"RRAFT ADVISORY COMMITTEE" MEETING # 10 MINUTES

Monday, March 3, 2008
6:30 – 9:00 PM
Missoula BLM Field Office
3255 Fort Missoula Road
Missoula

- ***Opening and Agenda***

- Charlie Sperry ~ FWP Recreation Management Specialist

-Charlie opened the meeting and provided an overview of the agenda. He mentioned that the format of the discussion would be to develop recommendations for what an allocation system on the Blackfoot River might look like, then discuss triggers for implementation, and assess the current conditions that exist on the Blackfoot.

-Some members of the committee were curious about why we weren't beginning the discussion with triggers or restrictions. Charlie and Chet Crowser explained that they had decided on a process to address the items that may be most difficult first and then flesh out the complete range of management tools and their details.

- ***Presentation– Fixed and Non-fixed Allocation***

-Charlie Sperry

-Charlie provided explanations and examples of fixed and non-fixed allocation systems and then provided a comparison of both systems to highlight the potential benefits and drawbacks of each approach.

- ***Group Discussion – Fixed and Non-fixed Allocation***

-The group engaged in a discussion to recommend an overarching approach to allocating use. Discussion points were recorded on flip chart paper and then categorized by FWP staff depending on whether the item seemed to be in support of a fixed system, in support of a non-fixed system, or a more general comment in regard to selecting the system.

Comments in Support of a Fixed System

- A fixed system may help to promote tourism because commercial users can assure clients an opportunity.
- We should not be so concerned about whether or not fixed use creates a property right.
- There is value in the guarantee of an opportunity and some predictability for commercial users provided in a fixed system. However, clients should be able to select the outfitters that they want to use so long as the outfitter is licensed, qualified, etc.
- A non-fixed system may limit financing opportunities for businesses when lenders need advanced proof of the business's ability to operate.

Comments in Support of a Non-fixed System

- Once a fixed system is in place, the commercial "right" to that opportunity is almost impossible to take back.
- A fixed system has inherent property rights and a built-in unfairness.

- In a fixed system, “use it or lose it” rules governing allocated commercial use will always lead to commercial users finding ways to use their opportunities.
- If the resource is that of the public, then there should be no associated property rights.
- If there is a commercial opportunity to use the resource, the competitive business aspects related to a free-market system should be allowed to operate.
- A non-fixed system allows more freedom to the public in selecting the type of experience and the outfitter that they are looking for.

General Comments

- A non-fixed system should be in place in areas with large amounts of public use (Whitaker Bridge to Johnsrud) and fixed systems where there are less amounts of public use.
- A commercial right should not be guaranteed but instead based on an assessment of need.
- Permits should be reach and time specific.
- Commercial users do have unique circumstances that should be acknowledged.
- Commercial users should not get “rich” on the resource.
- The average Montanan should be a priority.
- The open market is not a guarantee of business.
- We are essentially operating under a non-fixed approach currently. If we capped use now would it take care of the issues we are trying to address?
- There is a need to periodically review the cost of a commercial permit.
- There can be a minimal amount of investment in an outfitting business. The business value is in the customer base. Following the sale of a business, let the customers decide what outfitter to choose.

NEXT MEETING
Wednesday, March 19, 2008
6:30 pm – 9:00 pm
Missoula BLM Field Office
3255 Fort Missoula Road
Missoula

- ***Meeting Adjourned at 9:00 PM***

Additional Items to Consider – FWP Statewide Rules Pertaining to Rationing and Allocation

-During the preparation of the meeting notes, FWP staff prepared the following list of items from the statewide rules governing river recreation that compliment the list of comments from the committee in working toward the recommendation of an overarching allocation system.

- When developing a management plan or recommending rules to the commission:
  (a) the department shall work with a citizen advisory committee to identify the problems and the social conditions that would trigger restrictions or rationing of use; and
  (b) the management plan or rule recommendations must describe how restricting or rationing use would address a particular problem.
- If rationing is proposed and it becomes necessary to allocate opportunities to use or conduct business on a river, the department, working with the citizen advisory committee, shall recommend an allocation system to the commission. The department may consider all types of allocation systems including fixed systems, non-fixed systems, and variations of these two types.
- River management solutions must be technically and socially feasible, legal, affordable, measurable, enforceable, and reasonable to administer.
- Planning and management of Montana’s river systems should provide for and conserve a full variety of recreation experiences and assure that river recreation historically enjoyed by people in Montana is recognized.

- River management should be based on sufficient and credible physical, biological, social, and economic data, and management must meet the needs of stakeholders through reasonable balance and equitable distribution of opportunity.
- Non-residents should have reasonable and equitable opportunities to enjoy Montana's resources. It should be noted that nonresidents bring revenue into the State. ("Reasonable and equitable" means recreational use that fairly considers the interests of all types of recreational users, and is not intended to mean that each type of recreational user must have the exact same share of use.)
- River service providers are an important industry in Montana and should be regulated. There are differences in management considerations between river service providers and private (non-guided) users. Management plans need to provide opportunities for river service providers to compete for the business of paying customers. Management processes should encourage viable and diverse types of commercial services.
- Montana's rivers and fisheries are a public resource and a public responsibility.
- Any allocation of recreational use of a river does not guarantee a person or business any right to continue to have an allocation in the future, whether the use is for private purposes or part of a commercial venture.
- Some Montana residents have been impacted in their traditional uses and it is important to protect Montana citizens' current and future privilege to use and enjoy the State's river resources.
- Angling and non-angling commercial river-service providers are an important industry in Montana and should be regulated. There are differences in management considerations between commercial service providers and private users.
- Commercial river-service providers should have opportunities to compete for the business of paying customers and viable and diverse types of commercial services should be encouraged through management processes.