



The **FOAMLINE**

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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SPRING 2007

FOAM ANNUAL MEETING A SUCCESS

New FWP and BLM Rules, Fees & Moratorium Discussion

The 26th annual FOAM Membership meeting in Bozeman was well-attended and informative, as usual. Some 50 members from all over Montana listened and commented on a variety of topics, then settled into a long discussion about the reasoning and mechanics of a fishing outfitter moratorium.

Norma Nickerson, head honcho (honcha?) from the U of Montana's Institute for Tourism and Recreation Research ran through information gathered from last year's survey of the outfitting industry's economic impact on Montana. She covered a wealth of information, answered a lot of questions, and provoked some thoughts about our industry. A complete report is coming at the end of March, but a summary is available on our website, www.foam-montana.org on the 'news' page.

Another Missoulian, Matt Clifford, staff attorney for the Clark Fork Coalition explained current plans for the Milltown Dam removal at the confluence of the Clark Fork and Blackfoot rivers. Matt detailed the history of the dam as a power-generator for the sawmills that cut timber for the Anaconda Copper Co. mines in Butte and its unstable control of both rivers and the pollutant load of mine waste silted out behind the wooden structure that was often threatened by ice jams and spring floods.

Members asked many questions about the plans for removing the toxic sediments trapped by the dam, sediments that will be dug out and trucked to the mining waste site at Opportunity, near Anaconda. Ironically, though harmful to fish when in a watery solution, when the sediment is dried out, the pollutant concentration is low enough to use the stuff as a 'topsoil' cover for the Opportunity waste dump!

Next FWP employees Charlie Sperry and Jerry Walker explained the Fishing Access Site permit development process and outlined how to apply for this statewide FAS permit. Tim Bozorth and Susan James from the BLM covered the 'cooperative' agreement between their agency and FWP for permits and fees to be applied on the Madison river in 2008. See the later article for details on this discussion.

After lunch, Tim Linehan presented the TU Outfitters, Guides, & Business Members Program, noting the benefits of joining (a business listing in *Trout* magazine, 15% discount on ads in *Trout*, a link on the TU national website, complimentary TU memberships for your clients) and urged FOAM members to blend their conservation and business efforts through TU. If you want more details, check the TU site www.tu.org/business_members or contact Stephanie Davison at sdavison@tu.org, 9703) 284-9436.

Chad Yoakam, VP of the Joe Brooks TU Chapter in

Livingston told members about the spring Yellowstone River Clean-up planned for Saturday, April 14. This year, the chapter asking outfitters and guides to help scour the banks of the Y'stone, picking up and hauling trash, garbage, and waste downriver to Livingston. If you're available and want to bring your boat to help, call Chad at 222-7154 for more details.

Last came Board of Outfitters Executive Director Wayne Johnston talking about recent rules (the board dropping proposed rules for guide logs on the Beaverhead and Big Hole), the need for outfitters to include their name, business name, address, and phone number on all advertising, noting that guides must add the same info about their sponsoring outfitter on all solicitation materials, and mentioning that the board will urge FWP wardens to stop asking for first aid cards in the field, since our card expiration date is printed on our outfitter or guide license.

After a break, members discussed a statewide fishing outfitter moratorium. Robin Cunningham, FOAM E.D., explained how FOAM asked for a moratorium back in 1991, only to be rebuffed by legislators questioning the 'self-serving, anti-competition' aspects of limiting entry into fishing outfitting. He also recounted the FOAM membership survey of 2000 showing 67% of the responding members approving the concept of an outfitter moratorium.

FOAM President Lee Kinsey led the discussion, and various members advocated support for a moratorium, complaining about increased numbers of outfitters and guides on their local rivers. Other members wondered if a moratorium was the solution to so-called overcrowding, particularly since even a limited pool of outfitters could use an unlimited number of guides. A little more back and forth, and members turned the topic to guide and outfitter qualifications, suggesting that guide licenses were too easy to get and there was no practical testing of guide boat-handling, say, or actual stream experience levels. Many urged either FOAM or the Board of Outfitters to increase the qualifications for guide licensing. Some talked about continuing education requirements for outfitters or upping the 100-day experience requirement for an outfitter license. No fully-outlined problem was posed, and no solution was supported by all members, though all appreciated the chance to air their often-contrary, but well-stated views.

FWP, BLM COMMERCIAL USE REGULATIONS

FWP FAS, Restricted River Permits; BLM SRP Process

Final commercial use rules were adopted by the FWP Commission in December, 2006. In brief, FWP will require outfitters and guides using any of the 325-some fishing access sites statewide to purchase an 'FAS Permit' for \$100. The permit can be

had online via <https://app.mt.gov/Als/Index> or by going to or calling any of the FWP Regional Headquarters:

- * Region 1 – Kalispell: 406-752-5501 · 490 N. Meridian Road
- * Region 2 – Missoula: 406-542-5500 · 3201 Spurgin Road
- * Region 3 – Bozeman: 406-994-4042 · 1400 S. 19th Avenue
- * Region 4 – Great Falls: 406-454-5840 · 4600 Giant Spgs Road
- * Region 5 – Billings: 406-247-2940 · 2300 Lake Elmo Drive
- * Region 6 – Glasgow: 406-228-3700 · Rural Route 1 – 4210
- * Region 7 – Miles City: 406-234-0900 · 2165 Hwy 2 East
- * Helena HQ – 406-444-2535 · 1420 E. Sixth Avenue

FOAM also has info on our webpage in the 'news' section.

Restricted River Permits and fees are required for several rivers with management plans in place. They include the Smith, the Blackfoot with a fee of 3% of gross and a \$90 minimum, the Beaverhead and Big Hole where fees are \$4 for each allocated client day (used or not) and a \$50 minimum for either river individually or both combined, and Alberton Gorge of the Clark Fork charging 3% of gross with no minimum.

Upcoming Madison River Permits

For 2007, FWP will require the \$100 FAS Permit for the Madison river. FWP plans to start a cooperative agreement with the BLM for a combination Special Recreational Permit / Restricted River process for 2008. The BLM is required by federal law to charge for commercial use of their lands and has already applied an SRP process for the Blackfoot. Similarly, the BLM and FWP will issue an unlimited number of 'co-op' permits for commercial use on BLM and FWP access sites on the Madison river. The fee will be 3% of gross income from the Madison with a \$90 minimum.

The BLM plans to include shuttle services in their permit process, and FOAM is working with the BLM and Madison shuttlers to work out a plan that may allow them to continue in business with only a small rate change for their shuttles. FOAM will report more on the Madison plan during 2007.

BIGHORN FLOWS CHALLENGED BY WY

Wyoming Wants Bighorn Water for B'horn Lake Recreation

The Bureau of Reclamation promised Wyoming residents and businesses around Bighorn Lake adequate water for recreation after Yellowtail Dam was built in the early 1960's. However, drought has dropped lake levels and siltation has raised the lake bottom enough to strand some marinas. WY folks were alarmed and urged their governor to ask the Bureau of Reclamation to drop outflows from Big Horn Reservoir to less than 1000 cubic feet per second (CFS).

Big Horn river biologists long ago negotiated with the Bureau to maintain sufficient river flows to keep side channels filled with enough water to allow trout fry to grow and hide from predators before re-entering the main channel. Reduced flows threaten these young fish.

In January of 2007, members of the Billings Rod & Gun Club and Sen. Max Baucus called a meeting of local BuRec administrators, WY residents, TU reps, and Big Horn river users, outfitters, and guides. After hearing opinions from all sides, Baucus recommended a basin-wide survey of available water, a cooperative agreement between WY, MT, and the Bureau for water management, and a survey of alternatives for Big Horn Lake water level adjustments. He has also introduced federal legislation to establish BuRec preferred Bighorn flows of 2500 CFS, minimum flows of 1500 CFS, and maintaining a healthy fishery as an added justification for continued permitting of Yellowtail Dam.

The Crow tribe has also asked that sufficient instream flows be added to the terms of their water compact with the U.S. Government and Montana. WY has not quit, but admits it may find sufficient water in its own basins to supply flow to Big Horn Lake, rather than reduce Big Horn river flows. FOAM will track this issue and report on developments. Thanks to the Big Horn FOAM members who helped on this issue.

BOARD OF DIRECTORS		
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