

Commissioners:

My name is Tony Schoonen. I am here representing Anaconda Sportsmen's Association, Skyline Sportsmen's Association in Butte, Public Lands/Water Access Association and the Montana Coalition for Stream Access.

Last spring, our organizations, along with the George Grant Chapter of Trout Unlimited, submitted a letter to the FWP Commission and Director asking FWP to implement reasonable regulations on commercial use on the upper Madison River and create a rotating Citizens Day where commercial use would be excluded six days per week. Collectively, our organizations represent over 2,500 conservation-minded anglers.

It is now our understanding that FWP plans to conduct additional public scoping. I would like to remind you that there have been multiple Madison River advisory committees, satisfaction surveys and public meetings, all with extensive public comment. FWP has collected more than enough data and public input. It is time to move forward with a reasonable proposal.

In 2018, FWP Region-3 proposed a set of rules for the upper Madison River and completed a draft Environment Assessment. That EA was never adopted as a tentative rule and put out for public comment. It is time for this EA to see the light of day, adopted as a tentative rule and put out for comment. It is critical that this process be conducted under M.E.P.A, which would allow every recreation/group or individual to comment on this very important issue of recreational use of the Madison River. To do nothing would be a major step backward as far as protecting our public waters from commercial and privatization endeavors.

Bear in mind, that our 1972 Montana constitution emphasizes that the waters – ground atmospheric and surface water belong to the people of the state for their enjoyment. Also, several statutes apply to this situation such as the stream access law passed in 1985 which was aimed at privatization and commercial use on all Montana waterways except for lakes. Despite challenges to the stream access law from Jack Galk, the Mountain States Legal Foundation and the Ruby River case, etc. Montana's Stream Access law was upheld by the Montana Supreme Court and the 9th Circuit Court of Appeals. Remember, in the case of the Dearborn river Michael Kerns, tried to discourage floaters and wade fishermen

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from fishing the river along his property. In the Beaverhead case Lowell Hildreth was offered a few million dollars if he could close most portions of the Beaverhead which ran through his property. The Mountain State Legal Foundation from Colorado tried to overturn our stream access law to privatize and commercialize O'Dell creek tributary and Spring creek along the Madison river. Stream access was upheld in all these cases.

What is occurring on the Madison is public exclusion of another sort. The upper Madison River has become so commercialized by outfitting; large segments of the public simply avoid the river entirely. While the public has the legal right to use the upper Madison River, most simply won't go there because of the intense outfitting and related crowding, this river experiences.

Those of us that served on the committee that finalized the Big Hole and Beaverhead recreations rules didn't make everyone happy, but twenty years later, these rules have basically stayed the same; they are popular and effective. Outfitting is thriving on the Big Hole and Beaverhead River, the public also has opportunities to enjoy these rivers away from the intense commercial use. Hopefully, this commission will propose rules similar rule for the upper Madison River under MEPA , analyze all the comments and put forth reasonable regulations starting for the 2020 fishing season that will work for both the public and commercial interests.

FWP has studied the situation on the upper Madison River to death. There is no need for additional public scoping. The Anaconda Sportsmen's Association, Skyline Sportsmen's Association, Public Lands/Water Access Association and the Montana Coalition for Stream Access urge you to reject the "paralysis of analysis" and to adopt the 2018 FWP Region 3 Madison River EA as a tentative rule and submit the proposal for public review and comment under MEPA.

Thank you.