



The FOAMLINE

VOL. 19, #2

FISHING OUTFITTERS ASSOCIATION OF MONTANA
406.763.5436 info@foam-montana.org www.foam-montana.org

JUNE 2010

BIG HOLE, BEAVERHEAD RULE REVIEW

Public Opinion, Not Data, Drives BH2 Rule Renewal Process

A combination of local resident pressure and FWP's apparent indifference to facts or data resulted in the department recommending only minor changes in this five-year cycle of the rules to the FWP Commissioners.

Local anglers comments had a common theme: LEAVE THE RULES ALONE! This message was voiced loudly at public meetings and clearly in duplicate cards, letters, and petitions. At the core of this public recommendation was the fear of losing or altering the popular 'Citizen's Day' concept whereby non-resident and outfitter float-fishing is banned on specific stretches on certain days on both rivers, leaving the water open for resident Montana anglers.

Based on experience and evidence from users and FWP wardens, outfitters with permits on these rivers expressed concerns that residents were not using the 'closed' stretches and commercial and non-resident anglers should be allowed on some stretches on some days. Also discussed were several administrative changes that were eventually supported by FWP in their presentation to the FWP Commission. Among these were:

- 1) Defining Jessen Park in Twin Bridges as the lower-river stopping point for the Beaverhead Recreational Rules so all outfitters, permitted or not, could use that FAS to gain access to the upper Jefferson river;
- 2) Changing the term 'lapse' to 'expire' in the rules for both rivers so outfitters who renew their licenses during the 45-day period after the end of any license year would not lose their permits on either the Beaverhead or Big Hole rivers;
- 3) Scheduling a review of the rules every five years so the restrictions and conditions of use can be checked against any changes evident on the rivers.

The Jessen Park change has been vocally opposed by a Dillon individual who claims that opening the 1.2 mile stretch below Jessen Park will "flood the Beaverhead with commercial use" and that "the people" spoke clearly when they said "Don't change the rules."

The 5-year review mandate has been opposed by the same resident anglers who wanted no change in the rules, arguing that the review process is "too expensive and time-consuming" for both the department and the public.

FOAM is not surprised that those who want no change also oppose any review. Since the restrictions clearly favor resident anglers - specifically, local resident anglers - continued vocal public support for the existing rules coupled with dropping any review that might reveal current data that undermines the original justification

for these restrictions serves this public's purpose very well.

Fortunately, Commissioner Dan Vermillion from Livingston understands that periodic review of use patterns and social conditions sets a good middle-ground between mandatory Recreation Management Plans and no review at all.

FOAM is disappointed the department chose to substitute personal, subjective opinion for objective use data in their 'review' of the rules. FOAM will agitate for adding facts to the public opinion when the rules are next reviewed in 2015.

The FWP Commission will decide what rules to change during their July meeting. We'll report on all new and retained rules in the fall FOAMLINe.

MADISON FAS UPGRADES POORLY TIMED

BLM Closes Three Popular FAS During Early Season

Palisades, Windy Point, and Warm Springs BLM Fishing Access Sites were closed for upgrades during the beginning of fishing season, forcing many outfitters to scramble for alternate access in order to serve their early season clients. Many outfitters were vocal in their disappointment and anger over these closures, wondering if BLM could have timed their repairs and upgrades more to suit local needs rather than the agency's long-term maintenance schedule.

Local Ennis and West Yellowstone outfitters also expressed concern over the choice to replace compacted crushed gravel with blacktop at most sites. For years, these commercial users have enjoyed the quality access the BLM provides, but have consistently supported low-grade improvements that fit the rural feel of these FAS. While blacktop may be low-maintenance and more durable, the graveled access points look and feel more low-key, more local, more . . . Montana. There are even arguments that gravel is more environmentally friendly than tarmac, allowing automotive and other contaminants to be degraded in the stony topsoil, whereas blacktop simply adds these secondary chemicals to the runoff that trails into nearby low spots.

Nonetheless, the BLM explained that these projects were scheduled long ago, their timing was the best the agency could do within their rigid contracting guidelines, and the upgrades were additionally spurred by current funding from the American Recovery and Reinvestment Act .

FOAM has requested we be included in all mailings and Environmental Impact Statement listings so we can comment appropriately and hopefully avoid such clustered closures during our important service times, especially when the economy is struggling. We thank those FOAM members who wrote to us, keeping us informed of the changes on the ground.

MBO Emergency Guide License Update

New Rule Proposal Replaces Original EGL with New Model

The Board of Outfitters subcommittee tasked with reviewing the need for and legality of an emergency guide license has proposed a new technique for licensing guides in the field under emergency conditions.

EGL applicants will be pre-vetted like all other guides, but their licenses will not be issued until activated by an outfitter on an emergency basis. The fee for a 'pre-vetted, unactivated' emergency guide license will be \$50, with an additional \$100 due within a short time of activation.

The proposed rule should be out for public comment in the near future, so you'll be able to comment individually on this new process. Keep an eye out for the rule notice.

MBO to Revamp Land Permission Forms

FOAM, MOGA to Rewrite L-1 Forms for Hunting, Fishing

After years of struggling to fit our fishing outfitter needs into a one-size-fits-all Land Permission (L-1) form, the MBO has asked the outfitter associations FOAM and MOGA to rewrite the form for their particular needs.

FOAM will help build a fishing outfitter L-1 that simply asks for the outfitter's name, license #, landowner's or land manager's name, the name of the county where the land is located, and sets 'to' and 'from' effective dates or an 'until

rescinded' date. Gone is the lengthy legal description of the land in township, section terms and the need for a BLM map showing the land.

If you have any simplifying suggestions for the proposed new form, contact FOAM at info@foam-montana.org or 763.5436.

Controversial Citizen's Day Proposal Noted

Missoula Angler Pushing for 1-Day Commercial Ban

In an article in the Missoulian newspaper dated April 8, Dudley Improta suggested the notion of a day-and-stretch ban on commercial use on Montana's rivers and streams similar to the Beaverhead, Big Hole rule that has proven so "popular" in that region. Dudley is apparently unhappy with the current Blackfoot Recreation Management Plan proposal and is advocating controlling commercial use before recreational use via this Citizen's Day concept.

Our region 2 Director, Casey Hackathorn, attended an impromptu meeting with Improta and some Blackfoot area landowners and reported that Improta is personally involved in backing a statewide scope, while others talked about a trial ban on the Blackfoot only. The new Blackfoot management plan focuses on gathering data for several years before any restrictions are discussed or imposed.

FOAM opposes any outright statewide ban on commercial use in any form without justifying data and discussion. We'll keep you current on Improta's individual efforts.

- Citizen's Day: One Man's Controversial Proposal
- MBO Land Permission Forms Reviewed
- Emergency Guide License Review Update
- BLM and Madison River FAS Upgrade Timing
- Beaverhead, Big Hole Rule Review Update

In This Issue

For Sale: Outfitting Business with 141 Beaverhead Use Days - \$350/day. Special Use days are becoming hard to find. Tim Tollett sales agent, 406.925.1225. (Carriage House Realty, Bill Forrester broker). Representing a long-time outfitter.

Wader Boot Studs - Check www.waderstuds.com for an easy add-on for rubbersole wading boots. If you decide to replace felt with rubber, try these studs for secure wading. For more info, call Jason at 541.476.6065, ext. 14.

Steel-clad Boat Anchors - Stop leaving lead from your anchor in rivers and streams. Try these lead anchors fully encased in steel. Go to www.Green-Anchors.com or call Mike at 406.821.4758. Montana made!

CLASSIFIED ADS

FOAM
PO Box 67
Gallatin Gateway MT 59730