



The FOAMLINE

VOL. 9, #4

FISHING OUTFITTERS ASSOCIATION OF MONTANA

FALL 2000

COMPENSATION PAYMENTS POSSIBLE FOR OUTFITTER LOSSES FROM FIRE CLOSURES

Fishing outfitters on the Blackfoot, Clark's Fork, Bitterroot, Gallatin and other rivers surrounded by this summer's fires have suffered huge financial losses from the Forest Service and state closure of access points to their waters. Due to Gov. Racicot's call to President Clinton and negotiations with the Federal Emergency Management Agency, some relief may be possible.

At the recent Board of Outfitters meeting, Dan Gilbert, management analyst from the Unemployment Insurance Division of the Montana Dept. of Labor & Industry, explained that self-employed persons suffering income losses due to Level 5 closures may be eligible for unemployment payments ranging from \$93 to \$263 per week. Applicants would have to justify estimated losses and demonstrate prior income via their tax return.

Gilbert said his agency will keep public members informed via newspaper and TV announcements, and will begin processing claims after Oct. 1. For the latest update, contact Dan Gilbert at 444-2545, the claims number for unemployment insurance.

MBO PROPOSES TO RAISE OUTFITTER, GUIDE LICENSE FEES IN FEBRUARY OF 2001

Rising expenses, one-time charges for the development of a new database, increased office space rent and pay for extra employees mandated by legislation add up to an increased two-year budget for the Board of Outfitters. At the board meeting on August 30, board members reluctantly voted to raise outfitter license fees from \$235 to \$300 and guide license fees from \$75 to \$100.

Because of this summer's fire closures and consequent loss of outfitting business, the board decided to hold off until February 1, 2001, before charging the new increased license fees. So, if the proposal is adopted, renewing outfitters will pay \$235 through 12/31/00, outfitters who renew after 12/31 but before 1/31/01 will pay \$235 plus \$100 in late fees, and an outfitter who renews after the end of January will pay the new fee of \$300 plus a \$300 late fee. From then on, the board will impose the guide license fee increase during the balance of 2001, then charge the higher outfitter license fee during the fall renewal period of 2001. Board members discussed a half-step increase to \$275 for

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BIG HOLE, BEAVERHEAD RIVER PLANS READIED FOR COMMISSION APPROVAL

The Advisory Committees for the two southwestern Montana rivers are folding together several shared ideas to help prepare their individual plans for FWP Commission review in October and possible approval by the end of the year. As well as common ideas, each plan has specifics that fit use patterns, timing, and areas appropriate for each individual river.

BEAVERHEAD

The Beaverhead A.C. has built a tentative "list of agreements" for consideration. Here are the highlights:

Moratorium - To operate on the Big Hole, outfitters must have the river in their operating plan and demonstrate use via client days before 12/31/99. The number of operators will be constant, so if one outfitter drops out, another may replace him or her. The ability to replace outfitters requires specific conditions for transfer or sale of a business. These are laid out later in this article.

Outfitter boat distribution - In order to control growth of outfitted use while sustaining the viability of the fishing outfitting and guiding industry, the group agreed to ration boats per individual rather than allocate client days. Based on the average of each operators' two best years out of

the last five years of individual client use data, each outfitter will be assigned a maximum number of boats to use daily, as shown below:

# of Client Days	# of Outfitters in Category	# of Boats Daily
400+	1	5
251-400	4	4
151-250	4	3
51-150	16	2
26-50	7	1*
0-25	65	1.5 x best yr of client days = # of annual boat days*

*FOAM wants 2 boats per day per outfitter available for 4-client parties limited to 10 occasions per year. Occasional extra boats for larger groups could be arranged by pre-registration.

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HELP SUPPORT RICK PASQUALE FOR BOARD OF OUTFITTERS SEAT

When Robin Cunningham retires this October after six years on the board, Governor Racicot will appoint a new fishing outfitter to the Montana Board of Outfitters. The FOAM directors voted last spring to nominate Rick Pasquale to replace Cunningham.

Rick was an MBO member for six months until legislation passed during the '99 session reduced the number of outfitters sitting on the board. His business expertise, experience with fishing outfitting and guiding, and balanced approach to MBO matters quickly made him popular with fellow MBO members. FOAM expects his continued respect for their suggestions and comments will help the industry make its wishes known at the administrative level.

FOAM members can help get Rick on the MBO by writing or calling the Governor's office and recommending him for the MBO position.

Write to: Gov. Marc Racicot
Governor's Office
Capitol Station
Helena, MT 59620
Call: 444-5554 and leave a message
(24 hours a day)

RIVER MGT. PLANS *(Continued from page 1)*

In addition, outfitters would be limited to using two boats per stretch as one time in a day. This plan allows an outfitter to put two boats in a stretch in the morning, then two more or the same two boats in the evening, so long as there's not more than two boats in the same stretch at the same time.

Transfer conditions - With FWP as the controlling agency, outfitters could sell or transfer their business, in part or as a whole, with the following conditions:

- 1) The new owner had a license to provide the services offered by the original outfitter and had the B'head in their operations plan.
- 2) The business sale was documented.
- 3) If the sale didn't go through (buyer defaulted on the loan, say) and the original owner had given up their ability to operate on the B'head, this ability can revert back to the original owner again upon proof that the sale failed.

"The Saturday ban on outfitted use is based on preference without evidence. This is pure and simple discrimination and shouldn't be the driving force in social regulation."

FOAM DIRECTORS ADVOCATE FOR FULL-TIME EXECUTIVE DIRECTOR

President Mike Geary has pushed to make the E.D. position full-time, and the FOAM Board members agree. In fact, most of them thought the position was already full-time and are now working up a broader job description to include the multiple duties.

Mike says, "It is my feeling that the outfitting industry needs a full time Executive Director to fairly represent the needs of both outfitters and guides. This year river consensus groups on the Big Hole and the Beaverhead are attempting to resolve the river conflict on those rivers. The resolutions for these rivers can potentially overlap to other rivers in the state. We need to make sure that we are represented and participate in the process.

There is presently a lawsuit attempting to repeal the Stream Access Law of Montana. If we don't participate in defending the present law, our businesses could be jeopardized. We need a voice for the Drought Advisory Committee so we can get water for the survival of trout in dewatered tributaries. We have to develop a strong legislative voice.

We need to make sure we are represented at all the FWP Commission meetings to cover our industry's interests.

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4) The new owner will be assigned the same number of boats as the seller. If the new owner already has some boats assigned, they may combine them with the number transferred with the business. However, no outfitter can use more than 5 boats per day.

5) FWP reserves the right to deny any transfers if biological and/or social conditions call for adjustments in public or commercial use.

At the latest B'head A.C. meeting (Aug. 28), the Montana Wildlife Federation rejected these terms, suggesting that no transfers be allowed for a 4 year period. FOAM and BBHOGA

said "No deal," and the negotiations continue.

Outfitter fees - BBHOGA is promoting a fee based on 3% of gross proceeds made off the B'head. The money would be used for resource management, not administration. FOAM is considering this idea, thinking that IF it goes through, outfitters paying the fee should have some say in how the money is spent.

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BOARD of DIRECTORS

Region 1 (Kootenai, Flathead)
Tim Linehan
295-4872

Region 3 (Missouri)
Mike Geary
449-4632 682-7128

Region 5 (Madison)
Bill Saunders
222-5175

Region 7 (Yellowstone)
Todd Wester

Region 2 (Bitterroot, Clark Fork)
John Herzer
543-6528

Region 4 (Big Hole, B'head)
Matt Greemore
684-5639 586-3590

Region 6 (Gallatin)
Matson Rogers
666-2368

Region 8 (Bighorn, Ft. Peck)
Phil Gonzalez

Guide-at-Large Director Jerry Wilkerson 442-3692

MBO FEE INCREASE *(Continued from page 1)*

outfitters, but decided a large increase now that could hold for up to five years made more sense than a small increase every two years.

The MBO will issue a proposed rule change spelling out the new license fees. Written comments will be accepted for 28 days after the rule notice is issued, and the board will take oral comments at a hearing to be scheduled later this fall, most likely during October. Then, during the November MBO meeting, board members will address these comments and make a final decision based on the feedback received. FOAM will attend this hearing and comment on this budget and fee increase. Of course, your feedback can be sent to the MBO during the public comment period, too. Watch for the yellow-colored notice.

Details of this fee increase proposal were originally covered in the Spring, 2000 FOAMLINE. New biennial expenses include an Oracle-based licensing system adopted by the Professional and Occupational Licensing Bureau (POL), plus the cost of developing a new MBO record-keeping database and pay for a data-entry operator position mandated by a bill passed during the '99 session. This summer, the POL Bureau, which includes the Board of Outfitters, moved into larger quarters in the Helena Federal Building, which means increased "recharges" (overhead) paid to POL. Other expenses include full-time MBO

RIVER MGT. PLANS *(Continued from page 2)*

Public fees - Still roughing out a fee structure based on a B'head river stamp. FOAM doesn't believe nonresidents should pay a higher fee than residents.

Nonresident controls - Public members of the A.C. have proposed an annual 16,500 angler day limit on nonresidents, suggesting that more outfitter controls be in place if this number is exceeded. FOAM doesn't agree that increases in non-guided nonresident numbers should automatically lead to stringent outfitter client day controls. However, on the positive side, these same public members agree that IF nonresident angler days are controlled, all outfitter controls are dropped.

Saturday ban on outfitting - The group has proposed banning outfitted use on Saturdays from High Bridge to Henneberry during the summer months. Some A.C. members say they don't want to "have to compete with professionals" on their day off. BBHOGA outfitters continue to back this single-day ban, opting for the proposed shorter stretch over a Dam-to-Henneberry closure. FOAM has argued that the ban proposal is based on preference, not facts. There is no record of increased outfitter use on Saturdays, even though it's plain that local public demand increases during the weekend. FOAM thinks that preference without objective substantiation constitutes discrimination, pure and simple, and shouldn't be the driving force in social regulation. However, some public A.C. constituents say they will propose a 50-50 ratio of commercial to noncommercial use every day if the Saturday ban is not approved. This kind of "either / or" mentality makes agreement difficult, but in the long run, a Saturday ban on a short stretch of a river plainly crowded with outfitted use may be preferable to other daily restrictions.

Petition problems - A vocal group of public members want to ban commercial use of the river from Barrett's to Anderson Lane. Both BBHOGA and FOAM agree that if this proposal becomes part of the plan, the Saturday ban must be removed. Fortunately, other public members on the A.C. have forced the petition crowd to think about choosing which they want more, a lower-river ban on commercial use

or the Saturday ban on the upper river stretch.

BIG HOLE

FOAM's Big Hole proposal has the same characteristics for a moratorium and identical transfer conditions, no mention of outfitter fees, and replaces the B'head outfitter boat distribution with another, based on certain conditions. Here's how FOAM sees outfitter boat distribution, based on a single "best year" client day number categorization:

# of Client Days	# of Outfitters in Category	# of Boats Daily
1200	1	7
900-1199	1	6
500-899	3	5
300-499	3	4
200-299	4	3
100-199	9	2
75-99	3	1*
25-74	27	90 daily permits*
0-24	84	35 daily permits*

*Same two boats per day per outfitter proposal for occasional 4-client parties up to 10 times a season. Same registration proposal for larger multi-boats parties, also.

Again, outfitters would be limited to no more than seven boats daily, no matter how many permits they acquired through a business purchase.

This distribution proposal is conditional. It would apply ONLY IF client day totals exceeded 5500 for two years in a row; likewise, once client days dropped below 5500 for two years in a row, distribution of outfitter boats would stop. And, IF imposed, distribution would only apply from the 3rd Saturday in May through Labor Day on the stretch from Jerry Creek to Salmonfly.

Like the B'head plan, outfitters would be limited riverwide from the 3rd Sat. in May through Labor Day to

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RIVER MGT. PLANS *(Continued from page 3)*

two boats between public access points at any given time in a day, regardless of whether the distribution scheme were in place or not.

Outfitter fees, non-commercial user fees, calculated carrying capacities, threshold levels for user control, what happens to outfitter restrictions when users are controlled, and transferability are parts of the Big Hole plan that remain unsettled to date.

FOAM sees some mixture of these proposed components, with a good deal of identical crossover, as the probable final solution for both rivers. Plus, remember that the Dept. of FWP will have their own take and recommendations to make to the FWP Commissioners, who, in turn, have *their* own preferences. Add in the call for some degree of legislative authority to implement elements of these plans, and you can see that, regardless of the progress so far, there is still a long way to go. FOAM representation will be there every inch of the way, including lobbying during the 2001 session for an appropriate balance of public preference and commercial viability. Stay tuned.

FOAM ANNUAL MEMBERSHIP MEETING SLATED FOR NOVEMBER IN THREE FORKS

Since FOAM will end its interim, shortened membership year in December, by-laws dictate that we hold our annual membership meeting this fall. The meeting is set for Saturday, November 4th, at the Sacajawea Inn in Three Forks.

The upcoming legislative session, building a legislative committee, the Beaverhead and Big Hole river management plan proposals, possible legislation related to the plans, expanded E.D. duties and increased dues, and director nominations are on the agenda. We plan to invite Larry Peterman, FWP's Fisheries Division chief, Hank Worsech, MBO E.D., and Jean Johnson, E.D. of the Montana Outfitters and Guides Association.

We'll have another great meal, and we've got another rod-and-reel combo prize for casting competition on the lawn (weather permitting . . . or we'll see how well you do in snow!). Bring your best ideas to the meeting and help FOAM make more progress in representing your individual and area needs for business, for the fishery, and for the future. Look for invitations in the mail after mid-September. SEE YOU THERE!

NOTICE

**FOAM RENEWAL FORMS WILL BE SENT
AFTER THE NOVEMBER MEETING. MBO
RENEWAL FORMS WILL BE SENT OUT
AROUND THE MIDDLE OF OCTOBER. BE
READY TO GET ALL YOUR PAPERWORK
DONE BEFORE THE END OF THE YEAR!**

FULL-TIME E.D. *(Continued from page 3)*

Then there are meetings for the MBO, Department of State Lands, DEQ for water quality and quantity, U.S. Army Corps of Engineers for watershed construction, the B.L.M., the U.S. Forest Service, etc. We also need to coordinate with a variety of conservation groups like Trout Unlimited and American Rivers."

Mike concludes, "We have to galvanize ourselves as an industry. Outfitters and guides are an integral part of tourism, Montana's second leading industry. The outfitting industry creates jobs and pays taxes while promoting conservation. We need an Executive Director to promote and educate the public on the valuable services our industry provides to Montana and Montanans. We've got a conservation fund going; now we have to keep our interests in the public eye and make sure we get what we want."

Citing these examples, the directors voted for expanded E.D. duties and increased pay. This would require a membership dues increase from \$90 to \$125 for outfitters and from \$40 to \$75 for guides. According to FOAM by-laws, this matter could be decided at our November membership meeting. Plan to attend. (See following article for more details.)

FOAM

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