

Public Comments on the Madison River Work Group Recommendations

Thematic Summary

The Fish and Wildlife Commission instructed Fish, Wildlife & Parks (department) to conduct a public scoping process to solicit input on the Madison River Work Group's recommendations for managing commercial and noncommercial use on the river. The department conducted four in-person scoping meetings (Bozeman, Ennis, West Yellowstone, and Butte) and one virtual meeting. The comment period was August 15 to October 14, 2022. The department received comments from 554 people. Each person had the opportunity to provide a separate comment for each of the work group recommendations, which resulted in 917 total comments. Nearly half the comments (48%) pertained to the recommendations for the Bear Trap Canyon, which is administered by the Bureau of Land Management. The Bear Trap Canyon recommendations are not FWP's to implement, and the comments were forwarded to the BLM for its consideration.

Overarching Themes

- There is general support for placing a cap on the total amount of commercial use allowed on the Madison River. While not unanimous, this perspective is broadly shared by commercial and non-commercial users of the river. There is disagreement as to the best way to allocate the commercial use opportunities.
- The topic of transferability is important to many people and the comments reveal there are fundamentally different viewpoints. The ability to lease or sell commercial trips is viewed by many commercial users as critical to maintaining a viable business and the only way to avoid a scenario where only the largest and most wealthy businesses are sustainable. There is also a strong public sentiment that commercial use associated with public resources is a privilege, not a right, and that businesses' profits should solely come from providing a public service and not from leasing or selling unused trips
- There is both support and opposition to requiring non-commercial users to obtain a float permit, with slightly more people in opposition. A common sentiment is that the department should acquire more data on non-commercial use, but that a permit system is unnecessary and overly burdensome for data collection purposes. Many people acknowledged that unmanaged non-commercial use can lead to undesirable resource impacts and/or a degraded experience, and there is support for a comprehensive recreation management plan.
- The Bear Trap Canyon recommendations were overwhelmingly opposed for a variety of reasons, but primarily due to a perspective that crowding and conflicts are not a problem there, and that permits and launch time reservations would significantly impact floaters who commonly plan trips around dam releases. There is some support for acquiring more use data for this section of the river. These recommendations are not FWP's to implement, and comments were forwarded to the BLM for its consideration.
- For many people, taking care of the resources is the highest priority. Regardless of use type, they expressed it is important to ensure that the aquatic and terrestrial resources are not overly impacted by recreational use of the river.

Specific Topics Addressed

Cap based on historical use

- There is both support and opposition to maintaining the cap that is based on highest use from either 2019 or 2020. Supporters view this as the best way to ensure that commercial use doesn't increase further and

that the work group's recommendations allow new and/or smaller businesses to start or expand their operations. Some critics are concerned that too much time has passed since the cap was set and there are new businesses that have started or expanded that have no historical use recorded from this time-period. Other critics think the cap is too high, while others think it is too low and should be increased to reflect present day use.

Opportunities for new businesses

- Supporters of the new entry opportunities shared that these recommendations would enable new businesses to acquire trips through leasing or purchasing trips, or by receiving trips that have been forfeited. The new entry recommendations were criticized by commenters who feel that those who are leasing or selling trips to others will charge an amount that is cost prohibitive for most new businesses if they want to maintain a financially viable operation. Critics also said that the 'use it or lose it' feature is unlikely to generate many trips, and most commercial users would lease or sell the trips before forfeiting them.

Transferability and concern over monetization of public resources

- There is a split between those who view transferability as critical to conducting a viable business and those who see this as commercialization of public resources. Proponents note that transferability allows for fluid exchange of allocated trips and is a way for new entries and business growth within the cap. Opponents argue that commercial users should not be profiting from unused trips, that commercial use associated with public resource is a privilege, and businesses' profits should solely come from providing desired services to the public.

Peak season

- The work group did not recommend a peak season for commercial use. While some people agree with that, there is some concern that by not identifying a peak season for commercial use, most of the use would occur during the peak season and lead to more crowding and conflicts. There was a suggestion to apply the cap to a June 15 – September 15 time-period and allow unlimited commercial use during the shoulder seasons.

Commercial Watercraft Rental Delivery

- There is general support for requiring watercraft rental delivery businesses to obtain a permit and record their use. Commenters see the value in having this data to inform future management decisions and to learn more about the amount of tubing take place on the river. There is less support for restricting these businesses to high-density zones.

Pressure from other rivers, displacement

- Some people expressed concern that restricting commercial or non-commercial use on the Madison would result in more people recreating or conducting business on other non-regulated rivers. Resident-only days, rest-rotation
- Some commenters suggested resident-only days on the Madison and/or a rest-rotation system whereby commercial users are not allowed to operate on certain days or sections of the river.

Non-Commercial Use Float Permit

- While a few people feel the amount of non-commercial use is a problem and should be regulated, there isn't broad support for restrictions on non-commercial use at this time. There is both support and opposition to the recommendation requiring an unlimited non-commercial float permit (slightly more opposed). Most people agreed on the need for more non-commercial use data, but the majority felt that a permit system is not the best way to collect that information. They view the permit system as unnecessary and unduly impactful on the typical user who often plans trips on short notice. Commentors agreed on the need for a comprehensive recreation management plan.

Tubing

- There is general agreement that more management is needed for tubing, particularly on the lower river. People generally are not supportive of requiring tubers to obtain a permit at this time but instead wanted to see more enforcement and staff presence. They note that it would be difficult to administer a permit system for tubers, and that many of the conflicts occur at the access sites rather than on the water. There is some concern over the potential resource impacts from the volume of tubing, e.g., litter, trampling of the bank, disturbance of aquatic habitat.

Vessel requirements on upper river

- While some people agree on the need for vessel requirements, more people oppose this idea saying it favors one type of recreation over another (angling v. other types of use) and that a better approach is to emphasize more communication and river etiquette.

Wade angling opportunities

- Several people asked for more wade angling opportunities, e.g., sections of the river where fishing from a boat is prohibited or an outright prohibition on floating all together in these sections.

Bear Trap Canyon Recommendations

- Of the comments received, a significant number provided input on the recommendations for Bear Trap Canyon. These comments have been forwarded to the Bureau of Land Management. An overwhelming majority of the commenters are opposed to requiring floaters to obtain a permit or secure a launch time. They argue that there is not a problem with crowding or conflicts here, and that launch times would impede floaters' ability to plan trips around dam releases. A small minority of people see value in collecting more data on use of the Bear Trap but most of them recommend not using a permit system to obtain this information.

Comments on composition of the Work Group

- Some commenters expressed concern over the composition of the work group and a perspective that there was a disproportionate number of commercial interests at the table.