



The FOAMLINE

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FISHING OUTFITTERS ASSOCIATION OF MONTANA
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RISK FORM RECOMMENDED, NOT REQUIRED

Acknowledgment of Risk (AR) Forms Still a Good Idea

For years, signed AR forms have been required by our various insurance underwriters in order to protect policy holders from frivolous claims. Art Hoffart of the Bissell Agency, our insurance agent, asked the current underwriter if the forms signed by clients were still mandatory. The answer: No, but if the individual policy holder wants an extra layer of protection, they should continue to have his or her clients sign the form, then keep the signed forms for three years.

Signed AR forms prove the client acknowledged the inherent risks involved in outdoor recreation in Montana. This understanding aids in claim resolution when accidents occur that are beyond the control of the policy-holding outfitter or guide.

So, each FOAM member covered by our insurance can decide their own policy regarding AR forms, but keep in mind the protection they afford.

MBO COMMITTEE TO REVIEW AD POLICY

Fishing, Hunting Outfitters and Public Member To Meet Soon

At the September 6 Board of Outfitters meeting, members briefly outlined outfitter and guide advertising rules and policies, then postponed discussion until a board sub-committee could meet, review, discuss, and make recommendations for the full board's discussion and possible rule-making at their December 6 meeting.

Board member Robin Cunningham outlined FOAM's recommendations for the other MBO members, specifically calling for a distinction between ads (print, online, etc.) controlled by the outfitter that solicit clients and require the "business name, personal name, address, telephone number, and license number of the outfitter," and logos, mottos, insignia, or other emblematic representations of an outfitter's business branding that do not require this information.

Several outfitter board members tentatively agreed with this simplification, but no consensus was reached and the balance of the members requested the committee approach instead.

A prior FOAMLINe noted that the FOAM board recommended guides be educated that they may not advertise outfitting services, despite a long-time prior note from the MBO that claimed they could so long as they noted the 'sponsoring outfitters contact information'. That is no longer accurate, and the FOAM board, based on a survey of our outfitter members, voted to help the MBO stop guide advertising.

These topics and more will be reviewed by the ad subcommittee before presentation to the full board. If you have any comments now, contact your FOAM board member.

OUTFITTER ASSISTANT LAW NOW ACTIVE

Emergency Replacement Guides Available Since Sept. 1

The ability to use replacement Outfitter Assistants (OA) became active in September, and the Board of Outfitters is writing rules for OA standards, documentation, and outfitter responsibility regarding their use.

OA's are required to carry in the field documentation of their unlicensed status. The form is available on our website on the JOIN page under "Useful Forms" and at foam-mt.org/downloads/Outfitter_Assistant_form.pdf. It requires the following:

- 1) Outfitter name, license #, address, phone #, email address
- 2) OA name, date of birth, address, phone #, email address
- 3) Beginning and ending dates of service (no more than 15 days)
- 4) Explanation why an emergency replacement is needed
- 5) Outfitter signature affirming all info is true and accurate

Outfitters must submit this form to the MBO before the end of the OA's service, provide a copy to the OA before they head out, and collect the OA document after the period of service.

OA's can be used more than once, but an individual OA can only be in the field for a total of fifteen days per calendar year. While an OA can act as a guide, they are not required to have first aid certification.

Be careful to explain why you use an OA - they are to be used for true emergencies, not for convenience. The MBO will be keeping all the OA forms for the legislature to review in early 2015 when they decide whether to continue the OA law or let it sunset automatically in September of 2015.

FOAM will track and publish any further proposed OA rules the MBO recommends so members can participate in their process.

REPEAT ARTICLE:

ANGLERS DISCUSS AIS, ILLEGAL INTRO'S

FWP Angler's Forum Takes a Stand, Seeks Endorsements

Angling groups such as Trout Unlimited, FOAM, Bass Unlimited and Walleyes Unlimited join with FWP fisheries personnel twice a year in an 'Angler's Forum' to discuss and introduce new topics and programs related to Montana fisheries.

You've read many prior FOAMLINe articles about aquatic invasive species (AIS). At the latest forum in June, much of the discussion centered on illegal introductions of fish to waters the species have not inhabited before. Think of Lake Trout in Yellowstone Lake in Yellowstone National Park, or walleyes in the Flat-head drainage.

All members of the forum agreed that illegal fish introductions (IFI) are just another vector for AIS and talked about a variety

of ways to discourage IFI and punish persons convicted of illegal introductions.

Bruce Rich, FWP Fisheries chief, reminded those attending that a coalition of angling and conservation organizations sought widespread endorsement of their stand against IFI. Rich also passed out FWP's policy statement re "unauthorised introductions of aquatic wildlife", circa 2002. You can get a copy of this policy at foam-mt.org/downloads/FWP_IFI_Policy.pdf.

Combining FWP's policy and thinking of the original coalition working on IFI, the Angler's Forum members agreed to endorse a similar education and enforcement resolution, plus seek donations from their member groups to reward successful prosecution of offenders reported through FWP's TipMont program.

The idea is to increase the reward to something substantial (\$2000? \$5000?) to encourage reporting of suspected IFI incidents and benefit those whose information leads to the arrest, trial, and fines or other discipline of suspects.

The FOAM board will discuss our association's involvement at their first meeting in late fall 2013. If you have any feedback or want to donate individually, contact the FOAM offices (info @ foam-mt.org or 406.763.5436).

MBO TO SET NEW RULES FOR FORMS

Outfitter Application, Client Logs, Land-Use, and others

Driven by law changes outlined in House Bill 274, the

Board of Outfitters will revamp information requirements in several key documents. For example, the Outfitter License Application will be simplified, particularly in the operations plan section, probably replacing detailed itemization of equipment with a simple affidavit affirming that all equipment necessary for proper outfitting and public safety will be supplied.

"Camp" descriptions of lodges, cabins, tents, etc. for hunting operations and the \$2 fee for each client served were also eliminated during this session.

As for land or waterbodies used, for fishing outfitters, the current "All Waters"/FAS amendment form may be the basis for listing waters used, and for hunting outfitters, a "township & range" (T&R) description of land leased or owned may be sufficient without the designation of public or private land, since public land permits are already required.

Hunting outfitter land-use forms may only require the T&R formula along with a simpler total land leased reporting mechanism. For most fishing outfitters, a reduced description of how access is provided to public streams would work when actual acreage is not leased. Of course, if land or a private waterbody is leased by a fishing outfitter, the T&R description would apply.

Client logs and statistical sheets will be streamlined too. In fact, the board is considering removing hunting stat sheets altogether and making fishing stat sheets voluntary. Hunting client logs will be cut down to essentials agreed upon by the MBO and FWP. Overall, forms and apps should be much easier to use.

Guide-at-Large Director Peter Shanafelt 360-5430

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

CLASSIFIED ADS

For Sale: Montanatroutfishing.com domain name.
Contact Bob at 406.782.0567 for details.

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