



# The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA  
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## MBO REVAMPS EMERGENCY GUIDE LICENSE

*Now Called 'Inactive' License; Limited Use, Graduated Rates*

In the wake of the revised guide license procedure, the Dept. of Labor & Industry (DLI) notified the Board of Outfitters that the board's long-standing 'emergency' guide license policy was illegal. Citing a previous board attorney's opinion that the emergency guide license didn't fit the standing requirements for a guide license, DLI counsel in June forbade board staff from issuing any such licenses for the near future and established a subcommittee of board members, FOAM, and MOGA representatives to hash out a new policy.

After several contentious meetings, this group made recommendations to DLI regarding the new licensing procedure, the proposed rules were sent out for public comment, then adopted by the board during a summer conference call.

Under the new rules, an outfitter may endorse up to three additional guides each license year who are designated as "inactive guides". The guide licensing procedure (vetting, disciplinary history, etc.) is the same as for a regular guide, but with an initial fee of \$50. The guide is licensed as inactive until the outfitter and the guide sign and date the guide license and render an additional \$100 fee to the board within 10 days of activation. Inactive guide licenses may be renewed for \$50 if not used during the license year.

An outfitter may not use a guide on inactive status without signing the active guide license and paying the final fee. Similarly, a guide may not act as an active guide while on inactive status.

## MBO FACING TOUGH BUDGET REVIEW SOON

*Rising Tech Fees, Reduced Income Equal Tight Budget*

Just as the Board of Outfitters must adjust their license fees to cover costs, so the Dept. of Labor & Industry (DLI) must pass on to the board costs they receive from other parts of state government. These cost adjustments may well add considerably to the MBO budget, and board members are cautiously predicting some changes in the near future, though probably not before renewal in 2011.

Specifically, the Information and Technology (IT) services division has adjusted their tech rates for their services. Since DLI is moving to online licensing, including a new database for all licensees, and the MBO has modernized their individual licensee database, IT has in turn charged DLI and the MBO at their higher rates.

The DLI Business Division head overseeing licensing and business aspects has taken a stiff stand to reduce these IT expenses. FOAM may well lend a helping hand when the IT budget (and rate structure) faces appropriation hearings during the 2011

legislative session.

Simply put, yes, IT needs to compensate its people, but doubled or higher rates for what may be considered the same quality and timing of work should be reviewed before any billing is passed through DLI to the licensees.

In the larger scope, whether from within the MBO or from DLI costs rendered to the board, any budget increases coupled with decreased revenues from license renewals may force board members to consider one-time charges to all licensees or, ultimately, fee increases.

FOAM has long tracked the board's budget, made recommendations regarding cost-cutting, and argued for better fiscal information and budget oversight by board members. Unfortunately, over the years, DLI has eroded role of all board's in their own and department budget discussions to the point where boards can review but not refuse costs. This must change; the board should be responsible for its own costs, salaries, and expenses and have the ability to review and question the various expenses proposed or received from DLI.

FOAM will continue to track the specific issue of IT costs and will work with the board members to review the biennial MBO budget, cut expenses to the minimum, and recommend appropriate measures to make sure fees - be they one-time or annual - correctly offset necessary and justifiably costs.

## INVASIVE SPECIES BILL SET FOR REVISIONS

*Proposed SB343 Amendments Problematic, Troubling*

FOAM members have heard various speakers over the years commenting on invasive species and their effect on our resources. Most recently at our 2010 Annual Meeting, Bob Wiltshire of the Center for Aquatic Nuisance Species (CANS) noted the spread of zebra and quagga mussels, Asian milfoil, and other harmful plants and animals in our waterways. Such is the concern that wading boot makers have responded by eliminating felt-soles to reduce the spread of invasive species.

Currently, as directed by Senate Bill 343, the Dept. of Fish, Wildlife & Parks wrestles with aquatic species and the Dept. of Agriculture tackles invasive plants on land - think knapweed. However, proposed amendments to be heard during the 2011 legislative session include several questionable changes to SB343.

Specifically, the Dept. of Agriculture would replace the current FWP-Dept. of Ag partnership to become the sole state department bureaucracy in this fight, inspection fees and boat stickers (\$7 annually for outfitter and guide boats) would become mandatory, the entire state would be designated an 'Invasive Species Management Area', and multiple layers of reporting and

information distribution would be required.

Those most intimately involved with aquatic invasive species management don't think a single agency, much less the Dept. of Agriculture, can handle such broad powers adequately. And, many wonder why FWP should bow out of the partnership without protest. Dealing with land-based weeds is one thing; aquatic plant and animal species are quite another. Should Ag decide if Lake Trout should be poisoned? We don't think so.

FOAM will review these proposals in detail as part of the Angler's Forum, an informal group of angling and conservation groups who have met with FWP fisheries managers for the last 10 years or so. We'll report any actions or recommendations that come from that October discussion.

At the least, FOAM may choose to join in the necessary legislative process to craft suitable, balanced amendments to SB343 that provide for FWP's involvement in invasive species control right along with the Dept. of Agriculture's weed battle.

## FOAM: LET'S UPDATE MBO GEAR POLICY

### *Outfitters Could Contract for I.C. Guide Gear*

MBO laws state that all gear used for outfitting must be owned or leased by the individual outfitter. Mandatory ownership or leasing is contrary to the common in-field practice of an outfitter contracting with a guide who brings his or her own watercraft as part of the services they provide. We need to update MBO policy to mirror modern business techniques.

FOAM has negotiated a policy to incorporate such gear contracting into MBO practice. Previously, the board voted unanimously to adjust specific statutes to allow this practice, but the inclusion of FOAM's language in a package of DLI legislation was barred by the Governor's Office. Rather than sponsor a bill on our own with all the legislative hurdles and uncertainty, FOAM representative Robin Cunningham recently reviewed the current laws with MBO counsel Tyler Moss and E.D. Trudy Phippen and came to an agreement that blends current interpretation of gear leasing with our 'contract for gear' concept.

To make this policy work, FOAM will rewrite our draft outfitter-IC guide agreement to include any watercraft the guide will supply as part of the contract for services provided to the outfitter. Periodic in-field boat inspection and random audit for proof of contract may be included in the proposal to be reviewed by the MBO at their December meeting in Helena.

If you have any comments on this idea or process, please contact Robin Cunningham at the FOAM offices: 406.763.5436 or email [info@foam-montana.org](mailto:info@foam-montana.org).

## FOAM FALL ELECTIONS; LOOK FOR BALLOT

Terms for Directors Casey Hackathorn, John Arnold, Joe Moore, Kurt Olson, and Russell Parks expire 12/31/2010, so we're taking nominations and will mail out ballots late in the year. Send your nominations to FOAM, PO Box 67, Gallatin Gateway MT 59730 or [info@foam-montana.org](mailto:info@foam-montana.org).

- FOAM Director Elections; Send in Nominations
- FOAM Updates Outfitter Gear Policy
- Invasive Species Act Revision - Who's in Charge?
- MBO Budget Discussion
- New 'Inactive Guide' Rules Adopted

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### CLASSIFIED ADS

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