



MONTANA FISH AND WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

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Meeting Date: December 27, 2021

Agenda Item: Amending Administrative Rule 12.11.6702 to Repeal the Madison River Walk/Wade Section and To Reinstate the 2020 Madison River Walk/Wade Section

Action Needed: Final

Time Needed on Agenda for this Presentation: 5-minute presentation – lengthy public comment portion

Background:

In September of 2020, the Fish and Wildlife Commission proposed several options for rule language regarding recreational use of the Madison River. In December 2020, the Commission adopted the Madison River Recreation Management administrative rules establishing a Madison River Management Plan that included reporting requirements, walk/wade sections, a cap on commercial use, rest/rotation sections, and the Madison River Work Group. The stated intent of the adopted administrative rules and plan were to replace the regulations currently in place.

Accordingly, the Madison River Work Group was established to review the administrative rules and develop rule recommendations for the Commission's approval. On September 22, the Work Group met and approved recommending to the Commission a repeal of the walk/wade sections and rest/rotation sections of the river found in ARM 12.11.6702 and 12.11.6706, respectively, with the intent that the walk/wade sections established in the fishing regulations would remain in place after the repeal. Unfortunately, the Department presentation to the commission did not clearly describe the relationship between the implementation of ARM 12.11.6702 and the walk/wade sections in the 2021 fishing regulations.

If the rule proposal is adopted, the walk/wade and rest rotation sections in administrative rule would be repealed. Repealing these sections in ARM would not maintain or restore the walk/wade sections currently listed in the 2021 fishing regulations, because those walk/wade sections were removed by the Commission's December 2020 ARM adoption. To restore the walk/wade sections currently listed in the 2021 fishing regulations, the proposal to repeal would need to be adjusted to replace the walk/wade sections originally in the ARM with those walk/wade sections from the 2021 fishing regulations.

Public Involvement Process & Results:

The Commission's proposal to repeal ARM 12.11.6702 was combined with the Commission's proposal to repeal ARM 12.11.6706 regarding the rest/rotation sections of the Madison River. Public comment was provided regarding both rules. Almost 350 comments were received on the proposed repeal of ARM 12.11.6702 and 12.11.6706. Of the almost 350 comments received, over 330 addressed the proposal to repeal the walk/wade sections of the Madison River as referenced in ARM 12.11.6702. Nearly 200 comments opposed repealing ARM 12.11.6702. Of the comments received in opposition, over 120 were in favor of repealing the administrative rule, thinking the walk/wade sections as provided in the fishing regulations would continue to be enacted. Thirteen comments were unclear as to which walk/wade sections they addressed, whether those established in administrative rule or those found in the 2021 fishing regulations. Four comments supported repealing the administrative rule establishing walk/wade sections of the Madison River.

Alternatives & Analysis:

The Commission has three options: 1) repeal ARM 12.11.6702 as proposed, with the effect that the Madison River would have no designated walk/wade sections; 2) amend ARM 12.11.6702 to include adoption of the walk/wade sections identified in the 2021 fishing regulations that have been in place for decades; or 3) not repeal ARM 12.11.6702, with the effect that the walk/wade sections established in administrative rule will be in effect January 1, 2022.

Proposed Motion:

Motion for Option 1: I move the Commission adopt repealing ARM 12.11.6702 as proposed, eliminating all walk/wade sections on the Madison River.

Motion for Option 2: I move the Commission amend ARM 12.11.6702 to incorporate in substitution the walk/wade sections from the outlet of Quake Lake to Lyons Bridge and from Ennis Bridge to Ennis Lake as described in the 2021 fishing regulations.

Motion for Option 3: I move the Commission does not adopt the proposed repeal of ARM 12.11.6702, thus keeping the year-round walk/wade section from the outlet of Quake Lake to Raynolds Pass Fishing Access Site and the seasonal weekday walk/wade section from Raynolds Pass Fishing Access Site to Lyons Bridge Fishing Access Site, as described in the ARM.