



# The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA  
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## MBO, FOAM BOARD MEMBER OPENINGS

### *Board Seats Available; Fishing Outfitter Nominations Sought*

The **Board of Outfitters** will have outfitter member opening available after October 2014 and again after October 2015. The seats represent "fishing and hunting" services, so the nominees must have both services listed on their outfitting licenses. If you or a FOAM member you know are willing to represent fellow fish/hunt outfitters for a three-year term, they can find an application for nomination by the governor at <http://svc.mt.gov/gov/boards/docs/Application-for-Appointment.pdf>. One FOAM member may have applied already. We encourage others to serve, too.

The MBO meets four times a year in Helena, usually in March, June, September, and December, with occasional conference calls between scheduled sit-down meetings.

Board members are responsible for outfitter and guide discipline, including review of complaints, investigation, determination of MBO jurisdiction, findings of cause for disciplinary action, and final adjudication of disciplinary sanctions (letters of instruction or reprimand, fines, probation, license suspension or revocation, and process costs) agreed upon by licensees and the board's prosecuting attorney.

The board also reviews and proposes rules and laws affecting the qualifications, reporting, and conduct of licensees, as well as a variety of issues presented by the Dept. of Fish, Wildlife & Parks and other land management agencies that regulate outfitting.

FOAM has many experienced outfitter members who offer both fishing and hunting (bird or big game), and we'd like to see them become MBO members to represent the interests of fishing and hunting outfitters. Consider how you could participate at the MBO level, then apply for a Board of Outfitter position.

The **FOAM board of directors** will also have openings come this fall. Directors for Region 1 (NW MT, Flathead/Kootenai), Region 3 (Missouri), Region 5 (Ennis, W. Y'stone), and Region 8 (Bighorn) are at the end of their terms and the seats are available. The current directors of Regions 1, 3, and 8 may run again, but director Joe Moore of W.Y'stone has 'termed out' and will need to be replaced by an outfitter from the Ennis/W.Y'stone area.

FOAM director terms are annual, up to three successive years. The board of directors meets in January, February, March, April, May, occasionally June, and again in October, November and December.

Duties include representing outfitters and their interests and concerns from the director's region, covering topics of general fishing outfitter statewide interest, and tracking changes affecting the industry as a whole such as laws, rules, insurance coverage, IC or employment status, and promoting licensing and business stan-

dards and a variety of programs that enhance fishing outfitting in Montana.

An outfitter seeking directorship should contact the FOAM offices (info@foam-mt.org, 406.763.5436) so they can be placed on a December email ballot that will go out to outfitters in their selected region. Of course, they must either live or work mainly in the region they want to represent. Finally, multiple candidates can run for a region, and write-in candidates are always available, too.

## MBO, FWP RULE PROPOSALS REVIEW

### *FWP Commission and Board Rules Affect Fishing Business*

In recent eBlasts and FOAMLINe newsletters, we have reviewed two sets of rule proposals, one from FWP regarding general commercial use rules, and another set from the MBO covering advertising, "booking agent" actions, simplified outfitter logs and initial license applications, Outfitter Assistant standards, NCHU, and successorship. Here's a brief re-review of each rule package.

**FWP commercial use rules** govern use of FWP lands, including Fishing Access Sites (FAS) and Wilderness Management Areas (WMA). Pertinent for most of us is the requirement to obtain a permit to use all FWP FAS statewide - that's the \$100 "Statewide FAS" permit (SFP) available online right along with your annual fishing license. If you use any FWP FAS as part of your commercial outfitting or guiding, you must purchase this permit. NOTE: If you are an outfitter holding an FWP or FWP/BLM regulated river permit (Big Hole, Beaverhead, Madison, Blackfoot, etc.) and do not use any FWP FAS on other waters, you do not need the "Statewide permit." Guides and Outfitter Assistants will need the Statewide FAS permit to use FWP FAS's on all waters, regulated or not.

FOAM recommends a simple change to one proposed rule, asking that any licensees (outfitters, guides, or outfitters acting as guides) working under any commercial use permit (statewide, regulated river, etc.) be allowed to collect fees from clients. This aligns FWP rules with current Board of Outfitter rules that allow an outfitter to "designate an agent" to collect fees from clients when their outfitter is not present. We also backed rules allowing suspension or revocation of commercial use permits under specific circumstances. The comment period for the FWP rules has closed, but you can still review the rules at [foam-mt.org/downloads/FWPComUseRules.pdf](http://foam-mt.org/downloads/FWPComUseRules.pdf).

Key concepts in the **new MBO rules** focus on ads and "booking agents":

- 1) Only outfitters may advertise to the general public to find clients,
- 2) Outfitter ads must contain the outfitter's registered business or personal name and license number,

- 3) Guides may not advertise services to the general public, but may advertise their services directly to outfitters,
- 4) When advertising to outfitters in public media, guides must add a disclaimer stating the ad is intended only for outfitters, not the general public. The proposed rules confirm the Montana outfitter and guide licensing heirarcy - in short, only outfitters may solicit clients through ads and guides are licensed to provide services only to clients specifically referred to them by an outfitter.

As for "booking agents", a new rule would allow an outfitter's employees or contractors to schedule trips, provide clients with info regarding refunds and services, receive client fees, book guides, as long as these activities are at the direction of the outfitter and any terms and conditions of the contracts are directly between the outfitter and the client.

Second, outfitters may direct another person to advertise their services or refer clients to the outfitter, so long as the outfitter is accountable for the content of all ads and for any interactions between the other person and the clients.

FOAM may suggest a change in the first part to say, "An outfitter may designate **any person** to schedule trips, etc." along with nonemployee agents or employees since many outfitters' spouses or persons other than guides or employees handle trip scheduling and fee descriptions with potential clients. In line with the second part of the proposed rule, we believe guides could solicit for sponsoring outfitters, so long as the outfitter was responsible for the content and delivery of the solicitation or ad.

Unfortunately, the board has delayed publishing these rules due to fiscal restrictions. Once they're published, FOAM will alert members about how to comment, and we'll put a copy of the proposed rules on our website, foam-mt.org.

## NEW OUTFITTER LICENSE #'s: WHAT'S UP?

### *Dept. Database Setup Blocks Old License Numbers*

For about a year now, the Business Services Division (BSD) overseeing the MBO has used a new database system that ID's a licensee's info with a new d'base-generated number instead of a license number. Consequently, guides relicensed as outfitters get new, 5-digit license numbers instead of retaining their old number. FOAM has asked why old guide numbers can't be kept when a guide becomes an outfitter, but we're told "the database can't do that." We believe the d'base can do that, but the BSD has not taken steps to reprogram the database to retain the old numbers as a separate d'base field right along with the new 5-digit license designation. We'll urge this change, but it will take time.

## THANKS TO W.Y'STONE FOR TAKF PROGRAM

### *Local FOAM Members Take Kids Fishing for 2nd Year*

A big THANKS to Director Joe Moore and those members who worked with FOAM's TAKF program again, with great success. All involved had a good time, learned a lot, and are looking forward to a third year next season. Great!

### Guide-at-Large Director Jason Brininstool 370-8029

Region 5 (Madison) Joe Moore 581-6059	Region 6 (Gallatin) Dave McKee 582-0980	Region 7 (Yellowstone) Eric Adams 223-2488	Region 8 (Big Horn, Ft. Peck) Steve Galletta 666-2473
Region 1 (Kootenai, Flathead) Jason Lanier 387-5340	Region 2 (Bitterroot, Clark Fork) Russell Parks 543-7078	Region 3 (Missouri) Mark Raiser 459-8739	Region 4 (Big Hole, Beaverhead) Matt Greemore 684-5639

### BOARD of DIRECTORS

**For Sale:** Montanatroutfishing.com domain name.  
Contact Bob at 406.782.0567 for details.  
**Seeking:** Fishing outfitter business for sale. Contact Jake at fish406mt@aol.com.

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