



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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FOAM ANNUAL MEETING TACKLES ISSUES

FWP Commercial Use Rules: Members Discuss Options

At the association annual membership meeting, speakers brought us up to date on aquatic nuisance species, outlined FWP's proposed commercial use rules, and listed new Board of Outfitter rules. Members participated in all discussions and helped form some preliminary ideas for commercial use of fishing access sites.

Eileen Ryce, FWP coordinator for aquatic nuisance species, talked about Whirling Disease, New Zealand mud snails, Zebra mussels, and a variety of other invasive species and their effect on our fisheries. We should be aware of their presence and protect against increasing their invasion range by cleaning wading gear, boats, and trailers before moving river to river.

Wayne Johnston of the Montana Board of Outfitters explained the new rules the Dept. of Labor and Industry finalized after several years of review and rewrites by various department attorneys. Significant for us are:

- 1) Outfitters must list their name, business name, business address, business phone and outfitter license number on all advertising. Before, we only had to show our license number.
- 2) Temporary guide licenses can be used up to five times a year now instead of the previous once or twice.
- 3) A new timeline for license renewal - a. If we don't renew our licenses on or before Dec. 31, on Jan. 1, they 'lapse' for a 45-day period, though we can still operate and still renew after paying the renewal and late fees. b. On the 46th day, our licenses 'expire' for a two-year period during which we cannot operate, but can still renew after paying renewal and late fees. c. After two years, the license 'terminates' and we must reapply as a new licensee, with all associated fees.

The main topic of the meeting was FWP commercial use rules. Charlie Sperry, FWP River Recreation Management Coordinator handles the public scoping and environmental analysis of any proposed commercial use rules, Chris Smith, FWP Chief of Staff, initiated the proposed rules, and FWP Commission Chairman Steve Doherty (also Region 3 commissioner) from Great Falls will be one of the 'deciders' on how the rules are put in place. These three made up the discussion panel, along with FOAM President, Lee Kinsey (Livingston), and Robin Cunningham, FOAM Executive Director.

Smith explained that commercial use requests for various FWP administered lands, like fishing access sites (FAS), Wildlife Management Areas (WMA), and state parks, are increasing, and FWP should develop guidelines for deciding appropriate uses for any particular land, set some criteria for granting or denying permission (or permits), and set reasonable fees. In his opinion, fishing

outfitter and guide use was appropriate at FAS. This is backed by FWP's statewide River Recreation Management Policy that includes fishing outfitters and guides as a recognized sector of the recreational and economic fabric of Montana. In short, we won't have to justify our use of FAS.

Sperry went into a little detail about the extent of the rule development, the environmental analysis covering both environmental and business/economic aspects of the proposals, and the timeline for adoption. He expects the commission to review any rules over the summer, then run them out to the public, and have a final decision made before the end of the year. Several FOAM members suggested holding off implementation of any rules (and fees) until we can update our own rates to reflect any changes.

Commissioner Doherty explained his interest in getting these rules out but offered no comments on a fee structure. He did hear from several members about the tight budgets we have and how a steep fee would be a bad idea.

The FOAM directors explained their preliminary thoughts later in the day, and after some wrangling and several votes, those members present decided to back a simple position: *FOAM is willing to participate in the commercial use rule planning process so long as all commercial users are charged an appropriate fee and that fishing outfitters and guides pay a reasonable flat fee annually for use of all FWP-administered FAS statewide.*

There's a lot of details in even this simple position. How much are we willing to pay? Members discussed fees with the FWP panel and amongst themselves, starting with the fact that opposing a fee will do no good since FWP clearly has the authority to charge us. Directors and others explained that a flat fee would be the simplest to pay and collect. Neither FWP nor the commissioner had any ideas about how much to charge, though Smith said a projected \$1,000 fee was "orders of magnitude too high" and suggestions of \$25 - \$30 were "in the ballpark." (Smith later confirmed this in an email to FOAM.)

Why should both outfitters and guides pay? Based on the 'footprint' model, those who use FAS should pay, regardless of who works for - or pays - whom. Guides acting as IC's are independent business people with other expenses, so this fee (provided it's low) fits into that scheme. However booked or assigned the clients, both outfitters and guides use the accesses to make money. Plus, since we're backing a flat fee, any fee spread among approximately 1500 or so outfitters and guides should be cheaper on a per-head basis.

Where would our fees go? Directors agreed that fees should pay for FAS maintenance and acquisition in the FWP region where they're collected. FWP was noncommittal, but thought it a good idea, too. Despite a lot of debate on whether we should 'help

FWP pay' for FAS maintenance budget shortfalls, directors felt we should pay for making private income on public ground, nothing more. Members confirmed they'd like fees based only on our minimal commercial use. (Smith later noted that FWP was not looking to commercial users for budget-balancing revenue.)

Members also recommended that other commercial FAS users (whitewater rafters, canoe liveries, kayak-lesson providers, etc.) should pay, and FWP should try to get money from the casual, non-commercial users, too.

If you have any comments on this preliminary position, let your regional director know. If you disagree, explain why and offer an alternative suggestion. This issue of the FOAMLINE will serve as an explanation and ballot in a straw poll - members at the meeting decided to sidestep an actual ballot. FOAM will report on these commercial use rule developments, so watch our website and FOAMLINE newsletters for updates.

OUTFITTER SURVEY PROPOSED BY U of M ITRR, TAC Agree Survey of Outfitting Could Be Useful

The Governor's Travel Advisory Council and the Institute for Tourism and Recreational Research at the University of Montana agree that a survey of Montana's outfitters and guides will show our industry's contribution to the state economy. They plan to survey the many kinds of 'guiding', not just the licensed hunting and fishing industries. At the same time, they will survey the people who use these services to see how much they spend, the services they choose, and why they use outfitters or guides.

FOAM directors agreed on three main reasons for surveying our subsector of the recreational economy: to determine and publicize our contribution to the state's economy, to distinguish our industry from others in the recreation field, and to see how our businesses can capture current and potential client spending. The directors have voted to offset a portion of the survey expenses with a contribution.

What are the questions about? Demographics, income and expenses. Topics include how many years you've been licensed, your zip code (to regionalize the results), number of clients served in 2005, # of client days, # of guides, and what services you offer. Then, specific income per service and various expenses are tallied. It's important to be exact so we can find out just how much we contribute to the tax base and overall economy in Montana. ALL INFO WILL BE CONFIDENTIAL AND ANONYMOUS AND THE QUESTIONNAIRES WILL BE DESTROYED.

The survey will come by mail in early April, so be ready to check your books or your tax return for itemized income and expenses. Accuracy will make this survey meaningful. We can use the results to show Montana how important we are to the state's economics - that we're hard-working, tax-paying Montanans who want a fair opportunity to make a living and provide for our state's well-being. We can use the results to guide our businesses and determine how they can fit into the emerging tourism industry. If we take the survey seriously, we'll be taken seriously. Let's tell a little so we can show a lot. Thanks.

BOARD of DIRECTORS			
Region 1 (Kootenai, Flathead) Jim Voeller 862-3448	Region 2 (Bitterroot, Clark Fork) Jack Mauer 642-6548	Region 3 (Missouri) Pat Straub 495-0487	Region 4 (Big Hole, B'head) Tim Tollett 683-5276
Region 5 (Madison) Joe Dilschneider 682-5356	Region 6 (Gallatin) Steve Summerhill 586-5373	Region 7 (Yellowstone) Lee Kinsey 222-4494	Region 8 (Big Horn, Ft. Peck) Matt McMeans 666-2326
Guide-at-Large Director Chris Fleck 322-0202			

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