

Comments received at the Public Comment Hearing on December 15, 2021

Mike Bias: Executive Director of the Fishing Outfitters Association of Montana, on behalf of the board of directors and nearly 1000 professional guides and outfitter members of FOAM speaking to you today to urge you to follow the unanimous recommendation of the Madison River Work Group and repeal ARM 12.11.6702, the walkway sections of the Madison River and ARM 12.11.6706 rest rotation of the Madison River commercial use. Modeled after the rest/rotation management of the Big Hole rest/rotation of commercial users on the Madison fail to accommodate the unique characteristics of the Madison River. Specifically rest and rotation on the Madison would not alleviate those crowding but undeniably condensed members of the general public who choose to use the services of a guide or outfitter into a stretch of a river that would be reduced by 22%. Rest/rotation schedules on the Big Hole were implemented across 102 river miles of floatable water for angling whereas on a Madison rest rotation schedules would be confined to 49 1/2 miles of the Upper Madison. The Big Hole River had an estimated 80,000 user days, angler user days, for commercial and non-commercial users when rest and rotation was implemented across the 102 miles section. During 2019 angler use on the upper Madison alone, the 49 miles section, was estimated to be 264,000 angler use days. Lastly, Gallatin County is the fastest growing county in Montana, 37% population increase since 2000 and is immediately adjacent to the Madison. Gallatin County would presumably be the major source of noncommercial use on the Madison River. Fish, Wildlife and Parks' own data shows that the fastest user group on the Madison is not commercial anglers. Rest and rotation management on the Madison will not alleviate future crowding where noncommercial use and throwing it over twice the annual rate of commercial use. Contrary to editorials in Bozeman newspapers and widespread social media posts, the proposed rule revision would not lift the longtime ban of fishing from boats on the stretches the river or remove the walk/wade section from the Madison. Repealing the walk/wade rule would actually, and following more public comment, would maintain a beloved section of the Madison River. We strongly urge to commission to repeal ARM 12.11.6706 and strongly support the walk/wade sections be restored on the Madison River as currently described in the fishing regulations. Thank you.

Dennis O'Callahan: My comment is only is as long-time fisherman of the Madison River, we've fished it for 60 plus years and we really believe that the commercial usage is really the problem and it hasn't been addressed at all in any of these regulations, but as far as this one issue I am in favor of restoring the walk/wade sections of the river to what it was in the prior regulation.

Steve Luebeck: I am here today representing the original petitioners George Grant Chapter of Trout Unlimited, Skyline Sportsmen, and Anaconda Sportsman. A year ago, we filed a petition to compel the Commission to adopt the very rules that are proposed to be repealed today. The rationale that Commission has, for this is that there is no support for these rules and we beg to differ. We represent over 2000 sportsmen throughout southwest Montana, who overwhelmingly support continuing walk/wade and rest/rotation specifically 12.11.6702 and 12.11.6706. We are opposed to their repeal and we support those. We find it kind of laughable that the Commission would say there is no public support for this, because the Commission just went through the most exhaustive public comment phase than any of us have ever been involved in. There was a survey conducted in late 2019 where 7500 people participated in this and 60% of the participants supported walk/wade or rest/rotation, that's 4500 people. During later comment

periods, during the actual rule adoption, once again the public assertive themselves and overwhelmingly supported both walk/wade and rest/rotation that were ultimately codified as 12.11.6702 and 12.11.6706. The Commission really needs to do his homework and look back at what occurred in 2019 and 2020 during these surveys and public comment. And they would not be making a claim of no support for these rules. These rules provide an opportunity for the public to recreate without the intense commercial pressure that occurs on the Madison River. Really for two days, on Saturday and Sunday, and it's not a huge issue. Yet, as overwhelmingly supported, so we urge the Commission to not repeal, I mean it's like a double negative, but not repeat these rules and then keep them in place. Thank you.

Walter Pease: I sent written comments outlining several reasons why I would favor repeal of the 12.11.6702 particularly as I wade fish that area often. But I'd like everyone to remember too, the importance of keeping the health of the trout in the river intact and having the walk/wade section up there offers the heavily pressured river, to have an area where there's a lot of sanctuary for those fish that walk/wade fishermen can't get to. And if we allow fishing from boats out of that section certainly that's going to remove some of that sanctuary the fish had, and I feel this is particularly important in the aftermath of the Quake Lake Hebgen Dam situation and we had two weeks ago, it's more important than ever to maintain that. There are other reasons to maintain the walk/wade which I outlined in my written comments but listening this morning I want to make sure that the people who are going to rule on this consider that the health of the fishery while they're making their decision. Thank you. I would like to maintain the existing walk/wade section. This morning was the first I heard that repeal of the proposed regulation was in conflict with the what's in the 2021 regulation and obviously there's some other work that needs to be done. But I would like to see the walk/wade maintained, where it has been for many years and not changed.

Brian McGeehan: I am a member of the Madison Work Group and I do support repealing both ARMs 12.11.6702 which would have allowed float fishing to occur in the upper wade section, as well as repealing ARM 12.11.6706 which would implement rest/rotation. We did receive a thoughtful presentation to the Work Group that represented hundreds of sportsmen that had raised concerns about implementing float fishing in what is currently the wade fishing only zone, and we did not receive any support for making that change. We do clearly see the need for a recreation plan for the Madison River. The challenges that face the Madison River are a result of ever-increasing use on the river and the pandemic has shown it to be increasing dramatically in magnitude. Car count data shows on the upper river that use increased by 61% at Lyons Bridge in 2019 and 76% collectively in the lower Madison. Neither of these propose ARMs would tackle the problem head on, of increasing use, they do not plan a recreational capacity on the river. That's what needs to happen. And the ARM that was adopted to set limits on commercial use is still in place, which we support. So I do support repealing these two rules and we need to continue to look forward to tackling the problem head on, by setting limitations on total use on the River Thank you. I support maintaining the status quo, a of allowing the reach from Quake Lake well, I guess from Yellowstone National Park, all the way to Lyons Bridge reserved for wade fishing, only allowing boats only for access, but the fishing must be conducted by wading. And maintaining the current zone from Ennis, the town of Ennis, and Ennis Bridge to the lake again allow wade fishing and use of boats, but only for accessing the river, anglers must get out of their boats to fish. Thank you.

Scott Vollmer: I am the Director, at large, of Montana Outfitters and Guides Association. I am also, as many of you know, have been involved with this process for a long time. As long as I can remember. Specifically, what I want to talk about is we, and I am, in favor of repeal of ARM 12.11.6702 the walk/wade sections, also in favor of repeal of 12.11.6706, the rest/rotation sections and we're also in favor of returning and restoring the regulations as they exist in the current fishing regulations. A lot of what I have to say is captured in my written comments so just briefly, I want to talk about the claim that there is overwhelming public support for rest/rotation and the walk/wade sections as they're written in the current ARM rules and that overwhelming support is based on the public scoping survey results. Actually, it says the exact opposite and when you look at the public comments that were in the scoping document, there were 1167 pages of those comments. I read through all of those and enumerated them and results actually when you come look at it, as 373 people commented on rest and rotation of those 373, 291 or 78% did not support rest/rotation. Also, when it comes to walk/wade 359 people commented on walk/wade of those 266, 74%, did not approve of loss of access of boats in the walk/wade section. There, unfortunately, is not overwhelming public support what some will point to is the five options that were provided in the scoping survey results. Those five options just ranked different options against themselves. It was kind of like A, B, C, D and it's kind of like an election and certain candidates got 30% of the votes, one or two of them got 30%, and others got 17%. None of that to me says overwhelming support. Overwhelming support would be if it was 75%. So, I just would refute the idea that there is overwhelming support, therefore, what the Work Group did is what the scoping survey results said. Thank you for the opportunity to comment.

Hugh Zackheim: I consider it a blockbuster that the department has told us, today, that repeal of 12.11.6702 would negate the current regulations that have for 40 years established the upper Madison walk/wade section from Quake to Lyons. Through the process proponents of walk/wade have been informed that repeal of this rule would restore the walk/wade status quo again that's been in effect for those decades. In that light I'd urge the Commission to recognize at the overwhelming comments in favor of repeal of 6702, our comments support of maintaining the upper Madison walk/wade section status quo and in that light so much appreciate the comments of Mr. Bias and Mr. McGeehan which share that view that if we do repeal the proposal to change walk/wades the existing walk/wades must remain in effect as the public has overwhelmingly demonstrated. And then I would encourage the Department of carefully formulate the cover sheet for the next Commission meeting so that the Commission clearly understands that the public is asking it to take action to continue the walk/wade status quo on the upper Madison that fishermen to fish that section have overwhelmingly supported, including on a survey handed out to people actually fishing that section this summer 99% of them did not want to see fishing from boats, as they were moving. So with that appreciate the opportunity to comment. I'm glad that this clarification was made in advance of this hearing. I will submit written comments, but I think the tone of the comments and that people have submitted online many, many of which I'm aware of, are all to keep the walk/wade status quo for the Madison from Quake to Lyons. Thank you.

Dave Kumlien: I support the repeal of the walk/wade rule but also agree that it was a bit of a surprise to find out that this also repeals the current regulations which I don't think is what anyone intended, certainly not myself. I was on a study committee that Governor Judge put

together in 1979 and 1980 and I've looked at the issues on the Madison for a lot of years and I think most everyone is in agreement that the walk/wade section above Lyons should be maintained or restored, whatever it is, so, while I would support the repeal I clearly request that the Commission act as soon as possible to clarify.