



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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FOAM ANNUAL MEETING REVIEW

Permit Plans, Fees, and MBO Updates Keep Us Informed

Our Annual Meeting in Missoula hosted representatives from FWP, the BLM, and the Board of Outfitters and brought members much to know and think about. After all the talk, raffle items went quickly and the beer was cold. If you missed it, you should've been there . . . but here's a rough update on events.

BLACKFOOT RIVER RRAFT

Fish, Wildlife & Parks' Charlie Sperry and Chet Crowser updated members about the River Recreation Advisory for Tomorrow (RRAFT), a citizen's advisory committee (CAC) of 25 people FWP chose to represent angling, boating, commercial users, private landowners, conservation and land resource groups, and state, federal and local agencies.

Using the B'foot RecSteerCom's eight-reach approach to monitor and protect the river, the CAC set desired conditions and management techniques for each reach, such as a "social experience" on lower stretches and boating and fishing "in the absence of large crowds" on upper reaches.

The CAC is debating how to maintain these desired conditions by setting thresholds for undesirable conditions that may trigger increased management. For example, a desired condition may be no more than 45 boat launches per day; when daily launches exceed 45 more than 20 days during the season for two consecutive years, the agency would implement more restrictive management actions. These actions are based on a scale of less (access redesign, education, signs) before more (reduced parking, use restrictions, a permit system).

FWP says the RRAFT is "currently working on indicators, standards and management actions for Reach 3 (Harry Morgan FAS to Russell Gates FAS) and has reached a tentative agreement that current conditions are acceptable but there's a high potential for use to become undesirable." Specifically, "the frequency and number of encounters with other people influences the quality of experience (desired condition), and launches per unit of time is an indicator for frequency and number of encounters." Next, the group will discuss management actions for Reach 3 when thresholds are exceeded and indicators and standards or desired conditions for Reach 4 (Russell Gates FAS to Roundup FAS) and Upper Reach 5 (Roundup FAS to Whitaker Bridge).

Data, not opinion, is an important factor in these decisions; FWP will use Special Recreation Permit (SRP) data, general use data, and satisfaction surveys in management considerations.

Along with resource protection, social/user conditions are foremost in the group's concerns, but not solely focused on commercial use. The CAC is reportedly aware of the relatively low

commercial use figures and wants to "balance a quality experience with the ability to recreate without restrictions."

So, what about timing? The RRAFT's recommendations should be settled by late spring, go through an FWP internal review, then be sent out in draft form for public comment, eventually evolving into a final plan that could be implemented by 2010.

The group wants to review and recommend standards, indicators, and management actions for other rivers in the area, too, but their time is limited.

BLACKFOOT, MADISON RIVER SRP PROCESS

The "Special Recreation Permit" (SRP) process is a co-op management effort of the BLM and MT FWP. Both agencies have laws dictating they must charge for commercial use on public land and settled authority to issue permits to commercial users, competitive events, and 'organized groups,' like the Boy Scouts, conservation groups, etc.

The Blackfoot SRP was established in 2004, is administered by FWP, and authorizes use on FWP and BLM sites. The 70 B'foot permittees (50 angling, 20 non-angling, 69 resident, 1 non-resident) generated 8486 client days (4331 angling, 4155 non-angling), used Russell Gates, Johnsrud, and Corrick's River Bend the most, and brought in \$27,039 in fees (\$26,249 commercial, \$672 organized groups, and \$118 for competitive events), all dedicated to the B'foot river.

The Madison SRP began in 2007 with similar cooperative goals and authorities. There are 187 permittees, most of them fishing outfitters, with 180 residents and 7 non-residents conducting 6,333 trips serving 11,911 client days. On the upper river, the top 3 sites used were Lyon's Bridge (1766 trips), Palisades (1471 trips), and Varney Bridge (1364 trips), and on the lower section Warm Springs (929 trips), Grey Cliff (636 trips), and Black's Ford (425 trips). Income generated: \$79,552; \$79,372 from commercial trips and \$180 from organized groups.

Sticker rules change in 2009: permittees must display two SRP stickers (and maybe BH2 stickers) on watercraft, one on each side "clearly visible from a distance." And, all stickers must be removable, not plastered in a series on a boat. Guides should display only the two stickers of the outfitter you're working for on any particular day.

Sperry, Crowser, Gerry Walker and Molly Wainwright (FWP) and Susan James (BLM) went on to explain how the current SRP income fits into the various funding sources needed for improvements and outlined a series of planned projects for both rivers. For more details, go to the "News" page on the FOAM website (www.foam-montana.org), and get the SRP or RRAFT pdf's in the orange New Items box.

After the presentations, FOAM members requested a flat, per-client-day fee system on the Madison and Blackfoot rivers, complained and wondered aloud about the Madison and Big Hole, Beaverhead guide logs books, then urged FWP's Region 3 staff to swap the proposed hand-launch site at Raynold's Pass FAS with a launch area for hardside boats.

Montana Board of Outfitters

Wayne Johnston, Executive Director for the MBO, reviewed FOAM's proposed rulechange regarding fishing outfitters listing rivers in their operations plans. Briefly, FOAM has argued that all surface waters accessed via the Montana Stream Access Law should be included in every fishing outfitter's op plan. If you access waters through permitted ground (FWP, BLM, or USFS fishing access sites) or private land (with a land use form), you have to list the waters individually and provide a copy of the permit, as usual.

Johnston pointed out that streams accessed via the statewide FWP FAS permit would not be included in an op plan under the new rule. However, FOAM will present a list of these waters at the MBO meeting in June to see if the board will allow these waters to be automatically included in an outfitter's op plan - without each outfitter having to individually list them - so long as the outfitter can prove they have the FWP FAS permit. We'll keep you up to date on these developments.

Taking questions, Johnston explained that only outfitters can donate trips - guides and the public must contact a licensed outfitter to arrange such a trip. He also noted that a land-use form or L-1 must be on file for a fishing outfitter to use private land to access water. And, he urged outfitters to be careful when using "agents" like flyshops to book guides for trips. Because only outfitters can set the terms and conditions of guided trips, outfitters may face disciplinary action if they allow agents to take care of these details for them. FOAM has several discussions about agents on the FAQ page of our website for you to review.

FOAM and Wayne also discussed a new outfitter log page that allows multiple streams and multiple guides to be listed for a single client. Check the 'other forms' section at the bottom of the Applications page on the FOAM website for details.

The meeting ended with Johnston explaining the "Advanced Outfitter and Guide Training" class he offers covering the current MBO laws and rules in a question-and-answer mode. First ordered as disciplinary action, the course was intended to bring offenders up to speed on statute and rule. But, it turned out to be so popular with attendees, it has been offered as a 'continuing education' class to anyone interested. Johnston is willing to teach a class with as few as 10 licensees. If you'd like

Wayne to come to your area, talk to your FOAM director and set up a session. We can all learn something new.

That's about it. FOAM is already planning the next Annual Meeting, so if you have suggestions or want to help, call FOAM - 406.763.5436.

BRIDGE ACCESS, RISK BILLS PROGRESS

HB190, HB150 In Senate with Small Amendments

HB190, the "Access at Bridges Bill" is almost law. During a hearing in the Senate Fish & Game Committee, a lawyer and a few landowners asked for amendments to reduce landowner liability and provide for 'proscriptive' easement questions of law. Representative Kendall Van Dyke, the bill's sponsor, agreed to work with all parties to amend the bill for Senate consideration. If voted through the Senate with additional amendments, the bill must return to the House for their final approval.

Similarly, the 'inherent risk' bill, HB150, passed the Senate on March 23 and is headed for final consideration of Senate amendments in the house. When adopted as law, FOAM will urge our insurance provider to replace the Acknowledgement of Risk forms with a reference to this new statute in fishing outfitter client information or contracts.

FOAM INSURANCE PROCESS TAKES TIME

Plan Ahead, Give Adequate Information, Be Patient

In spring, many FOAM guide members are getting licensed, renewing or acquiring their Independent Contractor Exemption Certificates, and applying for FOAM membership and insurance. Here's some tips to make the process go faster:

- 1) Get membership and insurance forms from your sponsoring outfitter or download them from the Applications page of our website. Read the instructions.
- 2) Use the insurance form to list the government agencies/persons/businesses (and their mailing addresses) you want added as additional insureds on your policy. Adding your outfitter as an additional insured after you've received your insurance takes more time, so ask first and plan ahead. If your outfitter(s) only need a copy of your insurance certificate, copy your own for them.
- 3) Write a check to FOAM for membership and a separate check to Payne Financial Group for your insurance. Mail the membership and insurance forms and both checks to FOAM, PO Box 67, Gallatin Gateway MT 59730.
- 4) Insurance processing takes up to two weeks - individual policies are written for each member, separate certificates of insurance are issued for the member and the additional insureds

BOARD of DIRECTORS

Region 1 (Kootenai, Flathead)
Jim Voeller
862-3448

Region 3 (Missouri)
John Arnold
727-2087

Region 5 (Madison)
Joe Moore
581-6059

Region 7 (Yellowstone)
Dennis Alverson
220-0755

Region 2 (Bitterroot, Clark Fork)
Casey Hackathorn
546-5680

Region 4 (Big Hole, B'head)
Tim Tollett
683-5276

Region 6 (Gallatin)
Steve Summerhill
586-5373

Region 8 (Bighorn, Ft. Peck)
Kurt Olson
666-2473

Acting Guide-at-Large Director Chris Fleck 322-0202

listed, then the papers are mailed back to the member.

5) You may call FOAM (406.763.5436) to see if we've received your forms. You may also call Payne Financial to check the progress of your insurance. Call Sheri Brophy (509.363.4027). Sheri's in Spokane, but the paperwork is emailed to her desk daily and she tries to get certificates out within a week.

Lastly, please plan ahead. We've had members ask for their insurance two days after they mailed it, saying, "I've got a trip tomorrow." Give us and Payne Financial at least two weeks to get your membership form filed and insurance policy and certificates written and issued. We're aware the insurance processing time seems long - FOAM staff and our insurer are working to streamline the process and get paperwork to members quicker.

FOAM CODE OF CONDUCT, ETHICS

A New Standard from Tim Tollett of Frontier Anglers, Dillon

It started back in the 90's, when I had my first uneasy encounter with a new guide, a guide that obviously didn't know the "silent code." He floated around me only to cut right back in on the very same bank I was fishing. "That guy doesn't know what the hell he's doing," commented one client. "He seems to be a little nervous and not sure of himself, either," said the other. Under my breath, I muttered something a bit stronger.

When I started back in the 70's, we didn't have that sort of a problem. Yes, there weren't many of us back then, so tense conditions and actions and/or reactions by others on the water were minimal. But the main reason we didn't have conflicts was because we were taught to respect others on the water, no matter how they fished, what they fished with, or where they were fishing. This so called "silent code of ethics" came from two sources - our hiring outfitter and our parents. Respect was the norm back then, (remember when people used to address elders by Mr. or Mrs.?). Although the English language has changed a bit these days, our respect for others shouldn't.

For a long time, I have toyed with the idea of writing something that deals with our industry's ethics, something that will help the new guide just starting out and possibly freshen up us old-timers in the process. It's something that I don't take lightly. I have had a terrible time figuring how a "Code of Ethics" could be established without damaging egos and still unite us. This code needs to be conveyed not as law, but an internal expression of words, if you will, that will leave us all on the same court and proud to be a FOAM member.

The following is my best effort to date. The FOAM Board of Directors consider this to be a strong start in the right direction. Within a year, I plan on having a general layout of what will have the title "Ethics and the Guiding Profession in Montana." I'd love to hear comments from anyone, so don't hesitate. My e-mail is frontieranglers@mcn.net.

FOAM

Pride through Passion
Professionalism through Dedication
Knowledge through Experience
Ethics through Wisdom

Ethics and the Guiding Profession in Montana Guidelines set forth by FOAM to help establish a Quality Guiding Ethic Value

~FOAM Creed~

United we stand as Ethical, Professional Fishing Outfitters and Guides who take Pride in Offering our Knowledge, Experience, Dedication, and Believe that our Moral Values and Behavior both On and Off the water is of the Utmost Importance in Upholding a True Standard in Guiding Excellence to the Angling World.

~FOAM Statement~

Just because we have a license to guide does not give us the right of ownership of a river or lake. It gives us permission to guide other anglers, that's all.

OPEN LETTERS FROM FOAM DIRECTORS

Some Thoughts about FOAM from Two Directors

Casey Hackathorn, Region 2

I recently spent a day seeking donations from Missoula businesses for our annual meeting. After finding 100 percent success in a town that has more non-profit fundraisers than days in the year, it dawned on me just how important our industry is to local business. The work we do to promote, preserve and maintain a vibrant guide industry in our state is important for far more than our own pocketbooks. We are an important piece of the puzzle that is a sustainable economic future for our state.

I volunteer my time for FOAM because the work we do to represent our industry is invaluable. I sit at the table so my voice is heard to promote our success in a changing business climate. We are never going back to an industry free from the challenges we face today of more regulation, increased competition, and threats to our most valuable resource—our fisheries.

I commonly hear comments from members who feel that any new regulation or fee imposed on our business reflects a failure of FOAM to represent our membership. To the contrary, our organization works hard behind the scenes to minimize the impact of any new legislation or board rule. We also work hard to promote legislation that has a positive impact on our business and our resource. A more relevant question is, "Where would we be without FOAM?"

We are a representative organization. If you want to make a change, participate. You've already taken a step by seeking membership in an organization dedicated to represent you. If you have an opinion, share it. If you have a question, ask it. If you have a concern, voice it. Vote in our elections. Talk with the board representative from your region. Attend an annual meeting. The more our membership participates, the more relevant we are as an organization.

I will continue to fight the fight and work to improve the industry that we dedicate ourselves to. I encourage you all to do the same. It does make a difference. See you on the river.

John Arnold, Region 3, Missouri

As a replacement for Pat Straub, I am excited to become a more involved member of FOAM and hope I can make a

valuable contribution to the discussion and decision-making process while filling Pat's large shoes.

Before being elected, I would describe myself as an "insurance only" FOAM member. When asked if I would consider a nomination, I hesitated. I then looked at it as an opportunity to get involved and find out what FOAM really does beyond providing us with affordable insurance. I quickly learned that there is much more going on at FOAM. I have been impressed with the dedication and enthusiasm that Robin Cunningham and the existing board members have demonstrated. Most members have no clue as to the variety of issues and involvement the FOAM directors invest their time in.

My initial impression is that the current board will make a concerted effort to take FOAM in new directions. Every board member is dedicated to helping FOAM become a bigger and more relevant organization and see more members take an active role. FOAM will hopefully become an organization that guides and outfitters can rely on for information, education, training, business advice, as well as becoming an even stronger legislative voice.

Region 3 has avoided recent regulatory issues like those faced on the Big Hole/Beaverhead, Madison and Blackfoot, so few of our members are actively involved in FOAM. I recently attended our annual meeting in Missoula, and the Madison and Blackfoot SRP's were *the issue*. Attendance was strong from regions affected by these regulations. Attendance from the Missouri (my region) was dismal. While we may be fortunate to not be dealing with the bureaucratic mess I witnessed, we should never think it wouldn't happen to us. I don't think any Missouri River guide or outfitter would have regretted attending the annual

meeting and hearing what our fellow outfitters are dealing with.

For some reason, I have always been perceived as an "answer man" for younger guides and outfitters who have questions regarding operations and procedures. While I have always considered myself to be somewhat educated regarding Board of Outfitters rules and regulations (enough to answer most questions), I also wanted to become involved with FOAM to increase my knowledge base and remain up to speed with the most recent changes in policy.

I hope to make guide and outfitter education/information a more important part of the FOAM mission, and it's clear to me that other directors feel the same. It's my feeling that the Board of Outfitters does not do enough to help younger (and some older!) guides and outfitters interpret the "legalese" that's found through most of the literature provided to them. Too many outfitters are operating improperly due to lack of simple information. While ignorance is no excuse, information in layman's terms could certainly be easier to acquire. The Board of Outfitters is offering a new "Advanced Outfitter and Guide Training" course that seems to be a real positive move in that direction. I plan on having Wayne Johnston come to Craig sometime during 2009 to teach this free class.

As Region 3 Director, I encourage our local guides and outfitters to take a more active role. We should be taking a proactive position and helping out the efforts of our fellow guides around Montana, even if the issue doesn't affect us directly. Making FOAM a stronger and more powerful organization will help all of us down the road. I encourage any region 3 members who have questions or want to get more involved contact me at 406-868-1951 or john@headhuntersflyshop.com.

CLASSIFIED ADS

For Sale: 141 Beaverhead Days, 91 Big Hole Days - \$350/day. Outfitter will consider splitting Beaverhead/Big Hole Use Days. These Special Use days are becoming hard to find. Tim Tolleit sales agent, 406.925.1225. (Carrage House Realty, Bill Forrester broker). Representing a long-use outfitter.

Classifieds run 4 times a year: March, June, September, December. Send ads to info@foam-montana.org or call 406.763.5436

- FOAM Annual Meeting, Madison, B'foot SRP
- Legislative Update
- Insurance Processing
- FOAM Code of Conduct, Ethics
- Open Letters from FOAM Directors

In This Issue