



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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OUTFITTER STAT / TALLY SHEET ADVICE

FOAM Recommends Outfitters Fill out, Submit Stat Sheets

The Board of Outfitters 'brochure' detailing the online license renewal process includes the statement, "Please note there is currently a proposed rule in process that would eliminate the need to submit the Statistical Use Level Sheets during renewal. If the rule does not pass, you will be notified and must submit the Statistical Use Level Sheets to the licensing unit."

That rule was proposed with the assumption that online logs would replace the stat or tally sheet, but as of December, there are no online logs. The rule's final adoption will not be decided until March, 2013.

In the meantime, FOAM recommends all outfitter members fill out and send in a 2012 stat sheet. Why? Because it's currently required, and it's much easier to fill out the stat sheet while you've got all your records out rather than digging them out again in March if the rule does not pass - and it may not.

FOAM testified against elimination of the stat sheet at the 12/18 rule hearing for several reasons: 1) The tally sheet info is a shorthand method of determining a fishing outfitter's historical use on Montana waterbodies, 2) historical use data is important to a majority of FOAM outfitter members, 3) the online logs are not available as a replacement for the paper stat sheets.

Finally, the rule has not been changed, so the sheets are still required in existing rule. FOAM has argued that the note in the MBO 'brochure' is misleading, has caused confusion among outfitters - we've received many calls asking if the sheets are required or not - and is possibly illegal because it anticipated the rule will pass long before the public comment period and the final decision by the board and ignores existing rule requirements.

So, to keep your records straight and to document your historical use, we urge you to fill out and submit the stat sheets along with your logs for 2012.

OUTFITTER RECORDS CONTROVERSY

Dept. of Labor & Industry, Outfitter Groups at Odds

Recent discussions between FOAM, the Montana Outfitters and Guides Ass'n. (MOGA), and bureau chiefs at MBO's parent Business Standards Division about outfitter records - client logs and stat sheets - have raised several key questions about if and how they serve the Board of Outfitter's statutory purpose.

In a previous FOAMLINe, we outlined the proposed legislation MOGA, FOAM and the Professional Wilderness Outfitters Ass'n. (PWOA) have developed to repeal and revise MBO laws to reduce the unnecessary and outdated requirements in records, the outfitter application, and operations plans, among other topics.

With that legislative proposal's development, the topic of outfitter records became complicated after FOAM, MOGA, and the PWOA held brief discussions with the bureau chief, Jeannie Worsech. Ms. Worsech questioned the records info and how they were handled by staff, while many hunting outfitters wonder aloud about keeping records at all.

FOAM explained that, while the current level of required information and method of recording client logs and stat sheets could certainly use some simplification, records are necessary for investigation and successful prosecution of licensed and unlicensed practice. And, the fishing outfitter historical use level data generated by the logs was essential to present and possible future river management planning discussions.

Outfitters may remember our recent online survey about historical use data. Survey results show that 82% of those responding agreed that client logs are important to prove historical use, 46% have relied on the logs or stat sheets to prove use in prior river management rule-making, and 81% expect to use client logs to prove historical use in the future.

At the same time, hunting outfitters complain that the depth of information they are required to keep in their version of client logs and stat sheets is unnecessary and can be eliminated. Other outfitters suggest that records be eliminated entirely. While the FOAM board understands these arguments, they balk at the elimination of records, citing enforcement and the historical use data argument. Consequently, FOAM is at odds with some MOGA and PWOA members and the bureau chief about the purpose and content of outfitter records.

At the MBO meeting on 12/5, several record-keeping recommendations presented by Worsech were discussed and passed on by majority vote for rule-making. Among them is a change in how guides requesting an outfitter license prove up their 100 days in-field service requirement.

Current licensing procedure has guides list the outfitters they've worked for, then staff members count service days logged by the listed outfitters. Guides may also supply their own client-day logs approved by their sponsoring outfitters, a technique FOAM recommends for all guides planning to become outfitters.

The new proposal relies on outfitter affidavits of guide service days coupled with a random audit of outfitter logs. FOAM argued that the random audits should be applied to more than 10% of the applications, and recommended that guides keep their own logs as backup evidence of client-days worked. Our association has always held that in-field service has been a key requirement and should not be lost in any record simplification proposal.

The 'affidavit' rule was agreed upon by the MBO, but

another rule to drop the requirement that outfitters submit client logs annually was discussed at length, then tabled for inclusion in an overall conversation by a Board of Outfitters committee covering all outfitter record requirements.

The FOAM board has tentatively agreed on several key points re outfitter records: 1) Client logs should be simplified to require a trip date, client names and ALS numbers, the license number of the guide or outfitter who conducts the trip, and optional waterbody/section or clients noted by NCHU categories, 2) Stat sheets should include only the waterbody name (river, stream, spring creek, lake, etc.) and the number of client days it was used - no resident, nonresident, or 'actual clients served' info.

Worsech also suggested that outfitters would be required to maintain logs, but may not be required to submit them to the MBO. FOAM unofficially proposed that if logs were 'self-retained' instead of submitted, MBO staff should randomly request and closely audit a reasonable portion of outfitters logs (such as 15% to 25%) with relatively severe discipline for outfitters failing to supply complete, accurate logs.

In the extremely unlikely case that outfitter records are eliminated entirely, FOAM has taken steps to replace the MBO logs system with one of our own. We may contract with a statistician to develop a record-retention and audit scheme that would maintain credible private historical use records for use by state or federal agencies managing rivers. Stand by, members; records will be discussed in early 2013, and little is settled yet.

FOAM ANNUAL: EARLY MARCH OF 2013

Location, Venues, Agenda in Discussion with FOAM BoD

Mark your calendar for Saturday, March 2 for the FOAM annual meeting. The FOAM board has not selected the city nor host location yet, but several board members are cooking up a new meeting format, replacing a long speaker-driven schedule with shorter 'Question and Answer' sessions and more plain old fun. Of course, the raffle will continue, as will the 'Happy Hour.' Once things are settled, you'll receive a notice in the mail.

MUSEUM OF THE ROCKIES 2FLY, 2013

Volunteer Guides Needed for MOR September Event

MSU's Museum of the Rockies will sponsor another 2Fly Event during September of 2013. Schedule:

- ♦ 9/12, 4-7 pm: Family fishing with kids at the Museum, need 20+ volunteers
- ♦ 9/14 7 am - 8 pm: All day fishing and Banquet

If you've got time and are interested in volunteering, contact Suzanne Berget - 406.994.1998 or events@montana.edu

FOAM MEMBER REAPPOINTED TO MBO

Previous Experience (1994 - 2000) an Important Asset

This December, Robin Cunningham was reappointed to the Board of Outfitters, then elected Chairman. "I'm glad to again represent fishing outfitter interests", said Cunningham.

Guide-at-Large Director Peter Shanafelt 360-5430

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

BOARD OF DIRECTORS

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Outfitters: Want to expand? 141 client days on Beaverhead river for sale. Reduced from original price. Contact Bill at 1-800-363-2408.

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