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Montana Fish, Wildlife & Parks
Attn. Charlie Sperry
P.O. Box 200701
Helena, MT 59620-0701

Subject: Madison River Work Group Public Comments

Dear Mr. Sperry,

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. We have over 7,000 members and 80 local-based affiliate clubs, representing approximately 80,000 whitewater paddlers across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. We have ample membership, volunteers, and project-work in Montana and specifically in the Madison River area, and staff are active members of the River Management Society. For over a decade we have worked with partners to advocate that sections of the Madison River become federally protected as a Wild and Scenic River, most recently and currently through the Montana Headwaters Legacy Act. I have personally lived and paddled extensively in Montana for many years, including on the Madison River.

We write today with significant procedural and substantive concerns regarding the Madison River Work Group's recommendations regarding Bear Trap Canyon and the 1.5-mile section of the Madison River immediately below Quake Lake. In these comments we aim to be clear that core elements of the Work Group recommendations regarding these reaches are neither necessary nor appropriate. We oppose the unjustified limits on paddling Bear Trap and the permit requirements on the Quake Lake section, as described below. These reaches are very important whitewater resources, especially in the fall when few other opportunities exist. We have suggestions for a better path forward that is more consistent with policy and river management norms.

- 1. Quantity-limited launch windows for Bear Trap Canyon are not justified or effective in addressing real issues.**

We oppose the institution of limited non-commercial launch windows on Bear Trap Canyon. We find this proposed action to be unjustified by any data depicting a need, out of the scope of the Work Group, overbearing, and likely to have real impacts on paddlers and little if any benefits. We offer the following points as evidence for our request that limited launch windows not be instituted.

Many Paddlers Don't Use the Ramp: Applying launch windows to non-commercial paddlers to eliminate boat ramp crowding or conflicts wrongly assumes that non-commercial paddlers use the ramp. Most, or at least many, do not. Many paddlers put in upstream of the ramp to enjoy the excellent whitewater between the dam and the ramp. Fewer, but some, hike upstream from the takeout with packrafts and launch at various locations. Even among paddlers that do use the ramp, many are kayakers that walk down and quickly put on without posing any delay or issues for rafts. Limited fee-based reservable launch windows would potentially exclude or delay these paddlers from paddling Beartrap Canyon, and impose logistical and financial burdens on the public, while having no effect on ramp crowding. Furthermore, if these windows were to be adopted to reduce ramp crowding, many launch windows would need to be reserved by groups that don't even use the ramp, further complicating enjoyment of the river.

There May Not Be a Problem to Solve: Of the paddlers we've spoken to, none have witnessed significant problems at the put in. Use of this section of river is generally quite low, and there are multiple put-in locations. We question the conclusion that there is a problem here at all, let alone one that needs one of the most severe use limits among the many tools available to river managers. Does the Work Group have data on the number of days on which congestion is a problem, the severity of that problem, and the number of conflicts?

Bear Trap Is Likely Well Below Capacity: We question the stated opinion that Bear Trap Canyon is threatened from unregulated growth or is currently overused. Are there data to support these claims? There may in fact be more than six parties per day on Bear Trap at times, but we note that six trips per day is a very small number of trips at which encounters would likely be minimal. This is a strict standard that is not applied to most other Wilderness day-use resources through direct limits via limited entry permits. Anecdotally, the paddling community has reported that they do not experience crowding when paddling Bear Trap Canyon.

For these reasons we request that the Work Group exclude recommendations instituting limited launch windows for Bear Trap Canyon. There should be no launch windows imposed on paddlers at this location.

2. Free, self-issued, on-site, unlimited float permits for Bear Trap Canyon are acceptable, but not as proposed.

American Whitewater supports well-informed river management. One way to inform management of rivers is through the gathering of data on use levels and timing. This is typically done through free, on-site, self-issued permits, the likes of which are found at many Wilderness trailheads across the public land system. We are not convinced use of Bear Trap is high enough

to warrant the burdens and costs of implementing and participating in such data gathering, but if there are merited concerns about use levels then free on-site self-issued permits would be an acceptable data gathering technique. Certainly several years of such data gathering is a prerequisite for any direct use limits like those proposed by the Work Group.

Noncommercial recommendation #2 states “Madison River Float Permits may be reserved digitally or in person at license providers.”¹ We do not support this recommendation. Recreation.gov or other online portals or in-person stores are the wrong tools for permit implementation because they are costly to visitors who have to pay a service fee, require advance reservations not available on-site, and needlessly require Wilderness visitors to spend money and time online or in stores in order to spend time in the Wilderness. When access must be reserved and limited via permit, online applications may be merited and helpful, but for not-limited day-use of Wilderness areas there is no benefit to the public of a reservation system. In an era when more and more natural resources legitimately require advanced planning and limits, it is important to support impromptu Wilderness enjoyment where advanced planning and limits are not merited.

Recommendation #2 continues: “A small reservation fee is recommended to offset costs of a reservation system.” Because the reservation system is not merited, the fee is not merited either. Charging a fee solely to fund the collection of the fee is bad public policy. Simple backcountry permits like those proposed here do not require fees across the public lands system.

We request that recommendations for any permit required to paddle Bear Trap Canyon be justified by a documented capacity problem, and that any recommendation requests permits be free, not limited in number, and available at all access areas including the take out.

3. Non-commercial permits on the whitewater run below Quake Lake are unwarranted.

One of the non-commercial permit recommendations² would cover “floating between the Yellowstone Park boundary to Ennis Lake or from Warm Springs Day Use Area to the Jefferson River confluence.” This recommendation would require a permit for paddling the Class V (expert whitewater) section of the Madison River immediately below Quake Lake.³ This section is extremely low-use and requiring a permit to paddle this section is unjustified and unwarranted. While low-use, this section is an important paddling resource, especially in the late summer and fall. We are aware of no data or public process discussions that supported a permit requirement on this reach. Instead, it seems like the overly broad permit requirement was unintentionally applied to this distinct, and very low-use reach. Permits should not be required on this reach simply because other reaches of the Madison River are high-use.

¹ See MADISON RIVER NON-COMMERCIAL RECREATION RECOMMENDATIONS. MADISON RIVER WORK GROUP APPROVED RECOMMENDATIONS 5-27-22. Recommendation #2.

² Id

³ See: <https://www.americanwhitewater.org/content/River/view/river-detail/1013/main>

We request that the Work Group modify their recommendations to exclude permit requirements for the 1.5-mile whitewater section immediately downstream of Quake Lake. No permit should be required to paddle this reach.

4. Bear Trap Canyon and Quake Lake are Out of the Scope of the Work Group.

The paddling community, and certainly American Whitewater, were blindsided by the Work Group's inclusion of low-use whitewater resources like Bear Trap Canyon and the whitewater section below Quake Lake in their recommendations. We are aware of no public process, public discussion, media, or outreach involving these reaches. It is our understanding that Bear Trap Canyon in particular was explicitly out of scope of the Work Group. In addition, the whitewater paddling community was not adequately represented or communicated with by the Work Group. American Whitewater staff was not consulted regarding the recommendations, our local volunteers were not consulted, and all media and work products led us to believe that the Work Group was focused solely on high-use reaches popular with anglers and not on the whitewater reaches. It is our assessment that this process cannot credibly support limits and burdensome management on these reaches.

The Work Group recommendations should not address Bear Trap Canyon or the 1.5 mile section downstream of Quake Lake.

Conclusions

We appreciate the Work Group thinking and working hard to solve some very real and pressing challenges on some sections of the Madison River. We respectfully ask that you take a step back from your recommendations on two relatively low-use whitewater boating reaches, and withdraw them. Permits on the Quake Lake section and limited-entry reservations on Bear Trap are simply not merited or adequately vetted. If you would like to pursue these recommendations in the future we would encourage additional outreach to the paddling community, as well as data collection and sharing. We would welcome the opportunity to engage in meaningful discussions about the future needs for these important whitewater runs. Thank you for considering these comments.

Sincerely,



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