



The FOAMLINE

VOL. 9, #3

FISHING OUTFITTERS ASSOCIATION OF MONTANA

SUMMER 2000

FOAM GETS NEW DIRECTORS , ADJUSTS THE MEMBERSHIP YEAR AT ANNUAL MEETING

Director nominations were made at the annual meeting, then FOAM elections were held by mail to keep or replace current directors. This year, Tim Linehan replaced Dave Blackburn in region 1 and Matt Greemore took over for Dave Decker in region 4. The membership voted to split region 6 with Matson Rogers as director for the newly named Region 6 (Gallatin) and adding a new region 7 on the Yellowstone with Todd Wester as director. Jerry Wilkerson was nominated and elected Guide-at-Large director for another term.

Member votes aligned our membership year with the state's licensing year (Jan-Dec) and made 2000 a transition year, starting in May and ending in December. Dues and insurance were pro-rated for this shorter period, and January, 2001, will begin the regular 12-month membership year. FOAM renewals and insurance papers will be mailed out after Nov. 4 and are due by Dec. 31, 2000.

Also at the annual meeting, gubernatorial candidate Judy Martz and Joe Mazurek's running mate Dorothy Bradley offered their political insights, Brian Kahn advised on conservation matters, and members hashed out business details. Members then retired to the lawn for a casting contest, competing for a Winston rod and Ross reel. John Herzer blasted the longest cast and walked away grinning.

SURVEY: MAJORITY OF MEMBERS OK MORATORIUM CONCEPT

A majority of FOAM outfitter and guide members agree with the concept of a temporary moratorium on fishing outfitter and guide licenses. The current tally shows 79 outfitters for the moratorium, 47 against; among guides, 34 voted yes, 27 nay. Some surveys are still trickling in to FOAM offices, and a final report will be made in the fall.

The survey was approved at the FOAM annual meeting in order to gauge how the members felt about limiting entry into the profession. No one has suggested legislation or regulations to put a moratorium in place, but FOAM representation should know how to respond if someone or a group asks whether the association as a whole would agree with the idea.

Many outfitter members commented that limiting guides was a bad idea because they couldn't hire or fire appropriate personnel for their businesses. The idea of limiting the number of guides per outfitter was more popular with members, and

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BIG HOLE, BEAVERHEAD RIVER ADVISORY COUNCILS CRAFT PLANS

It's pretty quiet in the Dillon Search and Rescue Building as Monty Hankinson lays out a suggestion from the local Big Hole, Beaverhead Outfitter and Guide Association (BBHOGA) regarding distributing guide trips from High Bridge to Henneberry access. The rest of the council members listen carefully, making notes or nodding in agreement. In contrast, at the Big Hole council meeting in Butte, when members discuss the merits of management plan proposals submitted by various constituent groups, arguments break out, the frustration level is high, and some members mutter caustic comments about their "opposing" factions. Very different moods prevail in the two groups as they build individual river management plans for the two popular streams in Southwestern Montana.

While the timetable shrinks, both groups are more or less in agreement on the larger issues - stated problems, supporting data, the long-term vision for each river, and the variety of techniques and examples available for working out solutions. A very rough

mental diagram of the process involves choosing individual mechanisms (two boats per stretch, fees for "river stamps") to implement strategies (distribute users, raise funds to pay for mgt.) that solve apparent problems or barriers (too crowded from Jerry Creek to Salmonfy access during July and August, insufficient enforcement and infrastructure) that block a commonly-sought vision (a good fishing experience, some solitude, protect the resource for future generations to enjoy).

But, as details emerge, the mood changes depending on the personalities of individual group members - so much so that Jennifer Dwyer, facilitator for the Big Hole council, took time at the beginning of the last meeting to remind players that they agreed not to attack individuals, to hear out and respect each other's point of view, then concentrate on common solutions that met the needs of all parties, not just one or another faction. The conduct of the Big Hole meeting improved as members agreed on simple topics and turned each other's suggestions into action items. All present decided to "take things as they come," rather than work out the

"Very different moods prevail in the two groups as they build individual river management plans . . . in Southwestern Montana."

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MBO SEAT OPENS UP THIS OCTOBER

Legislation passed in 1999 rearranged the membership on the Board of Outfitters, replacing the old district representation and putting three public members on the board. The outfitter seats were divided up with one fishing outfitter, a hunting outfitter, and two outfitters who both fish and hunt.

Robin Cunningham will be leaving the fishing outfitter position this October after six years on the board. The FOAM Board of Directors has nominated Rick Pasquale to replace Cunningham. Rick was on the board for almost a year after being appointed by Racicot in October of '98. When the legislation dictated that one fishing outfitter had to leave the board, he stepped down to allow Cunningham to complete his last term. Now Rick is ready to return to the MBO.

Owner and outfitter for the Flyfisher's Inn near Mountain Palace, Rick has many years of experience and will bring interest and intelligence to board proceedings. Plus, his previous experience on the board will help the public newcomers with their new tasks. Since there are no "outfitter districts" any more, we can work together to have Rick represent our fishing interests on the board.

If you agree with the FOAM board, please contact the Governor's office and let them know you support Rick Pasquale for the upcoming fishing outfitter position on the MBO. Be sure to give them your name for tracking purposes.

Write to: Gov. Marc Racicot Call: 444-5554 and
 Capitol Station leave a message
 Helena, MT 59620 24-hours a day

MBO BOAT TAGS ARE STILL AN ISSUE

Even though MBO boat tags must be displayed on licensed outfitter or guide boats when they are serving clients, some FOAM members aren't using the tags. Remember, the tags are meant to help the public recognize that not every boat with anglers is a guided trip, only those displaying red MBO boat tags with a valid year sticker.

So, if you're guiding clients, display your tag, and make sure you've got the current green "year 2000 tag" on your larger red boat tag. If you're on your own, fishing for fun, take off the tags or cover them up with some tape so you won't be mistaken for a working guide or outfitter. It doesn't get much simpler than this.



PFD's and FWP REGULATIONS

FWP rules say all recreational boats must have one type I, II, III or V Personal Floatation Device aboard and "readily accessible" for each person. For all boats over 16' in length, in addition to the required PFD's, they must also have one additional throwable type IV device (seat cushion with handles or a ring buoy) that is "immediately accessible."

The terms "readily" and "immediately" accessible mean the PFD's must be "at hand, so you can get at them quickly," according to FWP Boating Safety chief Liz Loden. "They can't be stored in a bin, under the seat, or in a bag so that you can't get them out in a hurry when they are needed."

CONSERVATION FUND UPDATE

The Montana Fishing Outfitters Conservation Fund is growing in two areas - income and plans. This spring's membership solicitation to FOAM members and their clients has paid off with 54 new members joining since the beginning of the year.

Individual member's contributions range from \$25 to \$1,000, and the fund created a new business category for Fred Wardinsky, FOAM's insurance agent, for his \$750 contribution.

This summer will be a great time for Fund (and FOAM) members to help distribute Fund brochures to clients and ask them to join and/or contribute some cash. FOAM regional directors have brochures for you to use, or you can call the Fund office (406-763-4842) and we'll get some out to you.

The Fund Board of Directors met last week to discuss regional memberships and project proposals. You may remember that each FOAM region was to solicit or

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BOARD of DIRECTORS

Region 1 (Kootenai, Flathead)
Tim Linehan
295-4872

Region 3 (Missouri)
Mike Geary
449-4632

Region 5 (Madison)
Bill Saunders
682-7128

Region 7 (Yellowstone)
Todd Wester
222-5175

Region 2 (Bitterroot, Clark Fork)
John Herzer
543-6528

Region 4 (Big Hole, B'head)
Matt Greemore
684-5639

Region 6 (Gallatin)
Matson Rogers
586-3590

Region 8 (Bighorn, Ft. Peck)
Phil Gonzalez
666-2368

PLEASE WRITE FWP NOW!

Remember FOAM'S "alert" about the FWP Commission and transferability? Well, the matter isn't settled yet. On May 12, the commission met to review comments on this section of their overall river management policy. FOAM suggested keeping transfer language in the policy and offered simple criteria the commission could use when considering "transfer" (or re-allocation) of commercial use during a business exchange. The commissioners didn't heed FOAM's request for transferability and criteria, apparently following FWP's logic that individual river mgt. groups should decide the issue of transferability and what criteria to apply.

Consequently, FOAM has offered new language for the policy that says: "If a river mgt. plan recommendation includes commercial allocation, transfer of individual commercial use may be included as part of a change of business ownership under criteria set by the FWP commission." The policy should make it clear that IF commercial allocation is made (in whatever form), then it is transferable under certain conditions set by the commission, not by individual river mgt. groups in their individual plan recommendations. The commissioners will decide on June 15, after taking public comment until June 9, so *please write to FWP recommending our language:*

Paul Sihler
FWP Field Services Division
PO Box 200701
Helena, MT 59620-0701

BIG HOLE *(Continued from page 1)*

easier topics first and save the tough ones for last as time runs out.

So far, none of this handling has been necessary for the Beaverhead group. Maybe there aren't as many entrenched personalities, maybe this council is just more courteous, but the ideas and solutions come much easier in this atmosphere of cooperation and consensus.

PROPOSALS, PRECEDENTS, and FOAM

Since local outfitters and guides are presenting possible solutions, the FOAM board has considered just how these proposals work as potential precedents for members throughout the state.

So far, FOAM is concerned about four main precedents: allocation transfer, fees, the Saturday ban on commercial floating, and limits on nonresidents.

At least one public group represented on these councils, the Montana Wildlife Federation, has argued that the public should be allocated, then left to choose which, if any, service provider to use. The FOAM board has endorsed this idea for now, presenting a *user* distribution scheme to both councils for consideration. However, knowing that some form of commercial allocation seems inevitable, FOAM wants any allocation mechanism (permits, leases, etc.) to be transferable when a business changes hands. (HELP! See sidebar to the left.)

Next in importance is the idea of commercial fees. Some outfitters and public members have suggested that we "owe" fees because we "make a living" on the rivers, saying our fees would be similar to grazing or timber-cutting fees. The FOAM board doesn't agree, noting that grazing and timber cutting make profits for indi-

viduals from public resources, ie. grass for cattle or wood for boards, and the fees paid compensate the public for the loss of these resources. The services we offer don't *take* anything from the resource, and the public we serve has every right to take fish from the resource according to the rules governing their fishing licenses. Simply put, because we don't *take* any public resource, we don't need to *pay* compensation.

On the other hand, if fees are needed to cover operating costs of river mgt. plans, then all users should pay. Just as FOAM members argued when asked to pay extra fees to FWP for use of their fishing access sites, we already pay fees for our licenses (as do our clients) and those fees pay for the access sites. What about

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nonfishing FAS users? Lastly, no matter how operating expenses are paid, plans should keep

administration simple and fees low.

Some Beaverhead A.C. members say service providers should lease the right to be on the water, pay fees accordingly, and have the ability to transfer the lease when selling a business. While leases may be a good way to transfer commercial use, they're not a good justification for fees.

As for the Saturday ban, a few Big Hole and Beaverhead outfitters said early on that they backed this idea to curry favor with the local public. But some public members on the Beaverhead council wonder if the ban isn't a burden on business and this attitude has outfitters on both councils wondering if they need to make the ban a part of either council's recommendations. The Saturday ban precedent the original split between FOAM and BB-HOGA members, raising the question of just who decided what on local issues and how these decisions affect FOAM members statewide.

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MORATORIUM *(Continued from page 1)*

ways to set the number of guides per outfitter included either using historical guide-to-outfitter ratios (How many guides have you typically used?) or distribution based on historical client use numbers (How many do you need to handle the

people you've typically served?).

More discussion is needed before FOAM can take a stand on this guide-limit issue, and the survey will not be used to set policy until the need for a moratorium is proven. Then, guides and outfitters will be involved in developing a plan that fits both business and recreational needs.

BIG HOLE *(Continued from page 3)*

The FOAM board sees no benefit in creating a “citizen’s day” with no commercial use on any river until carrying capacities are established and commercial providers are proven to be the sole source of crowding, either at a particular time or on a particular stretch. Of course, Saturdays would be the worst choice for providers considering the stay-over-Saturday-night reduced airfare pricing, but FOAM recognizes that as the most popular “public” fishing day.

Fourth, a few public advocates on both councils are calling for limits on the number of nonresidents who can use either river, typically calling them “their” rivers. Because nonresidents make up the bulk of our clientele and because there is no proven direct cause-and-effect relationship between nonresident users and any specific problems on either river, the FOAM board rejects the idea of limiting only nonresidents. If carrying capacities are exceeded, all users should be affected - perhaps not equally, but, as FOAM has said over and over, “use is use,” and no one group should be the target of limiting controls.

BOTH COUNCILS MAKING PROGRESS

These possible precedents aside, both the Beaverhead and Big Hole councils are making real progress. For example, Eric Troth and Jeremy Garrett worked out a rough measurement for “carrying capacity” on the Beaverhead. They floated the most popular stretch (High Bridge to Henneberry), scoping out the commonly recognized “holes” where anglers typically stop to fish. Then, using a standard “working zone” of a boat, two clients and a guide spread out in an area that didn’t crowd other anglers, they found some 20 or so zones on that stretch. Ray Gross, one public member of the B’head group, seemed to agree with their conclusions, saying, “That’s how I’d figure it, too.” The zones, coupled with a turnover rate (how long people stay in a hole), can help calculate the capacity of this stretch of the B’head during peak use periods and help in the development of appropriate use and distribution levels for problem areas.

The Big Hole group spent time working on funding mechanisms. With education, administration, and enforcement seen as key components and costs of a river plan, the group reasoned that all users should help offset these operational costs via a “river stamp” fee. And, some in the group suggested that all boats on the river should have a “Big Hole sticker.” Combining these ideas, it was theorized that all users should pay one flat fee for the stamp and that boaters would get a sticker for free after paying for the stamp.

The strategies reported here are just discussion points for each river’s individual problems. What’s important is that both groups are well into their difficult task of working out consensual agreements in time to make plan recommendations this fall to the FWP commission.

CONSERVATION FUND *(Continued from page 2)*

contribute \$1,000 each in seed money, which would be matched by granted funds generated from national foundations. The Missouri region raised their money during the first quarter of this year and will receive a matching \$1,000 from the Turner Fund for projects in their area.

The Fund board dedicated \$2,000 to help FWP build a fish ladder on Wolf Creek so Rainbows aren’t blocked from upper creek spawning areas. Since this small, pilot project will involve Future Fisheries funds, too, our contribution can act as seed money to help get the FF grant.

The second proposed project is part of a long-term plan to secure instream flow in Prickley Pear Creek with water salvaged from the Sentinel Ranch irrigation plan. The new owners of the ranch want to convert from flood irrigation to some sort of non-intrusive, water-saving mechanical system, probably either pivot lines or “big gun” sprayers, or a combination of both. The Fund’s first tie-in to this project would be helping fund a fish screen in the feeder ditch to return fish to the creek rather than trapping them in the irrigation ditch.

With these two proposals in mind, Advisory Board members Paul Roos, Rep. Hal Harper, and Brant Oswald are working on project proposal criteria and an application form that will help them screen future proposals.

If you have any questions about the Fund, want to become a member, have clients that want to join, have a local project in mind, or just want to keep up to date on our progress, contact the Fund office, 763-4842.

FOAM

PO Box 67

Gallatin Gateway, MT 59730

***Your Help and Support is Needed . . .
See the sidebar on Page 3!***

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