

# Madison River Negotiated Rule-making Committee Report to the Commission

*Submitted by Melissa Glaser*

The Negotiated Rule-making Committee (NRC) discussed several issues that are pertinent to stakeholders regarding the use of the iconic world-renowned blue-ribbon fishery known as the Madison River. The following sections give my perspective on these issues. My perspective also takes into account many discussions with local residents, fishing outfitters and guides, as well as business owners in the Madison Valley. The town of Ennis and surrounding communities have much at stake, so any recreation management plan must take into account the impact to the community.

## **Walk/Wade Sections**

Restricting access on the current walk/wade sections became one of the most hot-button issues of the committee because it was directly attacking access of a navigable waterway and public resource. I support leaving both walk/wade sections as they are currently. However, if FWP would like to further spread out boat traffic, I would recommend opening both sections to allow fishing from a vessel.

It is unreasonable to restrict or limit boat access in the walk/wade sections in an effort to reduce crowding of boats on wade fishermen. Reference Appendix A for boat launches recorded in 2018 by one of the three shuttle operations, Rocket Shuttles, presumably the largest shuttle operation on the Madison River. The number of boats launched within the upper wade section (including Reynolds Pass and Pine Butte) is very few. The number of boats launched within the lower wade section (including Ennis and Valley Garden) is very few. Any restriction of boat access in these sections is not pertinent to reducing any high amount of boat activity as the boat activity in these sections is relatively low.

Beyond not solving problems related to social conflict or crowding, a restriction similar to what was proposed in the April 2018 plan and again pushed during the NRC meetings would make large stretches of river essentially cut off from public use. Much of these sections are not accessible for wading while staying within the high water mark. Montana is a state lauded for public access and any restriction of public access is unreasonable and contentious.

In the event that FWP decides closing the upper walk/wade section from boat traffic is necessary, the following scenario could be acceptable for more members of the community:

- Divide 12.6 miles of river from Quake to Lyons into two sections:
  - Reynolds to Pine Butte
    - Remains Walk/Wade Access with Vessel Status Quo with the following exception:
      - From June 20-August 15 during the highest weekend wade-angling activity, this section will be Walk/Wade No Access by Vessel with the Intent to Fish in this Section Saturday or Sunday (*Users may ferry through with a vessel*)

- July 4<sup>th</sup> Independence Day remains Walk/Wade Access with Vessel Status Quo (*Freedom*)
- Pine Butte to Lyons
  - Remains Walk/Wade Access with Vessel Status Quo or open section to allow fishing from a vessel.

### **Limiting Non-Resident Access**

The proposal given to the committee was to issue a limited number of stamps for non-residents and when those stamps were used up, a non-resident who had not purchased a stamp would not be able to fish. I feel that restricting the ability for non-residents to use the Madison River is the most disconcerting proposal that was offered to the committee.

Residents are able to fish year-round throughout every season, busy times, slow times, good weather and bad. A tourist plans a vacation sometimes years in advance and sometimes last minute. In either case, their expenditures while in Montana go directly into our economy. I feel this person should have every luxury to fish the river during the time they decided to vacation to Montana.

A workable compromise would issue stamps that are free and unlimited for both residents and non-residents purely as a means of collecting data. However, any plan that restricts non-residents to a limited number of users will be detrimental to the town of Ennis. Ennis businesses and their employees survive entirely on non-residents during the busiest months of the year. Taking income out of Ennis will destroy the businesses in this town, to include outfitters, fly shops, restaurants, gas stations, markets, and all main street shops.

Further, I feel that the percentage of non-residents vs. residents should not be a factor in determining who should be allowed to fish more. Non-residents are not specifically as a group causing problems on the river.

I have a few scenarios to consider.

- The restrictions on non-residents was proposed to allow the opportunity for more residents to fish without feeling crowded by non-residents. However, except for retired residents, many Montana residents are not able to fish the river more often because they have jobs or they are doing other things, etc. Residents aren't a lower percentage of use due to the high number of non-residents, residents are a lower percentage because the state of Montana and especially Ennis is driven by tourism-- we have more non-residents fishing--- THANKFULLY for this town! But the proposal restricts the one group of people who are able to and want to take the time to fish AND drive income into the state.
- Another scenario relates to the stamps that are purchased being available at two different times of year in a segmented distribution. What about the tourist that is coming to Montana end of June and finds when they get here that the state is no longer going to let them fish because they ran out of the first chunk of stamps. It is like going to Disney world and they shut the ride down when you step up. The end of June is also salmonfly season, but the days are not predictable

every year. What if someone from a surrounding state is waiting for the salmonflies to start before they come over, but by the time they start, the state of Montana no longer has available stamps. Not everyone will figure out to buy their stamp ahead of time and in many cases, the last minute weekend trips would be ruined. The same thought applies towards the end of the season but it could happen in October when it's not even busy. A non-resident decides to come to Montana because they know it is not busy later in the season, but now there are no stamps left. Why would we restrict use during the times when it is not even busy?

- On the other end of the spectrum, you have those that will try to beat the system. Consider a part-time resident or those in Montana for a full month could buy up all the days for the month or two months or three months even if they only go out a couple times-- they just want to be able to go when they want to go without bothering to get their stamp. This will use up days quickly that aren't even being fished. Besides inaccurate data, this could prevent others who actually want to fish from going out and use up stamps unnaturally.
- The proposal included the thought that non-residents buying an annual license would get unlimited access. This seems like it could be a workable scenario and allow an almost unlimited number of stamps. The stamp limits would only be applied to the 2 and 10 day license holders. If the number of stamps is high enough, perhaps this scenario would not even limit the 2 and 10 day license holders. The problems I see is that it takes away the ability for easy data collection (stamp=user day would not apply) and the intent of this proposal was specifically to limit non-residents which it doesn't actually do.
- And finally, unless you set up an allowance for commercial users who are taking non-residents (which is 60%+ of their clients), this will no doubt affect outfitters trying to take out clients. Clients that wait to get their license until last minute is likely, even when guides ask them to do it ahead of time. Further, it will limit those walk-in clients who want to book a last minute trip ("Sorry, we can't take you out because you're not a resident and all non-resident stamps are used up."). This will affect every fly shop in the Madison Valley.

Even if we had more accurate data, I still don't believe that non-residents should be restricted just because a few residents have expressed their concerns on surveys. The non-residents have not proven to be a problem beyond their actual use rate-- and the town of Ennis is surviving because of this use rate. The river is a public resource and it should be open to the public who want to come use it.

## **Rest & Rotation**

Throughout the NRC process, FWP has remained intent to implement rest & rotation on the Madison River; rest & rotation as proposed in the April 2018 plan is one of the top methods of limiting commercial traffic that is deemed unworkable by the guiding community. Factors that make rest & rotation unmanageable include the following:

### **River Length**

FWP implemented a rest & rotation schedule on the Big Hole River which has roughly 85 miles of floatable water. It seems some success was found and FWP thought it would work on the Madison River. The one definite factor that prevents a rest & rotation schedule from being usable on the Madison River

is that the Madison is much shorter with only 35 floatable miles. The Big Hole has 9 floats that are 8-10 miles long which allows for several half and full day float opportunities. If the Madison was broken up as proposed, it creates very short floats not allowing outfitters to give clients a full day on the water. A full days guided trip is 10 miles at the minimum and could be up to 15 miles depending on the water and the guide. Further, by creating breaks of non-commercial sections in the Madison River, the commercial users will be forced into the same sections increasing crowding in those sections.

### **Spring Runoff**

During spring runoff with high water, only the uppermost sections of the Upper Madison are fishable due to the dirtier water converging downstream. Having closed sections during this time will create more pressure in the other stretches and will ultimately lead to angler dissatisfaction both for commercial and non-commercial users.

### **Separation**

FWP would like to create a separation between commercial and non-commercial allowing non-commercial users a stretch of river for themselves. However, non-commercial user wouldn't always leave their favorite stretch to go to a non-commercial designated stretch. Some users certainly would, but many non-commercial users are going to fish where they want to fish and they aren't going to only stay in the non-commercial section. They are going to go where the best fishing is that week, where the weather is good and wind is less, where they didn't go the day before, where they don't have to drive as far, where they are camping, etc. Having a non-commercial section doesn't keep non-commercial in that section; they will still be using the commercial section which will be more crowded because the commercial users have been congested into that stretch. A rest & rotation plan would cover a certain amount of people that want to have a open stretch of water, but the rest of the river would have the boats condensed into it making those other sections more crowded than they would be if allowed to organically spread out. Hypothetically, what if the non-commercial stretch becomes the only place non-commercial users can go-- so they wouldn't be allowed to go in the commercial section?

It happens on the Big Hole River where often the non-commercial sections are wide open or have very little traffic. So on days like this, the users are not spreading out, but instead are congested into the commercial areas.

An important variable in where users will fish is the location of the salmonflies. The Madison River is a salmonfly river; people come from all around to chase the salmonflies. The salmonfly migration starts downstream mid-June and works its way upstream. Each year, it is typical to have the salmonflies around Lyons Bridge during the busy week surrounding the 4<sup>th</sup> of July. This is one of the major factors for crowding at Lyons Bridge in July. I think this could be studied more before making regulations that affect the entire river throughout the entire year and it further emphasizes that anglers are going to fish where they want to fish, especially when they are chasing salmonflies.

I think certain days that non-commercial stretch would be overly crowded by non-commercial users especially if that lands on a weekend/holiday or if that's where the salmon flies are that time of year. Closing a section from commercial users seems like a poor way to control crowding when each day is not exact as to who is going to be on the river and when. If FWP could determine where it is going to be crowded on what exact days every day of the season, the use could be spread out on a day-to-day basis instead of implementing rules that don't work every single day of the season.

Perhaps FWP or the outfitting community could develop a program where boats can sign up online before going out in the morning so others will know where a high majority of floaters are going. Many guides don't decide where they are going until that morning, so it could be difficult, but if the program is easy to log in and sign up where you're putting in, it could be successful. One thing is certain, the outfitter community is willing to work with FWP to make a recreation plan work, but the plan has to be workable for the outfitter community too.

The downfalls of the proposed April 2018 rest & rotation schedule outweigh any possible benefit. Ultimately, implementing a rest & rotation schedule on the Madison River does not present a good solution for reducing crowding or social conflict and will only cause problems within the entire angling community.

### **Fishing Access Site (FAS) Social Conflicts**

During the high season, Lyons Bridge FAS is a starting point for many commercial trips coming from West Yellowstone, Idaho, Ennis, and Bozeman. It seems like this could become a focus spot for attempting to mediate social conflicts. This also falls in line with the information that Scott Vollmer shared in the MOGA report regarding the satisfaction data at the FAS.

Reference Appendix B for comparisons of weekdays vs. weekends recorded on the camera data collected at Lyons Bridge. This chart shows a couple interesting times when non-commercial users exceed commercial users:

- May 2016 (typically before non-resident guided traffic picks up) *64% weekdays & 78% weekends non-commercial*
- 2017 Weekends in June, July & September *54% non-commercial*
- July 3rd, 2017 (highest boat traffic day recorded at 125 boats) *55% non-commercial*
- 2015-2017 Average across all weekends *53% non-commercial*

I found this interesting because it shows the life of working residents and non-residents; we are not able to get out on the river as much as fishing guides, so weekends and holidays are when we go. So the day job that is being a fishing guide on the river is Monday through Friday and they are filling out those time slots appropriately. They are also filling out the time slots starting in June when tourism picks up. I think restricting commercial users from certain spots or on certain days doesn't mean that non-commercial users are going to fill up those spots. Non-commercial users simply don't get out as much because of life circumstances.

However, with the influx of driftboats in driveways and retirees moving to Bozeman, this has a potential to increase so non-commercial boat traffic at Lyons may start overtaking commercial boats even during the weekday slots. This is especially going to be true if a commercial use restriction is applied. Then the river is going to be full of users who don't do it every day and may not know the proper etiquette. An in-depth education program and a FAS ambassador as proposed by the MOGA report would be helpful to curb social conflicts that arise.

## **Glass Containers**

I oppose any restriction of glass on the Upper Madison. I am among many who are frequent users of glass containers on the river. Food and liquid keeps better and therefore tastes better in glass. To restrict something that is not a problem on the Upper Madison is another contentious issue. Any problem with glass would only be in the Lower Madison from Warm Springs to Blacks Ford where the tubers frequent and are frequently drinking alcohol. I would support banning glass in this stretch while in a float tube where one could easily lose a glass bottle into the river.

## **Commercial Use Greycliffs to Three Forks**

I do not support the closing off of commercial use from this section of water. The data shows that commercial users do not occupy this stretch. The likelihood of this stretch becoming a high commercial use section is low; it is a very long float with more difficult access due to long drives on dirt roads and unimproved ramps. For whenever a guide may decide to show their client a stretch of the Madison River that is different and an experience, it would be very unfortunate if this section is closed off from that opportunity. Further, the scenic value of this stretch must allow for commercial scenic tour operators to be able to bring clients through it.

After reviewing what a “primitive area” designation does, I would support making this stretch a primitive area. This would keep the area more pristine by not allowing improvements beyond what is already in place, but it would allow commercial use.

## **Commercial and Non-Commercial Use**

At the beginning of the NRC meetings, I was certain that the main priority of the meetings was to determine the best way to limit commercial use on the Madison River. As the meetings progressed and information now shows that commercial operators are less than 15% of the total user days on the river, I am not certain limiting commercial activity is the best way to combat crowding on the river. I am more inclined to start by collecting data on non-commercial users as well. This would allow FWP to make solid comparisons and then implement restrictions if deemed necessary.

Collecting concrete data on non-commercial users could be done in several ways. Two recommendations as given during the NRC meetings are to implement an Annual Vessel Permit and to implement a Madison River Use Stamp. Detailed suggestions on these recommendations are listed in Appendix C.

Restricting commercial use could be done in several ways, but allocation seems like the most accepted way of all the methods that were recommended. Detailed suggestions on an allocation plan are shown in Appendix D, but ultimately FWP should collaborate with the outfitting community to develop a commercial allocation plan that contains the most important facets including the following:

- Ability and allowance for new entry.
- A trip distribution program that allows days for merit-based users and new entry users.

- Flexibility in annual use through a tier-based allocation plan.
- Loss of unused trips forfeited to a trip distribution program.
- No shoulder seasons shall be established.
- Establish a maximum allowance of trips for all SRP holders based on a determined carrying capacity.
- Evaluations starting at Year 1 after implementation.

Limiting use should start by knowing the carrying capacity of the river. This number has not yet been determined on the Madison River, and it is likely it could be a fluid number between seasons and particular years. FWP should focus on determining the carrying capacity and further restrictions could be established more wisely.

## **Education**

The NRC meetings brought a clear acceptance of education as a means to help curb social conflicts on the river. FWP should collaborate with the outfitting community to create an education program that is acceptable. The following recommendations were made during the NRC meetings:

- Facilitate a working relationship between FWP and the Fishing Outfitter community
- Etiquette education program (wade anglers, float anglers, ramp, river, anchor use)
- Educate landowners and river users on Stream Access Laws (FWP pamphlets already available)
- Create posters for fly shops and FWP license providers and create permanent signage at FASs on river etiquette, boat etiquette, etc.

## **Evaluations**

One of the more frequent topics discussed regarding the Big Hole Recreation Management Plan was that the evaluation period was too long (every 5 years) and did not address the actual issues that arose in the first 5 years of the program. I highly recommend a thorough evaluation after the first year of a Recreation Management Plan placed on the Madison River. The following was recommended during the NRC meetings:

- Evaluation of River Recreation Plan
  - Years 1, 3, 5, 7, 10.
    - Determine carrying capacity using Use Data.
    - Evaluate river use from SRP holders—allow for growth to capacity.
    - Evaluate use permit satisfaction and use data—cap if necessary.
  - Year 1 & 3 evaluations should include a representative from the commercial outfitting community.
  - At year 10, determine best timeframe for subsequent evaluations.

In conclusion and from a personal perspective, every time I have been on the Madison River either wade fishing, boat fishing, or scenic touring for my business, I have never felt "crowded." It is a beautiful experience and having others on the river enjoying it too just adds to the overall spirit of enjoyment. Clearly, my perception is not the same as some others. However, the few individual anglers or landowners who scream the loudest and respond negatively to surveys should not be rewarded by issuing restrictions on the vast amount of other river users who are ultimately happy in their experience on a public resource.

The Madison River does not have a biological problem, a garbage problem, or vandalism issues, so I am inclined to let the social issues work themselves out. It happens organically in the outfitting community (if a 10-boat launch is going to a certain launch at a certain time, other guides are told and they can work around if they want-- i.e. delay in the shop, go to a different launch, or just be prepared to wait to launch). With a proper education program, these types of things can be worked out in the non-commercial side too.

Reference the article put out by the National Park Service, *Tips for Dealing with Crowds*, 3/1/2019 (<https://www.nps.gov/glac/planyourvisit/crowds.htm>). The article gives three tips for dealing with Glacier National Park's crowds:

1. Adjust Your Expectations
2. Have a Backup Plan, or Two
3. Consider one of Glacier's Neighbors

I feel these tips can be applied to anglers on the Madison River as well.

I would like to thank the Commission for the opportunity to be involved on the Negotiated Rule-Making Committee. I hope I was able to bring knowledge that will help develop a River Recreation Plan that is manageable for the entire Madison County community and all of those that visit our town.



## APPENDIX A

### Rocket Shuttles 2018 Data

#### Data

|                | April/May  | June        | July        | August      | Sept/October | Totals      |
|----------------|------------|-------------|-------------|-------------|--------------|-------------|
| Reynolds       | 50         | 19          | 2           | 2           | 10           | 83          |
| Pine Butte     | 21         | 15          | 22          | 8           | 18           | 84          |
| Lyons          | 96         | 221         | 441         | 317         | 369          | 1444        |
| Windy          | 24         | 103         | 222         | 182         | 178          | 709         |
| Palisades      | 18         | 147         | 158         | 130         | 151          | 604         |
| Ruby           | 16         | 151         | 252         | 179         | 130          | 728         |
| MacAtee        | 23         | 62          | 125         | 137         | 194          | 541         |
| Story          | 16         | 143         | 188         | 136         | 88           | 571         |
| Varney         | 95         | 207         | 218         | 163         | 235          | 918         |
| 8 Mile         | 38         | 27          | 52          | 40          | 77           | 234         |
| Burnt Tree     | 18         | 8           | 5           | 9           | 23           | 63          |
| Town           | 5          | 3           | 8           | 6           | 10           | 32          |
| Valley Garden  | 21         | 4           | 15          | 19          | 28           | 87          |
| <b>Totals:</b> | <b>441</b> | <b>1110</b> | <b>1708</b> | <b>1328</b> | <b>1511</b>  | <b>6098</b> |

#### Percentages

|               | April/May | June | July | August | Sept/October | Totals |
|---------------|-----------|------|------|--------|--------------|--------|
| Reynolds      | 11%       | 2%   | 0%   | 0%     | 1%           | 1%     |
| Pine Butte    | 5%        | 1%   | 1%   | 1%     | 1%           | 1%     |
| Lyons         | 22%       | 20%  | 26%  | 24%    | 24%          | 24%    |
| Windy         | 5%        | 9%   | 13%  | 14%    | 12%          | 12%    |
| Palisades     | 4%        | 13%  | 9%   | 10%    | 10%          | 10%    |
| Ruby          | 4%        | 14%  | 15%  | 13%    | 9%           | 12%    |
| MacAtee       | 5%        | 6%   | 7%   | 10%    | 13%          | 9%     |
| Story         | 4%        | 13%  | 11%  | 10%    | 6%           | 9%     |
| Varney        | 22%       | 19%  | 13%  | 12%    | 16%          | 15%    |
| 8 Mile        | 9%        | 2%   | 3%   | 3%     | 5%           | 4%     |
| Burnt Tree    | 4%        | 1%   | 0%   | 1%     | 2%           | 1%     |
| Town          | 1%        | 0%   | 0%   | 0%     | 1%           | 1%     |
| Valley Garden | 5%        | 0%   | 1%   | 1%     | 2%           | 1%     |

## APPENDIX B

### Lyons Bridge Camera Data

|                           |         | 2015                         |               | 2016                          |               | 2017                          |               | Totals & Averages |               |           |               |
|---------------------------|---------|------------------------------|---------------|-------------------------------|---------------|-------------------------------|---------------|-------------------|---------------|-----------|---------------|
|                           |         | Comm. Use                    | Non-Comm. Use | Comm. Use                     | Non-Comm. Use | Comm. Use                     | Non-Comm. Use | Comm. Use         | Non-Comm. Use | Comm. Use | Non-Comm. Use |
| May                       | Weekday | Not Available                | Not Available | 33 36%                        | 58 64%        | Not Available                 | Not Available | 33 36%            | 58 64%        |           |               |
|                           | Weekend |                              |               | 15 22%                        | 52 78%        |                               |               | 15 22%            | 52 78%        |           |               |
| June                      | Weekday | 93 63%                       | 54 37%        | Not Available                 | Not Available | 417 67%                       | 203 33%       | 510 66%           | 257 34%       |           |               |
|                           | Weekend | 21 27%                       | 56 73%        |                               |               | 50 46%                        | 58 54%        | 71 38%            | 114 62%       |           |               |
| July                      | Weekday | 228 57%                      | 171 43%       | 471 72%                       | 184 28%       | 687 63%                       | 408 37%       | 1386 64%          | 763 36%       |           |               |
|                           | Weekend | 90 48%                       | 97 52%        | 162 55%                       | 133 45%       | 300 46%                       | 353 54%       | 552 49%           | 583 51%       |           |               |
| August                    | Weekday | Not Available                | Not Available | 537 73%                       | 201 27%       | 307 69%                       | 141 31%       | 844 71%           | 342 29%       |           |               |
|                           | Weekend |                              |               | 167 62%                       | 101 38%       | 74 64%                        | 41 36%        | 241 63%           | 142 37%       |           |               |
| September                 | Weekday | 145 82%                      | 32 8%         | 373 75%                       | 122 25%       | 325 69%                       | 143 31%       | 843 74%           | 297 26%       |           |               |
|                           | Weekend | 70 65%                       | 37 24%        | 120 77%                       | 35 23%        | 120 46%                       | 142 54%       | 310 59%           | 214 41%       |           |               |
| October                   | Weekday | Not Available                | Not Available | 104 74%                       | 37 26%        | 12 63%                        | 7 37%         | 116 73%           | 44 28%        |           |               |
|                           | Weekend |                              |               | 68 52%                        | 63 48%        | 6 60%                         | 4 40%         | 74 52%            | 67 48%        |           |               |
| Combined Max Daily Boats: |         | 647 59%                      | 447 18%       | 2050 68%                      | 986 32%       | 2298 61%                      | 1500 39%      |                   |               |           |               |
| Combined July Average #:  |         | 76 on July 3rd<br>53%C/47%NC |               | 64 on July 31st<br>52%C/48%NC |               | 125 on July 3rd<br>45%C/55%NC |               |                   |               |           |               |
|                           |         | 59 56%C/44%NC                |               | 48 67%C/33%NC                 |               | 70 59%C/41%NC                 |               |                   |               |           |               |

Highlighted RED if over 50%

| <u>Average Weekday vs Weekend Use</u> |       |           |
|---------------------------------------|-------|-----------|
| <u>2015-2017 May-October</u>          |       |           |
|                                       | Comm. | Non Comm. |
| Weekday                               | 64%   | 36%       |
| Weekend                               | 47%   | 53%       |

| Total Days of Data Collected |      |      |      |
|------------------------------|------|------|------|
|                              | 2015 | 2016 | 2017 |
| May                          | 0    | 17   | 0    |
| June                         | 12   | 1    | 25   |
| July                         | 10   | 20   | 25   |
| August                       | 0    | 23   | 19   |
| September                    | 11   | 24   | 25   |
| October                      | 0    | 28   | 4    |

## **APPENDIX C**

### **Ways of Collecting Data on Non-Commercial Users**

#### **Non-Commercial Limitations**

- Annual Vessel Permit for operating a vessel on the Madison River
  - No fee.
  - Permit documentation will include river etiquette, ramp etiquette and drift boat use information.
  - Does not apply to commercial SRP permit holders.
  - End of year surveys to obtain satisfaction and use data.
- Madison River Use Permit
  - No fee. Donation Accepted.
  - *What is the best way to get most accurate use data?*
    - Anglers
      - Issued through FWP license provider/online through ALS#.
        - Residents: Annual Permit
        - Non-residents: 2 day, 4 day, 10 day, and Annual Permits
        - FWP to determine best method to obtain data:
          - Monthly, quarterly, annual mail-in surveys to permit holders
            - Reply required for reissuance of permits.
          - Survey on the ALS system prior to reissuance of permit (like migratory bird harvest data survey).
    - Non-Anglers
      - Drop box at Warm Springs FAS for Tubers
      - *Note: Non-angling use is not high on the Upper Madison, but it is very high on the Lower Madison Warm Springs to Blacks Ford.*
  - Allow ability to obtain use permit online/mobile phone or at FAS—needs to be easy.
  - Does not apply to commercial SRP permit holders except when those users operate on the Madison River non-commercially without a vessel.
  - Does not apply to Annual Vessel Permit holders except when those users operate on the Madison River without a vessel.

## **APPENDIX D**

### **Commercial Allocation Plan Example**

- Cap # of Outfitter Trips based on Historical Use using a Tier System
  - *The majority of SRP holders operate 100 trips or less.*
    - If use for 2017-2018 is 1-20 trips, SRP holder will receive 25 trip permit.
    - If use for 2017-2018 is 21-40 trips, SRP holder will receive 50 trip permit.
    - If use for 2017-2018 is 41-100 trips, SRP holder will receive 100 trip permit.
    - If use for 2017-2018 is 0, permit is forfeited and allotted amount of 25 trips each will be placed into the SRP Trip Distribution Program (2016-2017 permits forfeited create a pool of 750 trips).
  - *The remaining 27 SRP holders have operated more than 100 trips at least once in the previous 3 years (2015-2017).*
    - If current use is over 100 trips, SRP holder will receive a permit to operate the number of trips equal to their maximum number in the previous 3 years.
  - Trips are attached to an SRP Permit.
  - No shoulder seasons shall be established. The use allocation is from 1/1-12/31 annually. (*Refer to issues on Big Hole with the creation of shoulder seasons.*)
  - If total trips exceeds use permit allowance, SRP holder will incur fines. If exceeding trip allowance is habitual, SRP holder risks losing permit.
  - Year 1 Evaluation
    - FWP to define what is evaluated – Satisfaction, Use
    - FWP may award trips in established increments (ex: 10, 25, 50) through the SRP Trip Distribution Program.
  - Starting in Year 3 Evaluation, FWP will review total use:
    - If a permit holder has used 80% of their trips or less each year for previous 3 years, that permit holder will be issued a permit for 80% of their trips. The remaining 20% of trips will be placed into the SRP Trip Distribution Program.
    - If a permit holder obtains over 150 trips in addition to their allocated trips, they will be allowed 5 years to reach their 80% use.
    - If total trips for a SRP holder is 0 for two consecutive years, permit is forfeited and allotted trips will be placed into the SRP Trip Distribution Program.
  - SRP Trip Distribution Program
    - Merit-Based
      - Current SRP holders may apply and be awarded additional trips if historical use reaches their maximum allotted trips.
        - Additional trips will be considered as part of the total trips for that SRP holder (*not temporary as done on the Big Hole and Beaverhead Rivers*).
        - Additional trips will be subject to the same 80%/20% rules under the 3-year evaluation.
    - New Entry
      - FWP will allow a certain number of available trips to be designated for future new permit requests.

- SRP Permits
  - Permits are transferable.
    - A SRP holder of 150 trips or less may hold multiple permits.
    - A SRP holder of 150 trips or more may hold a maximum of two permits.
    - SRP Permits shall remain individual permits to allow transferability of each SRP Permit separately. SRP holder may request FWP to combine permits into one on an individual basis.
  - New permits issued will receive a 25 trip permit unless being transferred from a current SRP which will receive whatever permit that current SRP holds.
  - SRP Shuttle Drivers
    - All shuttles operating under an SRP shall be required to pay 3% use fee to FWP, not just those shuttles operating at a BLM location.
- *Management Thoughts for FWP*
  - *Create an appeal process for distribution of available trips:*
    - *New permit holders for 2019/2020*
    - *Permit holders showing growth into a higher tier in 2019/2020*
    - *Permit holders who are issued a lower tier than their historical use shows (ex: 2013-2016: ran 50+ trips but only ran 20 trips in 2017).*
  - *Legislative action to move towards allowance of Transfer of River Use Days in specified amounts rather than in its entirety. MCA 37-47-310*