

## Comments received at Madison River Public Comment Hearing on August 2, 2022

### Public Comments

**Joe Dilschneider:** I've been an outfitter in Montana for 28 years and I own two fly shops in Ennis. As an avid angler, I love this river and I have been a part of this Madison River discussion since around 1999 or 2000 when the first public scoping meetings took place. So now here we are, 2022, and I am frankly baffled by the commission's decision to kick the can down the road in June. I think this is a joke and I'm discouraged. The number of trips [currently on the Madison] is staggering and it's not going to do down. The inability to take action and to call for more public comment is baffling to me and everyone I know. I know a lot of guides and outfitters and [Montana] residents and avid anglers on this river, and no one I know understands this recent decision. [I don't understand the decision] to take more public comment and [conduct] more scoping on the hard work that the [work group] did. This is the third committee that has been convened by the commission to make these decisions and formulate a plan. [The work group] did an excellent job, they brought forward a plan that everybody got behind. FOAM endorsed it, MOGA endorsed it, every individual outfitter and guide endorsed it. The outcome is that the commission kicked the can down the road and asked for more public scoping. There's probably been more comment take on the Madison River recreation plan than any public resource issue in the history of man, so we are extremely suspicious that there are some other political motives or agendas at work here. I am lost as to what these might be, but needless to say, all of us over here are scratching our heads saying what the heck is this all about. Thank you for taking my comment. I'm obviously frustrated, but please know that a lot of other people are [too] and will be at the scoping meetings, and we'll be looking for some explanation from the commissioners. I was also very disappointed to hear that none of them are on the call tonight.

**Ken Sinay:** I support the proposal to postpone this administrative rule change. Let's be direct and to the point. The rule change places an over emphasis – in fact, the entire scoping and SRP, is an over-emphasis on fishing and certain reaches of the Madison River where there are the most social and environmental issues. I am a non-fishing outfitter. I've guided rivers for decades. I use a piece of the [Madison] river, which goes from Milwaukee fish access [site] to Headwaters State Park; three miles of river, two of which are covered by the SRP. A third of it is not even used but the SRP, and the last EA points to 4% commercial use [in this section] out of 14,000 total trips. There were tens of thousands [of trips] further upstream, and we are now at 18,000. I bet that it hasn't change down there by Headwaters State Park. I never see parks staff, except when I get out at Headwaters, and it's usually [park manager] Dave Andrus. I want you to understand that the non-fishing outfitting is just not being considered. And that the public would utilize this service is not being considered either. There are people who are physically disabled or not as physically capable to float rivers on their own. [The lower river] is a region of intense natural and cultural history. I have data on all the wildlife I've seen over the past 30 years. And I document what what's taking place, whether I am having an impact. I really feel it is appropriate for this to be reconsidered, in particular, in relation to my type of use. As opposed to the fishing, I'm certainly not as familiar with the reaches above Gray Cliffs as I am with downstream of there. Non-fishing commercial use has been neglected in spite of all the numerous comments I've made. I've never seen my concerns addressed in any way, shape, or form.

**Mike Bias:** My name is Mike Bias and I am the Executive Director for the Fishing Outfitters Association of Montana. [I'm here] on behalf of the Board of Directors and over 1000 professional licensed guides and outfitter members of the fishing outfitters association. I'm here tonight to express our concern regarding the commission's proposal to postpone yet again implementation of a commercial use cap on the Madison River until after they adopt some method for allocating commercial use or a comprehensive river management plan. We understand that the June meeting, the commission felt the restriction on rulemaking – [rule decisions not allowed] from October through December prior to a legislative year – would truncate the public comment. We fully supported, however, at that time that the commission initiate the rulemaking process by putting the unanimous recommendations of the work group out for public comment. We understand the commission's desire to fully engage the public through an alternative public scoping process, although up until tonight we haven't heard or seen any such action from Fish, Wildlife & Parks on this item, as of yet. We are frustrated with the commission's decision not to put the work group's unanimous recommendations out for public comment and rulemaking, however, with the upcoming work group meeting scheduled for Thursday, along with the Fish, Wildlife, & Parks commission. [As for] the public scoping and work group meetings, we are fully committed to support working with the commission and Fish, Wildlife & Parks to incorporate the work group's recommendations and public comments that are forthcoming into comprehensive recreation management plan. As a past member of the Madison negotiated rulemaking committee and a current member of the work group, we're committed to providing biological, meaningful [input] on an adaptive recreation management plan on the Madison. Thank you for letting us comment tonight.

**Brian McGeehan:** What we continue to hear in comment, this evening and for many others, is continued frustration that there is no recreation plan on the Madison River while at the same time we see Montana development happening at a very rapid pace. We see streets getting busy and traffic forming, and new lanes being formed on roads [to accommodate the traffic]. We don't have that luxury on the Madison. We can't plow a second lane down the river. We hear the frustration from all forms of users, from the weekend warrior that wants to go out four or five times a year; we hear the frustration from guides and outfitters, we hear the frustration from the local business owners that own hotels and grocery stores that are concerned. So, I want to highlight that this problem will only exacerbate, it's not going away, and now is the time to take this momentum to put some safeguards in place to protect the future of the river. Thank you.

**Jason Fleury:** I want to speak to the confusion and frustration that Joe Dilschneider and Todd France spoke about, as well as others. We need to mention that this new commission came in and decided to kick the can down the road. They also decided to go in a different direction that what the current FWP policy was of taking recommendations from the work group and pushing those through the commission and letting the commission decide who they would pick from that group. Instead, what they chose to do was to hand pick out of the entire list. The work group, which is fantastic, they got to pick their own work group. They appointed a commissioner who is not even the regional commissioner for Madison, which is a bit confusing. He self-appointed himself chair. You would think that the commission would actually take the unanimous recommendations from [the work group they appointed], but instead they decide to kick the can down the road again. So, again, I just want to speak to the frustration and confusion. [It is as] If there's something else going on, that they don't want to have a Madison recreation management plan in place, because we finally had everyone on board ready to go with it.

And it's this commission that is using this to pull the rug out. Hopefully they can finally decide to do something, and again, there is some frustration out there.

**Todd France:** My comment [addresses] some of the confusion. Another question has to do with what exactly has to be done in order to implement an ARM that has already been passed. Or for the use levels to be kept at each outfitter's maximum [historical] days from the years 2019 or 2020, whichever was greater. My confusion is, what has to be implemented in the rulemaking process [when] the commercial use is [already] capped at each outfitter's maximum use. I think that it's extremely misleading to the general public to say that, oh, we can't do this, and we can't do that when [the] ARM has already been passed, and it is in written form to cap commercial use at the existing levels of each and every outfitter that has commercial use on the Madison River. If somebody could explain that to me, maybe I'm just not quite getting it, but I believe it's already done. Thank you.

**Justin Edge:** I am an outfitter from Ennis, Montana. I would echo many of the things that [have been said]. Mr. McGeehan and I both explained this a minute ago. As someone who was pretty vehemently opposed to previous plans five or six years ago, I'm fully on board with this work group's plans. I'm a bit baffled as to why we're about to kill every ounce of momentum that we have – for the first time in a long time, maybe ever, we have unity by so many different people, outfitters, and guides and businesses. It's really frustrating to see that momentum and the work of the work group disappear and potentially just go to waste. I am frustrated and I'm hoping that we can get this back on track and not kick it one more time down the road because I feel like that if we do it one more time it's never coming back. I think it's not just a momentum killer, I think it's an entire plan killer for the future. Thank you very much.

**Shane Ellis:** I am from Pennsylvania, and I had the benefit of travelling to Montana in March of 2022 this year. I was actually surprised that anyone would consider putting a commercial use cap on a 183-mile river considering the state only added 200,000 residents in the last 21 years. I've seen wildlife management in Pennsylvania, especially with the sickly deer population that you see and can't do anything about. With the commercial use cap based on 2019 and 2020, I think that puts people out of the market, even the million residents that currently live there. You know that they all have kids; at some point they might want to become river guides in the future. I see them being priced out of the market, or even being completely barred from it. Especially with the pandemic that just happened; people have relocated to more desirable locations [and they] are, unfortunately, going to be barred from doing any commercial fishing on any of these rivers as well. Unfortunately, anytime a government implemented a monopoly, it harms the consumers first, which ends up harming the communities. I think it is a detriment that anyone would consider this. I would strongly ask that you guys reconsider implementing this program. Thank you.

**Dan Larson:** I am Dan Larson from Bozeman, Montana. As a frame of reference, I've been a member of the Madison River work group and chaired the subgroup that worked on the commercial recommendations – all of which, together with the noncommercial [recommendations], went to the commission at its June meeting. For the record, I want to make it clear that delaying the implementation of both a commercial cap and moving forward on the noncommercial [use management] options that were presented from the work group was not [the intention of] the work group. We were unanimous in recommending action and going forward with public comment and hopefully rulemaking on what was presented. We worked very diligently the first half of this year to be in that position to try to do that. I appreciate the

complexity and the devil in the details of both the commercial recommendations and the noncommercial river management options that are presented, and why the commission is approaching this carefully, and hopefully in a manner that will come to a resolution in the near future. Given that the devil is in the details of implementing the commercial regulations, [I understand the commission's interest] in wanting to go out for more public comment and input. Implementing the (current ARM rule cap implementation date] simply doesn't work and I support their action to defer this. But I also know, on behalf of the work group and the members that worked with, we're prepared to work with the commission and staff on moving forward, sharing all the information that we've gotten, and hopefully be able to reach a positive resolution that protects the Madison River and the business interests and recreational interests that thrive on it. Thank you very much.

**Todd France:** My last comment regarding kicking the can down the road is the elephant in the room. What would be the legal ramifications of what happens if we do that? Where does that put Fish, Wildlife & Parks as far as being able to hold to the moratorium – 18,000 commercial use trips? If we kick the can down the road to 2023, does that open it up to legal opportunities in order to sue Fish, Wildlife & Parks? For some of the larger outfitters that need more days to go ahead and threaten to sue Fish, Wildlife & Parks in order to get more days. Thank you very much for your patience and time.