



The *FOAMLINE*

VOL. 15, #2

FISHING OUTFITTERS ASSOCIATION OF MONTANA
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SUMMER 2006

FWP Commercial Rules, Fees out for comment

Send comments to your FOAM director & FWP before 9/16

On July 13, the FWP Commissioners tentatively approved a set of commercial use rules and a fee schedule and sent them out for public comment. The commercial rules, fee rules, and fee schedule are available on the FOAM website (www.foam-montana.org/news.htm) in PDF format, and at the FWP site - www.fwp.mt.gov/default.html - at the bottom of the page under the heading 'Recent Notices'. If you need a paper copy, send a self-addressed envelope with \$1.35 worth of stamps on it to: FOAM, PO Box 67, Gallatin Gateway MT 59730. Comments will be accepted until September 12, 2006, and can be mailed or emailed to these addresses:

MAIL

C.Sperry - FWP
1420 E. Sixth Ave.
PO Box 200701
Helena MT 59620

EMAIL

csperry@mt.gov

For fishing outfitters and guides, the rules cover statewide FAS permits required for using any FWP FAS on all unrestricted rivers, good for a year from March 1 through February 28, and available either by mail or online via the ALS system. 'Restricted Use Permits' are required to use FAS on restricted rivers like the Beaverhead and Big Hole. These are issued for up to 5 years with fees paid by March 1 of the year following application. FWP may require an estimated advance payment before March 1 of the following year. In any case, a \$90 nonrefundable administration fee will be charged for any 'Restricted Use Permit'.

One good note here - these rules DO NOT apply to shuttle services. FOAM argued from the get-go that there was no liability coverage available for these outfits and that a permit system requiring such coverage would kill this necessary cottage industry. Several commissioners were ready to remove shuttlers from the rules before FOAM spoke up at the July 13 commission meeting; maybe our testimony pushed the rest of them to agree. In any case, shuttlers are out of the picture.

FOAM E.D. Robin Cunningham attended the commission meeting and suggested a single statewide FAS permit fee of \$75 for both outfitters and guides rather than the currently proposed \$125 for outfitters and \$25 for guides. Following the 'footprint' model, he argued that a truck or car and a trailer, no matter whether an outfitter or a guide owns it, takes up the same space on FWP ground. Originally, FWP had reasoned that an outfitter license cost three times as much as a guide license, so their commercial use fees should follow the same pattern. Cunningham pointed out that MBO fees are equal to the work required to issue a license, not on

some arbitrary scale. Since all statewide FAS permits are available by mail or online via the ALS system, there is no cost differential and no reason to charge outfitters more. Besides, except when they're on the water and their rig is at the FAS, outfitters make less than the guide for any particular trip.

As for permit fees charged for use of 'restricted' rivers like the Beaverhead and Big Hole, FOAM has not weighed in with any suggestions yet. Directors are waiting for their constituents to contact them with suggestions. One Beaverhead, Big Hole outfitter noted that the majority of access points on the B'head are either Bureau of Reclamation or, maybe, Dept. of Transportation; FWP has only Henneberry and Pipe Organ FAS. He was reluctant to record his Henneberry/Pipe Organ use, especially when it might be only for an afternoon or evening float after having used another waterbody in the morning. He also questioned the \$5 per client-day alternative to the basic 3% of 'unadjusted income' - aka 'gross income before expenses'. Like the FOAM directors, he wondered about being charged for, say, a half-hour (at the most) presence on the FAS ground launching or taking out when the whole trip takes up to 10 hours on the water.

FOAM also questions the \$90 minimum fee for those with very few days on restricted rivers. How about varying the admin fee based on the number of days available to an individual outfitter? For that matter, how about a tiered permit and admin fee schedule based on the number of days an outfitter has? Comments and suggestions welcome.

FWP has calculated the flat \$5/client day restricted permit fees based on their take on average trip rates of \$360/day or \$180 per client per day. What about 1-person trips or half-day trips? FWP has settled on the largest fee possible for a trip as the basis for the flat fee. Some may choose to track their trips on FWP FAS, multiply their actual fee based on the type of trip by 3% and see if there's any savings. It seems like there should be, but only if the outfitter carefully tracks which FAS he/she uses and notes the fee for the days it was used - a lot of paperwork.

The Beaverhead outfitter was seeking a flat fee for restricted permits, too. But, what about those members who have 10 or less days available on the B'head or B'hole? Should they pay the same flat fee as someone with up to 350 available days? Then again, if the B'head outfitter only uses other statewide FAS a few times, should he pay the same flat statewide fee as someone who uses statewide FAS exclusively?

There are a lot of questions about fees, and our directors need to hear from you so they can represent the wide variety of viewpoints our members have. Since we're all on the water now through September, it's tough to find time, but it's important that we

offer comments NOW. Otherwise, we'll get what FWP or the commission thinks we want, now and for a long time into the future. Review the Board of Directors contact info below in the dark band.

Other technical points

The rules also talk about 'restrictions', 'allocation', 'rationing' and 'conditions on permits' that may be applied by FWP or their regional managers when FAS use degrades the resource, creates a safety hazard, conflicts with public use, or other reasons. FOAM made sure any controls applied to fishing outfitters and guides would come from the statewide river recreation planning policy procedure, not from off-the-cuff administrators in Helena or any particular region.

There are other very specific points in the rules that may require adjustment, coordination, or outright rejection. You should check out all the rules, if you can, and think about their individual and collective effect on your business and our industry.

FOAM directors will study the rules, wait for your comments, then work together to develop a cohesive set of comments from FOAM at large. These do not override your own comments, however, and all FOAM members are urged to voice your opinions to your directors and FWP during the comment period. Find your director's contact info below.

The FOAM directors urge you to weigh in and comment. Think of your immediate needs, those of your fellow members, then call your director with suggestions and comments. Thanks.

Lee Kinsey Running for MBO Board Seat

Livingston Director seeks to represent fishing industry

Fourth-generation Montanan Lee Kinsey wants to be appointed by Gov. Schweitzer to the Board of Outfitters as the fishing outfitter representative for a three-year term starting this October. Lee and his wife, Abby, a teacher in Livingston, have a little girl, Libby.

Lee has been guiding and outfitting for 12 years, first in the Beaverhead/Big Hole region and currently in the Livingston area. He's our current FOAM President, a director for the Yellowstone region, and has helped our association for years. Lee is conscientious and responsive to our industry and individual members. His maturity, curiosity, and understanding will help keep our issues straight and on the board's agenda. He'd make a great MBO representative and has the FOAM board's backing.

You can individually recommend Lee for this position in a couple of ways. Online, go to www.governor.mt.gov and click for the 'Boards & Councils' link at the top of the page, then use the 'Appointment Nomination' link to recommend Lee. Lee's address: 326 S. 13th St. , Livingston, MT 49047 - phone: 222-4494. Add a few reasons why you'd like to have Lee represent us, and you're done.

You can also mail a recommendation to: Governor Brian A. Schweitzer, Attn: Patty Keebler, State Capitol, Helena MT 59620-0801, Fax 406-444-5529, or call 406-444-3862, ask for Patty Keebler, and leave a message. Please help.

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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