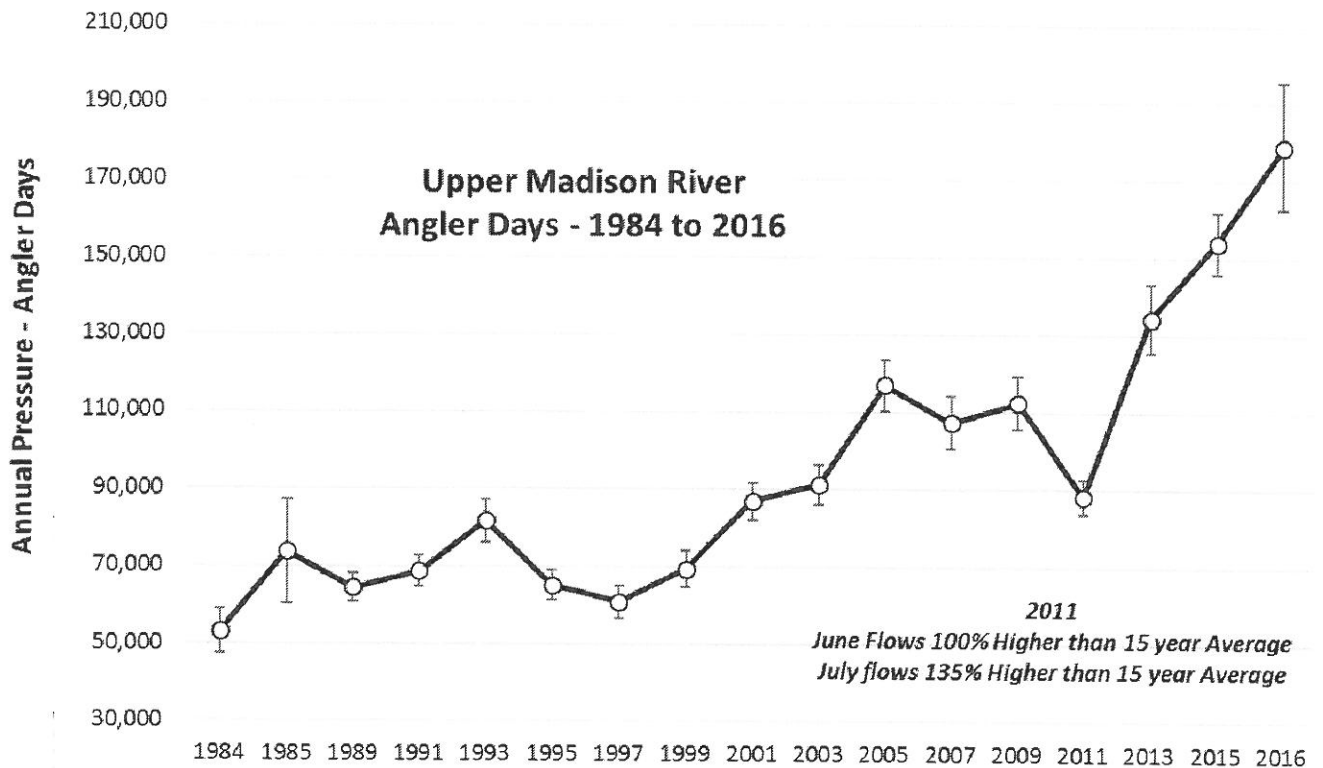


Figure 1. Angler days gleaned from mail-in surveys collected on odd years. Vertical bars represent standard error/confidence intervals. The 2016 data point was estimated using a correlation analysis between reported outfitted trips and total angling pressure.

Commercial Use

In 2007 the Bureau of Land Management (BLM) and FWP implemented a cooperative Special Recreation Permit Program (SRP) for administering commercial, competitive and organized group activities on public lands and related waters within the Madison River corridor. Since the inception of the permit program on the Madison River, FWP has issued 306 Madison Special Recreation Permits to individual commercial operations on the Madison River. Permits that have been issued to fishing outfitters is 294 with the remaining 12 being issued to shuttle services and scenic floats. Two hundred and three of these permitted fishing outfitters were active for 2017, the highest ever under the program. Inactive permits consist of those outfitters that have chosen not to renew their Madison River SRP for the current year. The Montana Board of Outfitters does not limit the number of fishing outfitter licenses it issues and any fishing guide with the required qualifications can become a licensed fishing outfitter. Moreover, under current rules, Madison River SRP permits are unlimited and any licensed fishing outfitter in good standing can apply for and receive an SRP permit, which allows them unlimited year-round commercial use of the Madison River.

A stipulation of the SRP program is that all outfitters must report annually to FWP all commercial use on the Madison River. According to these reports, the number of Madison River trips reported by commercial outfitters has increased by 72% since 2008 (Table 1). Use of the upper Madison River (Quake Lake to Ennis Lake), by outfitters occurs predominantly from June through September (Figure 2). Outfitter use on the lower Madison River (Ennis Dam to the confluence with the Jefferson River), occurs primarily in the spring and fall because of warm summer water temperatures in this reach (Figure 3). In 2016, FWP implemented season-long fishing on the entire upper Madison River in an effort to provide uncrowded opportunity for resident anglers and spread-out use during the spring. The newly liberalized regulations have lead to increases in spring outfitter use of previously closed sections of the upper Madison.

Table 1. Reported commercial trips by year and month from 2008 to 2017. Trips may have one or more clients.

Month	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Jan	0	1	1	0	0	3	4	9	4	3
Feb	1	1	1	3	0	3	2	15	21	4
Mar	3	15	21	25	27	24	26	92	63	121
Apr	86	133	100	69	118	82	159	184	296	329
May	229	151	167	173	205	276	347	523	437	622
Jun	1092	786	696	314	915	940	1368	1560	1834	2456
Jul	2536	2026	1811	2241	1927	2172	2588	2802	2883	2984
Aug	1624	1497	1326	1499	1861	1870	1869	2207	2754	2010
Sep	809	1256	996	1079	1374	1379	1497	1816	2132	1993
Oct	262	259	213	317	454	411	440	636	687	669
Nov	11	6	5	3	7	0	14	20	29	21
Dec	0	0	1	1	0	0	6	8	8	12
Total Year	6653	6131	5338	5724	6888	7160	8320	9872	11148	11224
% Change	na	-7.8%	-12.9%	7.2%	20.3%	3.9%	16.2%	18.2%	12.9%	0.7%

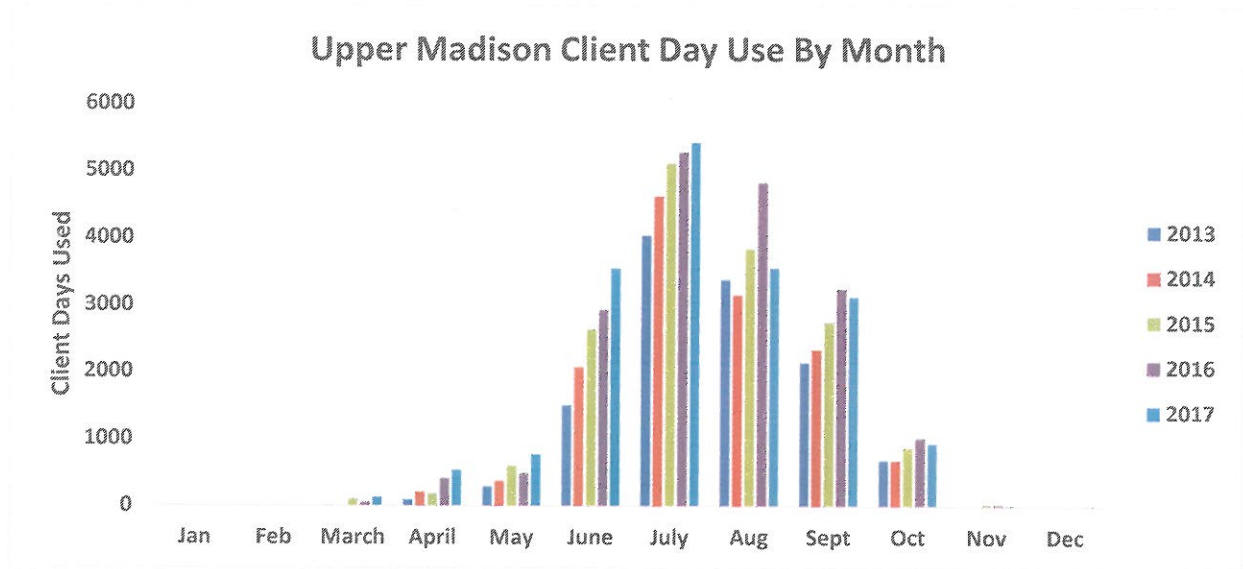


Figure 2. Commercial use of upper Madison River client days reported from 2013 to 2017.

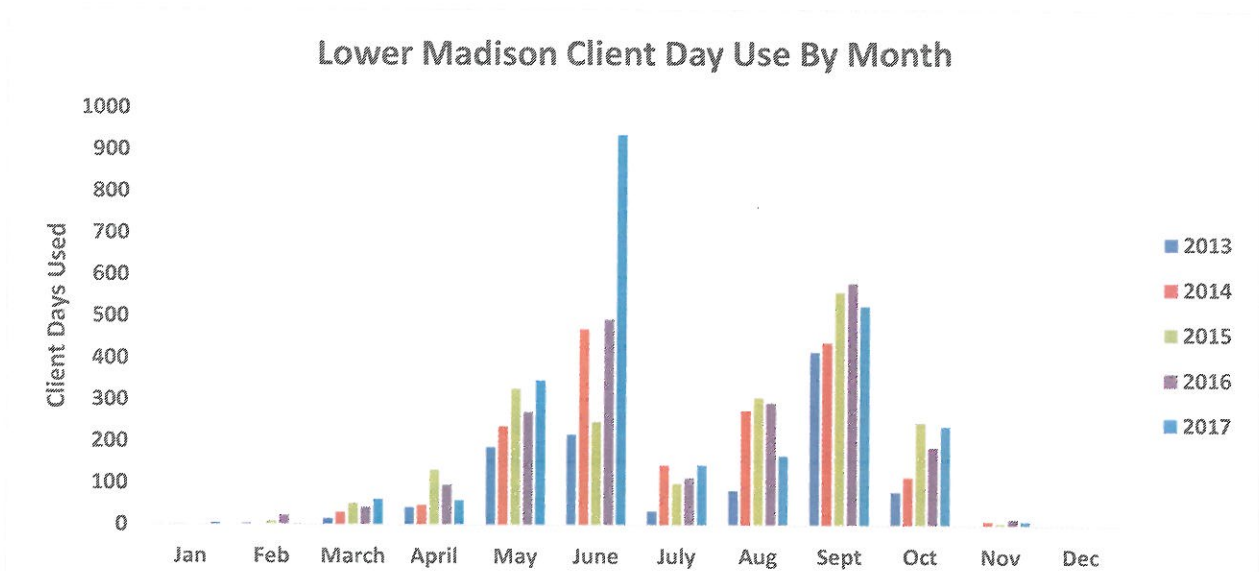


Figure 3. Commercial Use of lower Madison River client days reported from 2013 to 2017.

SRP outfitter reports show an increasing amount of outfitter use of the two wade-only reaches of the upper Madison: from Quake Lake to Lyons Bridge and from Ennis Bridge (Highway 287) to Ennis Lake (Figure 4). Fishing from a vessel or float tube is prohibited in these reaches: however, it is legal to use a vessel or float tube to gain access for fishing. The reach from Quake Lake to Lyons Bridge has nearly doubled in outfitter use since 2013 while the reach from Ennis FAS to Ennis Lake has increased by over 350%. Moreover, most commercial trips in these reaches use a vessel or float tube to gain access. Using vessels or float tubes to gain access for fishing in these reaches, not just by outfitters, is a major source of contention for wading anglers, which is evidenced both by consistent volunteered public comments and through angler satisfaction surveys. Many outfitters report trips that use a vessel in these reaches as

walk/wade trips; thus, an accurate count of commercial vessel use in wade-only reaches is not possible.

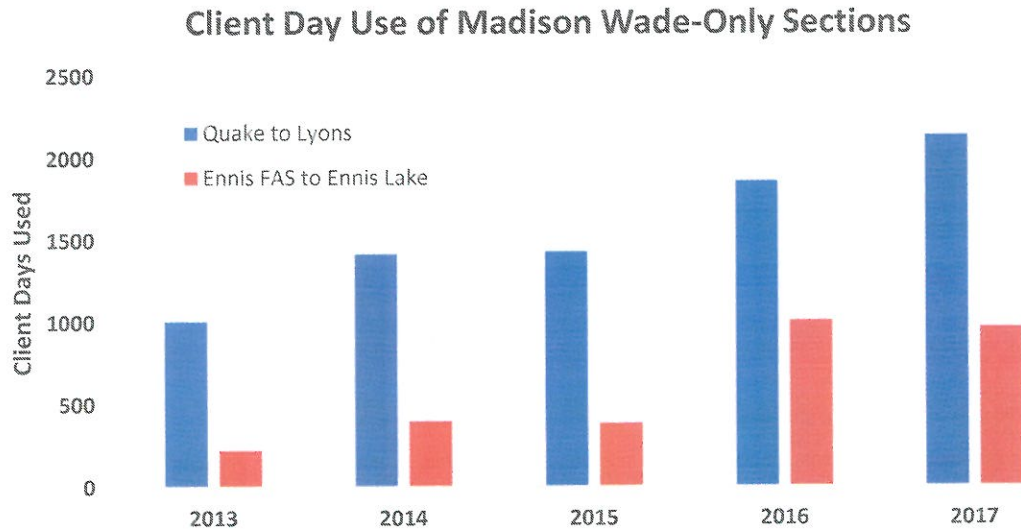


Figure 4. Commercial use client days used in wade-only reaches of the upper Madison River.

Public Scoping of Madison River Recreation Concerns

In 2008, FWP conducted a mail-in survey of property owners along the Madison River to gauge their perception about conditions on the river. In general, landowners indicated that conditions on the river were acceptable regarding recreational use, with the notable exceptions of the high incidence of trespassing and the large number of float fishermen from Lyons Bridge to Ennis Lake during the summer. Landowners also expressed concern regarding negative effects to the fishery due to higher levels of recreational use.

In 2008, FWP also surveyed Montana resident anglers about their use of the Madison River and their perception of conditions. The results suggested that social conflicts were affecting river use by some resident anglers. Of the respondents who considered themselves avid Madison River anglers and first fished the river more than three years prior to the survey, 68% indicated they no longer fished the River. Forty-three percent of those who no longer fished the Madison River indicated they no longer fished there because of river congestion, crowding or other user conflicts.

An onsite visitor survey was conducted by FWP in the summer of 2009 to better understand who was using the Madison River, how it was being used, and the perceptions of those users about recreational conditions. The survey was divided into three reaches of river: 1. Quake Lake to Lyons Bridge FAS, 2. Lyons Bridge FAS to Valley Garden FAS, and 3. Ennis Dam to the Missouri Headwaters. In the upper reach from Quake Lake to Lyons Bridge FAS most individuals reported that river conditions in this reach were acceptable, but there was concern with the number of people and vehicles in access sites and the number of people recreating along this reach of the river. From Lyons Bridge FAS to Valley Garden FAS the river conditions were again considered by most respondents to be acceptable. However, some of those surveyed indicated they were concerned with the number of encounters with other recreationists

on the river, the number of people and vehicles at access sites, and the amount of visitor impact to the natural resources. In the reach from Ennis Dam to the Missouri Headwaters, conditions were again considered acceptable by most respondents, but some of those surveyed indicated that they were concerned with the amount of litter, visitor impact to the resources, and the number of people and vehicles at access sites.

In 2011, FWP gained approval from the Fish and Wildlife Commission to begin the formal process of developing a management plan.

In February and March of 2012, FWP held four scoping meetings to gather public input on the development of a recreation plan for the Madison River. These meetings took place in Ennis, West Yellowstone, Bozeman and Whitehall, with an average of 61 people in attendance at each meeting. Issues that were raised at the public meeting included:

- Crowding
- Too many tubers/recreation floaters
- Too much commercial use
- Limit non-resident use
- Initiate Citizens Day
- Limit Number of Outfitters
- Wade only reaches
- Spring Fishing Closures
- Respondent noting recreational conflicts
- Trash
- Need for river etiquette education
- Parking issues
- General access
- More float opportunity
- Boats on wade only reaches
- Ban floating in Beartrap Canyon
- Alcohol and drunk driving
- Camping
- Pavement at BLM site
- Better signs
- Limit tubers
- Provide tuber shuttle
- Close fishing between Warm Springs and Blacks Ford during summer
- Create tuber and angler times for lower river
- Charge tubers fee or require permit
- More enforcement
- Less guide checks by enforcement
- Lower enforcement profile
- Manage recreation like Beaverhead River and Big Hole River
- Limit launches
- Permit for non-resident boats

- Limit number of people

In spring 2012, FWP initiated an online survey that allowed the public to comment on recreation conditions and management strategies on the Madison River. Open-ended questions allowed participants to respond freely to what they liked most about recreation on the Madison River, what they liked least, and what issues FWP should address on the Madison River. FWP received approximately 915 surveys, of which 71% were submitted by Montana residents. Crowding on the Madison River was specifically addressed by 306 survey participants, 88% of which felt it was a problem. Similarly, crowding at access sites was specifically addressed by 143 participants, 96% of which felt it was a problem. Ninety-two respondents specifically addressed commercial use of the Madison River, 86% of which felt there was too much commercial use and 74% said commercial use should be limited.

In April of 2012, FWP appointed the Madison Citizen Advisory Committee (MCAC) to develop recommendations for a Madison River Recreation Plan pursuant to Administrative Rule of Montana 12.11.425. The MCAC was purposefully selected to be a diverse group of individuals intended to represent the various river recreation management interests as well as those affected by management actions. Individuals selected for the committee represented float and wade anglers, tubers, boaters, private land owners, business owners, commercial users, and conservationists. Representatives of FWP and BLM served MCAC in an advisory capacity.

The MCAC held ten meetings from May 2012 through March 2013 with the goal of developing recommendations for managing recreation on the Madison River (see Appendix A). The recommendations were presented to the FWP Commission on April 9, 2013, after which the Commission instructed FWP to solicit public comments. FWP received a total of 40 comments from individuals and various organizations. Only 15% of respondents approved of the MCAC recommendations as a whole. Most (78%) wanted to see modifications to the recommendations.

Approximately 40% of public comments received on the MCAC recommendations regarding fishing-related issues requested that restrictive management actions designed to address crowding and social conflicts be implemented immediately. Many of these comments also recommended rules like those used to manage recreation on the Beaverhead and Big Hole Rivers (BH2) since 1999. The individuals expressing these comments indicated that existing social conflict data for the Madison River is sufficient to justify immediate implementation of restrictive management actions. Implementation of BH2 rules on the Madison River were requested by approximately 20% of fishing-related respondents, while individual rules and components, including a cap on outfitter use, implementing resident days, and limiting the number of launches at individual sites, were requested by higher percentages of respondents.

In 2015, FWP began a camera monitoring program on the Madison River between Lyons Bridge and Windy Point. The goal of this program was to estimate the percentage of vessels floating that reach of river that were commercial. Concerns voiced by the public that commercial use was too high conflicted with the Madison River SRP commercial use reports that suggested commercial use was a small component of the Madison River angling estimates. The camera was positioned to capture the entire width of the river in the frame and programmed to take a picture every 3 seconds from first light to last light every day. The 3 second interval

usually allowed several pictures of each vessel passing through, allowing a daily count of total boat traffic. Cameras were operated from May through October each year. The number of commercial vessels reported daily (not corrected for outfitter non-reporting) in this reach in mandatory Madison SRP use reports was then subtracted from the total number of vessels observed that day. These data yielded an estimate of the percentage of vessels that were commercial on each day. Data from 2015 were not analyzed, but the 2016-17 data suggests that over 60% of vessel traffic in this reach is commercial (Table 2). Additional analysis of data collected from an angler satisfaction survey in 2017 supports camera data. Individual interviews were categorized as either being commercial or non-commercial. Data were collected from approximately 9:00 AM to 10:00 PM at randomly selected sites and times.

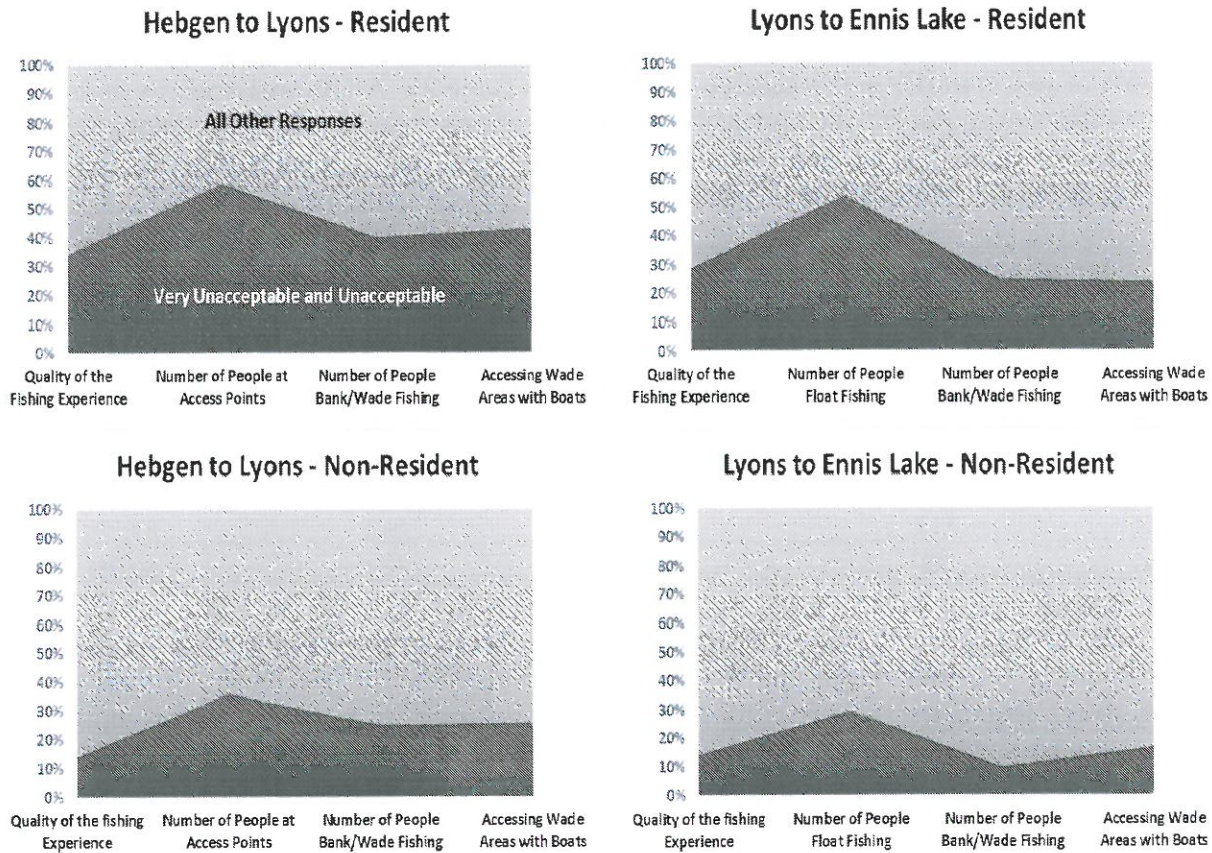
Table 2. Estimate of percentage of commercial use of the Lyons Bridge to Windy Point reach taken from correlating camera data to Madison River SRP Use Reports. Cameras were operated from May through October in each year. Days in which only partial data or poor viewing conditions existed were not included in the analysis.

Year	Number of Days Observed	Number of Vessels Observed	Number of Commercial Trips Reported	Percent Commercial Use
2016	113	3049	2063	67.7%
2017	98	3798	2304	60.7%

After a break in the planning process due to budget constraints in 2016, FWP conducted three listening sessions regarding Madison River recreation (one each in Ennis, West Yellowstone, Bozeman). Anonymous comment cards were distributed requesting input on the one thing most needed to alleviate problems on the reaches of the Upper Madison River from Hebgen Dam to Lyons Bridge, and from Lyons Bridge to Ennis Reservoir. Comments varied, but the most mentioned issues were related to crowding, with two-thirds of respondents considering it the primary concern between Lyons and Ennis Lake. Similarly, two-thirds were concerned with conflicts between float and wade anglers in the Hebgen to Lyons reach.

In 2016, FWP conducted a mail in survey focusing on angler satisfaction. Data were collected from 1,335 residents of Montana and 1,545 non-residents. To be as comprehensive and non-biased as possible, the survey was sent to a sample of anglers that reported fishing the Madison River drainage from 2001 to 2015 through the Statewide Angler Surveys. The survey questioned both residents and non-residents on several factors related to their overall angling experience in two reaches of the upper Madison River – Hebgen Dam to Lyons Bridge and Lyons Bridge to Ennis Reservoir. The most striking data indicates that 54% of residents and 30% of non-residents feel that the number of float users from Lyons Bridge to Ennis Lake is either “Very Unacceptable” or “Unacceptable” (Figure 5).

Figure 5. Resident and non-resident responses to mail in survey. Dark gray area represents respondents who felt issues on horizontal axis were “Unacceptable” or “Very Unacceptable”. The remainder of responses include Very Acceptable, Acceptable, and Neutral.



Angler satisfaction, in part, is dependent on the number and/or size of fish caught. Declining catch rates, especially during summer months, are of concern to Montana Fish, Wildlife & Parks. Catch rates are either 1) a representation of the number and sizes of trout present in Madison River or 2) changes in feeding behaviors of trout (Figure 6). Recent electrofishing estimates indicate populations of trout in the Madison River are at all-time highs; therefore, reduced catch rates are not related to number of fish. Intense fishing pressure has likely decreased catch rates, particularly during summer months. Changes in fish behavior/feeding is of important, especially when water temperatures can be stressful to fish. Analysis of this EA and the proposed action must include a discussion of negative environmental impacts from increasing use on the Madison Rivers The relationship between water-based recreation and the health of aquatic ecosystems is relevant to this EA and the proposed action.

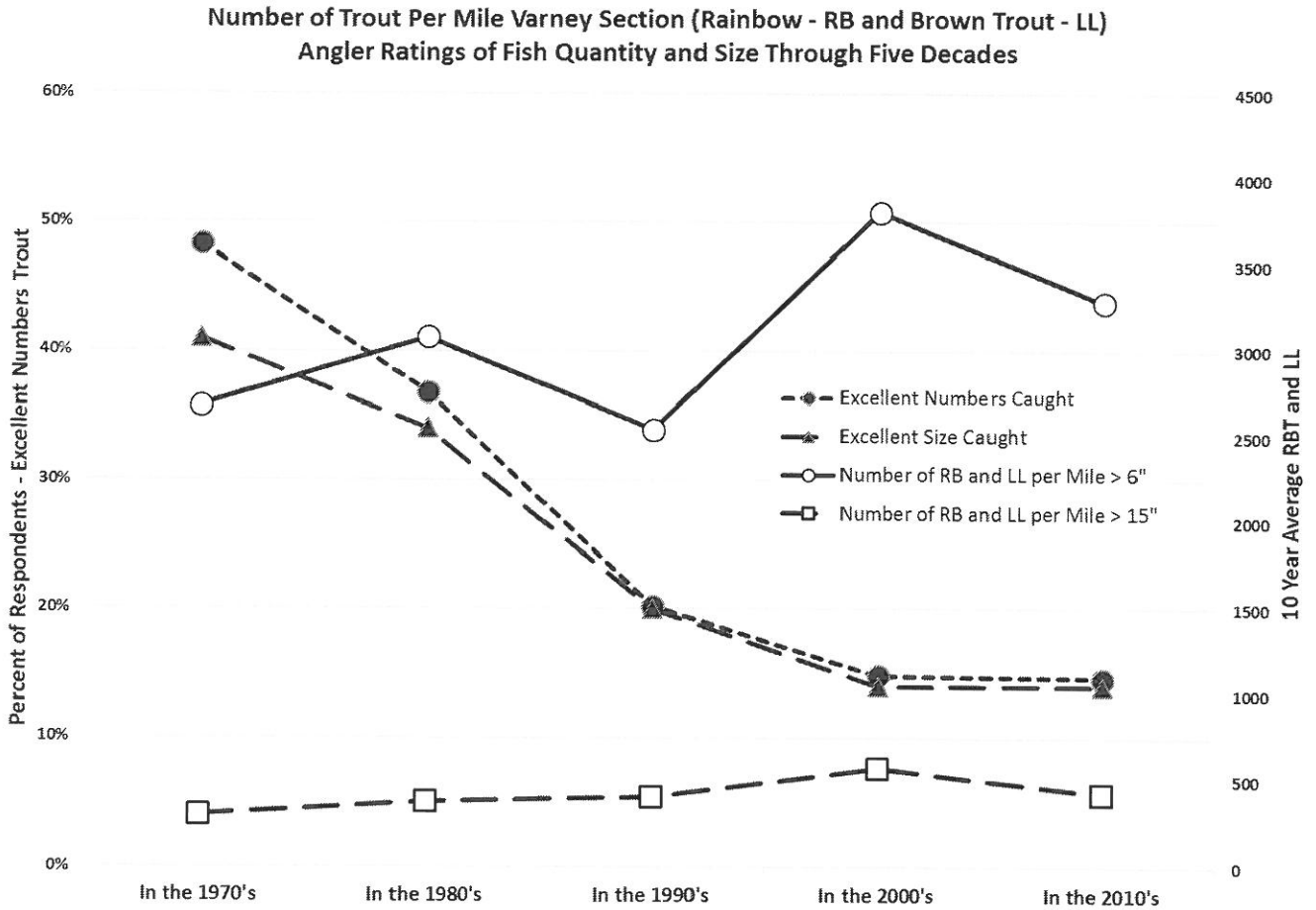


Figure 6. The dotted line with black markers represents all respondents from the mail survey that indicated excellent numbers of trout through 5 decades – very similar responses were received for numbers of large trout caught (triangle markers). The solid black line with white markers represents the average numbers of fish (both rainbow and brown trout) estimated per decade in the Varney sampling reach – the dip in numbers in the 1990's is the result of whirling disease impacts to rainbow trout populations. The dashed line with white square markers represents sampled catch of both rainbow and brown trout greater than 15 inches. The predictability and severity of declines in average satisfaction prior to the 1990's is concerning.

1.4 Statutes and Rules

Authority

- Fish and Wildlife Commission has statutory authority to manage recreational use of publicly accessible waters in Montana (MCA 87-1-303).
- **FWP Statewide River Recreation Rules** (ARM 12.11.401 through ARM 12.11.455). Rules that govern the development of river recreation management plans and rules.

Rules and Regulations affecting the Madison River

- **FWP Commercial Use Rules** (ARM 12.14.101 through 12.14.170). Rules that govern commercial use that occurs on lands and restricted water bodies under the jurisdiction of FWP.
- **FWP Public Use Regulations** (ARM 12.8.201 through 12.8.213). Rules that govern the use of all lands or waters under the control, administration, and jurisdiction of Fish, Wildlife and Parks (including designated recreation areas).

The Preferred Alternative

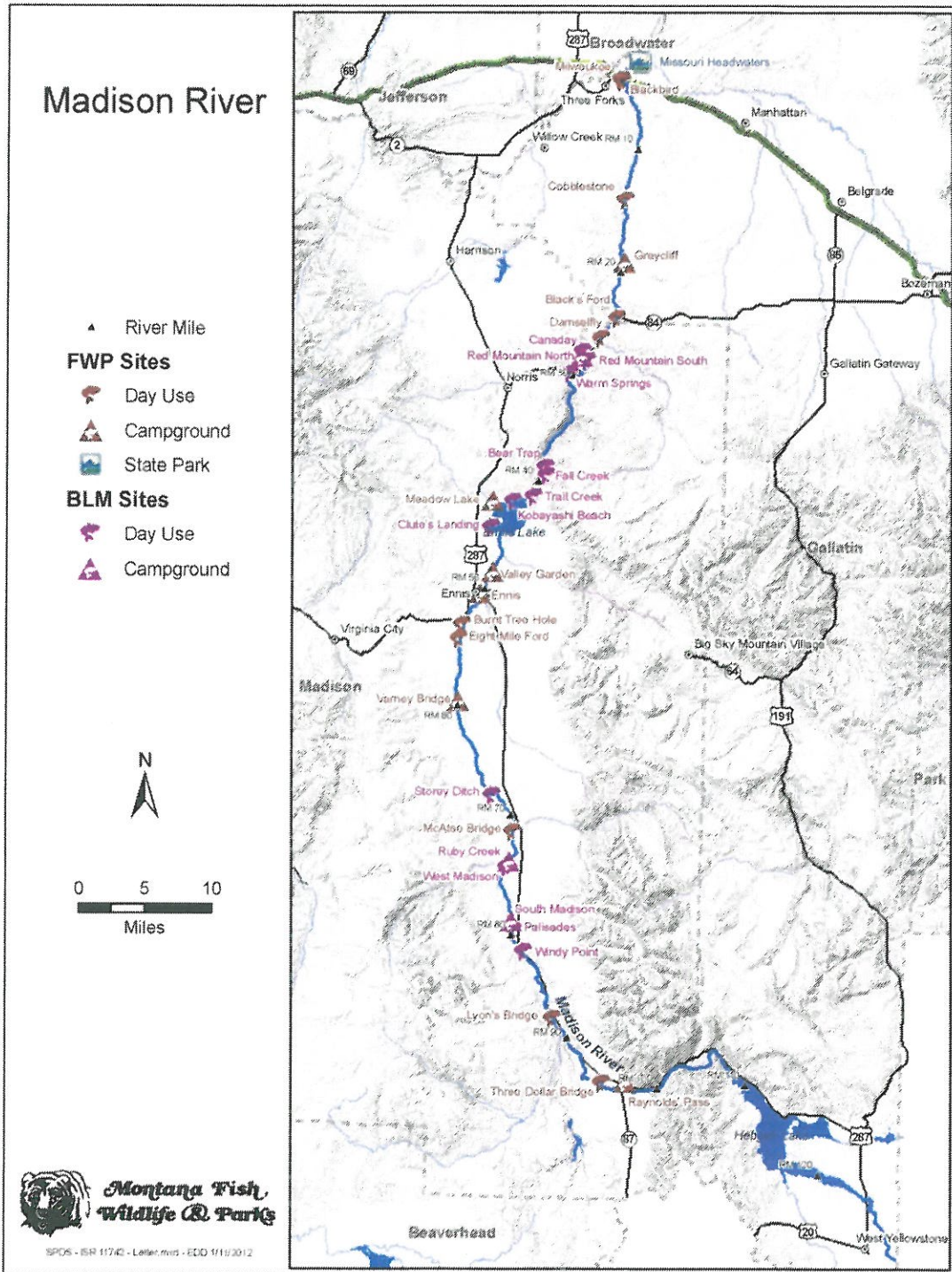


Figure 7. Map of the Madison River planning area.

2.2 Alternative B: Preferred Alternative

Montana Fish, Wildlife and Parks developed the following preferred alternative and its management strategies based on years of data collection, surveys, public meetings, working groups, field observation, commercial use reports and Madison CAC recommendations.

The number of permits available will be maintained at the number of permits issued in 2016 & 2017 showing historical use as provided by the special use permit report logs submitted for that year.

From 2007 to 2017, FWP has issued 306 Madison River Special Recreation Permits to individual permittees on the Madison River. Of these permittees, 213 were active in 2017, the highest ever under the program. The Montana Board of Outfitters does not limit the number of fishing outfitter licenses it issues and any fishing guide with the required qualifications can become a licensed fishing outfitter. Currently, Madison River SRP permits are unlimited and any outfitter in good standing can apply for and receive an SRP permit, which allows them unlimited year-round commercial use of the Madison River. Based on current permit numbers, The Commission proposed instituting a cap on the number of permits issued for the Madison River. Specific rules proposed for the cap include:

- Placing a cap on permits issued for commercial purposes on the Madison River at the number of active permits, with logged use, that were issued for the 2016 and 2017 seasons.
- A permittee would be eligible for a permit if they have historically received a permit and recorded use on the Madison River during the 2016 or 2017 seasons as designated by FWP.
- A permit would be forfeited and returned to FWP jurisdiction if an outfitter records zero commercial Madison River use for two consecutive years.
- All permittees must submit an annual report of all commercial activity in a format as specified by FWP.
- Any permit returned to FWP may be reissued to an eligible outfitter through a random lottery process if social conflicts improve and the health of the Madison River fishery is maintained. If social conflicts do not improve and/or the health of the fishery declines, a lower number of permits may become necessary and some permits may not be reissued.
- An outfitter could not hold more than one Madison River permit.
- In accordance with Administrative Rule of Montana 12.14.120, a commercial use permit is not transferable and void when a business is sold or transferred. However, if a business is sold or transferred in its entirety, FWP is required to issue a new permit to the new owner of a business upon application and payment of all fees due.

Non-Commercial Reaches

Non-commercial reaches are designed to provide less-crowded conditions for non-commercial users, both resident and non-resident, while still providing adequate opportunity each day for permittees. Reaches would proceed consecutively downriver beginning on Saturday to help avoid confusion. These restrictions would apply year-round to mitigate the potential of

an increase in traffic during shoulder-seasons. The Commission proposes dividing the Madison River from the Quake Lake outlet to Greycliff FAS into seven reaches and designating one of these as a non-commercial reach each day of week. The Commission also proposes prohibiting commercial use in the reach from Greycliff FAS to the confluence with the Jefferson. Commercial use will only be limited as described below. Outside of these restrictions and the 18.9 miles reach from Greycliff FAS to the confluence with the Jefferson River, the remainder of the river is open for commercial use (Figure 8). Shuttle services and livery services will be exempted from the non-commercial reach restrictions.

Saturday (Quake Lake Outlet to Lyons Bridge FAS)

Each Saturday the reach of river from the Quake Lake outlet to Lyons Bridge FAS would be designated as a non-commercial reach in which no commercial use would be allowed. The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial outfitting elsewhere on the river. This 12.6-mile reach of river is currently closed to fishing from vessels or float tubes. This draft EA proposes that this reach be changed to walk/wade only (no access obtained by any type of vessel or float tube for angling); see pg. 27 for more detail.

Sunday (Lyons Bridge FAS to Palisades Recreation Area)

Each Sunday the reach of river from Lyons Bridge FAS to Palisades Recreation Area would be designated as a non-commercial reach in which no commercial use would be allowed. This 8.2-mile reach of river is the most heavily outfitted reach of the Madison River. The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Monday (Palisades Recreation Area to McAtee Bridge FAS)

Each Monday the 8.5-mile reach of river from Palisades Recreation Area to McAtee Bridge FAS would be designated as a non-commercial reach in which no commercial use would be allowed. The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Tuesday (McAtee Bridge FAS to Varney Bridge FAS)

Each Tuesday the 11.7-mile reach of river from McAtee Bridge FAS to Varney Bridge FAS would be designated as a non-commercial reach in which no commercial use would be allowed. The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Wednesday (Varney Bridge FAS to Ennis FAS)

Each Wednesday the 9.2-mile reach of river from Varney Bridge FAS to the Ennis FAS would be designated as a non-commercial reach in which no commercial use would be allowed. The purpose of this closure is to reduce both crowding and social

conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Thursday (Ennis FAS to Ennis Lake)

Each Thursday the reach of river from the Ennis (Highway 287) to Ennis Lake would be designated as a non-commercial reach in which no commercial use would be allowed. This approximately 4-mile reach of river is currently closed to fishing from vessels or float tubes and is proposed in this EA as walk/wade only (no access obtained by any type of vessel or float tube for the purpose of angling). The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Friday (Warm Springs Recreation Area to Greycliff FAS)

Each Friday the 12-mile reach of river from Warm Springs Recreation Area to the Greycliff FAS would be designated as a non-commercial reach in which no commercial use would be allowed. The purpose of this closure is to reduce both crowding and social conflicts while maintaining adequate opportunity for commercial use elsewhere on the river.

Maximum Daily Commercial Use Restrictions

The Commission is proposing to restrict the daily maximum number of commercial trips per permittee allowed within each of the following four reaches of river: 1. outlet of Quake Lake to Lyons Bridge FAS, 2. Lyons Bridge FAS to Ennis FAS, 3. Ennis FAS to Ennis Reservoir and 4. Warm Springs Recreation Area to Greycliff FAS (Figure 8). The proposed maximum number of commercial trips per reach and time frame were established by analyzing complete Madison River SRP use logs provided to FWP by all permittees from 2011-2017. Proposed maximum daily use restrictions were set so that daily use would be capped at normal levels of commercial use in each reach based on 2016-2017 use, the years with the most permitted outfitters, most total commercial use, and the most use by an individual outfitter on record (Table 4). For this proposal, a commercial trip is defined as (a) one launch of one vessel by the permittee or an agent of the permittee and associated clients; or (b) walk/wade use by the permittee or an agent of the permittee and associated clients.

Ultimately, very few permittees would be impacted by these trip restrictions and those that are impacted would see only a very small percentage of impact to their overall Madison use (Table 5). Conversely, if FWP were to allocate client days to outfitters based on historic use then all outfitters would be significantly impacted because no growth in their business could occur unless they acquired more days through business transfers from other permittees. Additionally, limiting permittees to maximum use per reach rather than at individual sites would allow permittees flexibility in planning trips. These restrictions would apply year-round. Shuttle services are exempt from permittee reach caps.

Table 4. Total trips reported by active river-based permittees and categorical counts of the number of trips per permittee. An active river-based permittee is defined as a permittee with an active permit that reports commercial Madison River use in that calendar year. Shuttles, liveries, and river-based permittees that reported zero use are excluded from the counts.

Year	Total Active River-Based Permittees	Most Trips	>1000 Trips	999-500 Trips	499-250 Trips	250-100 Trips	99-50 Trips	49-25 Trips	24-1 Trips
2017	175	1012	1	3	10	12	21	22	106
2016	168	846	0	4	9	11	20	36	88
2015	163	796	0	2	9	14	18	37	83
2014	162	686	0	1	7	12	16	31	95
2013	156	604	0	1	2	16	19	26	92
2012	162	553	0	1	4	14	17	29	97
2011	150	451	0	0	3	14	16	28	89

Table 5. Percent impact of proposed reach use restrictions from 2016-17. Total trips over reach maximum is a combined total by all permittees from all four defined reaches.

Year	Total Number of Permittees Impacted by Max Use Restrictions	Total Number of Trips Over Reach Max Use	Total Number of Trips Reported by Permittees Exceeding Max Use	Total % of Trips Impacted by Max Use Restrictions	Max % Impact to an Individual Permittee
2016	17	146	4868	3.00%	6.67%
2017	13	145	5474	2.65%	3.80%

Upper Walk/Wade Reach (Quake Lake Outlet to Lyons Bridge FAS)

From 2013 to 2017, the maximum number of commercial trips reported between the outlet of Quake Lake and Lyons Bridge FAS in a single day by an individual permittee was 7. Although 7 trips was the maximum number reported in a single day by a permittee in this reach, it is not representative of normal commercial use. In fact, it is exceptionally uncommon for a permittee to exceed 3 trips per day in the upper walk/wade reach (Table 6). The Commission is therefore proposing that the maximum daily number of commercial trips per permittee between the outlet of Quake Lake and Lyons Bridge FAS be 3 (Figure 8). Under this proposed rule, every trip that occurs in this reach would count towards the daily maximum of 3.

Table 6. Total use by permittees in the Quake Lake to Lyons Bridge walk/wade reach in 2016-17. A permittee day is defined as one permittee with at least one reported trip in this reach on any day.

Year	Total Permittee Days	Total Permittee Trips	Average Trips per Permittee Day	Total Permittee Days Exceeding 3 Trips	Percentage of Permittee Days Exceeding 3 Trips
2016	727	977	1.3	14	1.9%
2017	801	1123	1.4	28	3.5%

Upper Float Reach (Lyons Bridge FAS to Ennis FAS)

The Lyons Bridge FAS to Ennis FAS reach of the Madison receives the most commercial float angling use of any reach of the river. The overwhelming majority of commercial use occurs between June 16th and October 1st (Figure 2). For this reason, the Commission proposes defining two distinct time periods for this reach with different maximum commercial use restrictions.

June 16th through September 30

From 2013 to 2017, the maximum number of commercial use reported between Lyons Bridge FAS and Ennis FAS in a single day by an individual permittee was 19. Although 19 trips was the maximum number reported by a permittee in a single day in this reach, it is not representative of normal commercial use. In fact, it is exceptionally uncommon for any permittee to exceed 10 trips per day in the upper float reach (Table 7). The Commission is therefore proposing that the maximum daily number of commercial trips per permittee between Lyons Bridge FAS and Ennis FAS be 10 from June 16th through September 30th (Figure 8). Under this proposed rule, every trip that occurs in this reach would count towards the daily maximum of 10.

Table 7. Total use by permittees in the Lyons Bridge to Ennis Bridge reach between June 16th and September 30th, 2016-17. A permittee day is defined as one permittee with at least one reported trip in this reach on any day.

Year	Total Permittee Days	Total Permittee Trips	Average Trips per Permittee Day	Total Permittee Days Exceeding 10 Trips	Percentage of Permittee Days Exceeding 10 Trips
2016	3736	7750	2.1	20	0.5%
2017	3499	7419	2.1	29	0.8%

October 1st through June 15th

Prior to 2016, only the McAtee Bridge to Ennis (Highway 287) Bridge reach of the Madison's upper float reach was open to year-round angling. New regulations allowing year-round angling from the Quake Lake outlet to McAtee Bridge went into effect March 1, 2016. Previously, this reach was closed to all fishing from the end of February through the third Saturday in May. Because of the new regulations, only 2016 and 2017 data were considered in setting the maximum daily use prior to June 16th and after September 30th in the Lyons Bridge FAS to Ennis FAS reach.

In 2016-17, the years with the most commercial use on record, the maximum number of commercial trips reported between Lyons Bridge FAS and Ennis FAS in a single day prior to June 16th and after September 30th by an individual permittee was 11. Although 11 is the maximum number of trips reported by permittee in a single day in this reach and time frame, it is not representative of normal commercial use. In fact, it was exceptionally uncommon for any permittee to exceed 5 trips per day during these periods in the upper float reach in 2016 and 2017 (Table 8). The Commission is therefore proposing that the maximum daily number of

commercial trips per outfitter on any day from January 1st through June 15th and October 1st through December 31st between Lyons Bridge FAS and Ennis FAS be 5 (Figure 8). Under this proposed rule, every trip that occurs in this reach would count towards the daily maximum of 5.

Table 8. Total use by permittees in the Lyons Bridge to Ennis Bridge reach between October 1st and June 15th, 2016-17. A permittee day is defined as one permittee with at least one reported trip in this reach on any day.

Year	Total Permittee Days	Total Permittee Trips	Average Trips per Permittee Day	Total Permittee Days Exceeding 5 Trips	Percentage of Permittee Days Exceeding 5 Trips
2016	804	1231	1.5	13	1.6%
2017	816	1243	1.5	12	1.5%

Lower Walk/Wade Reach (Ennis FAS to Ennis Lake)

From 2013 to 2017, the maximum number of commercial trips reported between Ennis FAS and Ennis Lake in a single day by an individual permittee was 5. Although 5 trips was the maximum number of reported trips in a single day by a permittee in this reach, it is not representative of normal commercial use. In fact, it is exceptionally uncommon for any permittee to exceed 3 trips per day in the upper walk/wade reach (Table 9). The Commission is therefore proposing that the maximum daily number of commercial trips per permittee from Ennis FAS to Ennis Lake be 3 (Figure 8). Under this proposed rule, every trip that occurs in this reach would count towards the daily maximum of 3.

Table 9. Total use by permittees in the Ennis Bridge to Ennis Lake walk/wade reach in 2016-17. A permittee day is defined as one permittee with at least one reported trip in this reach on any day.

Year	Total Permittee Days	Total Permittee Trips	Average Trips per Permittee Day	Total Permittee Days Exceeding 3 Trips	Percentage of Permittee Days Exceeding 3 Trips
2016	426	574	1.3	10	2.3%
2017	428	542	1.3	2	< 0.1%

Lower Madison River (Warm Springs Recreation Area to Greycliff FAS)

From 2013 to 2017, the maximum number of commercial trips reported between Warm Springs Recreation Area and Greycliff FAS in a single day by an individual permittee was 10. Although 10 trips was the maximum number of reported trips in a single day by a permittee in this reach, it is not representative of normal commercial use. In fact, it is exceptionally uncommon for any permittee to exceed 5 trips per day on the lower Madison River (Table 10). The Commission is therefore proposing that the maximum daily number of commercial trips per permittee from Warm Springs Recreation Area to Greycliff FAS be 5 (Figure 8). Under this proposed rule, every trip that occurs in this reach would count towards the daily maximum of 5.

Table 10. Total use by permittees in the Warm Springs Recreation Area to Greycliff FAS reach in 2016-17. A permittee day is defined as one permittee with at least one reported trip in this reach on any day.

Year	Total Permittee Days	Total Permittee Trips	Average Trips per Permittee Day	Total Permittee Days Exceeding 5 Trips	Percentage of Permittee Days Exceeding 5 Trips
2016	664	1079	1.6	10	1.5%
2017	744	1291	1.7	11	1.5%

Prohibit commercial use on the reach between Greycliff FAS and the Madison River’s confluence with the Jefferson River

The Commission has adopted a Policy Statement Concerning River Recreation as Administrative Rule of Montana (ARM) 12.11.405. ARM 12.11.405(4) states, “The quality of the river resources should be protected as the first and foremost priority.” The Commission recognizes that “the public prefers to recreate on rivers without controls on their recreational experience” however in order to “maintain the quality of the river resources and the quality of the recreational experience” the Commission is proposing prohibiting commercial use on the Madison River between Greycliff Fishing Access Site and the confluence with the Jefferson River (Figure 8). This reach of river is unique in its resource values for scenery and recreational solitude and currently has less than 1% of the commercial use on the Madison River (Table 11). During the summer months, the thermal properties of this reach of river creates warmer water temperatures causing fishing closures which are not conducive to commercial use but are coveted by recreationists who value a primitive floating experience with unique scenery and plentiful wildlife.

Table 11. Percent impact of proposed Greycliff FAS to Jefferson River confluence non-commercial designation from 2016-17.

Year	Total Number of Permittees Impacted by Commercial Closure	Total Number of Trips Occurring in Reach	Total Number of Trips Reported River Wide by Permittees Using Reach	Total % of Trips Impacted by Commercial Closure	Max % Impact to an Individual Permittee
2016	17	63	2464	2.6%	73.7%
2017	22	71	2804	2.5%	66.7%

Prohibit the Use of a Vessel or Float Tube to Gain Access to Fishing in the Wade-Only Reaches of the Madison River.

The Madison River has a long history of wade fishing and current regulations prohibit fishing from a vessel or float tube in two reaches of the Madison River; from the outlet of Quake Lake to Lyons Bridge and from the Ennis (Highway 287) Bridge to Ennis Lake (Figure 8). The increasing number of anglers, both commercial and non-commercial, using a vessel or float tube to access fishing in these reaches is negatively affecting wade angler’s experiences. Wading anglers frequently express concerns that when they do try to access more remote reaches of these

reaches they frequently encounter anglers who use vessels or float tubes to gain access. Prohibiting the use of a vessel or a float tube to gain access for fishing in these reaches could diversify fishing opportunities by providing less-crowded conditions for anglers without vessels or float tubes. For these reasons, the Commission proposes prohibiting anglers from using any type of vessel or float tube to gain access to fishing in these two reaches of the Madison River. Under this proposal, both reaches would remain open to all recreational vessels or float tubes for floating.

Primitive Designation of the reach from Greycliff FAS to the Confluence with the Jefferson River

The 18.9-mile reach of the lower Madison River between Greycliff FAS and the confluence with the Jefferson River is one of the most scenic and least developed reaches of the river. Ramps suitable for trailered vessels exist at Greycliff FAS and Milwaukee FAS, but no public boat ramps exist between them or downstream of Milwaukee FAS. Consequently, this reach is popular for recreationists seeking a longer, more solitary floating experience. FWP does have one additional FAS in this reach, Cobblestone, but construction of a developed ramp there is prohibited due to its primitive access site designation. The Commission proposes FWP develops a policy that any future land acquisition maintains the primitive nature of this reach by limiting vessel or float tube access to carry-in only.

Prohibit the use of glass containers on the Madison River from the Quake Lake outlet to the confluence with the Jefferson

Reduction of litter in the Madison River was identified as a priority by river users in the surveys and scoping meetings conducted by FWP. The Madison River CAC recommended prohibiting glass containers on the lower Madison River as a strategy to decrease the amount of litter along this reach. Eliminating the use of glass containers from the Quake Lake outlet to the confluence with the Jefferson River would also create a safer environment for river users by decreasing the occurrence of broken glass.

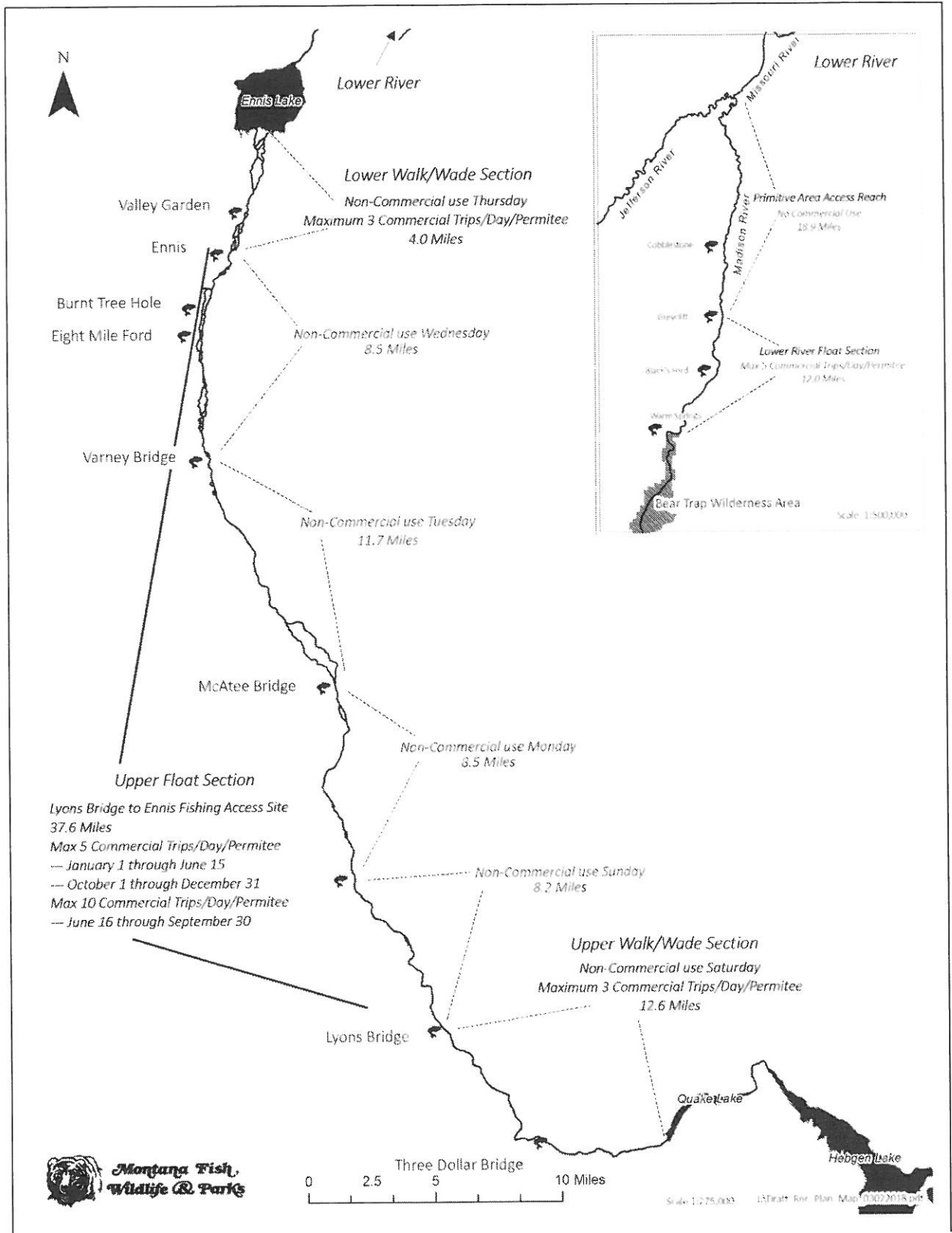


Figure 8. Map showing proposed rules described in Alternative B (preferred). Inset map of lower river rules is presented at 1:500,000. Map does not depict all Madison River Access.

Review of Madison River Recreation Rules every five years

The Commission will review the rules governing recreational use on the Madison River every five years. The Commission may make adjustments to the Madison River Rules to reflect future changes in Madison River use, satisfaction of users and conditions of the fishery utilizing the best available data and public comment.

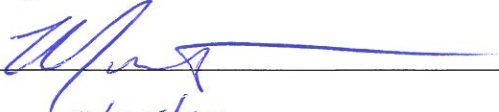
Designate the lower Madison River between Greycliff FAS and Milwaukee FAS as “primitive access” where FWP will not develop boat ramps (included in preferred alternative).

The 15-mile reach of the lower Madison River between Greycliff FAS and Milwaukee FAS is one of the most scenic and least developed reaches of the river. Both FASs have ramps suitable for trailered vessels, but no public boat ramps exist between them. Because of this the reach is popular for recreationists seeking a longer, more solitary floating experience. Currently, FWP has only one access site in this reach, Cobblestone FAS, but construction of a developed ramp there is not feasible. The MCAC recommended that designating this reach as “primitive access” would preserve the uniqueness of this reach of the Madison River.

By signing this Madison River petition the parties understand they are representing their board and their constituents.

Signatures:

Mark Thompson
President
George Grant Trout Unlimited



Date: 9/25/19

Justin Mandic
President
Skyline Sportsmen Association

Date: _____

Gary Ouldhouse
President
Anaconda Sportsmen Association

Date: _____

Tony Schoonen
Director
Public Lands Water Access Association

Date: _____